



DRAFT

ENVIRONMENTAL IMPACT REPORT

FOR THE

THETA XI FRATERNITY REDEVELOPMENT
(SCH: 2019029127)

JULY 2019

Prepared for:

City of Davis
23 Russell Boulevard
Davis, CA 95616
(530) 757-5610

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
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D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm



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DRAFT EIR

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INTRODUCTION

The City of Davis (City) has determined that a project-level environmental impact report (EIR) is required for the proposed Theta Xi Fraternity Redevelopment Project (proposed project) pursuant to the requirements of the California Environmental Quality Act (CEQA).

This EIR is a Project EIR as defined in Section 15161 of the State CEQA Guidelines. A Project EIR is an EIR which examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction and operation. The Project EIR approach is appropriate for the Theta Xi Fraternity Redevelopment Project because it allows comprehensive consideration of the reasonably anticipated scope of the project, as described in greater detail in Section 2.0.

PROJECT DESCRIPTION

The following provides a brief summary and overview of the proposed project. Section 2.0 of this EIR includes a detailed description of the proposed project, including maps and graphics. The reader is referred to Section 2.0 for a more complete and thorough description of the components of the proposed project.

The project site consists of approximately 0.45 acres located in the central portion of the City of Davis, north of the Interstate 80 (I-80) Freeway, at 503, 509, and 515 First Street. The project site is currently developed with three two-story adjacent Theta Xi fraternity houses, totaling 19,800 square feet (sf). The three lots are owned by the Beta Epsilon Association of Theta Xi, a non-profit California corporation, and occupied by the fraternity. The site has provided student housing dating from 1950 when Theta Xi (TX) acquired the first of the three lots. From east to west, the fraternity houses include the “TX Main House” located at 515 First Street (3,964 total sf, excluding the basement), the “Bryson House” located at 509 First Street (2,009 total sf, excluding the basement), and the “Jackson House” located at 503 First Street (2,065 total sf, excluding the basement). There is a detached garage in the northwest corner of the project site, and the side yard of the Jackson House is used for off-street parking for approximately seven vehicles. Additionally, a paved recreation/patio area is situated behind the Jackson House and Bryson House. The site currently contains approximately 28 trees, including those located along the frontages of First Street and D Street.

The proposed project includes merging the three lots located at 503, 509, and 515 First Street and re-subdividing the property into two lots for the redevelopment of one parcel with a consolidated 35-bed, three-story building. The project would include demolition of the buildings at 503 and 509 First Street (Bryson House, Jackson House, and a garage structure), the retention of the building at 515 First Street (TX Main House) on a reconfigured lot of approximately 9,450 sf, and the construction of a new three-story fraternity on the new 10,350 sf lot.

The proposed three-story fraternity building would provide 35 total beds, nine total bathrooms and a kitchen. This would result in three fewer beds and four additional bathrooms compared to the existing houses. The project would also consolidate all living and study areas into the proposed three-story building with partial basement, a detached laundry, storage building, and trash enclosure, and associated site landscaping with exterior meeting and gathering spaces. Due to the increase in building height and square footage, the densification of the overall project site would be increased from an existing floor-area-ratio of approximately 0.41 to a proposed floor-area-ratio of approximately 0.97. This floor area ratio is consistent with the subject's zoning, Central Commercial district, which states that the "total floor area of a building shall not exceed three times the lot area."

There would also be a dedicated "Bike Barn" with bike maintenance space and a one-to-one ratio of covered and secured bike storage to beds. Additional guest bike parking would be provided along the landscape strip on First Street. The project would include a new parking lot accessed from D Street through a secured vehicle gate. The new concealed off-street parking and recreation area in the rear would significantly increase the number of conforming off-street parking spaces available to the fraternity.

During construction, the TX Main House would continue to serve the fraternity's housing and study needs. Once the proposed three-story fraternity building is completed, the fraternity would consolidate all of its activities onto the new western parcel. Once the fraternity is consolidated into the western parcel and associated three-story building, the TX Main House, along with its expanded lot, would be vacated and placed for sale or lease to a third party on the open market. As such, the TX Main House would not be retained for TX Fraternity uses.

The project site is in the Core Area Specific Plan, which also includes the City of Davis General Plan and its Land Use Map and Zoning. The project site is currently zoned Central Commercial.

Tier III Design Review approval is required because the project site is within 300-feet of a designated historical resource, Dresbach-Hunt-Boyer Home, and the site is within the Conservation Overlay District. According to the Davis Municipal Code, the Conservation Overlay District supports planning policy stipulating that new development and renovation of existing buildings should respect the traditional scale and character found within a defined area. Conservation Overlay Districts are designated under Chapter 40 of the Code. However, some individual buildings within the Conservation Overlay District are designated Landmarks or Merit Resources in the Davis Register of Historic Resources.

The fraternity use is a legal nonconforming use, based on a Settlement Agreement and Release of all Claims (the "Settlement Agreement") entered into by and between the City and Theta Xi in 1995. As proposed, the demolition of two of the buildings and their replacement with a new fraternity house on the western lot to be created will not retain the legal nonconforming status under the City's Zoning Code. The proposed new construction will still constitute a "living group" use, which is a conditional use within the Central Commercial District. Therefore, a Conditional Use Permit ("CUP") approval would be required to allow the proposed new fraternity building.

Refer to Section 2.0, Project Description, for a more complete description of the details of the proposed project.

AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

This Draft EIR addresses environmental impacts associated with the proposed Theta Xi Redevelopment Project that are known to the City of Davis, were raised during the Notice of Preparation (NOP) process, or raised during preparation of the Draft EIR. This Draft EIR discusses potentially significant impacts associated with cultural and tribal resources and land use. The remaining environmental topics were analyzed in the Initial Study prepared for the project (see Appendix A).

The City received nine written comment letters on the NOP for the proposed Theta Xi Fraternity Redevelopment Project Draft EIR. A copy of each letter is provided in Appendix A of this Draft EIR. A public scoping meeting was held on March 18, 2019 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Oral comments received at the NOP scoping meeting are also included in Appendix A.

Aspects of the proposed project that could be of public concern include the following:

- The noise, trash, and general disturbances in the front yard areas.
- The structural stability and efficiency of the existing structures.
- The proposed mitigation measures related to biological resources (specifically related to special-status birds and bats).
- The proposed mitigation measure related to tribal cultural resources.
- The demolition of the existing structures as related to hazardous materials.

ALTERNATIVES TO THE PROPOSED PROJECT

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a reasonable range of alternatives to the project or to the location of the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the proposed project. The alternatives analyzed in this EIR include the following three alternatives in addition to the proposed Theta Xi Fraternity Redevelopment Project:

- No Project (No Build) Alternative;
- Renovation and Preservation Alternative;
- Preservation, Renovation, and New Build Alternative.

Alternatives are described in detail in Section 5.0, Alternatives to the Proposed Project. A comparative analysis of the proposed project and each of the project alternatives is provided in Table ES-1. The table includes a numerical scoring system, which assigns a score of “2,” “3,” or “4” to the proposed project and each of the alternatives with respect to how each alternative compares to the proposed project in terms of the severity of the environmental topics addressed in this EIR. A score of “2” indicates that the alternative would have a better (or lessened) impact

when compared to the proposed project. A score of “3” indicates that the alternative would have the same (or equal) level of impact when compared to the proposed project. A score of “4” indicates that the alternative would have a worse (or greater) impact when compared to the proposed project. The project alternative with the lowest total score is considered the environmentally superior alternative.

TABLE ES-1: COMPARISON OF ALTERNATIVE PROJECT IMPACTS TO THE PROPOSED PROJECT

<i>ENVIRONMENTAL ISSUE</i>	<i>PROPOSED PROJECT</i>	<i>NO PROJECT (NO BUILD) ALTERNATIVE</i>	<i>RENOVATION AND PRESERVATION ALTERNATIVE</i>	<i>PRESERVATION, RENOVATION, AND NEW BUILD ALTERNATIVE</i>
Cultural and Tribal Resources	3 – Same	3 – Same	3 – Same	3 – Same
Land Use	3 – Same	2 – Lesser	2 – Lesser	3 – Same
Summary	6	5	5	6

As shown in Table ES-1, the No Project (No Build) Alternative and the Renovation and Preservation Alternative are the environmentally superior alternatives when looked at in terms of all potentially significant environmental impacts. However, the No Project (No Build) Alternative would not achieve the project objectives. The Renovation and Preservation Alternative would result in five points and would reduce impacts similar to the No Project (No Build) Alternative, while the Preservation, Renovation, and New Build Alternative would result in six points. The Renovation and Preservation Alternative would reduce potential impacts to cultural and tribal cultural resources compared to the project. The Preservation, Renovation, and New Build Alternative would not reduce any impacts compared to the project. Therefore, the Renovation and Preservation Alternative is the next environmentally superior alternative to the proposed project. It is noted that the superior alternative would depend on the City’s local priorities (i.e., preservation of historical resources, etc.), as well as the ability to meet the proposed project’s objectives.

SUMMARY OF IMPACTS AND MITIGATION MEASURES

The environmental impacts of the proposed project, the impact level of significance prior to mitigation, the proposed mitigation measures and/or adopted policies and standard measures that are already in place to mitigate an impact, and the impact level of significance after mitigation are summarized in Table ES-2.

TABLE ES-2: PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
BIOLOGICAL RESOURCES (ANALYZED IN THE INITIAL STUDY)			
<p>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>	Potentially Significant	<p>Mitigation Measure Bio-1: <i>The project proponent shall implement Swainson's hawk and white-tailed kite Avoidance and Mitigation Measure 16 (AMM16) of the Yolo Habitat Conservation Plan/ Natural Communities Conservation Plan, as follows:</i></p> <ul style="list-style-type: none"> <i>The project proponent will retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.</i> <i>If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent, with guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000), between March 15 and August 30, within 15 days prior to the beginning of the construction activity. The results of the survey will be submitted to the Conservancy and CDFW. If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW and USFWS. The designated on-site biologist/monitor shall be on-site daily while construction-related activities are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior. Up to 20 Swainson's hawk nest trees (documented nesting within the last 5 years) may be removed during the permit term, but they must be removed when not</i> 	Less than Significant

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
		<p><i>occupied by Swainson's hawks.</i></p> <ul style="list-style-type: none"> • <i>For covered activities that involve pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent will conduct preconstruction surveys that are consistent with the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000). If active nests are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 1 and August 30 within 1,320 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.</i> <p>Mitigation Measure Bio-2: <i>If any project construction activities are to occur during the nesting season for birds protected under the California Fish and Game Code and/or Migratory Bird Treaty Act (approximately February 15-August 31), the project applicant shall retain a qualified avian biologist to perform preconstruction surveys for protected birds, including nesting raptors, not address in MM Bio-1, on the project site and in the immediate vicinity. At least two surveys shall be conducted no more than 14 days prior to the initiation of construction activities, including vegetation clearing. In the event that protected birds, including nesting raptors, are found on the project site, offsite improvement corridors, or the immediate vicinity, the project applicant shall:</i></p> <ul style="list-style-type: none"> • <i>Locate and map the location of the nest site. Within 2 working days of the surveys prepare a report and submit to the City;</i> • <i>Active nests shall be avoided. A qualified avian biologist shall establish suitable disturbance buffers prior to tree removal and/or ground-breaking activities for each nest. To prevent encroachment, the established buffer(s) shall be clearly marked by high visibility material. The established disturbance buffer(s) shall remain in effect until the young have fledged and are independent or the nest has been abandoned as confirmed by the qualified avian biologist. If birds are showing signs of agitation within the established buffer(s), the buffer(s) shall be expanded to prevent birds from abandoning their nest.</i> • <i>The qualified avian biologist shall be onsite daily for the first week of construction activities to monitor the birds. The qualified avian biologist shall</i> 	

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
		<p><i>expand the buffers if the birds are showing signs of agitation. On-going weekly surveys shall be conducted to ensure that the no disturbance buffer is maintained. Construction cannot encroach within the buffers until a qualified avian biologist has confirmed that the birds have fledged and are independent or the nest has been abandoned;</i></p> <ul style="list-style-type: none"> <i>In the event of destruction of a nest with eggs, or if a juvenile or adult raptor should become stranded from the nest, injured or killed, the qualified biologist shall immediately notify the CDFW and the City. The qualified biologist shall coordinate with the CDFW to have the injured raptor transferred immediately to a CDFW-approved raptor recovery center.</i> <p>Mitigation Measure Bio-3: <i>Within six months of project disturbance activities, the project proponent shall hire a qualified bat biologist to conduct a habitat assessment for potentially suitable bat habitat on the project site. If the habitat assessment reveals suitable bat habitat on-site, then tree trimming, tree removal, and/or building demolition shall only be conducted during seasonal periods of bat activity (from August 31-October 15, a period prior to hibernation when young are self-sufficiently volant, and from March 1-April 15, to avoid hibernating bats and prior to formation of maternity colonies) under supervision of a qualified bat biologist. Trees shall be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and only branches or limbs without those features shall be removed. On the second day, the entire tree shall be removed.</i></p> <p><i>To exclude bats from structures, CDFW recommends exclusion devices be installed on structures during the periods stated above to prevent bats from accessing the structures. Actively used openings should have a one-way valve installed to allow the bats to leave the roost, but not re-enter. After 7 to 10 days, the one-way valves would be removed and the opening blocked or sealed. Because of the large variability in the way bats use structures, CDFW recommends that a plan on how to monitor and exclude bats be developed by a qualified biologist and submitted to CDFW for review and approval. The above requirements shall be noted on the project improvement plans, which shall be reviewed by the City's Community Development and Sustainability Department.</i></p>	

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
CULTURAL RESOURCES (ANALYZED IN THE DRAFT EIR)			
Impact 3.1-1: Project implementation has the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5	Potentially Significant	<p>Mitigation Measure 3.1-1: <i>The project applicant shall fund and implement the following measures:</i></p> <ol style="list-style-type: none"> 1. <i>A qualified architectural historian, as approved by the City of Davis Planning, Department, shall be retained to prepare a “Historic Documentation Report.” The report shall include current photographs of each building displaying each elevation, architectural details or features, and overview of the buildings, together with a textual description of the building along with additional history of the building, its principal architect or architects, and its original occupants to the extent that information about those occupants can be obtained. The photo-documentation shall be done in according to Historic American Building Survey/Historic Engineering Record (HABS/HAER) guidelines, which shall include archival quality negatives and prints. The final Report shall be deposited with the City of Davis Community Development and Sustainability Department, the Hattie Weber Museum, the State Office of Historic Preservation, and other appropriate organizations and agencies as identified by the Planning Department.</i> 2. <i>A publicly accessible space for a memorial or interpretive plaque/display shall be placed and maintained on or near the former location of the subject properties, identifying the former location of the building, its original owner, and its historic significance.</i> <p><i>These requirements shall be included as a note on the project’s Improvement Plans, subject to review and approval by the City of Davis Planning Department.</i></p>	Less than Significant
Impact 3.1-2: Project implementation has the potential to cause a substantial adverse change to a significant tribal cultural resource, as defined in Public Resources Code §21074	Potentially Significant	<p>Mitigation Measure 3.1-2: <i>All construction workers shall receive a sensitivity training session before they begin site work. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the project site. The sensitivity training shall cover laws pertaining to cultural resources, examples of cultural resources that may be discovered in the project site, and what to do if a cultural resource, or anything that may be a cultural resource, is discovered.</i></p>	Less Than Significant

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
		<p><i>If any subsurface historic remains, prehistoric or historic artifacts, paleontological resources, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Davis Department of Community Development and Sustainability shall be notified, and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If tribal resources are found during grading and construction activities, the applicant shall notify the Yocha Dehe Wintun Nation. If paleontological resources are found during grading and construction activities, a qualified paleontologist shall be retained to determine the significance of the discovery.</i></p> <p><i>The archaeologist and/or paleontologist shall define the physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal evaluation to determine the eligibility of the feature(s) for inclusion in the California Register of Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), further mitigation would be necessary, which might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resource(s), to collect enough information to exhaust the data potential of those resources.</i></p> <p><i>Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Data recovery efforts can range from rapid photographic documentation to extensive excavation depending upon the physical nature of the resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory. Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register</i></p>	

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
		<p><i>of Historical Resources (Title 14 CCR, §4852[a]), and the definition of tribal cultural resources set forth in Public Resources Code Section 21074 and 5020.1 (k). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the Yocha Dehe Wintun Nation. The landowner shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the Yocha Dehe Wintun Nation for proper treatment and disposition. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.</i></p> <p><i>The language of this mitigation measure shall be included on any future grading plans, utility plans, and improvement drawings approved by the City for the development of the project.</i></p>	
<p>Impact 3.1-3: Project implementation has the potential to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5</p>	<p>Potentially Significant</p>	<p><i>Implement Mitigation Measure 3.1-2.</i></p>	<p>Less Than Significant</p>
<p>Impact 3.1-4: Project implementation has the potential to directly or indirectly destroy a unique paleontological resource</p>	<p>Potentially Significant</p>	<p><i>Implement Mitigation Measure 3.1-2.</i></p>	<p>Less Than Significant</p>
<p>Impact 3.1-5: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries</p>	<p>Potentially Significant</p>	<p>Mitigation Measure 3.1-3: <i>If human remains are discovered during the course of construction during any phase of the project, work shall be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the Yolo County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:</i></p> <ul style="list-style-type: none"> <i>The coroner shall contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner shall make a recommendation to the landowner or the person responsible for</i> 	<p>Less Than Significant</p>

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
		<p><i>the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.</i></p> <ul style="list-style-type: none"> • <i>The landowner shall retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs:</i> <ul style="list-style-type: none"> ○ <i>The Native American Heritage Commission is unable to identify a descendent.</i> ○ <i>The descendant identified fails to make a recommendation.</i> ○ <i>The City of Davis or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</i> 	
GEOLOGY AND SOILS (ANALYZED IN THE INITIAL STUDY)			
<p>a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: (iii) Seismic-related ground failure, including liquefaction?</p> <p>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</p> <p>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect</p>	Potentially Significant	<p>Mitigation Measure Geo-1: <i>Prior to the development of the project site, further subsurface plan-level geotechnical investigation shall be performed to identify onsite soil conditions and identify any site-specific engineering measures to be implemented during the construction of building foundations, surface improvements, and subsurface improvements. The results of the subsurface geotechnical investigation shall be reflected on the Improvements Plans, subject to review and approval by the City's Building Division. During site grading, the project applicant shall remove and re-compact the existing on-site fill, in accordance with the recommendations provided in the subsurface plan-level geotechnical investigation.</i></p>	Less than Significant

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
risks to life or property?			
b) Result in substantial soil erosion or the loss of topsoil?	Potentially Significant	<p>Mitigation Measure Geo-2: The project applicant shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB in accordance with the NPDES General Construction Permit requirements. The SWPPP shall be designed to control pollutant discharges utilizing Best Management Practices (BMPs) and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the project site. Measures shall include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) that will be employed to control erosion from disturbed areas. Final selection of BMPs will be subject to approval by the City of Davis and the RWQCB. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB.</p>	Less than Significant
HYDROLOGY AND WATER QUALITY (ANALYZED IN THE INITIAL STUDY)			
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) Result in substantial erosion or siltation on- or off-site; (ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; (iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) Impede or redirect flood flows?	Potentially Significant	<p>Mitigation Measure Hydro-1: Prior to issuance of building or grading permits, the applicant shall submit a plan identifying permanent stormwater control measures to be implemented by the project to the City. The plan shall be subject to review and approval by the Public Works Department.</p> <p>Mitigation Measure Hydro-2: Prior to any site disturbance, the project proponent shall document to the satisfaction of the City of Davis that stormwater runoff from the project site is treated per the standards in the California Stormwater Best Management Practice New Development and Redevelopment Handbook and Section E.12 of the Phase II Small MS4 General Permit. Drainage from all paved surfaces, including parking lots, driveways, and roofs, shall be routed either through swales, buffer strips, or sand filters or treated with a filtering system prior to discharge to the storm drain system. Landscaping shall be designed to provide water quality treatment, along with the use of a Stormwater Management filter to permanently sequester hydrocarbons, if necessary. Roofs shall be designed with down spouting into landscaped areas. Driveways should be curbed into landscaping so runoff drains first into the landscaping. The aforementioned requirements shall be noted on the Preliminary and Final Planned Developments for the</p>	Less than Significant

<i>ENVIRONMENTAL IMPACT</i>	<i>LEVEL OF SIGNIFICANCE WITHOUT MITIGATION</i>	<i>MITIGATION MEASURE</i>	<i>RESULTING LEVEL OF SIGNIFICANCE</i>
		<i>project.</i>	
LAND USE			
Impact 3.2-1: Project implementation would not conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted to avoid or mitigate an environmental effect	Potentially Significant	Mitigation Measure 3.2-1: <i>In conjunction with submittal of improvement plans for the project, the project applicant shall submit a final landscape plan to the City of Davis which shows that the project site (including all three residential lots) would maintain or increase the amount of greenery, especially trees, that currently (as of April 2019) exists on-site. The site currently (as of April 2019) contains 28 trees, including those located along the frontages of First Street and D Street. In addition, the landscape plan shall include a palette of shrubs, perennial ground cover, grasses, etc. that balances the need to maintain or increase greenery while being conscientious of drought tolerance and water conservation within the landscaping, consistent with the City's Model Water Efficient Landscape Ordinance.</i>	Less Than Significant
OTHER CEQA-REQUIRED TOPICS			
Impact 4.1: Project implementation would not contribute to cumulative impacts on known and undiscovered cultural and tribal cultural resources	Less Than Cumulatively Considerable	None required.	--
Impact 4.2: Project implementation would not to cumulative impacts on local land uses	Less Than Cumulatively Considerable	None required.	--

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This chapter summarizes the purpose of the Environmental Impact Report (EIR) for the Theta Xi Fraternity Redevelopment Project (the “project”). The following discussion addresses the environmental procedures that are to be followed according to State law, the intended uses of the EIR, the project’s relationship to the City’s General Plan, the EIR scope and organization, and a summary of the agency and public comments received during the public review period for the Notice of Preparation (NOP).

1.1 PURPOSE AND INTENDED USES OF THE EIR

The City of Davis, as lead agency, determined that the proposed Theta Xi Fraternity Redevelopment Project is a "project" within the definition of CEQA. CEQA requires the preparation of an environmental impact report prior to approving any project that may have a significant impact on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed development. CEQA further requires public agencies to balance a variety of public objectives, including economic, environmental, and social factors in making a decision to approve a development project with significant and unavoidable environmental impacts.

The City of Davis, as the lead agency, has prepared this Draft EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from construction and operation of the Theta Xi Fraternity Redevelopment Project. The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This EIR will be used by the City to determine whether to approve, modify, or deny the Theta Xi Fraternity Redevelopment Project and associated approvals in light of the project’s environmental effects. The EIR will be used as the primary environmental document to evaluate full project development, along with all associated infrastructure improvements, and permitting actions associated with the Theta Xi Fraternity Redevelopment Project. All of the actions and components of the proposed project are described in detail in Chapter 2.0 of this Draft EIR.

1.2 TYPE OF EIR

This EIR is a Project EIR as defined in Section 15161 of the State CEQA Guidelines. A Project EIR is an EIR which examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction and operation. The Project EIR approach is appropriate for the Theta Xi Fraternity Redevelopment Project because it allows comprehensive consideration of the reasonably anticipated scope of the project, as described in greater detail in Chapter 2.0.

1.3 KNOWN RESPONSIBLE AND TRUSTEE AGENCIES

As required by CEQA, this EIR defines lead, responsible, and trustee agencies. The City of Davis is the “Lead Agency” for the project because it holds principal responsibility for approving the project. The term “Responsible Agency” includes all public agencies other than the Lead Agency that have discretionary approval power over the project or an aspect of the project (CEQA Guidelines Section 15381). For the purpose of CEQA, a “Trustee” agency has jurisdiction by law over natural resources that are held in trust for the people of the State of California (CEQA Guidelines Section 15386).

The following agencies are considered Responsible or Trustee Agencies for this project, and may be required to issue permits or approve certain aspects of the proposed project:

- Central Valley Regional Water Quality Control Board (CVRWQCB) - Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities;
- Yolo-Solano Air Quality Management District - Approval of construction-related air quality permits.

1.4 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

NOTICE OF PREPARATION AND INITIAL STUDY

The City circulated an Initial Study and NOP of an EIR for the proposed project on February 25, 2019 to trustee agencies, the State Clearinghouse, and the public. A public scoping meeting was held on March 18, 2019 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. The NOP comment period ended at 5:00 p.m. on March 26, 2019, and a total of nine comments were received. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and responses to the NOP by interested parties are presented in Appendix A.

DRAFT EIR

This document constitutes the Draft EIR. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. This Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in this EIR. The City has filed the Notice of Completion (NOC) with the State Clearinghouse of the Governor's Office of Planning and Research to begin the public review period on this Draft EIR.

PUBLIC NOTICE/PUBLIC REVIEW

The City has provided a public notice of availability for the Draft EIR, and invites comment from the general public, agencies, organizations, and other interested parties. Consistent with CEQA, a forty-five (45) day review period is required for this Draft EIR. Public comment on the Draft EIR will be accepted in written form and orally at a public meeting before the Davis Planning Commission. All comments or questions regarding the Draft EIR should be addressed to:

Ike Njoku, Planner and Historical Resources Manager
City of Davis
Community Development and Sustainability Department
23 Russell Boulevard, Suite 2
Davis, CA 95616
INjoku@cityofdavis.org

RESPONSE TO COMMENTS/FINAL EIR

Following the public review period, a Final EIR will be prepared. The Final EIR will respond to written comments received during the public review period and to oral comments received at a public hearing during such review period.

It is noted that the California Department of Fish and Wildlife (CDFW) submitted a NOP comment letter on March 26, 2019 regarding the project's potential impacts to Swainson's hawk, white-tailed kite, and special-status bat species. The CDFW's NOP comment letter includes requested revisions and additions to the mitigation measures included in Section IV, Biological Resources, of the Initial Study that was prepared for the proposed project. The Initial Study and NOP comment letters are included as Appendix A of this Draft EIR. The requested revisions and additions to the mitigation measures included in Section IV, Biological Resources, of the Initial Study are reflected in this EIR.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The City will review and consider the Final EIR. If the City finds that the Final EIR is "adequate and complete", the City Council may certify the Final EIR in accordance with CEQA. The rule of adequacy generally holds that an EIR can be certified if:

1.0 INTRODUCTION

- 1) The EIR shows a good faith effort at full disclosure of environmental information; and
- 2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of environmental considerations.

The level of detail contained throughout this EIR is consistent with Section 15151 of the CEQA Guidelines and recent court decisions, which provide the standard of adequacy on which this document is based. The Guidelines state as follows:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of the environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Following review and consideration of the Final EIR, the City may take action to approve, modify, or reject the project. A statement of overriding considerations will be prepared at the Final EIR stage. A statement of overriding considerations that reflects the ultimate balancing of competing public objectives (including environmental, legal, technical, social, and economic factors) will be prepared for the City Council for consideration during the Final EIR certification stage. A Mitigation Monitoring Program, as described below, would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment. This Mitigation Monitoring Program will be designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR.

1.5 ORGANIZATION AND SCOPE

Sections 15122 through 15132 of the State CEQA Guidelines identify the content requirements for Draft and Final EIRs. An EIR must include a description of the environmental setting, an environmental impact analysis, mitigation measures, alternatives, significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. Discussion of the environmental issues addressed in the Draft EIR was established through review of environmental and planning documentation developed for the project, environmental and planning documentation prepared for recent projects located within the City of Davis, applicable local and regional planning documents, and responses to the NOP.

This Draft EIR is organized in the following manner:

EXECUTIVE SUMMARY

This Executive Summary summarizes the characteristics of the proposed project, known areas of controversy and issues to be resolved, and provides a concise summary matrix of the project's environmental impacts and possible mitigation measures. This chapter identifies alternatives that reduce or avoid at least one significant environmental effect of the proposed project.

CHAPTER 1.0 – INTRODUCTION

Chapter 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead, trustee, and responsible agencies, summarizes the process associated with preparation and certification of an EIR, and identifies the scope and organization of the Draft EIR.

CHAPTER 2.0 – PROJECT DESCRIPTION

Chapter 2.0 provides a detailed description of the proposed project, including the location, intended objectives, background information, the physical and technical characteristics, including the decisions subject to CEQA, related infrastructure improvements, and a list of related agency action requirements.

CHAPTER 3.0 – ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

Chapter 3.0 contains an analysis of environmental topic areas as identified below. Each subchapter addressing a topical area is organized as follows:

Environmental Setting. A description of the existing environment as it pertains to the topical area.

Regulatory Setting. A description of the regulatory environment that may be applicable to the project.

Impacts and Mitigation Measures. Identification of the thresholds of significance by which impacts are determined, a description of project-related impacts associated with the environmental topic, identification of appropriate mitigation measures, and a conclusion as to the significance of each impact after the incorporation of mitigation measures.

The following environmental topics are addressed in this EIR:

- Cultural and Tribal Resources; and
- Land Use.

CHAPTER 4.0 – OTHER CEQA-REQUIRED TOPICS

Chapter 4.0 evaluates and describes the following CEQA required topics: impacts considered less-than-significant, significant and irreversible impacts, growth-inducing effects, cumulative, and significant and unavoidable environmental effects.

CHAPTER 5.0 – ALTERNATIVES TO THE PROJECT

State CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the project, which could feasibly attain the basic objectives of the project and avoid and/or lessen any significant environmental effects of the project. Chapter 5.0 provides a comparative analysis between the environmental impacts of the project and the selected alternatives.

CHAPTER 6.0 – REPORT PREPARERS

Chapter 6.0 lists all authors and agencies that assisted in the preparation of the EIR, by name, title, and company or agency affiliation.

CHAPTER 7.0 – REFERENCES

Chapter 7.0 lists all source documents used in the preparation of the EIR.

APPENDICES

The appendices include all notices and other procedural documents pertinent to the EIR, as well as technical material prepared to support the analysis. The EIR appendices are available in electronic format. The appendices can be viewed online at:

<https://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/theta-xi-redevelopment-project>

1.6 SIGNIFICANCE CRITERIA

In general, CEQA Guidelines define a significant effect on the environment as “a substantial, or potentially substantial” adverse change in the physical environment. A potential impact is considered significant if a project would substantially degrade the environmental quality of land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance (CEQA Guidelines §§15360, 15382).

Definitions of significance vary with the physical condition affected and the setting in which the change occurs. The CEQA Guidelines set forth physical impacts that trigger the requirement to make “mandatory findings of significance” (CEQA Guidelines §15065).

This CEQA document relies on three levels of impact significance:

1. Less-than-significant impact, for which no mitigation measures are warranted;
2. Significant impact that can be mitigated to a level that is less than significant; and
3. Significant impact that cannot be mitigated to a level that is less than significant. Such impacts are significant and unavoidable.

Each resource area uses a distinct set of significance criteria. The significance criteria are identified at the beginning of the impact discussion for each resource area. These significance criteria

promote consistent evaluation of impacts for all alternatives considered, even though significance criteria are necessarily different for each resource considered.

1.7 TOPICS FOUND IN INITIAL STUDY TO BE LESS THAN SIGNIFICANT OR LESS THAN SIGNIFICANT WITH MITIGATION

CEQA Guidelines Section 15128 provides that “[a]n EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an Initial Study.”

An Initial Study was prepared for the proposed project (February 2019). The Initial Study is included as Appendix A to this Draft EIR. Included below is a brief summary of findings from the Initial Study on environmental topics that were either found to have no impact, be less than significant, or be less than significant with implementation of the mitigation measures included in the Initial Study, and thus are not included within individual sections of the Draft EIR. Appendix A contains the full Initial Study findings and individual topics found to be less than significant through the Initial Study process.

AESTHETICS

Federal and State agencies have not designated any scenic vistas or locations within the City of Davis for viewing and sightseeing. Similarly, the City of Davis has determined that the Planning Area of the General Plan has no officially designated scenic highways, corridors, vistas, or viewing areas. Further, there are no other identified scenic resources nearby that would be affected by development of the proposed project, including trees, rocks, outcroppings, and historic buildings. Given that established scenic vistas or scenic resources are not located on or adjacent to the proposed project site, the proposed project would have **no impact** related to scenic vistas or scenic resources.

Various temporary visual impacts could occur as a result of construction activities as the project develops, including grading, equipment and material storage, and staging. Though temporary, some of these impacts could last for several weeks or months during any single construction phase. The loss of existing landscaping and trees would also be a temporary impact until new landscaping matures. Because impacts would be temporary and viewer sensitivity in the majority of cases would be slight to moderate, significant impacts are not anticipated. Therefore, impacts related to degradation of the visual character of the site and its surroundings would be **less than significant**.

Adherence to the City’s Municipal Code would result in a development that is cohesive, well-designed, and visually pleasing. Although project implementation would alter the existing visual character of the project site, this alteration would not substantially degrade the visual quality of the project site. The proposed project would be consistent with the City of Davis General Plan, and would adhere to the requirements of the City’s site plan and architectural approval process.

There is a potential for the implementation of the proposed project to introduce new sources of light and glare into the project area. However, the project will be required to comply with the City's Outdoor Lighting Control Ordinance which includes provision of a lighting plan as part of the construction documents as a standard City requirement. Compliance with the City of Davis Outdoor Lighting Control Ordinance would ensure that all exterior lighting associated with the project is properly shielded and directed downward in order to eliminate light spillage onto adjacent properties, and reduce impacts to "dark skies" to the greatest extent feasible. Therefore, impacts related to light and glare would be *less than significant*.

AGRICULTURE AND FORESTRY RESOURCES

The project site is currently developed and there is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the project site. The project site is not currently used for agricultural operations, and has not been used for agricultural operations in many decades. There are no agricultural operations or agriculturally zoned lands in the vicinity of the project site. The project site is not zoned for agricultural use nor is it under a Williamson Act contract. Therefore, the project would have *no impact* related to agricultural resources.

The project site is not forest land (as defined in Public Resources Code section 1222(g)) or timberland (as defined in Public Resources Code section 4526). The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, the project would have *no impact* related to forestry resources.

AIR QUALITY

Project generated emissions during both construction and operation would be below the Yolo-Solano Air Quality Management District (YSAQMD) thresholds for reactive organic gases, oxides of nitrogen, particulate matter 10 micrometers or less in diameter, and carbon monoxide. Impacts related to air quality plan conflicts, criteria pollutant increases, and substantial pollutant concentrations would be *less than significant*. Additionally, operation of the proposed project would not generate notable odors. Diesel fumes from construction equipment and delivery trucks are often found to be objectionable; however, construction of the proposed project would be temporary and diesel emissions would be temporary and regulated. Implementation of the proposed project would have a *less than significant* impact relative to odors.

BIOLOGICAL RESOURCES

Special-status plant or wildlife species have not been recorded on the project site. The project site is currently developed and disturbed. There is no riparian or other sensitive habitat types located on-site. Although various special-status plant species have been documented within five-miles of the site, none are present on the project site. Therefore, the proposed project would have *no impact* on special-status plants.

Historical and continuing site disturbance and urban activities makes the presence of many special-status animals on the project site unlikely. However, nesting birds can utilize the on-site trees. The

bird species which have been documented to occur within five miles of the project site include: burrowing owl (*Athene cunicularia*), northern harrier (*Circus hudsonius*), Swainson's hawk (*Buteo swainsoni*), tricolored blackbird (*Agelaius tricolor*), western snowy plover (*Charadrius alexandrinus nivosus*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), and white-tailed kite (*Elanus leucurus*). Suitable habitat for ground-nesting burrowing owl species is not present on the project site. Although not likely, due to the size of the on-site trees and documented occurrences of Swainson's hawk in the project area, suitable nesting habitat for Swainson's hawk may be found on the project site. Given the project site's urban surroundings, and lack of appropriate wetland habitat, tricolored blackbird is not anticipated to be found on the project site.

There are a variety of raptors and/or birds protected by the Migratory Bird Treaty Act that could utilize the on-site trees for nesting. Because the site does not contain open fields or grassland type habitats, the project would not eliminate foraging habitat on the project site. However, development of the project would require the removal of some on-site trees. Mitigation Measure Bio-1 is consistent with Avoidance and Mitigation Measure 16 of the Yolo Natural Heritage Program. Mitigation Measure Bio-2 is consistent with the standard industry practices to avoid and/or minimize potential impacts to protected birds. Implementation of Mitigation Measures Bio-1 and Bio-2 would reduce the potential impact to birds to a **less than significant** level.

Additionally, the project site may provide potential roosting habitat for special-status bat species. There are a variety of areas within the project site where bats could roost. Roosts commonly include: tree/shrub foliage, hollow trees, barns, attics, inoperable vehicles, bridges, rocks, and debris piles. Mitigation Measure Bio-3 is consistent with the standard industry practices to avoid and/or minimize potential impacts to bat roosts. Implementation of Mitigation Measure Bio-3 would reduce the potential impact to bats to a **less than significant** level.

The project site does not support any riparian habitat or sensitive natural communities. As such, implementation of the proposed project would result in a **less than significant** impact. Similarly, the proposed project does not include any construction activities that are within or immediately adjacent to wetlands, creeks, drainages, or other water bodies. These resources are not present on the project site, or in the immediate vicinity of the project site. As such, implementation of the proposed project would have **no impact** relative to this issue. Further, the site does not serve as a wildlife corridor, or nursery site. The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Implementation of the proposed project would result in a **less than significant** impact relative to this topic.

The site currently contains approximately 28 trees, including those located along the frontages of First Street and D Street. The trees surrounding the TX Main House are not anticipated for removal; however, the trees surrounding the Jackson House and Bryson House, which are proposed for demolition, would be removed. The project would landscape the site in conjunction with construction of the proposed three-story building. Compliance with the City's Tree Ordinance would be addressed by a standard City condition of approval which requires preparation of a Tree Protection Plan for trees being preserved and approval of Tree Modification Permit for trees being

removed with standard measures for tree replacement or payment for the appraised value of the trees. The Tree Protection Plan would include measures to ensure that all trees to be preserved would be protected during construction of the project. This would ensure that the project would have a **less than significant** impact relative to local policies and ordinances protecting biological resources.

The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Implementation of the proposed project would have a **less than significant** impact relative to this topic.

ENERGY

The proposed project would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for each stage of the project including construction, operations, maintenance, and/or removal. PG&E, the current electricity and natural gas provider to the site, maintains sufficient capacity to serve the proposed project. Overall, the proposed project would not be expected cause an inefficient, wasteful, or unnecessary use of energy resources. This is a **less than significant** impact.

GEOLOGY AND SOILS

There will always be a potential for groundshaking caused by seismic activity anywhere in California, including the project site. In order to minimize potential damage to the buildings and site improvements, all construction in California is required to be designed in accordance with the latest seismic design standards of the California Building Code. Design in accordance with these standards would reduce any potential impact to a **less than significant** level.

Additionally, the project site has a low potential for liquefaction, lateral spreading, subsidence, and landslides. However, given that fill was encountered at the site, and the lack of information on the compaction and placement history of the fill, Mitigation Measure Geo-1 would be required. Overall, it was determined that the project site was suitable for development, and with implementation of Mitigation Measure Geo-1, this potential impact would be **less than significant**.

The project site is relatively flat and there are no major slopes in the vicinity of the project site. Slope instability at the project site, as a result of seismic events, has very low potential because of the lack of relief across the area and its distance from active and potentially active faults. The project site is not located in the foothills, mountain terrain, or along a river bank. As such, the project site is exposed to little or no risk associated with landslides. This is a **less than significant** impact and no mitigation is required.

The project site is currently developed and is not at significant risk of erosion under the existing conditions. The RWQCB requires a project specific Storm Water Pollution Prevention Plan (SWPPP) to be prepared for each project that disturbs an area one acre or larger. The SWPPP will include project specific best management measures that are designed to control drainage and erosion.

The SWPPP and the project specific drainage plan would reduce the potential for erosion. Implementation of the Mitigation Measure Geo-2 would ensure that the proposed project would result in a **less-than-significant** impact relative to erosion and loss of topsoil.

The proposed project would not require the use of septic tanks or alternative waste water disposal systems for the disposal of waste water. Implementation of the proposed project would result in **no impact** relative to septic systems. Additionally, known paleontological resources or sites are not located on the project site. Additionally, unique geologic features are not located on the site. The site is currently developed and surrounded by existing urban development, and the proposed project is considered an infill development. As such, impacts to paleontological resources or unique geologic features would not occur. This is a **less than significant** impact.

GREENHOUSE GAS EMISSIONS

Greenhouse gas emission modeling was completed for the proposed project construction and operation. YSAQMD recommends using 1,100 metric tons of carbon monoxide equivalent (MT CO₂e) per year to analyze construction-related GHG emissions. Peak-year construction-generated greenhouse gas emissions would not exceed YSAQMD's recommended greenhouse gas emissions threshold of 1,100 MT CO₂e for construction of the proposed project. Therefore, this is a **less than significant** impact relative to this topic. Similarly, the operational greenhouse gas emissions resulting from the existing residences are higher than the proposed project. This is likely because the existing residences were constructed in approximately 1912 and, as such, are less energy efficient than the proposed three-story building. Overall, the operational greenhouse gas emissions are not anticipated to increase beyond the existing condition. This is a **less than significant** impact relative to this topic.

HAZARDS AND HAZARDOUS MATERIALS

Onsite reconnaissance and historical records indicate that there are no known underground storage tanks or pipelines located on the project site that contain hazardous materials. Therefore, the disturbance of such items during construction activities is unlikely. Construction equipment and materials would likely require the use of petroleum-based products (oil, gasoline, diesel fuel), and a variety of common chemicals including paints, cleaners, and solvents. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. Therefore, the proposed project would have a **less than significant** impact relative to creation of hazards and release of hazardous materials.

Additionally, the operations of a residential fraternity would not emit hazardous emissions or result in the storage or handling of hazardous or acutely hazardous materials, substances or waste above the level of existing conditions. Implementation of the proposed project would result in a **less than significant** impact relative to emitting hazards near schools. The project is also not located on a site which is included on a list of hazardous materials sites compiled pursuant to

Government Code Section 65962.5. Implementation of the proposed project would result in a ***less than significant*** impact relative to this environmental topic.

Further, the project site is not located near an existing airport and is not within an existing airport land use plan. The project site is not located within the approach or take-off zones of the UC Davis Airport, nor is it located within the overflight zones of the airport. There are no private airstrips within a 2-mile vicinity of the project site. Therefore, ***no impact*** would occur.

Implementation of the proposed project would not result in any substantial modifications to the existing roadway system and would not interfere with potential evacuation or response routes used by emergency response teams. The proposed project would also not interfere with any emergency response plan or emergency evaluation plan. This is a ***less than significant*** impact.

The site is not located within an area where wildland fires occur. The site is surrounded by developed land uses. The surrounding land uses consists of a mix of retail, single family, and apartment developments along First Street, D Street, and E Street. This is a ***less than significant*** impact.

HYDROLOGY AND WATER QUALITY

Implementation of proposed project would not violate any water quality or waste discharge requirements. Implementation of the proposed project would result in a ***less-than-significant*** impact relative to this topic. The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). Therefore, project construction and operation would not substantially deplete or interfere with groundwater supply or quality. This impact would be ***less than significant***.

The construction of storm water drainage facilities would not substantially alter the existing drainage pattern of the area, or alter the course of a stream or river. As required by Mitigation Measures Hydro-1, the applicant would be required to submit a plan identifying the stormwater control measures that would be implemented. Additionally, Mitigation Measures Hydro-2 requires documentation that the stormwater runoff from the site is treated per the standards in the California Stormwater Best Management Practice New Development and Redevelopment Handbook and Section E.12 of the Phase II Small MS4 General Permit. Implementation of the proposed project with Mitigation Measures Hydro-1 and Hydro-2 would have a ***less-than-significant*** impact relative to this environmental topic.

The proposed project is shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) number 06113C0611G dated June 18, 2010. The project site is located within FEMA Zone X (un-shaded), indicating that the site is located outside of the 100-year flood hazard zone. The project would not be subject to tsunamis or seiches. Impacts related to flood hazards, tsunamis and seiches would be ***less than significant***.

LAND USE AND PLANNING

The project site is located within the Davis city limits and is adjacent to developed land on all sides. The project would result in redevelopment of the site, and the proposed use would not change. Development of the project would not result in any physical barriers, such as a wall, or other division, that would divide an existing community, but would serve as an orderly extension of existing utilities. The project would have **no impact** in regards to the physical division of an established community.

MINERAL RESOURCES

There are no known mineral resources located on the project site or in the immediate vicinity. Additionally, there is no land designated or zoned for mineral resources within the City limits. Given that no known mineral resources are located in the vicinity of the proposed project, implementation of the proposed project would not result in the loss of availability of a known mineral resource or of a locally-important mineral resource recovery site. Therefore, there would be **no impact** regarding the loss of availability of a known mineral resource that would be of value to the region.

NOISE

All construction activities will be subject to the requirements of Section 24.02.040 of the City of Davis Municipal Code with respect to limits on construction noise. Additionally, project-related traffic noise level increases under the existing plus project scenario would be a maximum of 0.1 A-weighted decibels (dBA) along First Street and E Street and a 0.0 dBA increase along B Street. This traffic noise increase is very small and not discernible to the human ear. These increases are well below the 3-dBA standard, making it an insignificant increase. Noise from on-site activities would be comparable to the existing condition. The project does not propose any new noise-generating uses beyond those that currently exist, such as a pool or other outdoor facilities. The existing site plan has outdoor lawn areas in the front, rear, and side yards. The proposed site plan would also provide side and rear yards with patio and/or lawn areas. No other noise-generating uses would be constructed. As such, construction and operational noise impacts associated with implementation of the proposed project would be **less than significant**.

Additionally, construction vibration levels anticipated for the proposed project are less than the 0.1 inches per second structural damage criteria at distances of 50 feet. Therefore, construction vibrations are not predicted to cause damage to existing buildings or cause annoyance to sensitive receptors. Implementation of the proposed project would have a **less than significant** impact relative to this environmental topic.

Further, the project site is not located near an existing airport and is not within an existing airport land use plan. As such, project would not expose people residing or working in the project area to excessive noise levels associated with such airport facilities. Implementation of the proposed project would have **no impact** relative to this topic.

POPULATION AND HOUSING

The proposed three-story fraternity building would provide 35 total beds and nine total bathrooms. This would result in three fewer beds and four additional bathrooms compared to the existing houses. The project is consistent with the existing fraternity operations and would not increase the capacity of the project site. The proposed project would not include upsizing of offsite infrastructure or roadways. Implementation of the proposed project would not induce substantial population growth in an area, either directly or indirectly. Therefore, implementation of the proposed project would have a ***less than significant*** impact relative to population growth.

Although the proposed project would reduce the number of beds by three compared to the existing condition, this would not necessitate the construction of replacement housing elsewhere. The existing fraternity houses would be demolished and reconsolidated in order to serve the fraternity. Implementation of the proposed project would have a ***less than significant*** impact relative to displacement of people or housing.

PUBLIC SERVICES

The proposed project would not result in a need to construct a new fire station, police station, or physically alter an existing fire or police station. The Fire Department and Police Department would receive development impact fees from the project for capital improvements and infrastructure costs even though a new facility would not be created. The fair share funds are intended to pay for project financial impacts on fire and police protection service. The proposed project's environmental impact to fire service is considered ***less than significant***.

The future residents of the proposed fraternity building would be enrolled at UC Davis, and would not increase enrollment at any Davis Joint Unified School District schools. The proposed project would not directly, or indirectly increase the student population in the area. The proposed project will not result in intensification of land use, or the addition of structures or uses that would differ from the current General Plan. Therefore, the proposed project would not result in the need for new school facilities, thus it is anticipated to have ***no impact*** relative to this topic.

Additionally, the project would not directly introduce new residents to the City, and therefore would not substantially increase demand for public park facilities to the extent that modification of existing facilities or construction of new park facilities would be necessary. As such, the proposed project would have a ***less than significant*** impact relative to this topic. Further, the proposed project does not trigger the need for new facilities associated with other public services. The proposed project will not result in intensification of land use, or the addition of structures or uses that would differ from the current General Plan. Consequently, new facilities or other public services are not proposed at this time. Implementation of the proposed project would have a ***less than significant*** impact relative to this issue.

RECREATION

As noted above, the project would not directly introduce new residents to the City, and therefore would not substantially increase demand for public park facilities to the extent that modification of

existing facilities or construction of new park facilities would be necessary. As such, the proposed project would have a ***less than significant*** impact relative to this topic.

TRANSPORTATION

The proposed project would not interfere with any existing pedestrian/bicycle facilities, and would not preclude construction of any future facilities. There are two Unitrans routes that pass the project site: the 'M' line and the 'W' line. The 'M' line provides service to the Memorial Union Terminal and the 'W' line provides service to the Silo Terminal. The project would not increase transit use during peak periods compared to the existing baseline. The amount of transit use would be comparable to the existing baseline. The proposed project would not interfere with any existing transit facilities, and would not preclude construction of any future facilities. Similarly, because the number of residents would be comparable the existing condition, the operations on the nearby project roadways are not expected to degrade. The proposed project would not reduce LOS on any streets or intersections to an unacceptable LOS, or substantially worsen an already existing peak-hour LOS F on any streets or intersections. Therefore, impacts related to conflicts with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, would be ***less than significant***.

According to the air quality modeling outputs for the existing operations, the existing fraternity operations generate approximately 77.49 daily trips. The proposed fraternity operations (i.e., the three-story building with 35 total beds) would generate approximately 71.53 daily trips, and the single-family home which would be vacated and placed for sale or lease to a third party on the open market would generate approximately 9.52 daily trips. As such, the proposed project would result in an increase of 3.56 daily trips compared to the existing baseline condition. Therefore, the number of operational trips would be comparable to the existing baseline. As such, the proposed project would not reduce LOS on any streets or intersections to an unacceptable LOS, or substantially worsen an already existing peak-hour LOS F on any streets or intersections. As such, impacts related to conflicts or inconsistencies with CEQA Guidelines Section 15064.3, subdivision (b) are considered ***less than significant*** relative to this topic.

No site circulation or access issues have been identified that would cause a traffic safety problem/hazard or any unusual traffic congestion or delay that could impede emergency vehicles or emergency access. The project does not include any design features or incompatible uses that pose a significant safety risk. The project would create no adverse impacts to emergency vehicle access or circulation. Therefore, project implementation would have a ***less than significant*** impact relative to this topic.

UTILITIES AND SERVICE SYSTEMS

Limited amounts of water would be necessary during the construction phase of the project, but this would be a temporary use of water for construction related activities, and would not be in substantial amounts. The existing houses provide 38 total beds and five total bathrooms (including seven toilets, ten basins, and nine showerheads). The proposed three-story fraternity building would provide 35 total beds and nine total bathrooms (including ten toilets, eighteen basins, and

nine showerheads). Although the project would increase the number of toilets and basins compared to the existing condition, the proposed appliances and facilities would be more energy- and water-efficient. Additionally, the project would use a low water use landscaping and irrigation system. The proposed project will not result in intensification of land use, or the addition of structures or uses that would differ from the current use. No additional demand for water will be created by the project beyond the existing condition. Therefore, a ***less than significant*** impact would occur related to water supply and water infrastructure.

Similarly, the current capacity of the wastewater treatment would be sufficient to handle the wastewater flow from the proposed project. In addition, the proposed project is required to pay sewer impact fees which would contribute towards the cost of future upgrades, when needed. As a result, the proposed project would not have adverse impacts to wastewater treatment capacity. Because the project applicant would pay City sewer impact fees to redevelop the site, and adequate long-term wastewater treatment capacity is available to serve full build-out of the project, a ***less than significant*** impact would occur related to requiring or resulting in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

No additional demand for landfill, or other waste facilities will be created by the project operation. However, limited amounts of solid waste could be generated during the construction phase of the project, but this would be temporary, and would not be in substantial amounts, and would not interfere with a waste facility's permitted capacity. The project would not interfere with regulations related to solid waste. Implementation of the proposed project would have a ***less than significant*** impact relative to solid waste.

WILDFIRE

Implementation of the proposed project would not result in any substantial modifications to the existing roadway system and would not interfere with potential evacuation or response routes used by emergency response teams. No additional demand for fire protection will be created by the project. Implementation of the proposed project wouldn't require additional demands for fire protection services from the City of Davis Fire Department beyond the existing condition. The project would not exacerbate fire risk, or require the installation or maintenance of infrastructure that may exacerbate fire risk. Additionally, because the site is essentially flat and located in an existing urbanized area of the City, downstream landslides would not occur. Overall, impacts related to wildfire would be ***less than significant***.

MANDATORY FINDINGS OF SIGNIFICANCE

The proposed project would not: have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of a rare or endangered plant or animal. Special-status plant or wildlife species have not been recorded on the project site. The project site is currently developed and disturbed. There is no riparian or other sensitive habitat

types located on-site. Although various special-status plant species have been documented within five-miles of the site, none are present on the project site. Therefore, the project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. This impact would be ***less than significant***.

As discussed above, the construction phase could affect surrounding neighbors through increased air emissions and noise. With the implementation of the conditions of approval, regulatory standards, and best management practices, the project impacts would be less than significant related to these topics. The operational phase of the project would be comparable to the existing baseline condition. As discussed throughout the Initial Study, the proposed project would not cause substantial adverse effects on human beings. The proposed project would not have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly. As such, a ***less than significant*** impact would result.

1.8 COMMENTS RECEIVED ON THE NOTICE OF PREPARATION

The City received nine written comment letters on the NOP for the proposed Theta Xi Fraternity Redevelopment Project Draft EIR. A brief summary of each comment is provided in the list below. A copy of each letter is provided in Appendix A of this Draft EIR. A public scoping meeting was held on March 18, 2019 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Oral comments received at the NOP scoping meeting are also included in Appendix A.

The comment letters include the following:

1. Cynthia Goldberg (March 16, 2019):
 - Expressed concerns for a different fraternity regarding noise, trash, and general disturbances in the front yard area of a different fraternity located at corner of A Street and First Street, which is not Theta Xi fraternity.
2. Bob Testa and Skip Metzger (March 24, 2019) (project proponents):
 - Concerns regarding the structural stability and efficiency of the existing structures.
3. Todd Rogers, California Department of Transportation (February 28, 2019): No concerns listed.
4. Stephanie Buss, California Department of Fish and Wildlife (March 26, 2019):
 - Suggested revisions and additions to the mitigation measures in the Initial Study pertaining to biological resources (including birds and bats).
5. Gregor Blackburn, Federal Emergency Management Agency (March 6, 2019):
 - Summary of the National Flood Insurance Program requirements.
6. Burnam Lowell, Sr., Tribal Historic Preservation Officer, Yocha Dehe Wintun Nation (March 26, 2019) and Laverne Bill, Cultural Resources Manager, Yocha Dehe Wintun Nation (March 27, 2019):

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- Request for tribal monitors during all ground disturbance and cultural sensitivity training before all work begins.
 - Recommends including cultural monitors during development and ground disturbance, including backhoe trenching and excavations.
7. Steven Quinn, Native American Heritage Commission (March 6, 2019):
- Summary of the requirements of Assembly Bill 52, Senate Bill 18, and recommendations for cultural resources assessments.
8. Jordan Hensley, Central Valley Regional Water Quality Control Board (March 19, 2019):
- Summary of the regulatory requirements pertaining to surface and groundwater (including the Basin Plan, Clean Water Act, Waste Discharge Requirements, National Pollutant Discharge Elimination System, dewatering permit, commercially irrigated agriculture)
9. Yolo-Solano Air Quality Management District (March 5, 2019):
- Request for compliance with District Rule 9.9, Asbestos, for renovation and/or demolition projects.

1.9 POTENTIAL AREAS OF CONCERN

Aspects of the proposed project that could be of public concern include the following:

- The noise, trash, and general disturbances in the front yard areas.
- The structural stability and efficiency of the existing structures.
- The proposed mitigation measures related to biological resources (specifically related to special-status birds and bats).
- The proposed mitigation measure related to tribal cultural resources.
- The demolition of the existing structures as related to hazardous materials.

This chapter provides a comprehensive description of the Theta Xi Fraternity Redevelopment Project (proposed project), including proposed uses, infrastructure improvements, requested entitlements, and project objectives.

Figures referenced throughout this section are located at the end of the chapter.

2.1 PROJECT LOCATION AND ENVIRONMENTAL SETTING

PROJECT LOCATION

The project site consists of approximately 0.45 acres located in the central portion of the City of Davis, north of the Interstate 80 (I-80) Freeway, at 503, 509, and 515 First Street. The project site can be identified by its Yolo County Assessor's Parcel Numbers (APNs) 070-244-004, 070-244-005, and 070-244-006. The project site is located in the Davis Downtown Core Area, near what is considered the historic gateway to the City of Davis. The project's regional location is shown in Figure 2.0-1 and the project area and site boundary are shown in Figure 2.0-2.

EXISTING SITE USES

The project site is currently developed with three two-story adjacent Theta Xi fraternity houses, totaling 19,800 square feet (sf). The three lots are owned by the Beta Epsilon Association of Theta Xi, a non-profit California corporation, and occupied by the fraternity. The site has provided student housing dating from 1950 when Theta Xi (TX) acquired the first of the three lots. From east to west, the fraternity houses include the "TX Main House" located at 515 First Street (3,964 total sf, excluding the basement), the "Bryson House" located at 509 First Street (2,009 total sf, excluding the basement), and the "Jackson House" located at 503 First Street (2,065 total sf, excluding the basement). There is a detached garage in the northwest corner of the project site, and the side yard of the Jackson House is used for off-street parking for approximately seven vehicles. Additionally, a paved recreation/patio area is situated behind the Jackson House and Bryson House. The site currently contains approximately 28 trees, including those located along the frontages of First Street and D Street.

An aerial view of the project site is shown in Figure 2.0-3. The existing site plan and elevations are shown in Figure 2.0-4, and existing site context photos are shown in Figure 2.0-5.

SURROUNDING LAND USES

The project site is bounded by Second Street and existing mixed-use development to the north, D Street to the west, First Street to the south, and E Street and the Natsoulas Gallery to the east. The surrounding land uses consists of a mix of retail, single family, and apartment developments along First Street, D Street, and E Street. Adjacent parcels include a funeral home on D Street and Natsoulas Art Gallery on First Street adjacent to the TX Main House. The project site faces a landscaped buffer and the back of a retail building in a shopping plaza (i.e., Davis Commons) on the south side of First Street.

2.2 PROJECT GOALS, OBJECTIVES, AND ENTITLEMENT REQUESTS

GOALS AND OBJECTIVES

Consistent with California Environmental Quality Act (CEQA) Guidelines Section 15124(b), a clear statement of objectives and the underlying purpose of the project shall be discussed. The principal objective of the proposed project is the approval and subsequent redevelopment of the proposed project site. The quantifiable objective of the proposed project includes demolition of two of the three existing buildings, merging the three lots, re-subdividing the property into two lots, and redevelopment of one parcel with a consolidated 35-bed, three-story fraternity building.

The project proponent's objectives are as follows:

1. Address deficiencies in the structural integrity of the three houses used to house the undergraduate members of the Theta Xi Fraternity on First Street in Davis, CA, as identified in the report by Pemberton Engineering, dated July 27, 2016;
2. Renovate the subject properties in a way that provides for the needs of University of California, Davis students by ensuring that housing is competitive both in rent and amenities available within the City of Davis, including on-campus housing, in order to ensure the sustainability of the fraternity;
3. Use the value embedded in the three owned lots to assist in funding the renovation project by consolidating the housing needs of the fraternity onto a smaller footprint;
4. Construct the new building with features that will allow it to achieve a high level of energy efficiency and reduce ongoing maintenance costs; and
5. Continue to use the new facility as classrooms that, through fellowship and alumni guidance, lead to the wholesome mental, moral, physical, and spiritual growth that is the purpose of the Theta Xi Fraternity.

ENTITLEMENT REQUESTS AND OTHER APPROVALS

The City of Davis is the Lead Agency for the proposed project, pursuant to the State Guidelines for Implementation of the CEQA, Section 15050.

This document will be used by the City of Davis in consideration of the following actions:

- Approval of the requested merging and re-subdivision of the three parcels (APNs 070-244-004, 070-244-005, and 070-244-006) to create two parcels that will accommodate the proposed project, while retaining the building at 515 First Street.
- Approval of the Conditional Use Permit to continue the existing living group use at the site.
- Approval of the Tier III Design Review.
- Approval of the demolition permit for the two buildings at 503 and 509 First Street.
- Approval of the building permit for the proposed three-story building.
- Approval of the Focused EIR.
- Adoption of the Mitigation Monitoring and Reporting Program (MMRP).

2.3 PROJECT DESCRIPTION

PROJECT OVERVIEW

The proposed project includes merging the three lots located at 503, 509, and 515 First Street and re-subdividing the property into two lots for the redevelopment of one parcel with a consolidated 35-bed, three-story building. The project would include demolition of the buildings at 503 and 509 First Street (Bryson House, Jackson House, and a garage structure), the retention of the building at 515 First Street (TX Main House) on a reconfigured lot of approximately 9,450 sf, and the construction of a new three-story fraternity on the new 10,350 sf lot.

The existing and proposed housing characteristics are summarized in Table 2.0-1.

TABLE 2.0-1: EXISTING VERSUS PROPOSED HOUSING CHARACTERISTICS

	<i>EXISTING JACKSON HOUSE</i>	<i>EXISTING BRYSON HOUSE</i>	<i>EXISTING TX MAIN HOUSE</i>	<i>TOTAL EXISTING HOUSES</i>	<i>PROPOSED NEW HOUSE</i>
# of stories	2	2	2	2	3
Basement	Partial	Partial	Partial	Partial	Partial
Site area sf	6,900	6,900	6,000	19,800	10,350
Building area (gross sf)	2,065	2,009	3,964	8,038	9,802
Ground floor	1,282	1,208	2,000	4,490	3,100
2 nd floor	783	801	1,964	3,548	3,351
3 rd floor	--	--	--	--	3,351
Total sf (excluding basement)	2,065	2,009	3,964	8,038	9,802
Basement sf	720	433	450	1,603	1,684
Storage/laundry sf	96	0	0	96	238
Trash enclosure sf	0	0	0	0	168
Garage sf	450	0	0	450	0
Libraries/meeting rooms	1	0	1	2	4
Kitchen	0	0	1	1	1
Living room	0	0	1	1	1
Dining room	0	0	1	1	1
On-site parking spaces	6	0	0	6	13
Bike barn # of bicycles)	0	0	0	0	24
Additional bicycle parking	0	0	0	0	24
# of bedrooms	7	7	7	21	18
# beds (single rooms)	5	2	0	7	1
# beds (double rooms)	2	4	5	11	18
# beds (triples rooms)	0	1	2	3	0
# beds (4-man rooms)	0	0	0	0	16
Total beds	9	13	16	38	35
# of bathrooms	1	2	2	5	9
# toilets	2	3	2	7	10
# basins	4	3	3	10	18
# showerheads	2	3	4	9	9

The proposed site plan and first floor plan is shown in Figure 2.0-6. The proposed elevations are shown in Figure 2.0-7, and visual simulations of the three-story building are shown in Figure 2.0-8.

FRATERNITY REDEVELOPMENT

As shown in Table 2.0-1, the proposed three-story fraternity building would provide 35 total beds and nine total bathrooms. This would result in three fewer beds and four additional bathrooms compared to the existing houses. The project would also consolidate all living and study areas into the proposed three-story building with partial basement, a detached laundry, storage building, and trash enclosure, and associated site landscaping with exterior meeting and gathering spaces. Due to the increase in building height and square footage, the densification of the overall project site would be increased from an existing floor-area-ratio of approximately 0.41 to a proposed floor-area-ratio of approximately 0.97.

The proposed three-story fraternity building architectural theme would be similar to the Craftsman Bungalow style of the existing houses being replaced. The development would be handicap-accessible and would incorporate energy efficiency measures. Sustainable design features would include high levels of envelope insulation, high efficiency HVAC, LED Lighting, solar shading devices, electric vehicle charging outlets, and a low water use landscaping and irrigation system. Landscaped bio-swales would also be incorporated into the First and D street landscaping edges. It is anticipated that the project would target a “LEED Silver” equivalency. For example, the project would be required to comply with Chapter 8.01 of the City of Davis’ Municipal Code, which requires that buildings are to comply with the Tier 2 standards of the California Green Building Standards (CALGreen) Code. Further, the project would be required to provide solar photovoltaics, among other requirements, on the proposed fraternity building, as required by the City’s “Green Reach Code”¹.

There would also be a dedicated “Bike Barn” with bike maintenance space and a one-to-one ratio of covered and secured bike storage to beds. Additional guest bike parking would be provided along the landscape strip on First Street. The project would include a new parking lot accessed from D Street through a secured vehicle gate. The new concealed off-street parking and recreation area in the rear would significantly increase the number of conforming off-street parking spaces available to the fraternity.

During construction, the TX Main House would continue to serve the fraternity's housing and study needs. Once the proposed three-story fraternity building is completed, the fraternity would consolidate all of its activities onto the new western parcel. Once the fraternity is consolidated into the western parcel and associated three-story building, the TX Main House, along with its expanded lot, would be vacated and placed for sale or lease to a third party on the open market. As such, the TX Main House would not be retained for TX Fraternity uses.

¹ For more information on the ordinance, see:
<http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/CouncilMeetings/Agendas/20190423/04G-Second-Reading-Reach-Code-Ordinance.pdf>

DESIGN REVIEW

Tier III Design Review approval is required because the project site is within 300-feet of a designated historical resource, Dresbach-Hunt-Boyer Home, and the site is within the Conservation Overlay District. According to the Davis Municipal Code, the Conservation Overlay District supports planning policy stipulating that new development and renovation of existing buildings should respect the traditional scale and character found within a defined area. Conservation Overlay Districts are designated under Chapter 40 of the Code. However, some individual buildings within the Conservation Overlay District are designated Landmarks or Merit Resources in the Davis Register of Historic Resources.

LAND USE DESIGNATION

The project site is in the Core Area Specific Plan (CASP), which also includes the City of Davis General Plan and its Land Use Map and Zoning. The General Plan designation for the project site is CASP, and the CASP Land Use designation is Retail Stores. The Downtown of the Core Area (the area bounded by First and Third Streets and D Street and the railroad tracks) is intended to provide a concentration of stores and uses that allows each to benefit from the presence of the others. Retail uses at ground floor level with professional and administrative offices and residential units are encouraged for upper stories in this zone within the Core Area. Cultural and entertainment uses are also permitted at ground floor level. Total floor area may reach three times the site area. Parking structures are excluded from the calculations of floor area ratio.

The CASP further encourages retail uses at the ground floor level in the Retail Stores area, with professional and administrative offices and residential units in the upper stories. However, the CASP does not explicitly prohibit ground floor residential uses in the Retail Stores area, and does note that some residential uses exist in the Retail Stores area of the Downtown Core. The CASP, therefore, does not prohibit ground floor residential uses in the Retail Stores area, and the Planning Commission, or City Council, could find that the proposed project is consistent with the CASP and the General Plan, provided that the project as a whole is consistent with the CASP and the General Plan.

The existing Land Use Designation for the site and the surrounding area is shown on Figure 2.0-9.

ZONING DESIGNATION

The project site is currently zoned Central Commercial (C-C). As stated in Section 40.14.030 of the City's Municipal Code, permitted uses in the C-C district are as follows:

- (a) Retail stores, shops and offices supplying commodities or performing services such as department stores, specialty shops, banks, and other financial institutions, personal and business service establishments, antique shops, artists' supply stores and similar uses, but not including gasoline service stations.

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- (b) Restaurants, including outdoor eating areas and establishments, establishments serving alcoholic beverages, and similar enterprises, but not including formula fast food restaurants.
- (c) Professional and administrative offices. First floor office uses discouraged in the downtown core as defined by the core area specific plan. Offices are not discouraged in C-C zones outside the downtown core.
- (d) Medical clinics.
- (e) Hotels and motels.
- (f) Business and technical schools, and schools and studios for photography, art, music, and dance.
- (g) Any other retail business or service establishment which the planning commission finds to be consistent with the purposes of this article and which will not impair the present or potential use of adjacent properties.
- (h) Group care homes with six or fewer clients, subject to the provisions of Section 40.26.135.
- (i) Family and group day care homes as defined in Section 40.01.010.
- (j) Infill developments containing any of the above uses.
- (k) Auto service stations with frontage on Fifth Street.
- (l) Theaters and movie houses.
- (m) Supportive housing.
- (n) Transitional housing.
- (o) Residential structures and apartments with densities up to those permitted in the Residential High Density Apartment (R-HD) district.

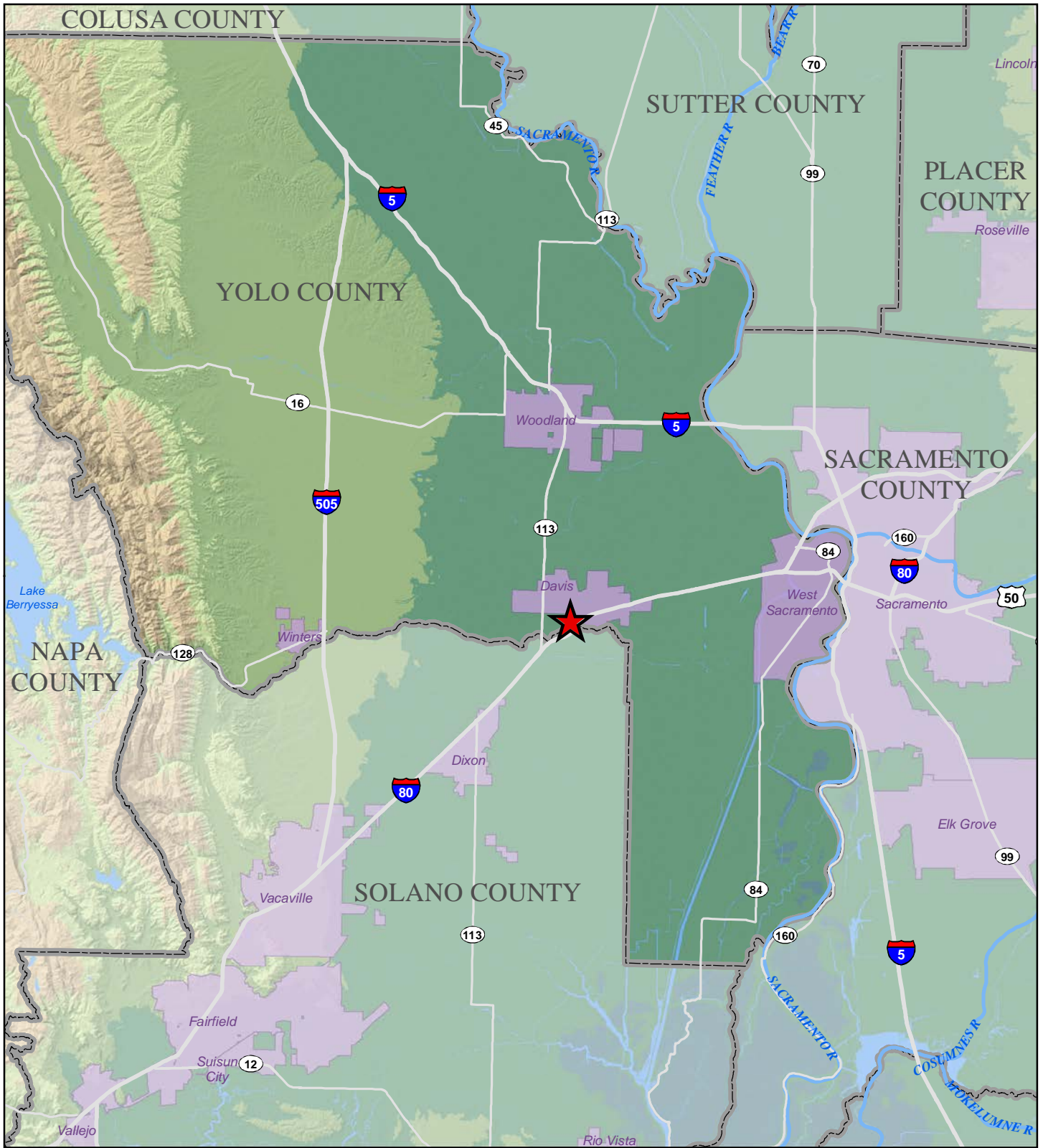
The fraternity house that is currently located on the project site is a legal nonconforming use, based on a Settlement Agreement and Release of all Claims entered into by and between the City and Theta Xi in 1995. However, if two of the buildings are demolished and Theta Xi constructs a new fraternity house on the western lot (as proposed), the new building would not retain the legal nonconforming status under the City's Zoning Code. The fraternity house constitutes a "living group" use, which is a conditional use within the Central Commercial District where the project site is located (see except of the Zoning Ordinance below). Therefore, the project would need approval of a Conditional Use Permit (CUP) for the proposed new fraternity house.

As stated in Section 40.14.050 of the City's Municipal Code, conditional uses in the C-C district are as follows:

- (a) Public and semipublic buildings and uses of a recreational, educational, religious, cultural or public services type, but not including corporation yards, storage or repair yards, warehouses and similar uses;
- (b) Infill developments containing any of the above uses;
- (c) On-site grade level parking;
- (d) Nursery schools and day care centers, subject to the provisions of Section 40.26.270;
- (e) Structures exceeding two stories;
- (f) Billiards/pool hall with two or fewer tables that are the sole or principal use or with three or more tables complying with the standards set forth in Section 40.26.055;

- (g) Drive-through facilities, subject to the provisions of Section 40.26.420;
- (h) Formula fast food restaurant. In addition to the considerations established in Section 40.30.080 for the granting of a conditional use permit, the planning commission or city council may consider the following in determining whether or not the use constitutes a nuisance, or is detrimental to the public welfare of the community: litter, odors, exterior design, signage, concentration of like uses, and the extent to which the use enhances the unique characteristics of the core area;
- (i) Group care homes with more than six clients, subject to the provisions of Section 40.26.135;
- (j) Cardrooms, subject to the provisions of Section 40.26.058, Sections 40.25.010 through 40.25.120, and Chapter 8A;
- (k) Drive-through facilities, subject to the provisions of Section 40.26.420;
- (l) Living groups;
- (m) Single room occupancy (SRO) units.




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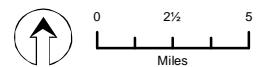


CITY OF DAVIS - THETA XI PROJECT

Figure 2.0-1. Regional Location Map

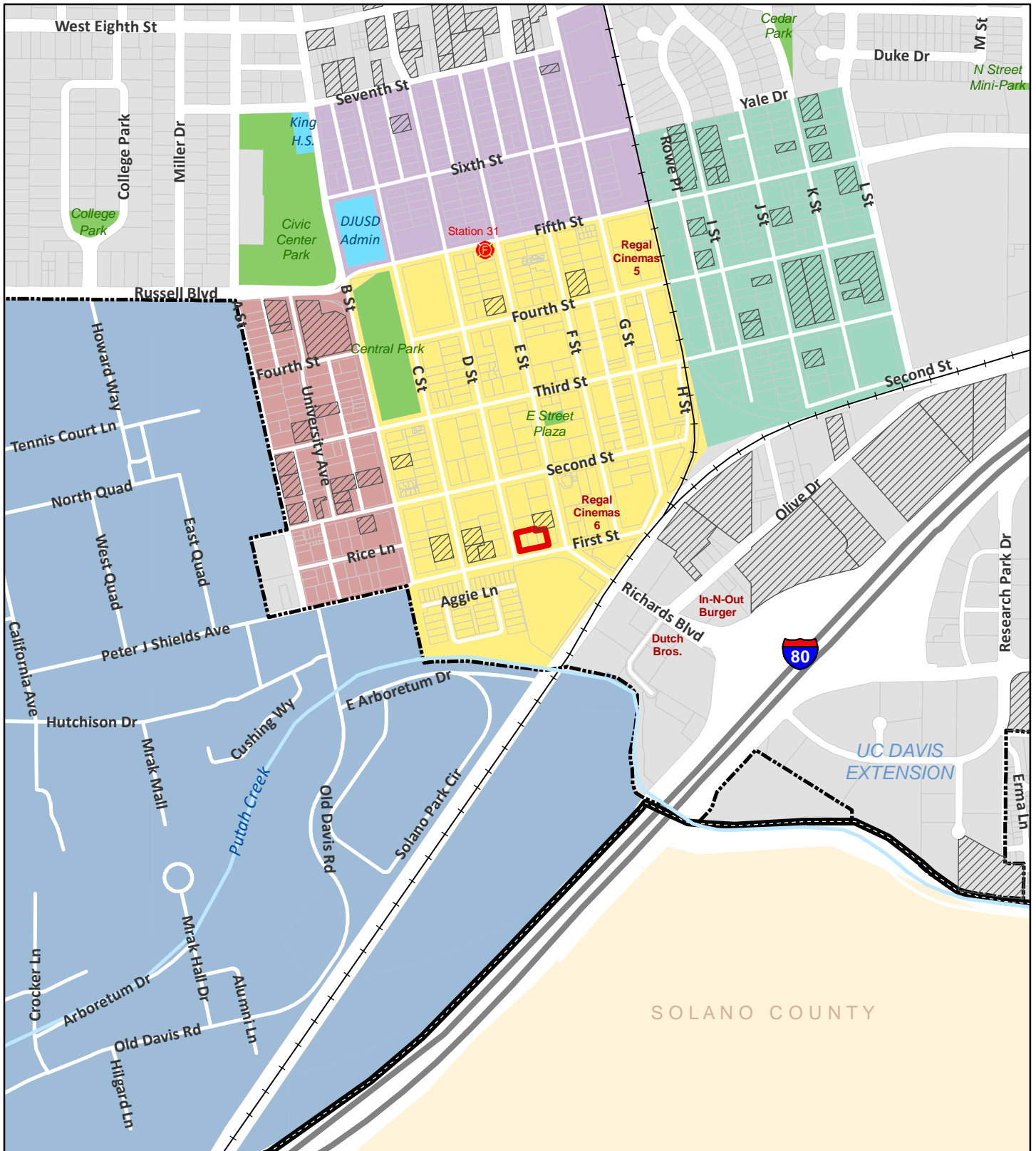
Legend

-  Project Location
-  City Area
-  County Boundary



Sources: CalAtlas; Yolo County; Sacramento County; Placer County; Solano County. Map date: January 16, 2019.

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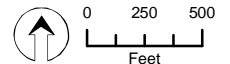


Legend

- | | | |
|---|---|---|
|  Project Boundary |  Fire Station | Neighborhood Districts |
|  Davis City Boundary |  City Park |  Downtown Davis |
|  Yolo County Boundary |  Public School |  Old East Davis |
|  UC Davis |  Apartments |  Old North Davis |
| | |  University Avenue |

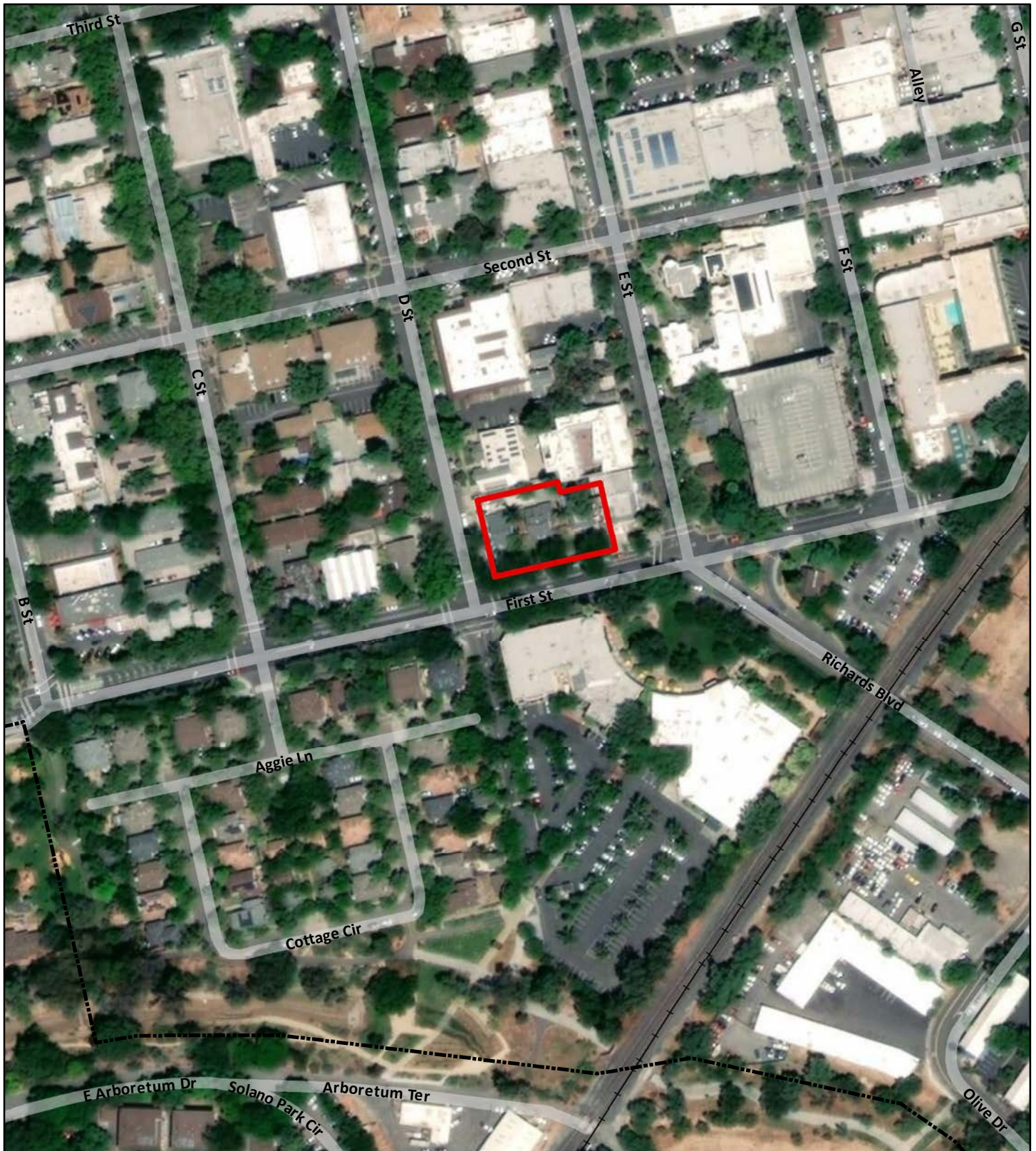
CITY OF DAVIS - THETA XI PROJECT

Figure 2.0-2. Vicinity Map



Sources: Yolo County; City of Davis; CalTrans. Map date: January 16, 2019.



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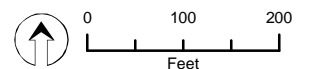


CITY OF DAVIS - THETA XI PROJECT

Figure 2.0-3. Aerial View of Project Site

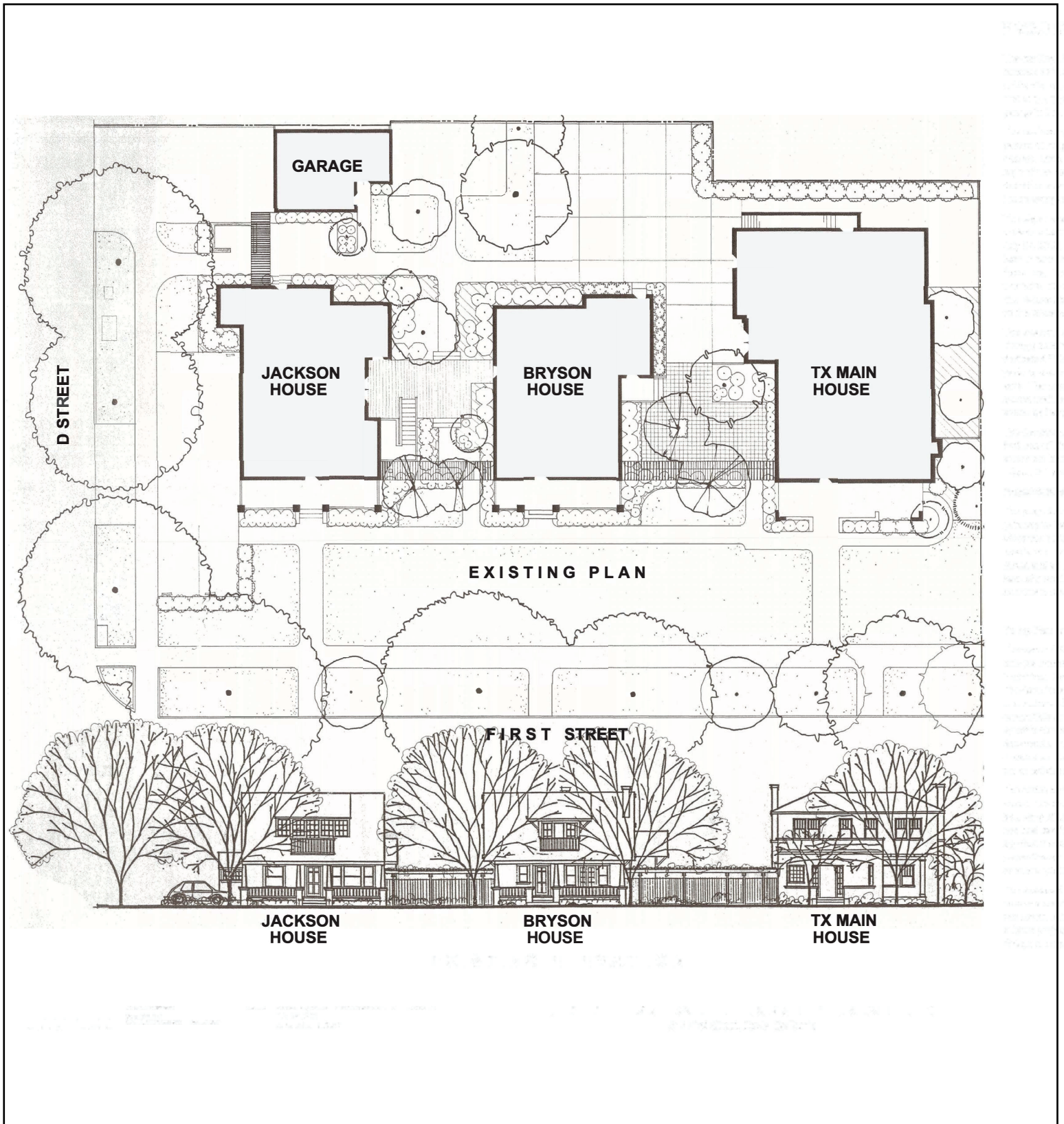
Legend

-  Project Boundary
-  Davis City Boundary



Sources: ArcGIS Online World Imagery Map Service; Yolo County; City of Davis; CalTrans. Map date: January 16,

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CITY OF DAVIS - THETA XI PROJECT

Figure 2.0-4. Existing Site Plan and Elevations



Source: YHLA Architects, January 3, 2018.
 Map date: January 16, 2019.

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View northwest on First Street



View north on First Street - Bryson House



View northeast on First Street



View north on First Street - Jackson House



View north on First Street - TX Main House

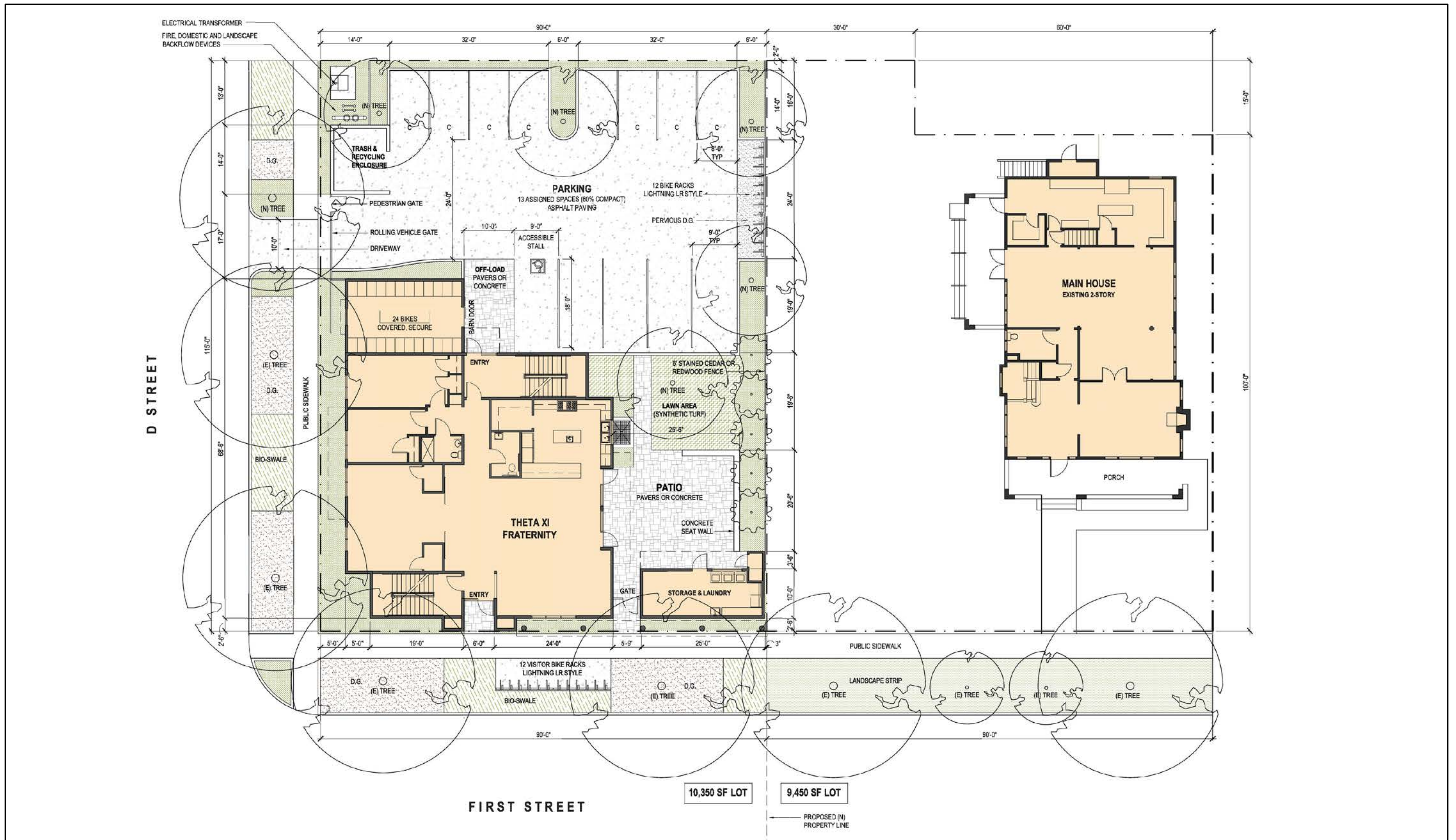


View east on D Street - Garage and Jackson House

CITY OF DAVIS - THETA XI PROJECT

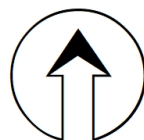
Figure 2.0-5. Existing Site Context Photos

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CITY OF DAVIS - THETA XI PROJECT

Figure 2.0-6. Proposed Site and First Floor Plan



Source: YHLA Architects, January 3, 2018.
Map date: January 17, 2019.

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CITY OF DAVIS - THETA XI PROJECT

Figure 2.0-7. Proposed Elevations



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View from 1st and D Streets looking northeast



View from north looking south



View from D Street looking southeast



View from 1st Street looking northwest



Birdseye view from 1st and D Streets looking northeast

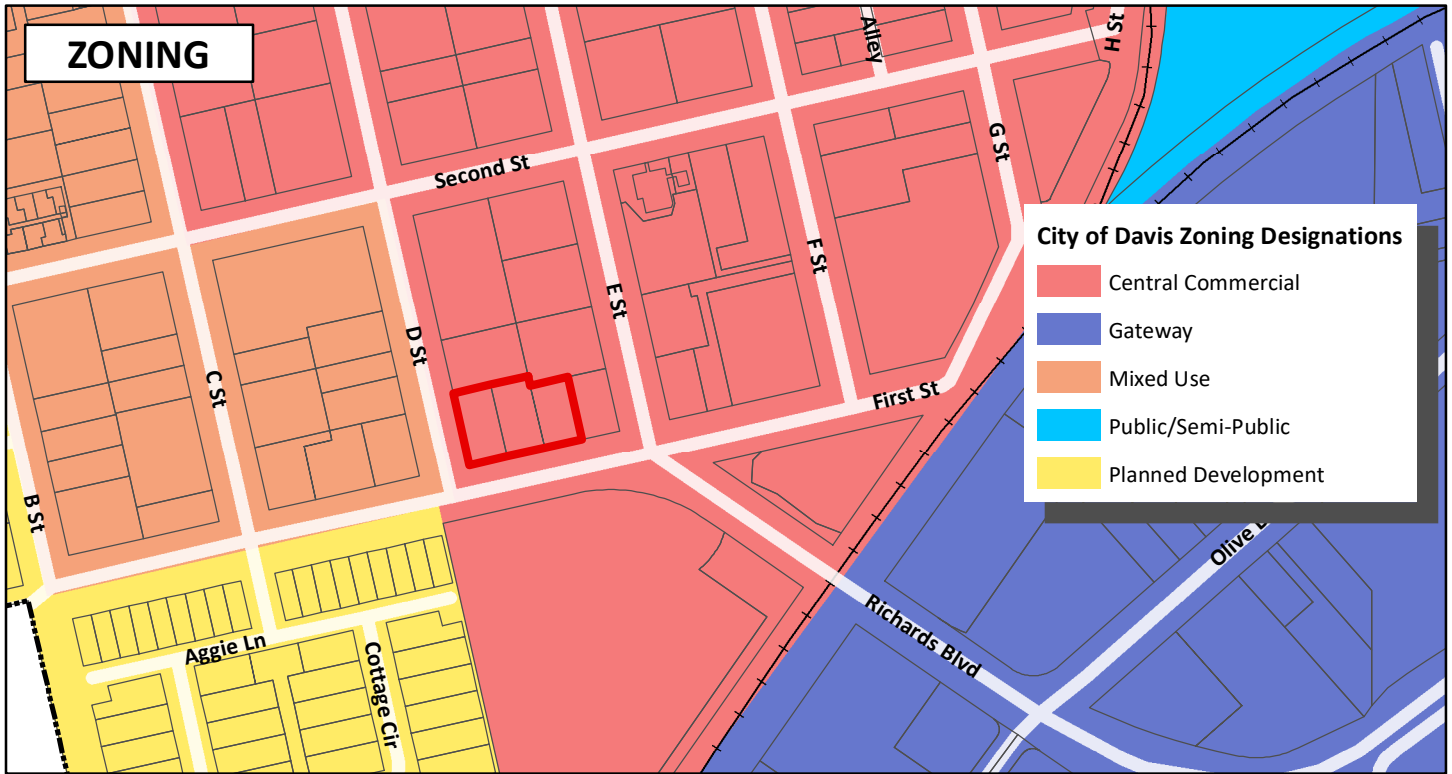
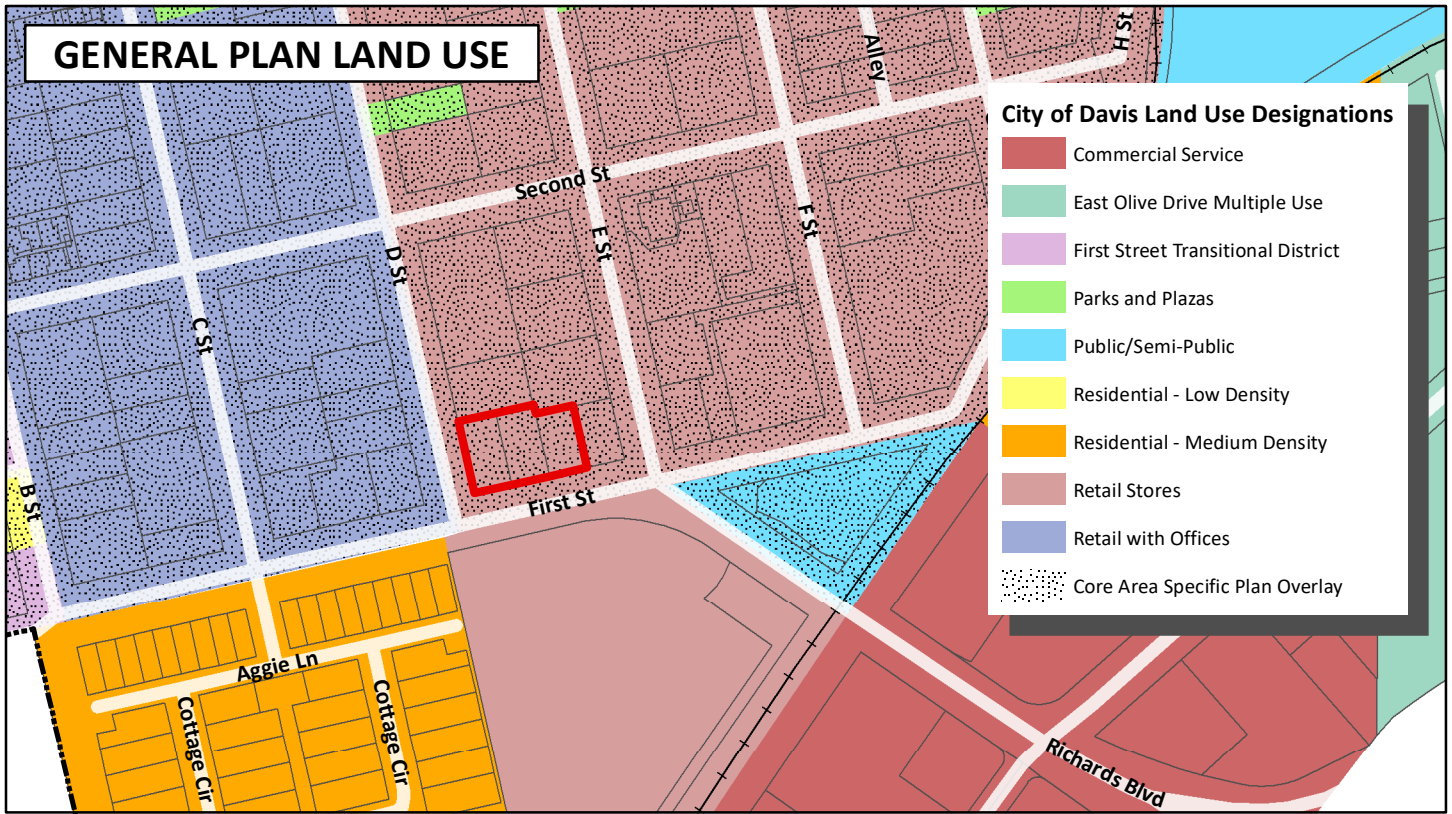


View from northeast looking southwest

CITY OF DAVIS - THETA XI PROJECT

Figure 2.0-8. Visual Simulations

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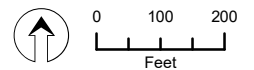


Legend

- Project Boundary
- Davis City Boundary

CITY OF DAVIS - THETA XI PROJECT

Figure 2.0-9. Existing General Plan and Zoning



Sources: ArcGIS Online World Imagery Map Service; Yolo County; City of Davis; CalTrans. Map date: January 16, 2019. Revised April 16, 2019.

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This EIR section provides a discussion of the archaeological, ethnographic, and historical background, known cultural resources in the region, the regulatory setting, an impact analysis, and mitigation measures.

Information in this section is derived primarily from the following reference documents:

- Historical Effects Analysis and Study of APN. 070-244-004-000; 070-244-006-000, & 070-244-005-000, 503, 509, and 515 First Street, Davis, Yolo County, California 95616 (Historical Resource Associates, 2018);
- Historical Resources Analysis Study of 503, 509, and 515 1st Street, Davis, Yolo County, California 95616 (Historical Resource Associates, 2016);
- City of Davis General Plan (Amended through January 2007).

Comments were received during the Notice of Preparation (NOP) comment period and NOP Scoping Meeting regarding cultural and tribal cultural resources from the following: Steven Quinn, Native American Heritage Commission (NAHC) (March 6, 2019); and Laverne Bill, Yocha Dehe Wintun Nation (NOP Scoping Meeting, March 18, 2019). These comment letters are addressed within this section.

3.1.1 ENVIRONMENTAL SETTING

PROJECT SETTING

The project site consists of approximately 0.45 acres located in the central portion of the City of Davis, north of the Interstate 80 (I-80) Freeway, at 503, 509, and 515 First Street. The project site can be identified by its Yolo County Assessor's Parcel Numbers (APNs) 070-244-004, 070-244-005, and 070-244-006. The project site is located in the Davis Downtown Core Area, near what is considered the historic gateway to the City of Davis.

The project site is currently developed with three two-story adjacent Theta Xi fraternity houses, totaling 19,800 square feet (sf). The three lots are owned by the Beta Epsilon Association of Theta Xi, a non-profit California corporation, and occupied by the fraternity. The site has provided student housing dating from 1950 when Theta Xi (TX) acquired the first of the three lots. From east to west, the fraternity houses include the "TX Main House" located at 515 First Street (3,964 total sf, excluding the basement), the "Bryson House" located at 509 First Street (2,009 total sf, excluding the basement), and the "Jackson House" located at 503 First Street (2,065 total sf, excluding the basement). There is a detached garage in the northwest corner of the project site, and the side yard of the Jackson House is used for off-street parking for approximately seven vehicles. Additionally, a paved recreation/patio area is situated behind the Jackson House and Bryson House. The site currently contains approximately 28 trees, including those located along the frontages of First Street and D Street. According to the Arborist Report (Tree Associates, 2019) six trees surveyed are considered "Trees of Significance" pursuant to the City's Tree Ordinance.

The project site is bounded by Second Street and existing mixed-use development to the north, D Street to the west, First Street to the south, and E Street and the Natsoulas Gallery to the east.

3.1 CULTURAL AND TRIBAL RESOURCES

The surrounding land uses consists of a mix of retail, single family, and apartment developments along First Street, D Street, and E Street. Adjacent parcels include a funeral home on D Street and Natsoulas Art Gallery on First Street adjacent to the TX Main House. The project site faces a landscaped buffer and the back of a retail building in a shopping plaza (i.e., Davis Commons) on the south side of First Street. See Figure 3.1-1, Vicinity Map, at the end of this chapter for a map of the surrounding uses and features.

ARCHAEOLOGICAL BACKGROUND

The Central Valley region was among the first in the state to attract intensive cultural and historical fieldwork, and research has continued to the present day. This has resulted in a substantial accumulation of data. In the early decades of the 1900s, E. J. Dawson explored numerous sites near Stockton and Lodi, later collaborating with W. E. Schenck (Schenck and Dawson, 1929). By 1933, the focus of work was directed to the Cosumnes locality, where survey and exploration were conducted by the Sacramento Junior College (Lillard and Purves, 1936). Excavation data, in particular, from the stratified Windmill Site (CA-Sac-107) suggested two temporally distinct cultural traditions. Later work at other mounds by Sacramento Junior College and the University of California enabled the investigators to identify a third cultural tradition intermediate between the previously postulated early and late horizons. The three-horizon sequence was based on discrete changes in ornamental artifacts and mortuary practices as well as an observed difference in soils within sites (Lillard, Heizer and Fenenga, 1939). This sequence was later refined by Beardsley (1954), with an expanded definition of artifacts diagnostic of each time period and was extended to parts of the central California coast. Traits held in common allow the application of this system within certain limits of time and space to other areas of prehistoric central California.

The Windmill Culture (Early Horizon) is characterized by ventrally-extended burials (some dorsal extensions are known), with westerly orientation of heads, a high percentage of burials with grave goods, frequent presence of red ocher in graves, large projectile points, of which 60 percent are of materials other than obsidian; rectangular *Haliotis* beads; *Olivella* shell beads (types Ala and L); rare use of bone; some use of baked clay objects; and well-fashioned charmstones, usually perforated.

The Cosumnes Culture (Middle Horizon) displays considerable changes from the preceding cultural expression. The burial mode is predominately flexed, with variable cardinal orientation and some cremations present. There are a lower percentage of burials with grave goods, and ocher staining is common in graves. *Olivella* beads of types C1, F and G predominate, and there is abundant use of green *Haliotis* sp. rather than red *Haliotis* sp. Other characteristic artifacts include perforated canid teeth, asymmetrical and "fishtail" charmstones, usually unperforated; cobble mortars and evidence of wooden mortars; extensive use of bone for tools and ornaments; large projectile points, with considerable use of rock other than obsidian; and use of baked-clay.

The Hotchkiss Culture (Late Horizon) burial pattern retains the use of the flexed mode, and there is widespread evidence of cremation, lesser use of red ocher, heavy use of baked clay, *Olivella* beads of Types E and M, extensive use of *Haliotis* ornaments of many elaborate shapes and forms,

shaped mortars and cylindrical pestles, bird-bone tubes with elaborate geometric designs, clamshell disc beads, small projectile points indicative of the introduction of the bow and arrow, flanged tubular pipes of steatite and schist, and use of magnetite (Moratto, 1984:181-183). The characteristics noted above are not all-inclusive, but cover the more important traits.

There have been other chronologies proposed for this general region. Fredrickson (1973) has correlated his research with Bennyhoff's (1977) work, and has defined, based upon the work of Bennyhoff, patterns, phases and aspects. Fredrickson also proposed periods of time associated heavily with economic modes, which provides a temporal term for comparing contemporary cultural entities.

ETHNOGRAPHIC BACKGROUND

The Patwin occupied the southern Sacramento Valley west of the Sacramento River from the town of Princeton, north of Colusa, south to San Pablo and Suisun bays. Patwin territory extended approximately 90 miles north to south and 40 miles east to west. Distinction is made between the River Patwin, who resided in large villages near the Sacramento River, especially between Colusa and Knights Landing, and the Hill Patwin, whose villages were situated in the small valleys along the lower hills of the Vaca Mountains and Coast Range, with concentrations in Long, Indian, Bear, Capay, Cortina and Napa valleys (Johnson, 1978:350; Powers, 1877:218). The term "Patwin" refers to the people belonging to the many small contiguous independent political entities in this area who shared linguistic and cultural similarities. Hill and River Patwin dialects are grouped into a North Patwin language, separate from South Patwin, spoken by people who live near present-day Knight's Landing and Suisun. Together, these are classified as southern Wintuan and belong to the Penutian language family as do the languages of the Miwok and Costanoan peoples in the study corridor (Johnson, 1978:350, 359; Kroeber, 1925:351-354).

Politically, the Patwin were organized in small tribes or tribelets, each consisting of a primary village with satellite villages. Tribelets were autonomous and differed from other such units in minor cultural variations. Dialects might encompass several tribelets. Territories were vaguely defined, but included fishing and gathering areas used by the group. In each village, a leader or chief administered subsistence ventures, such as hunting or gathering, and presided over ceremonies. Social and economic activities were divided among families within a village, with certain families responsible for different specialties such as trapping ducks, collecting salt, making foot drums, or performing particular dances or shamanistic rituals (Johnson, 1978:354-355).

Patwin territory includes the riverine environment of tule marshes, vines and brush near the Sacramento River, the flat grasslands dotted with oak groves, and the hills and small valley of the Coast Ranges. The villages situated on low bluffs near the river were often very large; in 1848, General Bidwell estimated at least 1000 residents at *Koru*, near Colusa (Powers, 1877:219). In the hills, the Patwin settled in the small valleys, particularly along Cache and Putah creeks, where large populations were reported. The plains were least hospitable; there, villages were sparse because of the seasonal flooding in winter and lack of reliable water sources during the dry months. As Powers described:

3.1 CULTURAL AND TRIBAL RESOURCES

In winter there was too much water on them, in summer none at all, and aborigines had no means of procuring an artificial supply. Besides there was no wood on them, and the overflowed portions in early summer breed millions of accursed gnats, which render human life a burden and weariness. Hence they were compelled to live beside water-sources, except during certain limited periods in the winter, when they established hunting-camps out on the plains (Powers 1877:219).

Kroeber noted that the Patwin responded to these seasonal changes by shifting their habitation sites:

The valley people evidently had their permanent villages on the river itself -- that is, in the marsh belt -- but appear to have left this during the dry half of the year to live on the adjacent plains, mostly by the side of tributaries. The upland people built their winter homes where the streams issue on these creeks, and in summer moved away from the main water courses into the hills or mountains (Kroeber 1925:354).

Within a village, the Patwin constructed earth-covered semi-subterranean structures. The Hill Patwin used a circular floor plan while the River Patwin favored an elliptical shape. Four types of building occurred in a predictable pattern: the ceremonial dance house was placed a short distance to the north or south of the village, the sudatory or sweat house was positioned to the east or west of the dance house, and the menstrual hut was built on the edge of the village, farthest from the dance house. Family dwellings could be erected anywhere within the community. Family lodges were built by one's paternal relatives while the other structures were the product of a communal effort. They used readily available materials, forming a framework of saplings, and covering the walls and roof with mud and brush (Johnson, 1978:357-358; Powers, 1877:220-221).

Natural resources flourished in Patwin territory. The Patwin gathered seeds and plant foods and hunted game animals on the plains, shot or netted ducks and other migratory water fowl in the thick tule marshes, and netted salmon and other fish in the rivers and streams. Some of these activities were conducted by groups or families assigned to particular resource areas by a village chief. Acorns were a staple in the Patwin diet. Two types of Valley oak and, rarely, live oak acorns were gathered at communally-owned groves (Johnson, 1978:355). Common practice was to store abundant quantities of acorns in tall granaries to assure against hunger in years of poor harvest. Kroeber observed a Patwin granary more than eight feet tall and three feet in diameter (Heizer and Elsasser, 1980:99). Women prepared the crop by pulverizing the acorns, then leaching out the bitter tannic acid before making bread or acorn soup. At privately-owned gathering tracts on the plains, families gathered seeds, including sunflower, alfalfa, clover, bunchgrass, wild oat and yellow-blossom. The Patwin also collected a variety of bulbs, nuts, roots and berries, including buckeye, pine nuts, juniper berries, manzanita berries, blackberries, wild grapes, brodiaea bulbs, and tule roots. To obtain salt, the Patwin scraped off rocks that were found near Cortina, burned a grass that grew on the plains or obtained it in trade from the neighboring Pomo (Johnson, 1978:355).

King salmon, silver salmon and steelhead trout that run from the ocean to fresh-water rivers and streams were an important diet item. Explorers observed Patwin fishing for salmon with a boom net in 1854 (Heizer and Elsasser, 1980: Figure 37). The Patwin also caught smaller fish and collected mussels from the river bottom. They attracted wild ducks by setting out realistic decoys, then drove the fowl into large nets stretched above the marshes. Hunters also netted mud hens, geese and quail. The Suisun tribelet pursued waterfowl in tule rafts (Powers 1877:220). The Patwin hunted large game, such as tule elk, deer, antelope and bear, and took many varieties of small animals, reptiles, insects and birds either to eat or to use for ceremonial and practical materials (Johnson, 1978:355).

The ceremonial life of the Patwin was centered on the Kuksu cult system, which features one or more secret societies, each with its own dances and rituals. The Kuksu cult occurs among several north central California tribes, but it was more elaborate among the Patwin who possessed three secret societies: the Kuksu, ghost and Hesi types, each with a slightly different purpose. The ghost society stressed initiation, the Kuksu emphasized curing the shamanistic functions, and the Hesi elaborated on ceremonial dancing (Johnson, 1978:353). In addition to ritual duties, shamans were called upon to heal the sick by applying native medicines or by sucking out the offending spiritual cause of the illness. The Patwin generally buried their dead, although the tribelets furthest south may have cremated the deceased. The Patwin near Colusa bent the body, wrapped it with strings of shell money and covered it with an animal skin secured with ropes. They interred the corpse with material goods in a grave situated within a village or within 100 yards of a dwelling or dance house (Kroeber, 1925:359-361).

Historic accounts of the Patwin include the early mission registers of baptisms, marriages and deaths of Indians taken to Mission Dolores and Mission San Jose as early as 1800. In 1823, Mission San Francisco Solano was established in nearby Sonoma and it continued the missions' work until about 1832-1836, when all the missions were secularized. During the Mexican period of the 1830s and 1840s, Mariano G. Vallejo maintained military control of the area and often negotiated with Patwin leader Chief Solano. During this time, several Mexican land grants were awarded and large ranchos were established on Putah and Cache creeks (Johnson, 1978:351).

Pre-contact population is difficult to estimate, but a survey of various sources seems to indicate that the Patwin may have numbered 4,000 before their first encounter with non-Indians. Missionization, punitive military expeditions and fatal confrontations with ranchers took their toll on the populace. John Work's party of trappers from the Hudson's Bay Company came down the Sacramento River in 1832, returning up the river in 1833. They unintentionally introduced a deadly disease to native California and, in their wake, a malaria epidemic swept through the Sacramento Valley. Just four years later, in 1837, smallpox raged through the villages and, as a result of these diseases, up to 75 percent of the Patwin died (Cook, 1955). Those who survived these tragedies eventually settled on small reservations or worked as ranch laborers. Throughout the 1800s and 1900s, the population decreased; in 1972, the Bureau of Indian Affairs counted only 11 Patwin in the entire territory. Three reservations--Colusa, Cortina and Rumsey--remain active in former Patwin territory; they are occupied primarily by descendants of Wintun and other groups (Bureau of Indian Affairs, 1983; Johnson, 1978:352).

3.1 CULTURAL AND TRIBAL RESOURCES

The City's location within the Patwin territory is shown in Figure 3.1-2 at the end of this chapter.

HISTORICAL BACKGROUND

The first settler in the Davis vicinity, Jerome Davis, settled on his land in the early 1850s. By 1856, Davis had 8000 acres of land, 1000 of which were enclosed. Davis irrigated portions of his land by pumping water from Putah Creek with a steam engine. Davis raised livestock, peaches, grapes, wheat and barley. By 1864, his ranch totaled about 13,000 acres, with 8,000 acres fenced.

In 1867, William Dresbach leased the Davis home, using it as a hotel, the "Yolo House." A settlement grew up in the vicinity, and Dresbach named it Davisville. This name persisted until 1907 when the University was established and the post office name was shortened to Davis.

In 1905, the State Legislature established the University Farm and the first buildings for the University were built in 1907. In 1922, the school was officially organized as a branch of the College of Agriculture of the University of California at Berkeley. More classes were added, and a College of Letters and Science organized in 1951. In 1959, Davis was authorized as a general campus of the University of California (Kyle, 1990:537).

The rich agricultural lands surrounding Davis continued to be developed and the railroad siding at Chiles became a busy shipping point. The mainline in this area was first constructed by the Central Pacific Railroad just after the Civil War. It was acquired by the Southern Pacific in 1884 and was their mainline from the Bay Area until the Union Pacific acquired the Southern Pacific in 1996.

The 1915 Official Map for Yolo County shows Henry C. Liggett as the owner of the project site, originally 175 acres. The property changed hands several times until the site was acquired by Joseph F. Silva in 1929. Silva was a Portugese immigrant. Between 1929 and 1937, Silva built some improvements on the property. One building appears to have been built on the site before 1907, but apparently removed in the 1930s by Silva. Silva owned and operated a dairy on the property until 1951. He then sold the project to Antony Machado (Supernowicz, 1994).

Machado owned the project site, originally 175 acres, until 1958. He sold the site to Ben and Victoria Williams, who retained the property until 1985 (Derr, 1991). At the time Supernowicz visited the property to record and evaluate the resource in 1994, there were four buildings and two structures as well as farm machinery (Supernowicz, 1994).

KNOWN CULTURAL AND HISTORICAL RESOURCES

The project site is located approximately 635 feet northeast of Putah Creek. Prehistoric period settlement in the project region was focused on areas with elevated terrain closer to permanent water sources. Additionally, the project site is located within 300 feet of a Merit Resource, the Boy Scout Hut, located at 616 First Street. "Merit Resource" means buildings, structures, objects, signs, features, sites, places, areas, cultural landscapes or other improvements with scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to the citizens of the City of Davis and designated as such by the City Council pursuant to the provisions of Article 40.23. Once

designated, Merit Resources are included in the Davis Register. Merit Resources were formerly designated as “Historical Resources.”

Historical Resource Analysis Study (2016)

According to the Historical Resources Analysis Study of 503, 509, and 515 1st Street, Davis, Yolo County, California 95616 (Historical Resource Associates, 2016), all three properties were formally recorded in 1996 by Bridget Maley (Architectural Resource Group); in 2003 by Roland-Nawi Associates; and in 2015 by Rand Herbert. The properties at 503 and 509 First Street were recently assigned a National Register of Historic Places (NRHP) status code of 5D2, while 515 First Street was recently assigned a NRHP status code of 5D3. Code 5D2 indicates that a resource is a contributor to a district that is eligible for local listing or designation. Code 5D3 indicates that a resource appears to be a contributor to a district that appears eligible for local listing or designation through survey evaluation. Resources with a code that starts with “5” indicate properties that are recognized as historically significant by a local government.

The disparity between the status codes appears to reflect a difference in whether the properties “appear” to be contributors to a local historic district based upon survey evaluation, as is the case with 503 and 509 First Street, or, in the case of 515 First Street, where the property is “eligible” for local listing or designation. In either case, all three properties appear to be eligible for local listing. As such, CEQA review of the three properties is warranted.

The Historic Property Database maintained by the State Historic Preservation Office (SHPO) was intended as a record of past actions either made directly by the SHPO through a consensus determination of eligibility, by National Register nomination, or by other actions of a local government. The Historic Property Database was not intended as a legal document in that the code is a “static” finding, but rather as a “status code” applied through some form of governmental action or decision. The disparity between the status codes arises because the status codes are out of date. Local governments have the ability to change or augment their previous actions as new information is gathered or updated. Many of the old status codes for the existing buildings were provided based upon cursory surveys which were funded through SHPO grants from the 1970s and 1980s, while others are related to other previous actions from the 1990s and early 2000s.

In conclusion, a local government, such as the City of Davis, has the responsibility and actionability to augment or change findings related to historic properties based upon new information or more detailed historical analysis. The status code assigned to the existing buildings does not invalidate the historical analysis completed for the project.

Historical Effects Analysis Study (2018)

As noted above, the existing Theta Xi Fraternity currently occupies three adjacent parcels containing three dwellings located on First Street between D Street and the Natsoulas Gallery Building. The three parcels at 503, 509, and 515 First Street are owned by the Beta Epsilon Association of Theta Xi, a non-profit California corporation, and occupied by the fraternity. The site

3.1 CULTURAL AND TRIBAL RESOURCES

has provided student housing dating from 1950, when Theta Xi acquired the first of the three parcels. From west to east are the “Jackson House,” the “Bryson House,” and the “TX Main House.” There is also a detached garage structure that includes an attached laundry room in the northwest corner behind the Jackson House. Each house is discussed in detail below.

503 FIRST STREET – JACKSON HOUSE

As previously described, 503 First Street was formally recorded and evaluate in 1996 by Bridget Maley of Architectural Resource Group; in 2003 by Roland-Nawi Associates; and in 2015 by Rich Rifkin and Rand Herbert. In 1996, Maley described 503 First Street as a one and a half story, wood-frame, Craftsman style house with a long sloping gable roof running parallel to First Street. According to Roland-Nawi Associates, the house was built in 1912. Based upon historic photographs, 503 First Street appears to have originally been a single-story house with a large attic and a basement. The shed roof dormer centered on the roof facing First Street had no veranda and railing or outside access when the house was built. This feature appears to have been added by Theta Xi Fraternity in the 1970s, when the attic was converted to a living area for fraternity members. In 2003, Roland-Nawi Associates stated that the house was built for the Anderson family of Davis. This has been verified through federal census data, however, it is unclear if Anderson was the original owner. According to Maley, Anderson was an important figure during the twentieth century in Davis, associated with commercial and civic life. Anderson was among a number of successful merchants in Davis, and the Anderson family continues in business to this day in the city.

Besides the entire interior having been altered to create bathrooms and additional rooms for students, the east elevation of the house has been altered with the addition of a raised wooden deck and exterior stairway to access the second-story rooms. The northwest corner of the house was also altered when the original extended porch was enclosed and the brick fireplace was removed.

Behind the residence is a garage/shed that was built after 1921 and expanded in later years. Today, the interior of the house features five bedrooms downstairs and two upstairs, with one bathroom downstairs.

509 FIRST STREET – BRYSON HOUSE

The home at 509 First Street, which was reportedly built in 1912, resembles its neighbor to the west (the Jackson House). The two houses were undoubtedly built at the same time by the same builder and designed by the same architect. The property was initially recorded in 1996 by Bridget Maley of Architectural Resource Group; in 2003 by Roland-Nawi Associates; and in 2015 by Rich Rifkin and Rand Herbert.

Based upon historic photographs, 509 First Street, unlike 503 First Street, appears to have had a rooftop balcony accessed from the central roof-top dormer. This would suggest the home was built with a second-story living area. The current railing is a more recent addition, as is the second door to the right of the replaced front door. It should also be noted one of the truncated wood

columns is missing, and, like 503 First Street, the brick fireplace was removed from the east wall. 509 First Street also features a basement.

Today, the interior of the residence features four bedrooms downstairs, three bedrooms upstairs, one bathroom downstairs, and one bathroom upstairs.

515 FIRST STREET – TX MAIN HOUSE

As previously described, 515 First Street, which was built in 1920, was initially recorded in 1996 by Bridget Maley of Architectural Resource Group; in 2003 by Roland-Nawi Associates; and in 2015 by Rich Rifkin and Rand Herbert. Maley described the building as eclectic, with Spanish or Mediterranean character, and that it appeared to have numerous alterations. In 2003, Roland-Nawi Associates stated that it appeared to retain integrity. In 2015, Rifkin recorded the residence on a 523 Update Sheet, and Herbert evaluated the property giving it a 5D3 rating. No additional research appears to have been done on the property since its recordation and evaluation by Maley in 1996.

This residence has been altered since its construction in circa 1920. Unlike 503 and 509 First Street, 515 First Street was a much larger home, but it also was designed with a full two-stories and basement. Unlike 503 and 509 First Street, which have horizontal board exterior siding, the walls of 515 First Street are clad with stucco.

Today, the interior of the residence features no bedrooms downstairs, seven bedrooms upstairs, one upstairs bathroom, one downstairs bathroom, and includes a kitchen, dining room, living room and entry hall downstairs. Most of the windows and doors in the house appear to be original wood-sash, many having gridded or divided lights.

The most dramatic change is to the front veranda, which was altered in the 1950s following acquisition by the Theta Xi Fraternity. The alteration involved demolishing the old porch, which extended half-way across the front of the building, followed by a decorative wood pergola. Instead, the replacement design featured a full front porch or veranda having two arches of unequal size, and a closed veranda wall on the second story that masks the fenestration, namely the doors and windows.

Consultation

The City has initiated tribal consultation in accordance with Assembly Bill (AB) 52. In letters dated April 27, 2018, the City sent tribal consultation letters to the Yocha Dehe Wintun Nation. In the letter, the City provided the tribe with information regarding the proposed project and requested that the tribes supply any information they might have concerning prehistoric sites or traditional use areas within the project site. The Yocha Dehe Wintun Nation responded to the letter on March 22, 2018. The Yocha Dehe letter notes that the project site is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, the Tribe has cultural interest and authority in the project area. The letter further notes that the Tribe has concerns that the project would impact known archaeological and/or cultural sites. The letter concludes that the Yocha Dehe Wintun Nation

3.1 CULTURAL AND TRIBAL RESOURCES

recommends including cultural monitors during development or ground disturbance, including backhoe and trenching excavations.

3.1.2 REGULATORY SETTING

FEDERAL

National Historic Preservation Act

The National Historic Preservation Act was enacted in 1966 as a means to protect cultural resources that are eligible to be listed on the NRHP. The law sets forth criterion that is used to evaluate the eligibility of cultural resources. The NRHP is composed of districts, sites, buildings, structures, objects, architecture, archaeology, engineering, and culture that are significant to American History.

Virtually any physical evidence of past human activity can be considered a cultural resource. Although not all such resources are considered to be significant and eligible for listing, they often provide the only means of reconstructing the human history of a given site or region, particularly where there is no written history of that area or that period. Consequently, their significance is judged largely in terms of their historical or archaeological interpretive values. Along with research values, cultural resources can be significant, in part, for their aesthetic, educational, cultural and religious values.

STATE

California Register of Historic Resources

The CRHR was established in 1992 and codified in the Public Resource Code §5020, 5024 and 21085. The law creates several categories of properties that may be eligible for the CRHR. Certain properties are included in the program automatically, including: properties listed in the NRHP; properties eligible for listing in the NRHP; and certain classes of State Historical Landmarks. Determining the CRHR eligibility of historic and prehistoric properties is guided by CCR §§15064.5(b) and Public Resources Code (PRC) §§21083.2 and 21084.1. NRHP eligibility is based on similar criteria outlined in Section 106 of the National Historic Preservation Act (NHPA) (16 U.S. Code [USC] 470).

Cultural resources, under CRHR and NRHP guidelines, are defined as buildings, sites, structures, or objects that may have historical, architectural, archaeological, cultural, or scientific importance. A cultural resource may be eligible for listing on the CRHR and/or NRHP if it:

- is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- is associated with the lives of persons important in our past;
- embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual or possesses high artistic values; or

- has yielded, or may be likely to yield, information important in prehistory or history.

If a prehistoric or historic period cultural resource does not meet any of the four CRHR criteria, but does meet the definition of a “unique” site as outlined in PRC §21083.2, it may still be treated as a significant resource if it is: an archaeological artifact, object or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information,
- it has a special and particular quality such as being the oldest of its type or the best available example of its type, or
- it is directly associated with a scientifically recognized important prehistoric or historic event.

California Environmental Quality Act

CEQA Guidelines §15064.5 provides guidance for determining the significance of impacts to archaeological and historical resources. Demolition or material alteration of a historical resource, including archaeological sites, is generally considered a significant impact. Determining the CRHR eligibility of historic and prehistoric properties is guided by CCR §§15064.5(b) and PRC §§21083.2 and 21084.1. NRHP eligibility is based on similar criteria outlined in Section 106 of the NHPA (16 U.S. Code [USC] 470).

CEQA also provides for the protection of Native American human remains (CCR §15064.5[d]). Native American human remains are also protected under the Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 et seq.), which requires federal agencies and certain recipients of federal funds to document Native American human remains and cultural items within their collections, notify Native American groups of their holdings, and provide an opportunity for repatriation of these materials. This act also requires plans for dealing with potential future collections of Native American human remains and associated funerary objects, sacred objects, and objects of cultural patrimony that might be uncovered as a result of development projects overseen or funded by the federal government.

Assembly Bill 52

AB 52, approved in September 2014, creates a formal role for California Native American tribes by creating a formal consultation process and establishing that a substantial adverse change to a tribal cultural resource has a significant effect on the environment. Tribal cultural resources are defined as:

- 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the CRHR
 - B) Included in a local register of historical resources as defined in PRC §5020.1(k)

3.1 CULTURAL AND TRIBAL RESOURCES

- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC §5024.1 (c). In applying the criteria set forth in PRC §5024.1 (c) the lead agency shall consider the significance of the resource to a California Native American tribe.

A cultural landscape that meets the criteria above is also a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. In addition, a historical resource described in PRC §21084.1, a unique archaeological resource as defined in PRC §21083.2(g), or a “non-unique archaeological resource” as defined in PRC §21083.2(h) may also be a tribal cultural resource if it conforms with above criteria.

AB 52 requires a lead agency, prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

Assembly Bill 978

In 2001, AB 978 expanded the reach of Native American Graves Protection and Repatriation Act of 1990 and established a state commission with statutory powers to assure that federal and state laws regarding the repatriation of Native American human remains and items of patrimony are fully complied with. In addition, AB 978 also included non-federally recognized tribes for repatriation.

LOCAL

City of Davis General Plan

The City of Davis General Plan contains the following goals, policies, and standards that are relevant to cultural resources:

HISTORIC AND ARCHAEOLOGICAL RESOURCES

Goal HIS 1. Designate, preserve and protect the archaeological and historic resources within the Davis community.

Policy HIS 1.2. Incorporate measures to protect and preserve historic and archaeological resources into all planning and development.

Standard HIS 1.2(b). A cultural resources survey shall be required for development sites where cultural resource conditions are not known (as required by the Planning and Building Department). Resources within a project site that cannot be avoided should be evaluated. Additional research and test excavations, where

appropriate, should be undertaken to determine whether the resource(s) meets CEQA and/or NRHP significance criteria. Impacts to significant resources that cannot be avoided will be mitigated in consultation with the lead agency for the project. Possible mitigation measures include:

- a data recovery program consisting of archaeological excavation to retrieve the important data from archaeological sites;
- development and implementation of public interpretation plans for both prehistoric and historic sites;
- preservation, rehabilitation, restoration, or reconstruction of historic structures according to Secretary of Interior Standards for Treatment of Historic Properties;
- construction of new structures in a manner consistent with the historic character of the region; and
- treatment of historic landscapes according to the Secretary of Interior Standards for Treatment of Historic Landscapes.

Policy HIS 1.3. Assist and encourage property owners and tenants to maintain the integrity and character of historic resources, and to restore and reuse historic resources in a manner compatible with their historic character.

City of Davis Municipal Code

The City of Davis Demolition Ordinance establishes requirements and procedures for the demolition of structures for the public safety and to ensure that potentially significant historical properties are not demolished without being identified. On March 11, 2014, The City Council adopted Ordinance 2433 which updated the Demolition Ordinance. The Demolition Ordinance requires the following:

- For demolitions in general subject to the Ordinance, preparation of a site management plan prior to issuance of a demolition permit with details such as a material recycling plan, tree identification and protection/preservation consistent with the City Tree Preservation Ordinance, site grading, sidewalk protection and pedestrian access around the site, runoff control, weed control, details of any proposed fencing or screening, and the site appearance control.
- For demolition of structures within the adopted conservation district (Article 40.13A) or historic district, all necessary discretionary entitlements, including, but not limited to, design review, conditional use permits, map applications, public hearings, CEQA clearance, and any other discretionary entitlements that may be necessary for the construction of a replacement project shall be completed prior to issuance of a demolition permit.
- For demolition of structures that are fifty or more years old, review of the demolition shall occur in accordance with the City's Historic Resources Management Ordinance (Municipal Code Article 40.23) which includes a determination if the structure meets the criteria for potential historic designation.

3.1 CULTURAL AND TRIBAL RESOURCES

Additionally, Article 40.23, Historical Resources Management, of the City’s Municipal Code aims to promote the general welfare by providing for the identification, designation, protection, enhancement, perpetuation, and use of historical resources including improvements, buildings, structures, objects, signs, features, sites, cultural landscapes, places, and areas within the city that reflect special elements of the city’s historical, architectural, archaeological, cultural, or aesthetic heritage. Section 40.23.040 of the Code establishes the City’s Historical Resources Management Commission, which has several powers and duties. Section 40.23.060 of the Code establishes the designation criteria required in order to be designated as a “Landmark” or a “Historic District.” The following summarizes the criteria required to be designated as a “Landmark”:

Upon the recommendation of the historical resources management commission and approval of the city council a historical resource may be designated a landmark if the resource meets any of the following four criteria at the local, state, or national level of significance and retains a high level of historic integrity as defined by this article.

- 1) Associated with events that have made a significant contribution to the broad patterns in the history of Davis, California, or the nation; or
- 2) Associated with the lives of significant persons in the history of Davis, California, or the nation; or
- 3) Embodies the distinctive characteristics of a type, period, architectural style or method of construction; or that represents the work of a master designer; or that possesses high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- 4) Has yielded or may likely yield archaeological or anthropological information important in the study of history, prehistory, or human culture.

3.1.3 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

Consistent with Appendix G of the CEQA Guidelines, the proposed project is considered to have a significant impact on cultural resources if it will:

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5;
- Cause a substantial adverse change in the significance of archaeological resource pursuant to CEQA Guidelines §15064.5;
- Directly or indirectly destroy a unique paleontological resource;
- Disturb any human remains, including those interred outside of formal cemeteries;
- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either:
 - 1) a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, that is listed or eligible for listing on the California Register of Historical Resources, or on a local register of historical resources as defined in Public Resources Code §5020.1(k), or

- 2) a resource determined by a lead agency, in its discretion and supported by substantial evidence, to be significant according to the historical register criteria in Public Resources Code §5024.1 (c), and considering the significance of the resource to a California Native American tribe.

IMPACTS AND MITIGATION MEASURES

Impact 3.1-1: Project implementation has the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5 (Significant and Unavoidable)

The project site is located in an area known to have historical resources. As discussed previously, three locally-historic resources are located on the project site: the Jackson House (503 First Street), the Bryson House (509 First Street), and the TX Main House (515 First Street). As previously described, all three locally-historic resources were formally recorded and evaluate in 1996 by Bridget Maley of Architectural Resource Group; in 2003 by Roland-Nawi Associates; and in 2015 by Rich Rifkin and Rand Herbert. Each resource is discussed in detail below.

503 FIRST STREET – JACKSON HOUSE

This residence was recently assigned a NRHP status code of 5D2. Code 5D2 indicates that a resource is a contributor to a district that is eligible for local listing or designation. Resources with a code that starts with “5” indicate properties that are recognized as historically significant by a local government. This property is currently listed as significant historical resources under CEQA, having been determined to be eligible for the CRHR. During the NOP Scoping Meeting for the project, which was held by the City’s Historical Resources Management Commission, evidence was presented that suggests that this NRHP status code of 5D2 was erroneously applied to the building. According to Commissioner Miltenberger of the City’s Historical Resources Management Commission, this residence was first assigned a 5D3 status code during a 2003 survey. Commissioner Hickman asserts that subsequent evaluations have simply carried that code forward. The carrying forward appears to have been an error that failed to take into account a revision of status codes that was undertaken by the California State Office of Historic Preservation in August 2003. The revision was published in the California State Office of Historic Preservation’s Technical Assistance Bulletin No. 8. Prior to the revision, the 5D3 status code indicated that a resource had been determined ineligible for local listing but that it was part of a district that was eligible “for special consideration in local planning” (i.e., a conservation overlay district). Following the revision, the 5D3 status code for this residence was converted to 6L, retaining the same meaning that it was found ineligible for local listing but might warrant special consideration in local planning. In the State’s roster of historic resources (the California Historical Resources Information System [CHRIS] inventory), this residence was in fact converted to a 6L status. A structure with a 6L status code is not considered a historic resource for the purposes of CEQA. It is noted that this position is not shared by Historic Resource Associates, the historical consultant who prepared the Historical Resource Analysis Study and the Historical Effects Analysis Study for the proposed

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project. The NRHP status code is one of the many considerations a local government may use when determining if a structure is historically significant. Other considerations could include historical significance of a structure and historical analysis completed by historians. In conclusion, this property is currently listed as significant historical resources under CEQA, as determined by Historic Resource Associates.

This residence would be demolished as part of the proposed project. The previous studies of the residence have concluded that the residence has a status code of 5D2, meaning that the residence is a contributor to a district that is eligible for local listing or designation. According to the Historical Resources Analysis Study (Historical Resource Associates, 2016) and the Historical Effects Analysis Study (Historical Resource Associates, 2018), this property is currently listed as significant historical resources under CEQA, having been determined to be eligible for the CRHR. Because this residence would be demolished, a potentially significant impact would result to this resource.

509 FIRST STREET – BRYSON HOUSE

This residence was also recently assigned a NRHP status code of 5D2. As noted above, code 5D2 indicates that a resource is a contributor to a district that is eligible for local listing or designation. Resources with a code that starts with “5” indicate properties that are recognized as historically significant by a local government. This property is currently listed as significant historical resources under CEQA, having been determined to be eligible for the CRHR.

This residence would also be demolished as part of the proposed project. The previous studies of the residence have concluded that the residence has a status code of 5D2, meaning that the residence is a contributor to a district that is eligible for local listing or designation. As noted above, according to the Historical Resources Analysis Study (Historical Resource Associates, 2016) and the Historical Effects Analysis Study (Historical Resource Associates, 2018), this property is currently listed as significant historical resources under CEQA, having been determined to be eligible for the CRHR. Because this residence would be demolished, a potentially significant impact would result to this resource.

515 FIRST STREET – TX MAIN HOUSE

This residence was recently assigned a NRHP status code of 5D3. Code 5D3 indicates that a resource appears to be a contributor to a district that appears eligible for local listing or designation through survey evaluation. Resources with a code that starts with “5” indicate properties that are recognized as historically significant by a local government. This property is currently listed as significant historical resources under CEQA, having been determined to be eligible for the CRHR.

This residence would not be demolished as part of the proposed project. During construction of the project, the TX Main House would continue to serve the fraternity's housing and study needs. Once the proposed three-story fraternity building is completed, the fraternity would consolidate all of its activities onto the new western parcel. Once the fraternity is consolidated into the

western parcel and associated three-story building, the TX Main House, along with its expanded lot, would be vacated and placed for sale or lease to a third party on the open market. As such, the TX Main House would not be retained for TX Fraternity uses.

Because the project does not include demolition of this residence, a less-than-significant impact would result to this resource.

CONCLUSION

Because the Jackson House (503 First Street) and Bryson House (509 First Street) buildings are significant resources or historic properties, demolition of the buildings is a significant impact under CEQA. This is a potentially significant impact.

MITIGATION MEASURE(S)

Mitigation Measure 3.1-1: *The project applicant shall fund and implement the following measures:*

- 1. A qualified architectural historian, as approved by the City of Davis Community Development and Sustainability Department, shall be retained to prepare a "Historic Documentation Report." The report shall include current photographs of each building displaying each elevation, architectural details or features, and overview of the buildings, together with a textual description of the building along with additional history of the building, its principal architect or architects, and its original occupants to the extent that information about those occupants can be obtained. The photo-documentation shall be done prior to demolition of the Jackson House (503 First Street) and Bryson House (509 First Street) buildings. The photo-documentation shall also be done in accordance to Historic American Building Survey/Historic Engineering Record (HABS/HAER) guidelines, which shall include archival quality negatives and prints. The final Report shall be deposited with the City of Davis Community Development and Sustainability Department, the Hattie Weber Museum, the State Office of Historic Preservation, and other appropriate organizations and agencies as identified by the Planning Department, prior to issuance of the building permit for the proposed new structure.*
- 2. A publicly accessible space for a memorial or interpretive plaque/display shall be placed and maintained on or near the former location of the subject properties, identifying the former location of the building, its original owner, and its historic significance. The memorial or interpretive plaque/display shall be provided prior to issuance of the certificate of occupancy.*

These requirements shall be included as a note on the project's Improvement Plans, subject to review and approval by the City of Davis Community Development and Sustainability Department.

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.1-1 would require preparation of a Historic Documentation Report which includes current photographs of each building displaying each

3.1 CULTURAL AND TRIBAL RESOURCES

elevation, architectural details or features, and overview of the buildings, together with a textual description of the building along with additional history of the building, its principal architect or architects, and its original occupants to the extent that information about those occupants can be obtained. The Report would be deposited with the City of Davis Community Development and Sustainability Department, the Hattie Weber Museum, the State Office of Historic Preservation, and other appropriate organizations and agencies as identified by the Planning Department. Mitigation Measure 3.1-1 also requires that a publicly-accessible memorial or interpretive plaque/display, which identifies the former location of the building, its original owner, and its historic significance, be maintained on the project site.

The Jackson House and Bryson House, both proposed for demolition, are currently listed as significant historical resources under CEQA, having been determined to be eligible for the CRHR Based on the statements and conclusions shown in the *Historical Effects Analysis and Study* (Historical Resource Associates, 2018) and the *Historical Resources Analysis Study* (Historical Resource Associates, 2016), the project's impacts to historical resources would be **significant and unavoidable**.

Impact 3.1-2: Project implementation has the potential to cause a substantial adverse change to a significant tribal cultural resource, as defined in Public Resources Code §21074 (Less than Significant with Mitigation)

The Yocha Dehe Wintun Nation responded to the City's AB 52 letter for the proposed project on March 22, 2018. The Yocha Dehe letter notes that the project site is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, the Tribe has cultural interest and authority in the project area. The letter further notes that the Tribe has concerns that the project would impact archaeological and/or cultural sites. The letter concludes that the Yocha Dehe Wintun Nation recommends including cultural monitors during development or ground disturbance, including backhoe and trenching excavations.

While there are no known tribal resources known to exist on the project site, as with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown cultural resource or tribal cultural resource. This is a potentially significant impact.

MITIGATION MEASURE(S)

Mitigation Measure 3.1-2: *All construction workers shall receive a sensitivity training session before they begin site work. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the project site. The sensitivity training shall cover laws pertaining to cultural resources, examples of cultural resources that may be discovered in the project site, and what to do if a cultural resource, or anything that may be a cultural resource, is discovered.*

If any subsurface historic remains, prehistoric or historic artifacts, paleontological resources, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Davis Department of Community Development and Sustainability shall be notified, and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If tribal resources are found during grading and construction activities, the applicant shall notify the Yocha Dehe Wintun Nation. If paleontological resources are found during grading and construction activities, a qualified paleontologist shall be retained to determine the significance of the discovery.

The archaeologist and/or paleontologist shall define the physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal evaluation to determine the eligibility of the feature(s) for inclusion in the California Register of Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), further mitigation would be necessary, which might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resource(s), to collect enough information to exhaust the data potential of those resources.

Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Data recovery efforts can range from rapid photographic documentation to extensive excavation depending upon the physical nature of the resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory. Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852[a]), and the definition of tribal cultural resources set forth in Public Resources Code Section 21074 and 5020.1 (k). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the Yocha Dehe Wintun Nation. The landowner shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the Yocha Dehe Wintun Nation for proper treatment and disposition. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

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The language of this mitigation measure shall be included on any future grading plans, utility plans, and improvement drawings approved by the City for the development of the project.

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.1-2 would require construction to halt in the event that a buried and previously undiscovered cultural or tribal cultural resource is encountered during construction activities so that it can be appropriately evaluated by a qualified professional. Subsequently, this mitigation measure would ensure that any potential impact to unknown resources is reduced to a ***less than significant*** level.

Impact 3.1-3: Project implementation has the potential to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5 (Less than Significant with Mitigation)

The project site is located in an area known to have cultural resources. The project site is located approximately 635 feet northeast of Putah Creek. Prehistoric period settlement in the project region was focused on areas with elevated terrain closer to permanent water sources. As such, archaeological resources may be found on the site, although none have been found or are known to exist on the site.

The project site was previously disturbed when the three buildings were constructed in 1912 and 1920. Because all of the buildings have basements, the site has been subject to underground excavations. There are no known archaeological resources that have been found or are known to exist on the site.

As with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of previously unknown significant archeological resources. This is a potentially significant impact.

MITIGATION MEASURE(S)

*Implement **Mitigation Measure 3.1-2.***

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.1-2 would require construction to halt in the event that a buried and previously undiscovered archaeological resource is encountered during construction activities so that it can be appropriately evaluated by a qualified professional. Subsequently, this mitigation measure would ensure that any potential impact to unknown resources is reduced to a ***less than significant*** level.

Impact 3.1-4: Project implementation has the potential to directly or indirectly destroy a unique paleontological resource (Less than Significant with Mitigation)

The project site was previously disturbed when the three buildings were constructed in 1912 and 1920. Because all of the buildings have basements, the site has been subject to underground excavations. There are no known paleontological resources that have been found or are known to exist on the site.

The project site is not expected to contain subsurface paleontological resources, although it is possible. Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, state, or federal criteria. This is a potentially significant impact.

MITIGATION MEASURE(S)

Implement Mitigation Measure 3.1-2.

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.1-2 would require construction to halt in the event that a paleontological resource is encountered during construction activities so that it can be appropriately evaluated by a qualified professional. Subsequently, this mitigation measure would ensure that any potential impact to unknown resources is reduced to a *less than significant* level.

Impact 3.1-5: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries (Less than Significant with Mitigation)

Indications suggest that humans have occupied Yolo County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials.

Under CEQA, human remains are protected under the definition of archaeological materials as being “any evidence of human activity.” Additionally, PRC §5097 has specific stop-work and notification procedures to follow in the event that human remains are inadvertently discovered during project implementation.

While no human remains were found during field surveys of the project site, implementation of the following mitigation measure would ensure that all construction activities which inadvertently discover human remains implement state-required consultation methods to determine the disposition and historical significance of any discovered human remains. The following mitigation measure would reduce this impact to a *less-than-significant* level.

3.1 CULTURAL AND TRIBAL RESOURCES

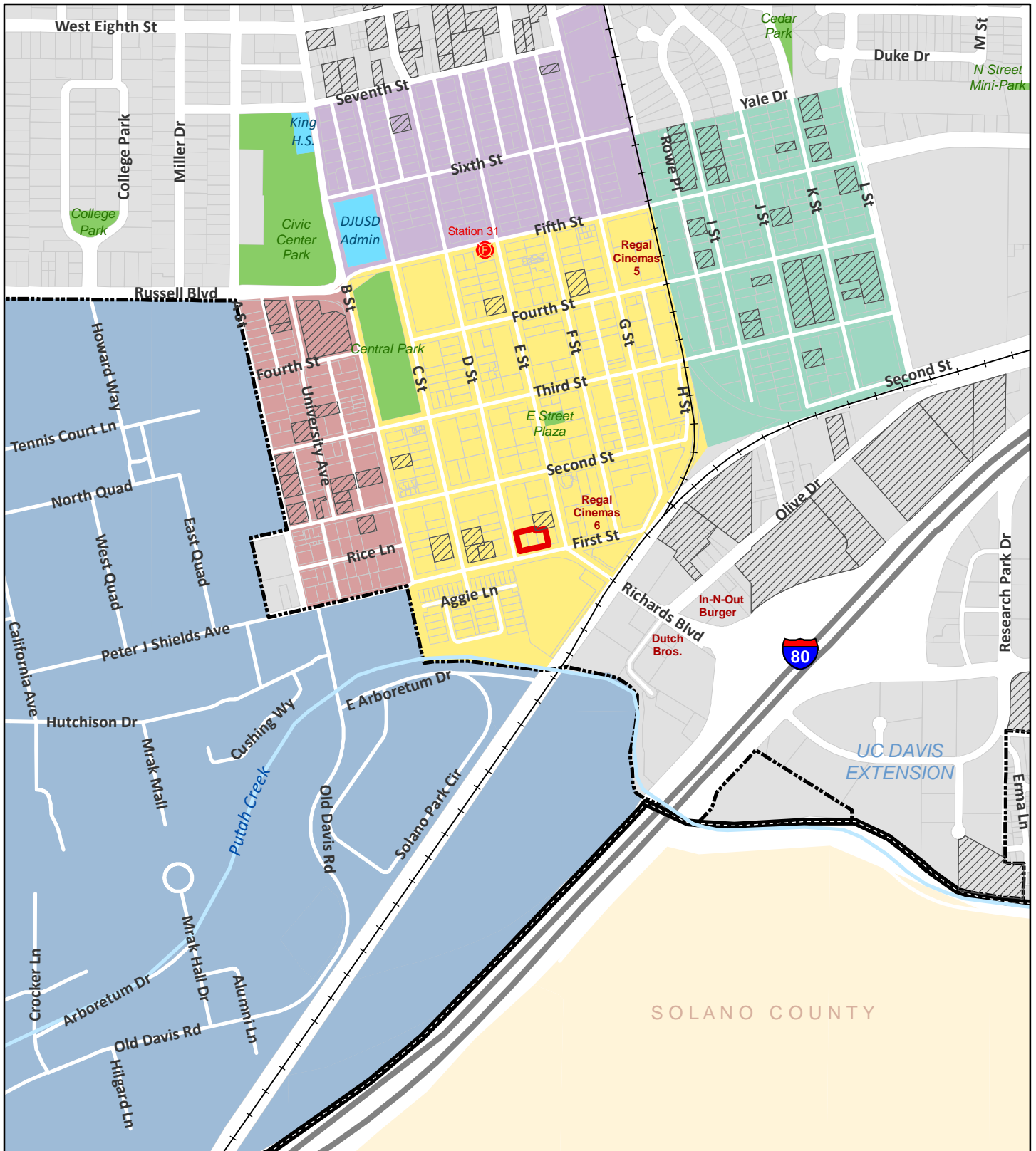
MITIGATION MEASURE(S)

Mitigation Measure 3.1-3: *If human remains are discovered during the course of construction during any phase of the project, work shall be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the Yolo County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:*

- *The coroner shall contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner shall make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.*
- *The landowner shall retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs:*
 - *The Native American Heritage Commission is unable to identify a descendent.*
 - *The descendant identified fails to make a recommendation.*
 - *The City of Davis or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.*

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.1-3 would require construction to halt in the event that human remains are encountered during construction activities. Subsequently, this mitigation measure would ensure that any potential impact to unknown resources is reduced to a ***less than significant*** level.

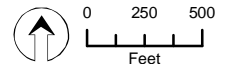


Legend

- | | | | | | |
|--|----------------------|---|---------------|---|-------------------|
|  | Project Boundary |  | Fire Station | Neighborhood Districts | |
|  | Davis City Boundary |  | City Park |  | Downtown Davis |
|  | Yolo County Boundary |  | Public School |  | Old East Davis |
|  | UCDavis |  | Apartments |  | Old North Davis |
| | | | |  | University Avenue |

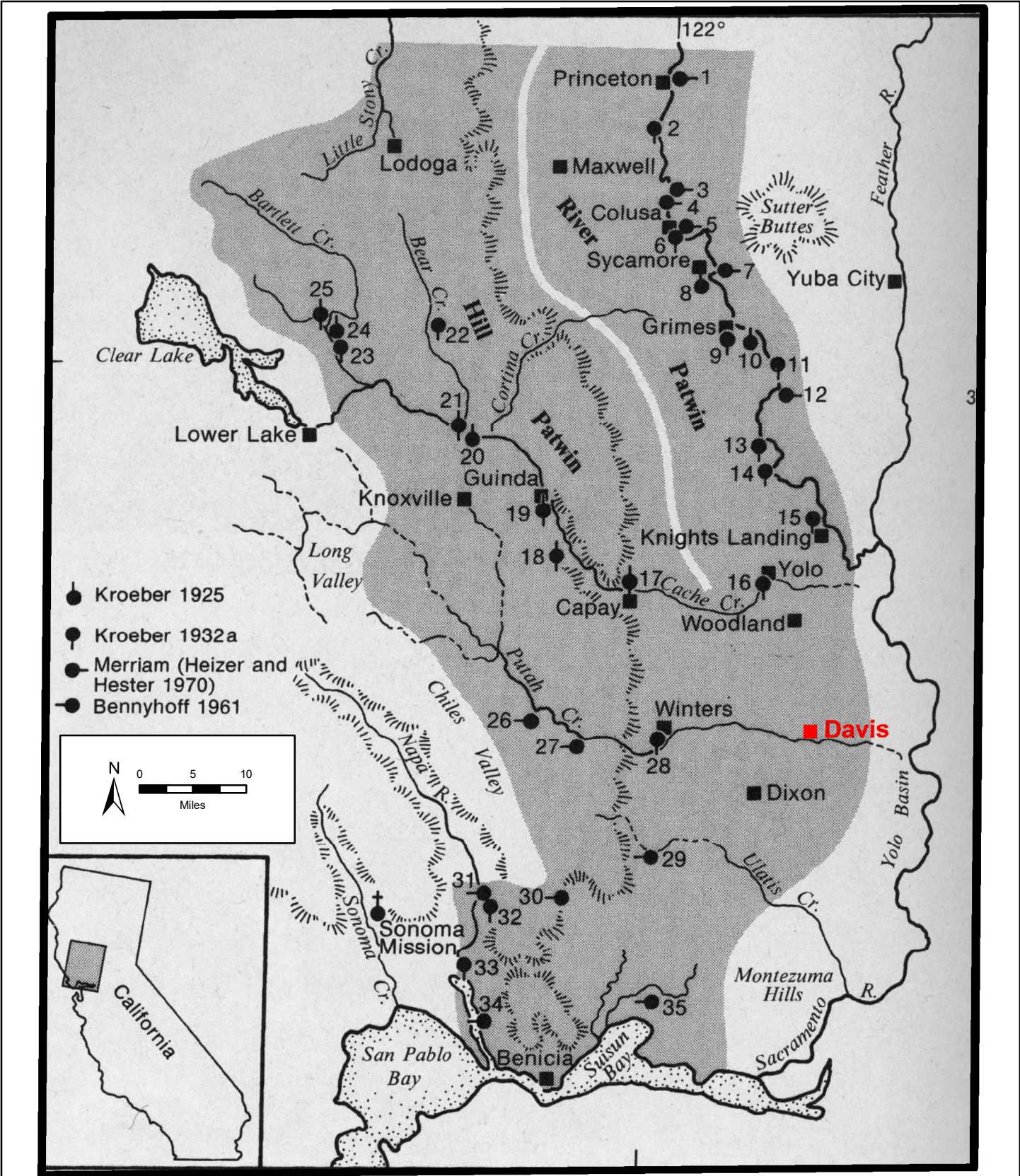
CITY OF DAVIS - THETA XI PROJECT

Figure 3.1-1. Vicinity Map



Sources: Yolo County; City of Davis; CalTrans. Map date: January 16, 2019.

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Source: Johnson, Patti J., 1978, Patwin. In California, edited by Robert F. Heizer, pp. 350-360. Handbook of North American Indians, Volume 8, William G. Sturtevant, general editor. Smithsonian Institution, Washington, D.C.

De Novo map date: June 14, 2019.

CITY OF DAVIS - THETA XI PROJECT
Figure 3.1-2. Patwin Territory

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This EIR section provides a discussion of the existing land use conditions on the proposed project site and the surrounding areas, the regulatory setting, and an impact analysis.

Information in this section is based on information provided by the project applicant, a site visit conducted by De Novo Planning Group in 2019, ground and aerial photographs, and the following reference documents:

- City of Davis General Plan (Amended through January 2007);
- Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School (2000);
- City of Davis Housing Element (2015); and
- City of Davis Municipal Code (2019).

There were no comments regarding land use submitted during the Notice of Preparation (NOP) comment period for the project.

3.2.1 ENVIRONMENTAL SETTING

PROJECT SITE

The project site consists of approximately 0.45 acres located in the central portion of the City of Davis, north of the Interstate 80 (I-80) Freeway, at 503, 509, and 515 First Street. The project site can be identified by its Yolo County Assessor's Parcel Numbers (APNs) 070-244-004, 070-244-005, and 070-244-006. The project site is located in the Davis Downtown Core Area, near what is considered the historic gateway to the City of Davis.

The project's regional location is shown in Figure 2.0-1 and the project area and site boundary are shown in Figure 2.0-2.

SURROUNDING LAND USES

The project site is bounded by Second Street and existing mixed-use development to the north, D Street to the west, First Street to the south, and E Street and the Natsoulas Gallery to the east. The surrounding land uses consists of a mix of retail, single family, and apartment developments along First Street, D Street, and E Street. Adjacent parcels include a funeral home on D Street and Natsoulas Art Gallery on First Street adjacent to the TX Main House. The project site faces a landscaped buffer and the back of a retail building in a shopping plaza (i.e., Davis Commons) on the south side of First Street.

3.2.2 REGULATORY SETTING

STATE

Government Code

California Government Code §65300 et seq. establishes the obligation of cities and counties to adopt and implement general plans. The general plan is a comprehensive, long-term, and general document that describes plans for the physical development of a jurisdiction and of any land outside its boundaries that, in the jurisdiction's judgment, bears relation to its planning. The general plan addresses a broad range of topics, including, at a minimum, land use, circulation, housing, conservation, open space, noise, and safety. In addressing these topics, the general plan identifies the goals, objectives, policies, principles, standards, and plan proposals that support the jurisdiction's vision for the area. The general plan is a long-range document that typically addresses the physical character of an area over a 20-year period. Although the general plan serves as a blueprint for future development and identifies the overall vision for the planning area, it remains general enough to allow for flexibility in the approach taken to achieve the plan's goals.

The State Zoning Law (California Government Code §65800 et seq.) establishes that zoning ordinances, which are laws that define allowable land uses within a specific district, are required to be consistent with the general plan and any applicable specific plans. When amendments to the general plan are made, corresponding changes in the zoning ordinance may be required within a reasonable time to ensure the land uses designated in the general plan would also be allowable by the zoning ordinance (Government Code, §65860, subd. [c]).

LOCAL

City of Davis General Plan

The City of Davis General Plan articulates the community's vision of its long-term physical form and development. The general plan is comprehensive in scope and represents the city's expression of quality of life and community values. General plans are prepared under a mandate from the State of California, which requires that each city and county prepare and adopt a comprehensive, long-term general plan for its jurisdiction and any adjacent related lands. State law requires General Plans to address seven mandated components: circulation, conservation, housing, land use, noise, open space, and safety. Sections IV and VII contain the bulk of the City's General Plan in the form of goals, policies, standards, and actions for a total of 22 separate topics, which address the State-required components as well as additional issues identified by the City. Each of the 22 chapters within these sections provides background information on a topic and the goals, policies, standards and actions that apply to it. Sections IV through VII include:

- Section IV, Community Form, addresses Land Use and Growth Management; Mobility; Urban Design, Neighborhood Preservation, and Community Forest Management Housing; and Economic and Business Development;

- Section V, Community Facilities and Services, addresses Water; Materials, Solid Waste and Recycling, Computers and Technology; Parks, Recreation, and Open Space; Youth and Education; Human Services; Art and Culture; and Diversity;
- Section VI, Community Resource Conservation, addresses Habitat and Natural Areas; Agriculture, Soils, and Minerals; Historic and Archaeological Resources; and Energy;
- Section VII, Community Safety, addresses Police and Fire, Hazards, Air Quality, and Noise.

GENERAL PLAN GOALS, POLICIES, AND STANDARDS

General Plan goals, policies, and standards applicable to environmental issues associated with land use are summarized below.

Goal LU 3 Integrate land use, economic development, environmental, and transportation planning.

Policy LU 3.1 Create an efficient system of planning and zoning.

Standard LU 3.1(a). Specific plans or master site plans that indicate land use densities and intensities, building types, building variety, transit provision, bicycle and pedestrian facilities, and open space areas shall be required for major development areas.

Goal UD 1 Encourage community design throughout the City that helps to build community, encourage human interaction and support non-automobile transportation.

Policy UD 1.1 Promote urban/community design which is human-scaled, comfortable, safe and conducive to pedestrian use.

Goal UD 2 Maintain an aesthetically pleasing environment and manage a sustainable community forest to optimize environmental, aesthetic, social and economic benefits.

Policy UD 2.2 Maintain and increase the amount of greenery, especially street trees, in Davis, both for aesthetic reasons and to provide shade, cooling, habitat, air quality benefits, and visual continuity.

Policy UD 2.3 Require an architectural "fit" with Davis' existing scale for new development projects.

Standard UD 2.3(a). There should be a scale transition between intensified land uses and adjoining lower intensity land uses.

Policy UD 2.4 Create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers.

Standard UD 2.4(a). Multi-family buildings should provide easy pedestrian access to the nearest transit stop and/or neighborhood center.

Standard UD 2.4(b). Multi-family development design should be compatible with adjoining single family areas.

Standard UD 2.4(c). High density housing should be organized around usable common space.

Standard UD 2.4(a). Multi-family housing complexes should be designed, constructed and managed in projects of no more than 150 units, not including any density bonus.

Goal UD 3 Use good design as a means to promote human safety.

Policy UD 3.1 Use good design to promote safety for residents, employees, and visitors to the City.

Policy UD 3.2 Provide exterior lighting that enhances safety and night use in public spaces, but minimizes impacts on surrounding land uses.

Goal HOUSING 1 Promote an adequate supply of housing for people of all ages, income, lifestyles and types of households consistent with General Plan policies and goals.

Policy HOUSING 1.1 Encourage a variety of housing types that meet the housing needs of an economically and socially diverse Davis.

Standard HOUSING 1(a). Housing, including affordable housing, should include a range of unit sizes appropriate to meet Davis housing needs.

Standard HOUSING 1(b). Each new development area should include a mix of housing types, densities, prices and rents, and designs.

Standard HOUSING 1(c). All new housing construction shall meet minimum densities and will have limited number of overly-large homes.

Policy HOUSING 1.2 Strive to maintain an adequate supply of rental housing in Davis to meet the needs of all renters, including students.

Policy HOUSING 1.3 Encourage the construction of housing to meet the needs of single persons and households with children with extremely low, very low, and low incomes.

GENERAL PLAN LAND USE MAP

The Land Use Map portrays the anticipated uses of land in and around Davis through land use designations. The Land Use Map designates areas intended for urban development, parks/recreation, open space, public/semi-public uses, UC Davis and related research park uses, agriculture, urban/agriculture transition, natural habitat, and urban reserve.

The project site is in the Core Area Specific Plan (CASP), which also includes the City of Davis General Plan and its Land Use Map and Zoning. The General Plan land use designations within the boundaries of the CASP are set forth in the CASP. The General Plan designation for the project site is CASP, and the CASP Land Use designation is Retail Stores. The Downtown of the Core Area (the area bounded by First and Third Streets and D Street and the railroad tracks) is intended to provide a concentration of stores and uses that allows each to benefit from the presence of the others. Retail uses at ground floor level with professional and administrative offices and residential units are encouraged for upper stories in this zone within the Core Area. Cultural and entertainment uses are also permitted at ground floor level. Total floor area may reach three times the site area. Parking structures are excluded from the calculations of floor area ratio.

The Davis CASP is discussed in detail below.

City of Davis Core Area Specific Plan

The CASP study area is located in the City of Davis, Yolo County, California. The study area encompasses approximately 152 acres which is bounded on the south by First Street, on the north by Fifth Street, on the west by A Street and on the east by the Southern Pacific Railroad tracks east of G Street except between Third and Fifth Streets where it is bounded by the alley west of I Street and between G and H Streets where it is bounded to the north by Eighth Street. The study area also includes the commercial area along G Street between Fifth Street and Eighth Street. The heart of the Core Area, referred to as the Downtown Core in the CASP, is bounded by First and Third Streets and D Street and the railroad tracks. The Downtown Core contains the highest concentration of retail uses in the Core Area.

The CASP was prepared as a means of implementing the City's General Plan for the area covered by the CASP. The purpose of the CASP is to provide a comprehensive set of policies, guidelines and implementation strategies for promoting, guiding and regulating growth in the Core Area of Davis. Adopting and implementing the Core Area Specific Plan will allow the area to continue to function as the City's social, cultural, retail center, and professional and administrative office district in a manner that enhances pedestrian activity. The CASP establishes the strategies which are required for the systematic execution of the City's General Plan for the area covered by the CASP. The City General Plan land use designations within the boundaries of the CASP are set forth in the CASP.

The CASP is currently under review for update. In addition, the zoning for the CASP area is also under review for changes from conventional zoning districts to a form-based zoning district. It is anticipated that the living group use would still be conditionally permitted in the form-based zoning code.

The CASP land use designations for the project site and surrounding lands are described as follows.

Retail Stores. The Downtown of the Core Area (the area bounded by First and Third Streets and D Street and the railroad tracks) is intended to provide a concentration of stores and uses that allows each to benefit from the presence of the others. Retail uses at ground floor level with professional and administrative offices and residential units encouraged for upper stories in this zone within the

Core Area. Cultural and entertainment uses are also permitted at ground floor level. Total floor area may reach three times the site area. Parking structures are excluded from the calculations of floor area ratio.

Retail with Offices. This designation allows for mixed retail and office uses with retail uses dominant at ground floor level and offices encouraged as tenants for upper stories. Uses need not be mixed on individual parcels. Retail uses include stores, restaurants, cultural, entertainment, hotels and commercial recreation (such as recreation centers and athletic clubs). Offices include business, professional, government and medical offices. Apartments and owner-occupied condominiums and town homes may be included and are encouraged as tenants for upper stories. Single-family, two-family and duplexes may also be included.

Total floor area in the Retail with Offices District located along Third Street between University Avenue and B Streets and on the northwest corner of B and 2nd Streets are allowed a floor area ratio (FAR) of up to 2:1 maximum including bonus: commercial only 1:1, mixed use 1:1.5; 0.5 FAR bonus allowed for preservation of designated historic structure, underground parking or “Trees Worth Saving”; 0.2:1 FAR bonus for plaza or preservation of “Trees of Significance.” Parking structures are excluded from the calculations of floor area ratio.

Residential – Medium Density. This designation allows for single-family or multi-family residential with densities from 4.2 to 10.0 units per gross acre.

City of Davis Zoning Code

The Davis Zoning Code standards that are applicable to the proposed project are summarized below.

CENTRAL COMMERCIAL DISTRICT

The project site is currently zoned Central Commercial (C-C) by the City of Davis. Section 40.14.030 of the City’s Municipal Code sets forth the permitted uses in the C-C district.

The purposes of the C-C district are as follows: To implement the core area plan; to provide for an increased variety and density of commercial activities; to preserve older architectural styles where feasible, and to encourage a harmonious intermingling of other structures; to permit residential uses where feasible; to promote pedestrian use and enjoyment of the core; to provide an area of intensive commercial activity.

As stated in Section 40.14.030 of the City’s Municipal Code, permitted uses in the C-C district shall be as follows:

- (a) Retail stores, shops and offices supplying commodities or performing services such as department stores, specialty shops, banks, and other financial institutions, personal and business service establishments, antique shops, artists’ supply stores and similar uses, but not including gasoline service stations.

- (b) Restaurants, including outdoor eating areas and establishments, establishments serving alcoholic beverages, and similar enterprises, but not including formula fast food restaurants.
- (c) Professional and administrative offices. First floor office uses discouraged in the downtown core as defined by the core area specific plan. Offices are not discouraged in C-C zones outside the downtown core.
- (d) Medical clinics.
- (e) Hotels and motels.
- (f) Business and technical schools, and schools and studios for photography, art, music, and dance.
- (g) Any other retail business or service establishment which the planning commission finds to be consistent with the purposes of this article and which will not impair the present or potential use of adjacent properties.
- (h) Group care homes with six or fewer clients, subject to the provisions of Section 40.26.135.
- (i) Family and group day care homes as defined in Section 40.01.010.
- (j) Infill developments containing any of the above uses.
- (k) Auto service stations with frontage on Fifth Street.
- (l) Theaters and movie houses.
- (m) Supportive housing.
- (n) Transitional housing.
- (o) Residential structures and apartments with densities up to those permitted in the Residential High Density Apartment (R-HD) district.

As stated in Section 40.14.050 of the City's Municipal Code, conditional uses in the C-C district are as follows:

- (a) Public and semipublic buildings and uses of a recreational, educational, religious, cultural or public services type, but not including corporation yards, storage or repair yards, warehouses and similar uses;
- (b) Infill developments containing any of the above uses;
- (c) On-site grade level parking;
- (d) Nursery schools and day care centers, subject to the provisions of Section 40.26.270;
- (e) Structures exceeding two stories;
- (f) Billiards/pool hall with two or fewer tables that are the sole or principal use or with three or more tables complying with the standards set forth in Section 40.26.055;
- (g) Drive-through facilities, subject to the provisions of Section 40.26.420;
- (h) Formula fast food restaurant. In addition to the considerations established in Section 40.30.080 for the granting of a conditional use permit, the planning commission or city council may consider the following in determining whether or not the use constitutes a nuisance, or is detrimental to the public welfare of the community: litter, odors, exterior design, signage, concentration of like uses, and the extent to which the use enhances the unique characteristics of the core area;
- (i) Group care homes with more than six clients, subject to the provisions of Section 40.26.135;
- (j) Cardrooms, subject to the provisions of Section 40.26.058, Sections 40.25.010 through 40.25.120, and Chapter 8A;

- (k) Drive-through facilities, subject to the provisions of Section 40.26.420;
- (l) Living groups;
- (m) Single room occupancy (SRO) units.

DESIGN REVIEW

Article 40.31 of the City's Municipal Code sets forth the site plan and architectural review process, including the Design Review process. The purpose of the design review process is comprehensive site plan and architectural review so as to determine compliance with Article 40.31 and to promote the orderly and harmonious growth of the city and the stability of land values and investments and the general welfare; and to help prevent the impairment or depreciation of land values and the development by the erection of structures, additions or alterations thereto without proper attention to siting, or of unsightly, undesirable or obnoxious appearance; and to prepare for and help to prevent problems arising affecting the community due to the nature of existing and planned uses of land and structures, such as traffic, public, safety, public facilities, utilities and services, among others.

A site plan and architectural (design review) application shall be approved, conditionally approved, or denied by the community development and sustainability director, planning commission, or city council. Such application may be approved only if the following findings are made:

- (a) The proposed project is consistent with the objectives of the general plan, complies with applicable zoning regulations, and is consistent with any adopted design guidelines for the district within which the project is located;
- (b) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;
- (c) The architectural design of the proposed project is compatible with the existing properties and anticipated future developments within the neighborhood in terms of such elements as height, mass, scale, and proportion;
- (d) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and
- (e) The location, climate, and environmental conditions of the site are adequately considered in determining the use of appropriate construction materials and methods. Sufficient conditions are included with the approval to ensure the long-term maintenance of the project. (Ord. 2067 § 1, 2001; Ord. 2390 § 2, 2012)

Pursuant to Zoning Ordinance and the Davis Downtown and Traditional Residential Neighborhoods Design Guidelines, a Tier III Design Review approval is required because the project site is within 300-feet of a designated historical resource, Dresbach-Hunt-Boyer Home, the site is within the Conservation Overlay District, involves merger of two or more parcels, requires approval of a conditional use permit, and involves the demolition of primary buildings 45 years of age or older.

According to the Davis Municipal Code, the Conservation Overlay District supports planning policy stipulating that new development and renovation of existing buildings should respect the traditional scale and character found within a defined area. Conservation Overlay Districts are designated

under Chapter 40 of the Code. However, some individual buildings within the Conservation Overlay District are designated Landmarks or Merit Resources in the Davis Register of Historic Resources.

Settlement Agreement and Release of Claims

The fraternity house that is currently located on the project site is a legal nonconforming use, based on a Settlement Agreement and Release of all Claims (the “Settlement Agreement”) entered into by and between the City and Theta Xi in 1995. However, if two of the buildings are demolished and Theta Xi constructs a new fraternity house on the western lot, the new building will not retain the legal nonconforming status under the City’s Zoning Code. Additionally, if the proposed project is approved, the TX Main House parcel will not retain the legal nonconforming status to operate as a fraternity and/or living group. The fraternity house constitutes a “living group” use, which is a conditional use within the Central Commercial District where the project site is located. Theta Xi therefore would need a Conditional Use Permit (“CUP”) for the proposed new fraternity house.

Section 40.28.050 of the Davis Municipal Code provides that nonconforming uses shall not be enlarged, extended, reconstructed, substituted, or structurally altered, unless the use is changed to a permitted use. For the proposed project, the existing nonconforming use on the three parcels (which would be consolidated into two parcels as part of the project) is a single fraternity. If the TX Main House were to operate as a separate fraternity, next to the proposed three-story Theta Xi fraternity building, the result would be two fraternities operating on the property, rather than just one fraternity. This would be considered an enlargement of the use, and is prohibited by Section 40.28.050 of the Municipal Code.

Davis Downtown and Traditional Residential Neighborhoods Design Guidelines

The Davis Downtown and Traditional Residential Neighborhoods Design Guidelines were adopted by the City in July 2001 and updated in June 2007. The Design Guidelines provide guidance to City staff and policy makers in implementing the policies of the General Plan and the CASP within the Downtown and Traditional Neighborhood Overlay District. The Design Guidelines respond to community concerns about the manner in which new investment in the center of Davis can enhance, rather than erode, its valued character. The proposed goals for the design guidelines are as follows:

- Conserve the traditional neighborhood character, fabric and setting while guiding future development, reuse, and reinvestment.
- Discourage the demolition of structures consistent with the district’s historic character by providing incentives for reuse of non-designated contributing structures.
- Plan for new commercial and residential infill construction that is compatible and complementary to the character of existing neighborhood areas within the district.
- Support the unique function of special character areas in balance with community goals.
- Foster reinvestment and economic development in the core that is consistent with historic conservation.

- Provide guidelines to clarify the community's expectations for the type and quality of development within the district.

The Design Guidelines build on existing General Plan and CASP policies.

The proposed project site is located within the Downtown Core Commercial & Mixed-Use area of Central Davis. The Design Guidelines for projects in this part of Central Davis are included in Part 2 of the Davis Downtown and Traditional Residential Neighborhoods Design Guidelines.

3.2.3 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

Consistent with Appendix G of the CEQA Guidelines, the proposed project will have a significant impact on land use and planning if it will:

- Physically divide an established community; and/or
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

As discussed in the Initial Study for the proposed project, the project site is located within the Davis city limits and is adjacent to developed land on all sides. The project would result in redevelopment of the site, and the proposed use would not change. Development of the project would not result in any physical barriers, such as a wall, or other division, that would divide an existing community, but would serve as an orderly extension of existing utilities. The project would have **no impact** in regards to the physical division of an established community. Impacts related to this topic will not be discussed further.

IMPACTS AND MITIGATION MEASURES

Impact 3.2-1: Project implementation would not conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted to avoid or mitigate an environmental effect (Less than Significant with Mitigation)

Consistency with the Davis General Plan, Davis CASP, and Davis Zoning Code are discussed in detail below.

CONSISTENCY WITH THE CITY OF DAVIS GENERAL PLAN

The General Plan designation for the project site is CASP, and the CASP Land Use designation is Retail Stores. As described above, the project site is in the CASP, which also includes the City of Davis

General Plan and its Land Use Map and Zoning. The land use consistency discussion is discussed under the “Consistency with the Davis CASP” section further below. The following discussion focuses on consistency with the applicable General Plan policies related to land use, including those identified above under the “Regulatory Setting” section.

The project is consistent with Urban Design policies related to land use. Policy UD 1.1 promotes urban/community design which is human-scaled, comfortable, safe and conducive to pedestrian use. Visual Simulations (Figure 2.0-8 in Chapter 2.0 Project Description) illustrates the proposed three-story fraternity building from various viewpoints. As shown in the figure, the project has been designed to be human-scale. The building is setback from the adjacent streets (including First Street and D Street), and the building includes articulations which provide visual relief. One of the project objectives is to address the deficiencies in the structural integrity of the three houses to increase safety for its occupants. The project would increase the comfort and safety of the site structures compared to the existing condition.

Policy UD 2.2 aims to maintain and increase the amount of greenery, especially street trees, in Davis, both for aesthetic reasons and to provide shade, cooling, habitat, air quality benefits, and visual continuity. The project would retain some of the on-site trees. The site currently contains approximately 28 trees, including those located along the frontages of First Street and D Street. Eleven of these trees (all locust trees) are located along First and D Streets. The street trees along First and D Streets would not be removed with redevelopment of the site. The retention of the eleven street trees and proposed landscaping on the redevelopment site would ensure that the amount of greenery along First and D Streets is maintained. Other trees located internal to the site would be removed. The trees surrounding the TX Main House are not anticipated for removal; however, the trees surrounding the Jackson House and Bryson House, which are proposed for demolition, would be removed. The project would landscape the site in conjunction with construction of the proposed three-story building. According to the landscape plan for the project, the completed project site (including all three residential lots) would contain 14 trees on-site. This is a reduction from the current number of trees on the site. As such, the project as proposed is not consistent with Policy UD 2.2.

Mitigation Measure 3.2-1 requires, in conjunction with submittal of improvement plans for the project, that the project applicant submit a final landscape plan to the City of Davis which shows that the project site (including all three residential lots) would maintain or increase the amount of greenery, especially trees, that currently (as of April 2019) exists on-site. In addition, the landscape plan must include a palette of shrubs, perennial ground cover, grasses, etc. that balances the need to maintain or increase greenery while being conscientious of drought tolerance and water conservation within the landscaping. Implementation of Mitigation Measure 3.2-1 would ensure compliance with Policy UD 2.2. It is noted that the project would be subject to the City’s Tree Ordinance. Compliance with the City’s Tree Ordinance would be addressed by a standard City condition of approval, which requires preparation of a Tree Protection Plan for trees being preserved and approval of Tree Modification Permit for trees being removed with standard measures for tree replacement or payment for the appraised value of the trees. The Tree Protection Plan would include measures to ensure that all trees to be preserved would be protected during

construction of the project. For instance, the standard conditions of approval would include the following requirements:

1. Applicant needs to submit a complete tree inventory of all trees 5" in diameter and greater. The Arborist report only has six trees listed with other trees being shown on the site map.
2. Applicant needs to submit a tree protection plan and plan set sheet for tree protection of the trees to remain and the street trees on First and D Streets.
3. Applicant needs to submit the trees to be removed with species and diameters.

Policy UD 2.3 requires an architectural "fit" with Davis' existing scale for new development projects. The project proposes to preserve one on-site building, demolish two of the on-site buildings, and construct a three-story residential building for use by the Theta Xi Fraternity. The proposed three-story building would be constructed at a similar size and scale as existing buildings in the immediate vicinity. For example, the Regency Square office and retail building at the corner of D and Second Streets is three stories tall with limited building setbacks adjacent to the sidewalks. Additionally, several mixed-use buildings along E Street are two to three stories.

Further, as noted above, Tier III Design Review approval is required given that the project site is within 300-feet of a designated historical resource, Dresbach-Hunt-Boyer Home. Tier III Design Review projects are reviewed by staff, the Historical Resources Management Commission, and finally by the Planning Commission. The action of the Planning Commission may be appealed by any party to the City Council. The City's Community Development and Sustainability Department would provide a preliminary review of the applicant-provided final project plans. Preliminary review by the Community Development and Sustainability Department for compliance with the following findings in addition to review for compliance with the guidelines in the DDTRN Design Guidelines:

- (a) Indicate to the applicant major areas of deficiency and good design;
- (b) Instruct the applicant as to sections of the project which are unacceptable or need minor revision; and
- (c) Inform the community development and sustainability department on the scope of the project of the final review stage.

The Design Review application may be approved only if the following findings are made:

- (a) The proposed project is consistent with the objectives of the general plan, complies with applicable zoning regulations, and is consistent with any adopted design guidelines for the district within which the project is located;
- (b) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;
- (c) The architectural design of the proposed project is compatible with the existing properties and anticipated future developments within the neighborhood in terms of such elements as height, mass, scale, and proportion;
- (d) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and
- (e) The location, climate, and environmental conditions of the site are adequately considered in

determining the use of appropriate construction materials and methods. Sufficient conditions are included with the approval to ensure the long-term maintenance of the project.

The Design Review process is an established administrative process that is designed to ensure that proposed buildings “fit” with the existing architectural scale in the project vicinity, although Tier III is not an administrative action design review. The proposed project is subject to the Design Review process and any design revisions required during that process. As such, the project does not conflict with Policy UD 2.3.

Policy UD 2.4 requires creation of affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers. The project would create student housing, which functions like multi-family housing. The tenants would be UC Davis students that are members of the Theta Xi Fraternity.

Additionally, the project includes on-site amenities (including, but not limited to, a Bike Barn, back yard area with gathering spaces, living and study areas, etc.) for Theta Xi Fraternity members. The project site is also located in an area of Davis that is linked with bicycle/pedestrian facilities adjacent to a commercial center (including downtown Davis to the east and the Davis Commons shopping plaza to the south). As such, the project is consistent with Policy UD 2.4.

Policy UD 3.1 requires the use of good design to promote safety for residents, employees, and visitors to the City. Energy efficiency and sustainable design features would include high levels of envelope insulation, high efficiency HVAC, LED Lighting, solar shading devices, electric vehicle charging outlets, and a low water use landscaping and irrigation system. It is anticipated that the project would target a “LEED Silver” equivalency. The project would improve the safety of the site by constructing a new building that addresses the current deficiencies in the structural integrity. As such, the project is consistent with Policy UD 3.1.

Policy UD 3.3 requires the provision of exterior lighting that enhances safety and night use in public spaces, but minimizes impacts on surrounding land uses. The project design includes improved exterior lighting that would enhance safety in the immediate area while also minimizing impacts on surrounding uses. The proposed LED lighting would result in an improvement of the light spillage compared to the existing condition and would illuminate the adjacent public sidewalk areas. As such, the project is consistent with Policy UD 3.3.

Policy HOUSING 1.1 encourages a variety of housing types that meet the housing needs of an economically and socially diverse Davis. The project would improve the supply of rental housing for the Theta Xi Fraternity members by addressing the structural deficiencies of the existing housing site. Additionally, the TX Main House would be placed on the open market for purchase at a market rate. As such, the project is consistent with Policy HOUSING 1.1.

Policy HOUSING 1.2 strives to maintain an adequate supply of rental housing in Davis to meet the needs of all renters, including students. The TX Main House would be placed on the open market for purchase at a market rate. It is not known if the future purchaser would be an owner occupied or

make the property available for rent. The proposed beds of the Fraternity House would be rented out to Theta Xi Fraternity members, who are members of the student population in Davis. As such, the project is consistent with Policy HOUSING 1.2.

Policy HOUSING 1.3 encourages the construction of housing to meet the needs of single persons and households with children with extremely low, very low, and low incomes. The project would create student housing, which is generally composed of single persons. The Theta Xi Fraternity house is not intended for households with children. The proposed beds of the Fraternity House would be rented out by the bed (and not by room or by unit). The TX Main House would be placed on the open market for purchase at a market rate. It is not known if the future purchaser would be an owner occupied or make the property available for rent. This property is not currently rent restricted, nor is it proposed to be rent restricted. As such, the project does not conflict with Policy HOUSING 1.3.

CONSISTENCY WITH THE DAVIS CASP

The General Plan and CASP Land Use designation of the site is Retail Stores. The CASP provides the following guidance for the Retail Stores designation: “The Downtown of the Core Area (the area bounded by First and Third Streets and D Street and the railroad tracks) is intended to provide a concentration of stores and uses that allows each to benefit from the presence of the others. Retail uses at ground floor level with professional and administrative offices and residential units encouraged for upper stories in this zone within the Core Area. Cultural and entertainment uses are also permitted at ground floor level. Total floor area may reach three times the site area. Parking structures are excluded from the calculations of floor area ratio. As there is a significant need for child-care facilities to be included in private developments, child-care facilities may be appropriate uses within any of the following land-use classifications.”

The CASP encourages retail uses at the ground floor level in the Retail Stores area, with professional and administrative offices and residential units in the upper stories. The CASP does not list allowed, conditionally allowed, or prohibited uses for the Retail Stores land use designation. Additionally, the CASP does not explicitly prohibit ground floor residential uses in the Retail Stores area, and does note that some residential uses exist in the Retail Stores area of the Downtown Core.

As discussed above, the project is consistent with the City’s General Plan. Additionally, because the CASP does not prohibit ground floor residential uses in the Retail Stores area, the proposed residential use, living group, would not conflict with the applicable CASP land use designation. Approval of the living group would not conflict with any other applicable Core Area Specific Plan objectives, policies, standards or actions.

CONSISTENCY WITH THE ZONING CODE

The project site is currently zoned C-C. As stated in Section 40.14.030 of the City’s Municipal Code, permitted uses in the C-C district shall be as follows:

- (a) Retail stores, shops and offices supplying commodities or performing services such as department stores, specialty shops, banks, and other financial institutions, personal and

- business service establishments, antique shops, artists' supply stores and similar uses, but not including gasoline service stations.
- (b) Restaurants, including outdoor eating areas and establishments, establishments serving alcoholic beverages, and similar enterprises, but not including formula fast food restaurants.
 - (c) Professional and administrative offices. First floor office uses discouraged in the downtown core as defined by the core area specific plan. Offices are not discouraged in C-C zones outside the downtown core.
 - (d) Medical clinics.
 - (e) Hotels and motels.
 - (f) Business and technical schools, and schools and studios for photography, art, music, and dance.
 - (g) Any other retail business or service establishment which the planning commission finds to be consistent with the purposes of this article and which will not impair the present or potential use of adjacent properties.
 - (h) Group care homes with six or fewer clients, subject to the provisions of Section 40.26.135.
 - (i) Family and group day care homes as defined in Section 40.01.010.
 - (j) Infill developments containing any of the above uses.
 - (k) Auto service stations with frontage on Fifth Street.
 - (l) Theaters and movie houses.
 - (m) Supportive housing.
 - (n) Transitional housing.
 - (o) Residential structures and apartments with densities up to those permitted in the R-H-D district.

According to the City of Davis City Attorney, the fraternity house that is currently located on the project site is a legal nonconforming use, based on a Settlement Agreement and Release of all Claims entered into by and between the City and Theta Xi in 1995. However, as noted previously in the Regulatory Setting, if two of the buildings are demolished and Theta Xi constructs a new fraternity house on the western lot (as proposed), the new building would not retain the legal nonconforming status under the City's Zoning Code. The fraternity house constitutes a "living group" use, which is a conditional use within the Central Commercial District where the project site is located. Therefore, the project would need approval of a Conditional Use Permit (CUP) for the proposed new fraternity house.

Upon approval of the CUP, the proposed project would not conflict with any land use plan, policy or regulation given that the CUP would facilitate consistency for the proposed residential fraternity uses. The project would not require a rezone.

Additionally, as noted above, Tier III Design Review approval is required because the project site is within 300-feet of a designated historical resource, Dresbach-Hunt-Boyer Home, and the site is within the Conservation Overlay District. According to the Davis Municipal Code, the Conservation Overlay District supports planning policy stipulating that new development and renovation of existing buildings should respect the traditional scale and character found within a defined area. Conservation Overlay Districts are designated under Chapter 40 of the Code. However, some

individual buildings within the Conservation Overlay District are designated Landmarks or Merit Resources in the Davis Register of Historic Resources. Compliance with the City's Tier III Design Review process would ensure that the proposed building respect the traditional scale and character found in the project area.

Further, as noted above, the City's Community Development and Sustainability Department would provide a preliminary review of the applicant-provided final project plans. The Design Review application may be approved only if the following findings are made:

- (a) The proposed project is consistent with the objectives of the general plan, complies with applicable zoning regulations, and is consistent with any adopted design guidelines for the district within which the project is located;
- (b) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;
- (c) The architectural design of the proposed project is compatible with the existing properties and anticipated future developments within the neighborhood in terms of such elements as height, mass, scale, and proportion;
- (d) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and
- (e) The location, climate, and environmental conditions of the site are adequately considered in determining the use of appropriate construction materials and methods. Sufficient conditions are included with the approval to ensure the long-term maintenance of the project.

CONCLUSION

Overall, the project would be generally consistent with the City's General Plan, Davis CASP, and Davis Zoning Code. However, as discussed above, the completed project site (including all three residential lots) would contain 14 trees on-site (which would be a reduction from the current number of trees on the site). Therefore, the project is not consistent with General Plan Policy UD 2.2, which aims to maintain and increase the amount of greenery, especially street trees, in Davis. This is a potentially significant impact.

MITIGATION MEASURE(S)

Mitigation Measure 3.2-1: *In conjunction with submittal of improvement plans for the project, the project applicant shall submit a final landscape plan to the City of Davis which shows that the project site (including all three residential lots) would maintain or increase the amount of greenery, especially trees, that currently (as of April 2019) exists on-site. The site currently (as of April 2019) contains 28 trees, including those located along the frontages of First Street and D Street. In addition, the landscape plan shall include a palette of shrubs, perennial ground cover, grasses, etc. that balances the need to maintain or increase greenery while being conscientious of drought tolerance and water conservation within the landscaping, consistent with the City's Model Water Efficient Landscape Ordinance.*

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.2-1 would require submittal of a final landscape plan, which shows that the project would maintain or increase the amount of greenery, including trees, shrubs, perennial ground cover, grasses, etc. The measure calls for consideration of water conservation in addition to the need to maintain or increase greenery.

Subsequently, this mitigation measure would ensure that any potential impact related to General Plan consistency is reduced to a *less than significant* level.

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The California Environmental Quality Act (CEQA) requires an Environmental Impact Report (EIR) to evaluate a project's effects in relationship to broader changes occurring, or that are foreseeable to occur, in the surrounding environment. Accordingly, this chapter presents discussion of CEQA-mandated analysis for cumulative impacts and irreversible impacts associated with the Theta Xi Fraternity Redevelopment Project. As described below, this section also includes an analysis of the project's growth-inducing impacts.

4.1 CUMULATIVE SETTING AND IMPACT ANALYSIS

INTRODUCTION

CEQA requires that an EIR contain an assessment of the cumulative impacts that could be associated with the proposed project. According to CEQA Guidelines Section 15130(a), "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable." "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (as defined by Section 15130). As defined in CEQA Guidelines Section 15355, a cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. A cumulative impact occurs from:

...the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

In addition, Section 15130(b) identifies that the following three elements are necessary for an adequate cumulative analysis:

- 1) Either:
 - (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or,
 - (B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.
- 2) A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available; and

- 3) A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.

Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

CUMULATIVE SETTING

The cumulative analysis for this EIR is based on the City of Davis General Plan (May 2001) and the Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School (General Plan Update EIR) (January 2000). In addition to the cumulative growth projections provided by these documents, the cumulative analysis also used the following list of probable future projects within the City of Davis to determine cumulative growth in the area:

- **Paso Fino:** 6 single-family units
- **2860 West Covell Boulevard Building:** 8,657 square feet of retail
- **Grande Subdivision:** 41 single-family units
- **Chiles Ranch:** 96 single-family units
- **Villages at Willow Creek:** 35 single-family units
- **Lincoln 40:** 130 multi-family, student-oriented units
- **Sterling Apartments:** 198 multi-family units
- **Cannery Park (Remainder of Buildout):** 86,250 square feet of retail, 49,800 square feet of office, 22,000 square feet of medical-office, 311 single-family dwelling units, and 264 multi-family units.
- **Sutter Hospital Expansion:** Based on discussions with Sutter Davis Hospital representatives, a net increase of 100,000 square feet of medical-office space was assumed on the hospital property, which is located directly east of the project site.
- **West Davis Active Adult Community:** According to the December 2017 Draft EIR for the West Davis Active Adult Community Project, the project includes development of: 150 affordable, age-restricted apartments; 32 attached, age-restricted cottages; 94 attached, age-restricted units; 129 single-family detached, age-restricted units; 77 single-family detached, non-age-restricted units; an approximately three-acre continuing care retirement community, which would likely consist of 30 assisted living, age-restricted detached units; an approximately 4.3-acre mixed use area, which would likely consist of a health club, restaurant, clubhouse, and up to 48 attached, age-restricted units; dog exercise area and tot lot; associated greenways, drainage, agricultural buffers; and off-site stormwater detention facilities. Upon completion of the project, the approximately 74-acre site would provide up to 560 dwelling units and 4.5 miles of off-street biking and walking paths within the project area and an additional 0.22 miles of off-street biking and walking paths offsite.

- **UC Davis Long Range Development Plan (LRDP):** According to the 2017 Notice of Preparation for the update to the LRDP (dated January 4, 2017), the UC Davis campus is assumed to have a net increase of 6,229 students and 2,000 employees between existing conditions and the 2027-2028 academic year. The LRDP NOP makes no mention of further growth beyond the 2027-2028 year.

CUMULATIVE EFFECTS OF THE PROJECT

Method of Analysis

Although the environmental effects of an individual project may not be significant when that project is considered separately, the combined effects of several projects may be significant when considered collectively. State CEQA Guidelines 15130 requires a reasonable analysis of a project's cumulative impacts, which are defined as "two or more individual effects which, when considered together are considerable or which compound or increase other environmental impacts." The cumulative impact that results from several closely related projects is: the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time (State CEQA Guidelines 15355[b]). Consistent with state CEQA Guidelines §15130(a), the discussion of cumulative impacts in this Draft EIR focuses on significant and potentially significant cumulative impacts. According to §15130(b) of the State CEQA Guidelines, in part, "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact."

The goal of analysis of cumulative impacts is twofold: first, to determine whether the overall long-term impacts of all such projects would be cumulatively significant; and second, to determine whether the proposed project itself would cause a "cumulatively considerable" (and thus significant) incremental contribution to any such cumulatively significant impacts. (See state CEQA Guidelines §§15130[a]-[b], §15355[b], §15064[h], §15065[c]; *Communities for a Better Environment v. California Resources Agency* [2002] 103 Cal.App.4th 98, 120.) In other words, the required analysis first creates a broad context in which to assess the project's incremental contribution to anticipated cumulative impacts, viewed on a geographic scale well beyond the project site itself, and then determines whether the proposed project's incremental contribution to any significant cumulative impacts from all projects is itself significant (i.e., "cumulatively considerable").

There are two approaches to identifying cumulative projects and the associated impacts. The list approach identifies individual projects known to be occurring or proposed in the surrounding area in order to potential cumulative impacts. The projection approach uses a summary of projections

in adopted General Plans or related planning documents to identify potential cumulative impacts. This EIR uses a combination of the list approach and the projection approach for the cumulative analysis and considers the development anticipated to occur upon buildout of the Davis General Plan in addition to the aforementioned planning projects (Paso Fino, 2860 West Covell Boulevard Building, Grande Subdivision, Chiles Ranch, Villages at Willow Creek, Lincoln 40, Sterling Apartments, Cannery [remainder of buildout], Sutter Hospital Expansion, West Davis Active Adult Community, and UC Davis LRDP) that are presumed not to have been included within the projections provided by the Davis General Plan.

Project Assumptions

The project's contribution to environmental impacts under cumulative conditions is based on full buildout of the proposed project. See Chapter 2.0, Project Description, for a complete description of the proposed project.

Cumulative Impacts

Cumulative impacts for Cultural and Tribal Resources and Land Use are not quantifiable and are therefore discussed in qualitative terms as they pertain to development patterns in the surrounding region. In consideration of the cumulative scenario described above, the proposed project may result in the following cumulative impacts.

CULTURAL AND TRIBAL RESOURCES

Impact 4.1: Project implementation would not contribute to cumulative impacts on known and undiscovered cultural and tribal cultural resources (Less than Cumulatively Considerable)

The cumulative setting for cultural resources includes the City of Davis Planning Area and the surrounding areas of Yolo County. Cumulative development anticipated in Davis and the greater Yolo County area, including growth projected by adopted general plans, may result in the discovery and removal of cultural resources, including archaeological, paleontological, historical, and Native American resources and human remains. As discussed in Section 3.1, Cultural and Tribal Resources, three locally-historic resources are located on the project site: the Jackson House (503 First Street), the Bryson House (509 First Street), and the Theta Xi (TX) Main House (515 First Street). Because the Jackson House (503 First Street) and Bryson House (509 First Street) buildings are significant resources or historic properties, demolition of the buildings is a significant impact under CEQA.

Implementation of Mitigation Measure 3.1-1 would require preparation of a Historic Documentation Report which includes current photographs of each building displaying each elevation, architectural details or features, and overview of the buildings, together with a textual description of the building along with additional history of the building, its principal architect or architects, and its original occupants to the extent that information about those occupants can be obtained. The Report would be deposited with the City of Davis Community Development and Sustainability Department, the Hattie Weber Museum, the State Office of Historic Preservation,

and other appropriate organizations and agencies as identified by the Planning Department. Mitigation Measure 3.1-1 also requires that a publicly-accessible memorial or interpretive plaque/display, which identifies the former location of the building, its original owner, and its historic significance, be maintained on the project site.

Additionally, the project site is located in an area known to have cultural and tribal cultural resources. The project site is not expected to contain subsurface paleontological resources, although it is possible. Mitigation measures provided in Section 3.1 would require the proposed project to evaluate any resources discovered during construction activities. Any significant finds would be required to be preserved, either through relocation or documentation and the project is not anticipated to considerably contribute to a significant reduction in cultural resources. Therefore, the project would have a **less than cumulatively considerable** contribution to impacts to cultural resources and no further mitigation is required.

LAND USE

Impact 4.2: Project implementation would not to cumulative impacts on local land uses (Less than Cumulatively Considerable)

The cumulative setting for land use and planning impacts includes the City of Davis and the Davis Planning Area, as well the aforementioned planning projects (Paso Fino, 2860 West Covell Boulevard Building, Grande Subdivision, Chiles Ranch, Villages at Willow Creek, Lincoln 40, Sterling Apartments, Cannery [remainder of buildout], Sutter Hospital Expansion, West Davis Active Adult Community, and UC Davis LRDP). Cumulative land use and planning impacts, such as consistency with adopted plans and regulations, are typically site- and project-specific. Subsequent projects allowed by the Davis General Plan may result in site specific land use conflicts; however, these effects are not anticipated to be cumulatively considerable.

Prior to project construction, the City of Davis would review the proposed improvement plans for compliance with the Tier III Design Review process. As part of the project approval process, the project would need approval of a Conditional Use Permit (CUP) for the proposed new fraternity house.

The proposed project has been designed to be consistent with applicable aspects of the City's General Plan, Central Area Specific Plan, and Municipal Code. The project's contribution to cumulative land use impacts is **less than cumulatively considerable**, and no further mitigation is required.

4.2 GROWTH-INDUCING EFFECTS

INTRODUCTION

Section 15126.2(d) of the CEQA Guidelines requires that an EIR evaluate the growth-inducing impacts of a proposed action. A growth-inducing impact is defined by the CEQA Guidelines as:

The way in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth...It is not assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment.

Section 15126 of the CEQA Guidelines identifies criteria for evaluating the extent to which growth could be induced, accelerated, intensified, or shifted as a result of the proposed project. Subsection (d) provides the framework for a discussion of these potential growth-inducing impacts, as follows:

- Would the project foster economic or population growth or the construction of additional housing?
- Would the project remove obstacles to population growth?
- Would the project tax existing community facilities?
- Would the project encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively?

The proposed project would result in the construction of additional housing within the City of Davis. As discussed in Section XIV, Population and Housing, of the Initial Study for the project (see Appendix A of this EIR), the proposed project would result in the construction of replacement residential housing on a site that currently contains residential uses. The proposed three-story fraternity building would provide 35 total beds and nine total bathrooms. This would result in three fewer beds and four additional bathrooms compared to the existing houses. The project is consistent with the existing fraternity operations and would not increase the capacity of the project site. Therefore, the project would not foster population growth.

By providing replacement fraternity housing within the City of Davis, the project would provide an area for the Theta Xi Fraternity members to live. The project would not remove obstacles to population growth.

Additionally, as discussed in Section XV, Public Services, and Section XVI, Recreation, the proposed project would not include additional residential units, or people to the City of Davis. The proposed project will not result in intensification of land use, or the addition of structures or uses that would differ from the current General Plan. No additional demand for fire protection, police protection, schools, parks, or other public facilities will be created by the project. The proposed project does not trigger the need for new facilities associated with other public services.

As demonstrated throughout this Draft EIR, the proposed project would not encourage or facilitate other activities that could significantly affect the environment, either individually or cumulatively. Any significant or potentially significant impacts discussed throughout this Draft EIR would occur within the proposed project site only.

4.3 SIGNIFICANT IRREVERSIBLE EFFECTS

Legal Considerations

CEQA Section 15126.2(c) and Public Resources Code Sections 21100(b)(2) and 21100.1(a), requires that the EIR include a discussion of significant irreversible environmental changes which would be involved in the proposed action should it be implemented. Irreversible environmental effects are described as:

- The project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of a project would generally commit future generations to similar uses (e.g., a highway provides access to previously remote area);
- The project involves uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The phasing of the proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

Determining whether the proposed project would result in significant irreversible effects requires a determination of whether key resources would be degraded or destroyed such that there would be little possibility of restoring them. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.

Analysis

Implementation of the proposed project would result in demolition of two of the three existing buildings, merging the three lots, re-subdividing the property into two lots, and redevelopment of one parcel with a consolidated 35-bed, three-story fraternity building. The project site is currently developed with three two-story adjacent Theta Xi fraternity houses, totaling 19,800 square feet (sf). The three lots are owned by the Beta Epsilon Association of Theta Xi, a non-profit California corporation, and occupied by the fraternity. The site has provided student housing dating from 1950 when Theta Xi acquired the first of the three lots. Development of the proposed project would constitute a continued, long-term commitment to residential uses.

A variety of resources, including land, energy, water, construction materials, and human resources would be irretrievably committed for the project's initial construction, infrastructure installation, and its continued maintenance. Construction of the project would require the commitment of a variety of other non-renewable or slowly renewable natural resources such as lumber and other forest products, sand and gravel, asphalt, petrochemicals, and metals.

The demolition of the two residences and subsequent development of the proposed three-story fraternity residence would result in three fewer beds (i.e., three fewer residents) compared to the existing condition.

Additionally, a variety of resources would be committed to the continued, ongoing operation and life of the proposed fraternity uses. As discussed in Section XVII, Transportation, of the Initial Study

for the project, the demolition of the two residences and subsequent development of the proposed three-story fraternity residence would result in three fewer beds (i.e., three fewer residents) compared to the existing condition. Therefore, as noted above, the number of operational trips would be comparable to the existing baseline. The increase of 3.56 daily trips would be spread out throughout the day, meaning that the number of peak hour trips would be negligible. No other uses or visitor serving areas are included in the project. Therefore, the project is not expected to result in an overall increase in vehicle trips within the area. Fossil fuels are the principal source of energy and the project will negligibly increase consumption of available supplies, including gasoline and diesel fuel, and natural gas. These energy resource demands relate to initial project construction, project operation, and site maintenance and the transport of people and goods to and from the project site.

The proposed project would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for each stage of the project including construction, operations, maintenance, and/or removal. Additional information the estimated energy usage of the proposed project can be found in Section VI, Energy, of the Initial Study for the project. This impact concluded that project implementation would not result in the inefficient, wasteful, or unnecessary use of energy resources.

4.4 SIGNIFICANT AND UNAVOIDABLE IMPACT

CEQA Guidelines Section 15126.2(b) requires an EIR to discuss unavoidable significant environmental effects, including those that can be mitigated but not reduced to a level of insignificance. The following significant and unavoidable impact of the Theta Xi Fraternity Redevelopment Project is discussed in Section 3.1:

- Impact 3.1-1: Project implementation has the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5.

5.1 CEQA REQUIREMENTS

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that meet most or all project objectives while reducing or avoiding one or more significant environmental effects of the project. The range of alternatives required in an EIR is governed by a “rule of reason” that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6[f]). Where a potential alternative was examined but not chosen as one of the range of alternatives, the CEQA Guidelines require that the EIR briefly discuss the reasons the alternative was dismissed.

Alternatives that are evaluated in the EIR must be potentially feasible alternatives. However, not all possible alternatives need to be analyzed. An EIR must “set forth only those alternatives necessary to permit a reasoned choice.” (CEQA Guidelines, Section 15126.6(f).) The CEQA Guidelines provide a definition for a “range of reasonable alternatives” and, thus limit the number and type of alternatives that need to be evaluated in an EIR.

First and foremost, alternatives in an EIR must be potentially feasible. In the context of CEQA, “feasible” is defined as:

... capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines 15364)

The inclusion of an alternative in an EIR is not evidence that it is feasible as a matter of law, but rather reflects the judgment of lead agency staff that the alternative is potentially feasible. The final determination of feasibility will be made by the lead agency decision-making body through the adoption of CEQA Findings at the time of action on the Project. (Mira Mar Mobile Community v. City of Oceanside (2004) 119 Cal.App.4th 477, 489 see also CEQA Guidelines, §§ 15091(a) (3)(findings requirement, where alternatives can be rejected as infeasible); 15126.6 ([an EIR] must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation”). The following factors may be taken into consideration in the assessment of the feasibility of alternatives: site suitability, economic viability, availability of infrastructure, general plan consistency, other plan or regulatory limitations, jurisdictional boundaries, and the ability of the proponent to attain site control (Section 15126.6 (f) (1)).

Equally important to attaining the project objectives is the reduction of some or all significant impacts, particularly those that could not be mitigated to a less than significant level. The following significant and unavoidable impact of the Theta Xi Fraternity Redevelopment Project is discussed in Section 3.1:

- Impact 3.1-1: Project implementation has the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5.

5.0 ALTERNATIVES TO THE PROPOSED PROJECT

The following analysis of alternatives focuses on significant impacts, including both those that can be mitigated to a less than significant level and the one impact that would remain significant even if mitigation is applied or for which no feasible mitigation is available.

A Notice of Preparation was circulated to the public to solicit recommendations for a reasonable range of alternatives to the proposed project. Additionally, a public scoping meeting was held during the public review period to solicit recommendations for a reasonable range of alternatives to the proposed project. The following comment was received related to potential alternatives to the project to be addressed in the EIR:

- The EIR should include a project alternative that preserves two of the three buildings: preserve one for ultimate sale (i.e., the building near the Natsoulas Gallery), and renovate one for use by the fraternity.

This suggested alternative is discussed below (see the Preservation, Renovation, and Addition Alternative and Preservation, Renovation, and New Build Alternative).

PROJECT OBJECTIVES

The alternatives to the proposed project selected for analysis in the EIR were developed to minimize significant environmental impacts while fulfilling the basic objectives of the project. As described in Chapter 2.0, Project Description, the following objectives have been identified for the Theta Xi Fraternity Redevelopment Project:

1. Address deficiencies in the structural integrity of the three houses used to house the undergraduate members of the Theta Xi Fraternity on First Street in Davis, CA, as identified in the report by Pemberton Engineering, dated July 27, 2016;
2. Renovate the subject properties in a way that provides for the needs of UCD students by ensuring that housing is competitive both in rent and amenities available within the City of Davis, including on-campus housing, in order to ensure the sustainability of the fraternity;
3. Use the value embedded in the three owned lots to assist in funding the renovation project by consolidating the housing needs of the fraternity onto a smaller footprint;
4. Construct the new building with features that will allow it to achieve a high level of energy efficiency and reduce ongoing maintenance costs; and
5. Continue to use the new facility as classrooms that, through fellowship and alumni guidance, lead to the wholesome mental, moral, physical, and spiritual growth that is the purpose of the Theta Xi Fraternity.

ALTERNATIVES NOT SELECTED FOR FURTHER ANALYSIS

The City of Davis and the project applicant considered alternative locations early in the public scoping process. The City's key considerations in identifying an alternative location were as follows:

- Is there an alternative location where significant effects of the project would be avoided or substantially lessened?
- Is there a site available within the City or the City's Sphere of Influence with the appropriate size and characteristics such that it would meet the basic project objectives?

Two hypothetical off-site alternatives were developed: the New Construction (Off-Site) Alternative, and the Acquisition and Renovation (Off-Site) Alternative. It is noted that alternative locations for these project alternatives have not been specifically identified, and may or may not be available or feasible for the project applicant. Under the New Construction (Off-Site) Alternative, land would be purchased off-site and the proposed facilities would be constructed at an off-site location. This alternative would be very similar to the proposed project, except that: 1) the project would not be constructed on First Street in an area determined to be ideally situated among the campus, the downtown area, and the Amtrak Railroad Station; and 2) the project could be more expensive because of land acquisition costs that would include costs for previously installed infrastructure (e.g., roads, sewer, flood control, utilities, etc.), and could also necessitate expenditures for required infrastructure if the infrastructure has not been previously provided. The number of beds and bathrooms is assumed to be comparable to the proposed project.

The project applicant has not been able to identify a potential site for acquisition that meets the fraternity's project objectives. Because of the size of the rural land surrounding UC Davis and the City of Davis, any potential land acquisition would be at a considerable distance from campus and much farther away from downtown Davis and the Amtrak Station. This alternative could also result in additional environmental impacts compared to the proposed project because of increased construction impacts (noise, air quality, water runoff, etc.) stemming from the provision of the basic infrastructure. Therefore, the New Construction (Off-Site) Alternative is dismissed from further analysis.

Under the Acquisition and Renovation (Off-Site) Alternative, existing improved land (i.e., land which is currently developed with residential uses) in the project area with a comparable proximity to the campus, the downtown area, and the Amtrak Station would be purchased, and the structures would be remodeled to meet the needs of the fraternity. The number of beds and bathrooms is assumed to be comparable to the proposed project.

The project applicant has not been able to identify a site that is currently on the market for potential acquisition, and it is unlikely that such a site would be on the market in the near future. The potential land acquisition cost would significantly increase the cost of the project and would likely be prohibitive. Additionally, if such a site were to be identified, neighborhood opposition to a new fraternity in the neighborhood would be anticipated, which would present a substantial obstacle to implementation. Therefore, the Acquisition and Renovation (Off-Site) Alternative is dismissed from further analysis.

In addition, as discussed in *Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553 (Goleta II)*, where a project is consistent with an approved general plan, no off-site alternative

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need be analyzed in the EIR. The EIR “is not ordinarily an occasion for the reconsideration or overhaul of fundamental land-use policy.” (Goleta II, supra, 52 Cal.3d at p. 573.) In approving a general plan, the local agency has already identified and analyzed suitable alternative sites for particular types of development and has selected a feasible land use plan. “Informed and enlightened regional planning does not demand a project EIR dedicated to defining alternative sites without regard to feasibility. Such ad hoc reconsideration of basic planning policy is not only unnecessary, but would be in contravention of the legislative goal of long-term, comprehensive planning.” (Goleta II, supra, 52 Cal.3d at pp. 572-573.) Here, the proposed Project is generally consistent with the types of uses considered in the Davis General Plan and associated EIR. As discussed in Section 3.2, Land Use, of this EIR, the project site is in the Core Area Specific Plan (CASP), which also includes the City of Davis General Plan and its Land Use Map and Zoning. The General Plan and CASP Land Use designation of the site is Retail Stores. The CASP further encourages retail uses at the ground floor level in the Retail Stores area, with professional and administrative offices and residential units in the upper stories. However, the CASP does not explicitly prohibit ground floor residential uses in the Retail Stores area, and does note that some residential uses exist in the Retail Stores area of the Downtown Core. The CASP, therefore, does not prohibit ground floor residential uses in the Retail Stores area, and the Planning Commission, or City Council, could find that the proposed project is consistent with the CASP and the General Plan, provided that the project as a whole is consistent with the CASP and the General Plan. As discussed above, the project is consistent with the City’s General Plan. Additionally, because the CASP does not prohibit ground floor residential uses in the Retail Stores area, the proposed residential uses would not conflict with the applicable CASP land use designation. Thus, in addition to the reasons discussed above, an off-site alternative need not be further discussed in this EIR.

In addition to the two off-site alternatives discussed above, the City and applicant contemplated two additional alternatives: the Building Relocation Alternative, and the Preservation, Renovation, and Addition Alternative. Under the Building Relocation Alternative, two of the three existing buildings proposed to be demolished would be relocated to another location within the City of Davis. Once the buildings are relocated, they would be restored and preserved. While this alternative would preserve each building, finding a suitable parcel inside the City of Davis may not be possible for the project applicant. In addition, the City of Davis Historical Resources Management Ordinance states that inappropriate relocation of a designated historical resources is a demolition. Additionally, the challenges of moving each building, including high costs, could make this alternative prohibitive. Further, given the structural condition of the buildings as reported by the applicant’s hired structural engineer, each building may not be safely and successfully moved intact to a new location. Therefore, the Building Relocation Alternative is dismissed from further analysis.

Under the Preservation, Renovation, and Addition Alternative, all three of the existing buildings would be retained and renovated. Appropriate additions to the buildings, resulting in building enlargement and expansion, would be constructed in order accommodate the objectives of the proposed project. This alternative has been previously discussed by City staff with the project

applicant team. The applicant team indicated that, given the structural engineering report prepared for the three buildings, and the cost associated with renovating and constructing additions to the buildings, this alternative is not a feasible option. The financial hardship claim made by the applicant team is further articulated in the project narrative and the Notice of Preparation comment letter for the project that was submitted by the project applicant (see Appendix A for the comment letter). Therefore, the Preservation, Renovation, and Addition Alternative is dismissed from further analysis.

5.2 ALTERNATIVES CONSIDERED IN THIS EIR

Three alternatives to the proposed project were developed based on City of Davis staff and Historical Resources Management Commission input and the technical analysis performed to identify the environmental effects of the proposed project. The alternatives analyzed in this EIR include the following three alternatives in addition to the proposed Theta Xi Fraternity Redevelopment Project:

- No Project (No Build) Alternative;
- Renovation and Preservation Alternative;
- Preservation, Renovation, and New Build Alternative.

NO PROJECT (NO BUILD) ALTERNATIVE

The CEQA Guidelines (Section 15126.6[e]) require consideration of a No Project Alternative that represents the existing conditions, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved. For purposes of this analysis, the No Project (No Build) Alternative assumes that the project site remains in its existing state and no additional development would occur. The project site is currently developed with three two-story adjacent Theta Xi fraternity houses, totaling 19,800 square feet (sf). From east to west, the fraternity houses include the “TX Main House” located at 515 First Street (3,964 total sf, excluding the basement), the “Bryson House” located at 509 First Street (2,009 total sf, excluding the basement), and the “Jackson House” located at 503 First Street (2,065 total sf, excluding the basement). There is a detached garage in the northwest corner of the project site, and the side yard of the Jackson House is used for off-street parking for approximately seven vehicles. Additionally, a paved recreation/patio area is situated behind the Jackson House and Bryson House.

It is noted that the No Project (No Build) Alternative would fail to meet the project applicant’s objectives.

RENOVATION AND PRESERVATION ALTERNATIVE

Under the Renovation and Preservation Alternative, the three existing buildings would be preserved and undergo modest interior renovations that do not require significant structural changes to the building for Theta Xi Fraternity Use. This alternative would avoid the loss of any or all of the fraternity buildings that would occur under the proposed project as a result of demolition. While this alternative would retain all three buildings in their current exterior

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design, this alternative would not address deficiencies as a result of recommendations made by Pemberton Engineering of Davis, who conducted a structural/engineering study of the buildings in 2017. Additionally, this alternative would not meet the applicant objective relative to current and future needs of the Theta Xi Fraternity in regards to providing a safe, secure, and livable space for its fraternity members.

PRESERVATION, RENOVATION, AND NEW BUILD ALTERNATIVE

Under the Preservation, Renovation, and New Build Alternative, two of the three existing buildings would be preserved and/or renovated, and one would be demolished. The two buildings that would be preserved and/or renovated would include the TX Main House (located at 515 First Street, totaling 3,964 total sf, excluding the basement) and the Bryson House (located at 509 First Street, totaling 2,009 total sf, excluding the basement), while the Jackson House (located at 503 First Street, totaling 2,065 total sf, excluding the basement) and associated garage would be demolished and the site redeveloped.

Similar to the proposed project, under this alternative, the TX Main house would be vacated and placed for sale or lease to a third party on the open market. The Bryson House would be renovated for continued use by the Theta Xi Fraternity for housing and study. The renovation would include structural and safety improvements only and would not change the number of beds or bathrooms. Once the Jackson House and associated garage are demolished, this alternative would redevelop the Jackson House lot with a new three-story residential structure for use by the Theta Xi Fraternity. This new residential structure would include 22 beds and seven bathrooms. The capacity of the overall site would be similar to the proposed project.

Under this alternative, the parking capacity would remain comparable to the existing condition, and outdoor activities would take place in the backyard of the renovated Bryson House. The other proposed amenities and landscaping would be comparable to the proposed project.

It is noted that the Preservation, Renovation, and New Build Alternative would fail to meet most of the project objectives and would partially meet some of the project objectives identified by the City of Davis.

5.3 ENVIRONMENTAL ANALYSIS

The alternatives analysis provides a summary of the relative impact level of significance associated with each alternative for each of the environmental issue areas analyzed in this EIR. Following the analysis of each alternative, Table 5.0-1 summarizes the comparative effects of each alternative.

NO PROJECT (NO BUILD) ALTERNATIVE

Cultural and Tribal Resources

The No Project (No Build) Alternative assumes that the project site remains in its existing state and no additional development or renovation would occur. The No Project (No Build)

Alternative would not result in ground disturbing activities and would reduce the potential to disturb or destroy cultural, tribal, historic, archaeological, and paleontological resources. The No Project (No Build) Alternative would reduce the risk of the unintentionally discovery of such resources. Therefore, impacts to cultural and tribal cultural resources would be reduced under this alternative. The significant and unavoidable impact to historical resources would not occur under this alternative.

Land Use

The No Project (No Build) Alternative would not require a Conditional Use Permit to continue the existing living group use at the site as the fraternity house that is currently located on the project site is a legal nonconforming use, based on a Settlement Agreement and Release of all Claims entered into by and between the City and Theta Xi in 1995. It is noted that, if future changes and/or renovations to the buildings were proposed in the future under this alternative, a Conditional Use Permit may be required. The No Project (No Build) Alternative would also not require Design Review as alterations to the site and/or structures would not occur.

While the proposed project would require Design Review and a Conditional Use Permit, the No Project (No Build) Alternative would maintain this site in its current state with no new construction or housing. Maintenance of the site for fraternity uses would be consistent with the Settlement Agreement and Release of all Claims. While the analysis in Section 3.2 concluded that the proposed project would not result in any significant land use impacts, the No Project (No Build) Alternative would not reduce impacts related to land use, and therefore, would have similar impacts related to land use compared to the proposed project.

RENOVATION AND PRESERVATION ALTERNATIVE

Cultural and Tribal Resources

Under the Renovation and Preservation Alternative, the three existing buildings would be preserved and renovated for Theta Xi Fraternity Use. This alternative would avoid the loss of any or all of the fraternity buildings that would occur under the proposed project as a result of demolition. As such, impacts to historical resources would be reduced compared to the proposed project. Additionally, because major ground disturbance would not be required for this alternative, impacts to human remains, tribal cultural, archaeological, and paleontological resources would be reduced compared to the proposed project. The significant and unavoidable impact to historical resources would not occur under this alternative.

Land Use

Unlike the proposed project, the Renovation and Preservation Alternative would not require a Conditional Use Permit because demolition would not be required. Similarly, this alternative would not require Design Review because new construction would not occur, and the renovations would be internal to the buildings only. This alternative would be required to be consistent with the General Plan, including the goals, policies, and standards and with the

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Zoning Code. Because the analysis in Section 3.2 concluded that the proposed project would not result in any significant land use impacts, the Renovation and Preservation Alternative would not reduce impacts related to land use, and therefore, would have similar impacts related to land use compared to the proposed project.

PRESERVATION, RENOVATION, AND NEW BUILD ALTERNATIVE

Cultural and Tribal Resources

Under this alternative, two of the three existing buildings would be preserved and/or renovated, and one would be demolished. The TX Main House (located at 515 First Street) would be vacated and placed for sale or lease to a third party on the open market, the Bryson House (located at 509 First Street) would be renovated, and the Jackson House (located at 503 First Street) and associated garage would be demolished and the site redeveloped. Because demolition of one of the buildings would be required for this alternative, this alternative would not avoid the loss of one of the fraternity buildings. As such, impacts to historical resources would be similar to the proposed project. Because major ground disturbance would be required for redevelopment of the Jackson House site under this alternative, impacts to human remains, tribal cultural, archaeological, and paleontological resources would be similar to the proposed project. It is worth noting, however, that because two buildings would be preserved and/or renovated (compared to one building preserved under the proposed project), the significant and unavoidable impact to historical resources would be reduced (although not avoided).

Land Use

Similar to the proposed project, the Preservation, Renovation, and New Build Alternative would require a Conditional Use Permit because demolition would be required. Similarly, this alternative would require Design Review because new construction would occur associated with redevelopment of the Jackson House site under this alternative. This alternative would be required to be consistent with the General Plan, including the goals, policies, and standards and with the Zoning Code. Because the analysis in Section 3.2 concluded that the proposed project would not result in any significant land use impacts, the Preservation, Renovation, and New Build Alternative would not reduce impacts related to land use, and therefore, would have similar impacts related to land use compared to the proposed project.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project (No Build) Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

A comparative analysis of the proposed project and each of the project alternatives is provided in Table 5.0-1 below. The table includes a numerical scoring system, which assigns a score of “2,” “3,” or “4” to the proposed project and each of the alternatives with respect to how each alternative compares to the proposed project in terms of the severity of the environmental topics addressed in this EIR. A score of “2” indicates that the alternative would have a better (or lessened) impact when compared to the proposed project. A score of “3” indicates that the alternative would have the same (or equal) level of impact when compared to the proposed project. A score of “4” indicates that the alternative would have a worse (or greater) impact when compared to the proposed project. The project alternative with the lowest total score is considered the environmentally superior alternative.

TABLE 5.0-1: COMPARISON OF ALTERNATIVE PROJECT IMPACTS TO THE PROPOSED PROJECT

<i>ENVIRONMENTAL ISSUE</i>	<i>PROPOSED PROJECT</i>	<i>NO PROJECT (NO BUILD) ALTERNATIVE</i>	<i>RENOVATION AND PRESERVATION ALTERNATIVE</i>	<i>PRESERVATION, RENOVATION, AND NEW BUILD ALTERNATIVE</i>
Cultural and Tribal Resources	3 – Same	3 – Same	3 – Same	3 – Same
Land Use	3 – Same	2 – Lesser	2 – Lesser	3 – Same
Summary	6	5	5	6

As shown in Table 5.0-1, the No Project (No Build) Alternative and the Renovation and Preservation Alternative are the environmentally superior alternatives when looked at in terms of all potentially significant environmental impacts. However, the No Project (No Build) Alternative would not achieve the project objectives. The Renovation and Preservation Alternative would result in five points and would reduce impacts similar to the No Project (No Build) Alternative, while the Preservation, Renovation, and New Build Alternative would result in six points. The Renovation and Preservation Alternative would reduce impacts to cultural and tribal cultural resources compared to the project. The Preservation, Renovation, and New Build Alternative would not reduce any impacts compared to the project. Therefore, the Renovation and Preservation Alternative is the next environmentally superior alternative to the proposed project. It is noted that the superior alternative would depend on the City’s local priorities (i.e., preservation of historical resources, etc.), as well as the ability to meet the proposed project’s objectives. Each alternative’s ability to satisfy the project objectives is discussed in the following section.

5.4 COMPARATIVE EVALUATION OF THE PROJECT AND ALTERNATIVES TO SATISFY PROJECT OBJECTIVES

This section examines how each of the alternatives selected for more detailed analysis meets the project objectives.

1. *Address deficiencies in the structural integrity of the three houses used to house the undergraduate members of the Theta Xi Fraternity on First Street in Davis, CA, as identified in the report by Pemberton Engineering, dated July 27, 2016.*

The No Project (No Build) Alternative would not satisfy this project objective because under this alternative, no development would occur and the structural deficiencies would continue. The

5.0 ALTERNATIVES TO THE PROPOSED PROJECT

Renovation and Preservation Alternative would also not meet this objective because the renovations would not address the current structural deficiencies, only interior form and functionality. In contrast, the Preservation, Renovation, and New Build Alternative would partially meet this objective because the alternative would address the structural deficiencies at the Jackson House, but would not address the deficiencies at the other two buildings.

- 2. Renovate the subject properties in a way that provides for the needs of University of California, Davis students by ensuring that housing is competitive both in rent and amenities available within the City of Davis, including on-campus housing, in order to ensure the sustainability of the fraternity.*

The No Project (No Build) Alternative would not satisfy this project objective because under this alternative, no development would occur and the buildings would remain unchanged. This alternative would not be competitive in amenities. The Renovation and Preservation Alternative would partially meet this objective because the alternative would renovate the structures, which could increase the competitiveness of the houses by providing additional amenities and updates. However, this alternative would not achieve this objective to the same degree as the proposed project. The Preservation, Renovation, and New Build Alternative would meet this objective by providing structural and safety improvements at the Bryson House and redeveloping the Jackson House site with additional space and amenities. However, this alternative would also not achieve this objective to the same degree as the proposed project.

- 3. Use the value embedded in the three owned lots to assist in funding the renovation project by consolidating the housing needs of the fraternity onto a smaller footprint.*

The No Project (No Build) Alternative would not satisfy this project objective because under this alternative, no building sale or consolidation would occur. The Renovation and Preservation Alternative would also not meet this objective because the alternative would not consolidate the housing needs onto a smaller footprint in order to assist in funding. The Preservation, Renovation, and New Build Alternative would partially meet this objective as redevelopment of the Jackson House lot and renovations to the Bryson House would add value to the two lots in the long-term, and the sale of the TX Main House would assist in funding. However, because this alternative would not consolidate the housing needs onto a smaller footprint, this objective is only partially satisfied.

- 4. Construct the new building with features that will allow it to achieve a high level of energy efficiency and reduce ongoing maintenance costs.*

The No Project (No Build) Alternative would not satisfy this project objective because under this alternative, no development would occur, the energy efficiency would not be increased, and the maintenance costs would not be reduced. The Renovation and Preservation Alternative would partially meet this objective because the renovations would slightly increase the efficiency (i.e., by potentially improving the lighting and appliance efficiency) of the buildings and reduce some of the maintenance costs. However, this alternative would not achieve this objective to the

same degree as the proposed project. The Preservation, Renovation, and New Build Alternative would largely meet this objective because the renovations to the Bryson House would slightly increase the efficiency (i.e., by potentially improving the lighting and appliance efficiency), and would slightly decrease maintenance costs. Additionally, redevelopment of the Jackson House lot would decrease maintenance costs and increase energy efficiency. However, this alternative would not achieve this objective to the same degree as the proposed project.

5. *Continue to use the new facility as classrooms that, through fellowship and alumni guidance, lead to the wholesome mental, moral, physical, and spiritual growth that is the purpose of the Theta Xi Fraternity.*

The No Project (No Build) Alternative would not satisfy this project objective because under this alternative, no new facilities would be provided. The Renovation and Preservation Alternative would also not meet this objective because new facilities with classrooms would not be provided, although the renovated buildings could be used for educational purposes. The Preservation, Renovation, and New Build Alternative would meet this objective because a new facility would be constructed which may have classrooms and/or opportunities for gathering and hosting alumni.

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