

4.5 CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the project on known and unknown cultural resources (also known as heritage resources) and on unknown fossil deposits of paleontological importance. Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons.

Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-era physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or architectural) resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges).

Paleontological resources include mineralized, partially mineralized, or unmineralized bones and teeth, soft tissues, shells, wood, leaf impressions, footprints, burrows, and microscopic remains that are more than 5,000 years old and occur mainly in Pleistocene or older sedimentary rock units.

4.5.1 Environmental Setting

The primary sources of information used to prepare this section include the City of Davis Cultural Resources Inventory and Context Statement (City of Davis 1996), the Central Davis Historic Conservation District Historical Resources Survey (City of Davis 2006), the Draft Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School (City of Davis 2000).

PALEONTOLOGICAL SETTING

The project area is located at the southwestern end of the Sacramento Valley within the Great Valley Geomorphic Province. The Great Valley Province is a long, narrow northwest-trending alluvial valley that lies between the Sierra Nevada Range to the east and the Coast Ranges to the west. The Sacramento Valley is located in the northern portion of the Great Valley and is bounded by the Klamath Mountains to the north and the Stockton Arch to the south. This region formed as a forearc basin during the subduction of the Pacific plate underneath the North American plate. Valley sediments range from Jurassic to Holocene in age and record a history of alternating marine and terrestrial depositional environments.

The Sacramento Valley has been filled over time with up to a six-mile thick sequence of interbedded clay, silt, sand, and gravel deposits. The sediments range in age from more than 144 million years old (Jurassic Period) to less than 10,000 years (Holocene). The most recent sediments consist of coarse-grained (sand and gravel) deposits along river courses and fine-grained (clay and silt) deposits located in low-lying areas or flood basins and are referred to as alluvial deposits. These deposits are loose and not well consolidated soils.

REGIONAL PREHISTORY

Although the Sacramento Valley may have been inhabited by humans as early as 10,000 years ago, the evidence for early human use likely is buried by deep alluvial sediments that accumulated rapidly during the late Holocene epoch. Although rare, archaeological remains of this early period have been identified in and around the Central Valley. These archaeological remains have been grouped into what is called the Farmington Complex, which is characterized by core tools and large, reworked percussion flakes. The economy of this early period generally is thought to be based on exploitation of large game. Later periods are better understood because of more abundant representation in the archaeological record.

The taxonomic framework of the Sacramento Valley has been described in terms of archaeological patterns. A pattern is a general mode of life characterized archaeologically by technology, particular artifacts, economic systems, trade, burial practices, and other aspects of culture. There are three general patterns of resource use for the period between 4500 before present (B.P.) and 200 B.P.: the Windmill, Berkeley, and Augustine Patterns.

Windmill Pattern (4500 B.P.–3000 B.P.)

The Windmill Pattern shows evidence of a mixed economy of game procurement and use of wild plant foods. The archaeological record contains numerous projectile points with a wide range of faunal remains. Hunting was not limited to terrestrial animals, as is evidenced by fishing hooks and spears that have been found in association with the remains of sturgeon, salmon, and other fish. Plants also were used, as indicated by ground stone artifacts and clay balls that were used for boiling acorn mush. Settlement strategies during the Windmill period reflect seasonal adaptations: habitation sites in the valley were occupied during the winter months, but populations moved into the foothills during the summer.

The Windmill Pattern is said to reflect the influence of a lake or marsh adaptation. The economic stance of a marsh or lake culture may have pre-adapted them for the environment of the lower Sacramento-San Joaquin Valley and Delta, and they may have entered the region with this adaptation more or less fully developed. The Windmill Pattern may represent the advent of early Penutian-speaking populations and was directly ancestral to the succeeding Berkeley Pattern.

Berkeley Pattern (3500 B.P.–1500 B.P.)

The Windmill Pattern ultimately changed to a more specialized adaptation labeled the Berkeley Pattern. A reduction in the number of *manos* and *metates* and an increase in mortars and pestles indicate a greater dependence on acorns. Reliance on acorns as a staple is inferred from what is generally recognized as the first appearance of mortars and pestles in archeological sites dating to this period. Although gathered resources gained importance during this period, the continued presence of projectile points and atlatls (spear-throwers) in the archaeological record indicates that hunting was still an important activity. The Berkeley Pattern initially may represent the spread of proto-Miwok and Costanoans, collectively known as Utians, from their hypothesized lower Sacramento Valley/Delta homeland.

Augustine Pattern (1500 B.P.–200 B.P.)

The Berkeley Pattern was superseded by the Augustine Pattern. The Augustine Pattern initially appears to be largely an outgrowth of the Berkeley Pattern but may have become a blend of Berkeley Pattern traits with those carried into the area by the migration (that began approximately 1800 B.P.) of Wintuan populations from the north. This pattern exhibits a great elaboration of ceremonial and social organization, including the development of social stratification. Exchange became well developed, and an even more intensive emphasis was placed on the use of the acorn, as evidenced by the presence in the archaeological record of shaped mortars and pestles and numerous hopper mortars. Other notable elements of the artifact assemblage associated with the Augustine Pattern are flanged tubular smoking pipes, harpoons, clam shell disc beads, and an especially elaborate baked clay industry, which included figurines and pottery vessels (Cosumnes Brownware). The presence of small projectile point types, referred to as the Gunther Barbed series, suggests the use of the bow and arrow. Other traits associated with the Augustine Pattern include the introduction of pre-interment burning of offerings in a grave pit during mortuary rituals, increased village sedentism, population growth, and an incipient monetary economy in which beads were used as a standard of exchange.

ETHNOGRAPHY

Prior to the arrival of Euroamericans in the region, California was inhabited by groups of Native Americans speaking more than 100 different languages and occupying a variety of ecological settings. The project site is within the ethnographic territory of the Southern Wintun or Patwin, who are members of the widespread Penutian language family, which was prevalent throughout California during the late prehistoric and historic

era (e.g., A.D. 1800). Patwin are the southernmost division of Wintuan groups, a distinction primarily based on linguistic variation. Patwin are members of California Penutian linguistic stock, and they occupied the southwest portion of the Sacramento Valley, from the lower hills of the eastern North Coast Ranges to the Sacramento River, and from Princeton south to San Pablo and Suisun Bays. Patwin are comprised of numerous different tribal groups with separate dialects, but anthropologists usually separate Patwin into two primary subdivisions: Hill Patwin and River Patwin. Hill Patwin occupied the lower, eastern slopes of the southern North Coast Range and River Patwin occupied the west side of the lower Sacramento River below the mouth of the Feather River and the lower reaches of Cache Creek and Putah Creek in the Sacramento Valley.

As with most of the hunting-gathering groups of California, the “tribelet” represented the basic social and political unit. Typically, a tribelet chief would reside in a major village where ceremonial events were held. The status of such individuals was inherited patrilineally among the Patwin, although village elders had considerable power in determining who actually succeeded to particular positions.

Hunting and fishing were the responsibilities of the men in the community, who also produced the associated tool assemblage, including nets, boats, bows, and arrows. Women’s tools primarily consisted of a variety of baskets of many sizes and shapes manufactured from available materials such as sedge roots and willow and redbud shoots.

Many items that could not be obtained locally were procured through an active and extensive trade network. Clam shell disk beads served as currency in the region, and the Patwin routinely imported pine nuts, seeds, bear hides, beads, and sinew-backed bows from the central Wintun; and shell beads, magnesite, salt, clams, and obsidian from the Pomo. In exchange, they exported salmon, river otter pelts, cordage, shell beads, yellow hammer headbands, and sinew-backed bows to the Pomo (Davis 1974). In some instances, they acted as middlemen for particular items in the east-west or north-south movement of various commodities.

The expansion of missions throughout California was disastrous for the Patwin. Mission San Francisco de Asis, Mission San Jose, and later Mission San Francisco Solano, all recruited neophytes from southern Patwin villages. Residents from the village of Aguastos were taken to Mission San Francisco de Asis as early as 1800. At the missions, introduced diseases such as measles and smallpox were instrumental in reducing the population to the point that established cultural traditions and settlement systems could no longer be maintained. The onslaught of Euroamericans during the late 1840s, coupled with the Gold Rush beginning in 1849, decided the fate of the Patwin culture. The southern Patwin were devastated by these events, and, by 1871-1872, the Patwin culture appeared to be virtually extinct.

REGIONAL HISTORY

Early Settlement

The area that comprises the town of Davis was first settled by Jerome C. Davis in the early 1850s. Davis paid his father-in-law, Colonel Joseph Chiles, \$4,000 for 3,000 acres north of Putah Creek in 1854. The transfer included all stock and improvements upon the lands. By 1856, Davis had 8,000 acres of land, 1,000 of which were enclosed. Davis irrigated portions of his land by pumping water from Putah Creek with a steam engine. By 1864, his ranch totaled about 13,000 acres, with 8,000 acres fenced, wherein he herded livestock and grew wheat, peaches, and grapes.

Jerome Davis sold 3,000 acres to the California Pacific Railroad in 1867. Soon after the sale, the five directors of the California Pacific Railroad became the founders of Davisville. They formed the Davisville Land Company and began selling lots. The town was originally 32 blocks and was bounded by what are the present day streets of First, B, Fifth and J. The community of Davisville grew quickly and became the commercial center for the surrounding ranch lands; by 1900 Davisville had 700 residents.

The City of Davis

Agricultural development continued over the next few decades and in 1905 the state legislature authorized the establishment of the University Farm, which offered courses in farming techniques for men and boys. The name Davisville persisted until 1907 when the first buildings associated with University of California at Davis (UC Davis) were constructed and the post office name was shortened to Davis. The city was incorporated in 1917.

In 1922, the school was officially organized as a branch of the College of Agriculture of the University of California at Berkeley. During World War II (WWII) the Western Signal Corp established a school on the University campus and from 1943-1945 the university suspended regular classes as a part of war-time effort. The end of World War II brought a resumption of university classes and enrollment expanded from 500 in the 1930s to 1200 at the end of World War II. 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. Between 1940 and 1950 the population of the city doubled from 1,700 to 3,600, and by 1960 it had more than doubled again to 8,900, driven largely by the university expansion. By the 1970s the university had over 12,000 students, growth that created faculty and staff employment, and generated businesses related to research and development tied to the university.

The university expansion and the accompanying population growth were accompanied by a vast expansion of commercial facilities in the downtown, as well as in new suburban neighborhoods. In 1945 the City of Davis occupied less than one half square mile. By the 1970s, 50 areas were annexed into the City, and Davis grew to encompass over 6 square miles. Commercial enterprise expanded well outside the traditional two to three block area of the “downtown” into areas that had previously been exclusively residential.

Transportation

Railroad

The California Pacific Railroad Company was incorporated in January of 1865. (The Central Pacific Railroad took over the old California Pacific lines in 1871, after which control was taken over by the Southern Pacific in 1886, and has now been taken over by Union Pacific Railroad in 1996.) One of the primary routes developed by California Pacific was the Vallejo to Davisville line. Construction of the first Davisville depot began in July of 1868 and service to Davisville opened on August 24th. By 1870, through service was offered into Sacramento along this line. The choice of Sacramento as the end point of the trans-continental railroad secured neighboring Davisville stops on important connecting lines.

Prior to the completion of rail service to Davisville, settlers living in isolated areas were served by stage lines, riverboats, Pony Express riders and telegraph. Davisville residents welcomed the railroad as the solution to their increased transportation problems. The impact of railroad service to Davis was seen and felt almost immediately. The economic benefit was great and contributed to merchant decisions to expand businesses and agricultural expansions in the area because of increased ease with which farmers could transport produce and livestock. The railroad traffic through Davis peaked during World War II with the transport of men and materials.

The present Southern Pacific Depot was completed in 1914 and replaced the original depot. Southern Pacific officials decided to follow a precedent established a few years earlier by the Santa Fe Railroad and designed the 1914 station in the Mission Revival Style. The building, which is listed on the National Register of Historic Places (NRHP), still services commuters to Sacramento and San Francisco.

The Lincoln Highway and State Route 6

The 1915 opening of the Lincoln Highway established a continuous transcontinental automobile highway essentially allowing motorists to travel from New York City to San Francisco along one route. Although the road was rough, and the primary means of long distance travel was still by railroad, the establishment of a national highway system encouraged the automobile industry. The original 1915 route of the Lincoln Highway jogged south from Sacramento to Stockton and entered Oakland from the southwest. The roadway

had been designed this way to accommodate the many channels and tributaries of the San Francisco Bay. The Yolo Basin, located northeast of Davis, flooded for six to eight months out of the year, which prevented vehicular traffic from passing from the west to the east side of the valley for all but a few months of the year, in the summer and fall. With the completion of the Yolo Causeway west of Sacramento in 1916 and the Carquinez Bridge near Vallejo in 1927, more direct routes from Sacramento to Oakland were opened up, following closely to what is now the route of I-80. The new route, Highway 40 (later redesignated I-80), traveled through the Nishi site until the freeway was realigned in 1974.

In 1915, the State of California also proposed to build a new highway through Davis. The proposed road, State Route 6, was part of the state system of highways associated with the Lincoln Highway. As State Route 6 approached Davis from the east, the highway paralleled the railroad tracks on the south side down what is now Olive Drive, then swung west under the newly constructed underpass at Richards Boulevard—now listed on the National Register of Historic Places as the Davis Subway—and proceeded west along Front Street (now First Street) to Ash Street (now B Street). The state highway continued north on B to 5th Street (Russell Boulevard), then turned west on Russell Boulevard to Cactus Corners (now Pedrick Road) where it connected with State Route 7 that traversed the west side of the Sacramento Valley. The road offered motorists an improved route from Sacramento toward Vallejo. Portions of the state highway were also considered parts of the Lincoln Highway.

West Olive Drive Area

Development of the West Olive Drive area did not begin until the 1950s, during a period of post-WWII and University growth. The east side of Olive Drive had developed earlier, with Slatters Motor Court (1927), a gas station, and a grocery store. Because the area was immediately adjacent to State Route 6 and the Lincoln Highway, development was primarily highway commercial. The Davis Motel was the first building to be constructed in 1951, followed by more highway commercial businesses in the 1960s.

RECORDS SEARCHES

Paleontology Records Search

A search of the University of California Museum of Paleontology database was conducted on April 12, 2015. Records of paleontological finds maintained by the University of California Berkeley Museum of Paleontology (2015) state that there are 135 localities at which fossil remains have been found in Yolo County. These occur in two major geologic formations: the Capay and Forbes formations, which are exposed primarily in the northwestern part of the county. The database did not list any paleontological resources in or near the City of Davis.

NCIC Records Search

Background literature and document searches were conducted at the Northwest Information Center of the California Historical Resources Information System (CHRIS) at Sonoma State University, Rohnert Park, California on September 13, 2013 and March 9, 2015. The records searched included the project site and a 0.25-mile buffer area. The records search reviewed the following sources:

- ▲ previously recorded sites,
- ▲ reports of previous studies,
- ▲ California historical landmarks,
- ▲ NRHP,
- ▲ California Register of Historic Resources (CRHR),
- ▲ Office of Historic Preservation Historic Properties Directory,
- ▲ Historic Spots in California (2002),
- ▲ General Land Office plat maps showing the study area, and
- ▲ County historical maps.

The records search did not identify any cultural resources, either archaeological or historic, within the project site. Two archaeological resources, both prehistoric-historic sites, and four NRHP-eligible historic buildings were identified in the 0.25-mile buffer area.

Native American Consultation and Other Interested Parties

On September 13, 2013, a letter was sent to the NAHC requesting a search of the Sacred Lands File and a current list of Native American individuals and groups with potential interests in the project. A record search of the sacred land file failed to indicate the presence of Native American traditional cultural properties in the immediate project area. The NAHC letter identified five individuals/groups as current contacts with potential interests in the project and stated that these individuals/groups may have knowledge of cultural resources in the project area. On December 16th, 2013 Mr. Marshall McKay, Tribal Chairman for the Yocha Dehe Wintun Nation, responded that they have a cultural interest in the project area.

In addition, in compliance with Senate Bill (SB) 18, which requires the consultation of Native American tribes prior to the adoption or any amendment of a general plan or specific plan, the City of Davis has sent letters to the five individuals/groups identified by the NAHC. To date, the City has received a response from the Yocha Dehe Wintun Nation and has initiated consultation pursuant to SB 18. Legislation requiring specific CEQA consultation requirements with Native American tribes was passed in 2014 (Assembly Bill 52), but it does not apply to projects whose NOPs were filed prior to July 1, 2015. The NOP for this EIR was filed in January 2015. Nonetheless, the City intends to consult with Yocha Dehe Wintun Nation throughout the environmental and development review processes.

PEDESTRIAN SURVEYS

Archaeological Resources

On December 11, 2013, archaeologists conducted a field survey of the entire project site. The survey crew walked systematic transects across the property spaced at no more than 15 meters apart. No significant prehistoric or historic archaeological resources were identified. The only materials present were the remains of contemporary structures which appeared to have been recently leveled and cleared.

Historic Resources

All built-environment resources within the project site were documented during the course of a pedestrian survey by an architectural historian on February 18, 2015, with all resources that appeared to be from the historic period (50 years of age or older) fully photo-documented and recorded in the field. The buildings were evaluated and recorded on California Department of Parks and Recreation Primary Record forms 523 A and B, which are the standard forms for recording potentially historic resources in the state of California. As shown in greater detail below, no historic architectural resources were identified on the project site.

Paleontological Resources

Based on the results of the records search and the types of soils on the site, which have not historically yielded paleontological resources, the potential for paleontological resources to be present on-site is considered low, and a pedestrian survey of the project site was determined not to be necessary.

4.5.2 Regulatory Setting

FEDERAL

Section 106 of the National Historic Preservation Act

Federal protection of cultural resources is legislated by (a) the National Historic Preservation Act (NHPA) of 1966 as amended by 16 U.S. Code 470, (b) the Archaeological Resource Protection Act of 1979, and (c) the

Advisory Council on Historical Preservation. These laws and organizations maintain processes for determination of the effects on historical properties eligible for listing in the NRHP.

Section 106 of the NHPA and accompanying regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the main federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed in, or may be eligible for listing in the NRHP. The NRHP is the nation's master inventory of known historic resources. It is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, and cultural value.

The formal criteria (36 CFR 60.4) for determining NRHP eligibility are as follows:

1. The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
2. It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
3. It possesses at least one of the following characteristics:
 - a. Association with events that have made a significant contribution to the broad patterns of history (events).
 - b. Association with the lives of persons significant in the past (persons).
 - c. Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).
 - d. Has yielded, or may be likely to yield, information important to prehistory or history (information potential).

As shown below, no structures within the project site were determined to be eligible for listing pursuant to the formal criteria listed above.

STATE

California Register of Historical Resources

All properties listed in or formally determined eligible for listing in the NRHP are eligible for the CRHR. The CRHR is a listing of State of California resources that are significant within the context of California's history. The CRHR is a statewide program of similar scope and with similar criteria for inclusion as those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

A historic resource must be significant at the local, state, or national level under one or more of the criteria defined in the California Code of Regulations (CCR) Title 15, Chapter 11.5, Section 4850. The CRHR criteria are similar to the NRHP criteria and are tied to CEQA because any resource that meets the criteria below is considered a historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for the NRHP are automatically listed in the CRHR.

The CRHR uses four evaluation criteria for listing eligibility of a resource to the CRHR:

1. Is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

2. Is associated with the lives of persons important to local, California, or national history.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Similar to the NRHP, a resource must meet one of the above criteria and retain integrity. The CRHR uses the same seven aspects of integrity as the NRHP.

California Environmental Quality Act

CEQA (Public Resources Code [PRC] Section 21000, *et seq.*) and the State CEQA Guidelines (CCR, Section 1500, *et seq.*) are the principal regulatory controls addressing impacts on historical and paleontological resources in California. Projects with the potential to adversely affect significant cultural resources must be reviewed through the CEQA process. As the designated CEQA lead agency for approval of the project, the Merced County Regional Waste Management Authority is responsible for complying with CEQA's requirements regarding the identification of feasible measures to mitigate significant adverse changes to historical and paleontological resources and ensuring that the measures are enforceable through permit conditions, agreements, or other measures.

Whenever a resource (PRC 21083.2) cannot be avoided by project activities, impacts will be addressed and mitigated as outlined in PRC 15126.4 and 15331 of CEQA. The State CEQA Guidelines (PRC 15064.4) also state that when an initial study identifies the existence of, or probable likelihood, of Native American human remains within the project, a lead agency will work with the appropriate Native Americans as identified by NAHC.

In the case of projects that must consider both federal and state laws, regulations and standards, joint environmental documents, time limits for preparation, and cooperation with federal agencies on common documents is encouraged (14 CCR Section 15222, 15225).

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both State and private lands. The Act requires that upon discovery of human remains, construction or excavation activity cease and the county coroner be notified. If the remains are of a Native American, the coroner must notify NAHC. The NAHC then notifies those persons most likely to be descended from the Native American's remains. This act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

California Health and Safety Code

Section 7050.5 (b) of the California Health and Safety code specifies protocol when human remains are discovered. The code states:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

LOCAL

City of Davis General Plan

The City of Davis General Plan contains the following goals and policies that are relevant to cultural 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.
- ▲ **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.

4.5.3 Impacts and Mitigation Measures

SIGNIFICANCE CRITERIA

Based on Appendix G of the State CEQA Guidelines, the project would result in a potentially significant impact on cultural resources if it would:

- ▲ cause a substantial adverse change in the significance of an historical resource as defined in §15064.5;
- ▲ cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5;
- ▲ disturb any human remains, including those interred outside of formal cemeteries;
- ▲ directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- ▲ conflict, or create an inconsistency, with any applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating environmental effects related to cultural resources.

METHODS AND ASSUMPTIONS

Components of the Nishi Sustainability Implementation Plan That Could Affect Project Impacts

There are no goals and objectives from the Nishi Sustainability Implementation Plan that are applicable to the evaluation of cultural resources impacts because the goals and objectives are related to land use compatibility, reductions in energy use, multi-modal transportation improvements, and reductions in carbon emissions.

Impact Analysis Methodology

As noted in Chapter 3, “Project Description,” this EIR evaluates development of the Nishi site at a project level and potential redevelopment that may occur within West Olive Drive as a result of rezoning/redesignation at a programmatic level.

The impact analysis for prehistoric- and historic-period archaeological resources is based on the findings and recommendations of the Summary of Nishi Property Cultural Resource Investigation (Pacific Legacy 2015). The impact analysis for historic architectural resources is based on the report titled Nishi Gateway Project Historic Resources Survey and Evaluation Report (Ascent Environmental 2015), which has been included as Appendix G. The analysis is also informed by the provisions and requirements of federal, state, and local

laws and regulations that apply to cultural resources. In determining the level of significance, the analysis assumes that the project would comply with relevant, federal, state, and local laws, regulations, and ordinances.

Application of NRHP and CRHR Criteria

CRHR criteria were used to evaluate the historic significance of the archeological resources on the project site. While these resources were not formally evaluated for NRHP eligibility, the criteria are nearly identical to those of the CRHR. Therefore, it is reasonable to assume CRHR eligibility determinations can be assumed. The NRHP criteria for eligibility are codified in 36 CFR Part 60 and explained in guidelines published by the Keeper of the NRHP. The NRHP and CRHR are discussed in more detail above under “Regulatory Setting.” Eligibility for listing on the NRHP and the CRHR rests on twin factors of significance and integrity. A resource must have both significance and integrity to be considered eligible. Loss of integrity, if sufficiently great, will become more important than the historical significance a resource may possess and render it ineligible. Likewise, a resource can have complete integrity, but if it lacks significance, it must also be considered ineligible.

Historic Resources

Six buildings in the West Olive Drive portion of the project were identified as being 50 years old or older and were therefore evaluated for NRHP and CRHR eligibility. None of the surveyed structures were determined to be eligible for designation under NRHP or CRHR criteria.

1121 Richards Blvd. – Caffé Italia

This property is associated with the general commercial development of the early 1960s in the West Olive Drive area that resulted from post-WWII growth and the expansion of UC Davis, but the property is not an important example to illustrate this development. Consistent with the highway commercial development of the area, this property has continued to be home to restaurants, the latest, Caffé Italia opened in 1982. However, because this building is not associated with events that have made a significant contribution to the broad patterns of our nation’s, California’s, or local history, it does not appear to meet NRHP/CRHR Criterion A/1. The building does not appear to be eligible for listing in the NRHP/CRHR Criterion B/2 because it has no known association with persons who made significant contributions to the broad patterns of our nation’s, California’s, or local history. The building does not appear to be eligible under Criterion C/3. The building lacks architectural distinction, does not have artistic qualities, and is not the work of a master. The building does not appear to be eligible under Criterion D/4 because it is not likely to yield any additional important information about our history. Construction details about the existing building have been fully documented. This building does not appear to meet the criteria for the NRHP or the CRHR and therefore is not considered to be significant for the purposes of CEQA.

1111 Richards Blvd. – University Park Inn and Suites

The original building on this site, the Davis Motel, was constructed in 1951. Between 1997 and 1998, major renovations occurred on this property. The three ancillary buildings (constructed 1951, 1956, and 1959) were remodeled (interiors gutted and rebuilt; conference-room addition to 1951 building; rooflines altered) and the main building was torn down and rebuilt as the existing University Park Inn and Suites. Because the main hotel building has been completely rebuilt and the ancillary buildings have been remodeled to match, the University Park Inn and Suites no longer retains sufficient integrity of design, materials, workmanship, or feeling to be eligible for listing in either the NRHP or CRHR. Therefore, this building is not considered to be significant for the purposes of CEQA and is not evaluated further.

978 Olive Drive – Redrum Burger

This property is associated with the general commercial development of the early 1960s in the West Olive Drive area that resulted from post-WWII growth and the expansion of UC Davis, but the property is not an important example to illustrate this development. Consistent with the highway commercial development of the area, this property has continued to be home to fast food restaurants: Sno-White, Ju-Ju, and finally Murder Burger in 1986 (renamed Redrum Burger in 2001 when the franchise was sold to Jim Edlund). Although statements regarding a 1948/49 construction date have been made, historical photos from the Special Collections Department of the Shields Library at the University of California Davis date the building to

between 1952 and 1964, and the Yolo County assessor's records confirm a 1962 construction date. While Redrum Burger has reached a level of local notoriety, that has only been in the past 30 years and does not reach the level of significance required for NRHP- or CRHR-eligibility consideration. Because the structure is not associated with events that have made a significant contribution to the broad patterns of our nation's, California's, or local history, it does not appear to meet NRHP/CRHR Criterion A/1. The building does not appear to be eligible for listing in the NRHP/CRHR Criterion B/2 because it has no known association with persons who made significant contributions to the broad patterns of our nation's, California's, or local history. The building does not appear to be eligible under Criterion C/3. The building lacks architectural distinction, does not have artistic qualities, and is not the work of a master. The building does not appear to be eligible under Criterion D/4 because it is not likely to yield any additional important information about our history. Construction details about the existing building have been fully documented. This building does not appear to meet the criteria for the NRHP or the CRHR and therefore is not considered to be significant for the purposes of CEQA.

975 Olive Drive – Napa Auto and Truck Parts

The building does not appear to meet the listing requirements of NRHP/CRHR Criterion A/1, as it is not associated with events that have made a significant contribution to the historic of the city. It was one of several commercial businesses operating during the early 1960s, a period of general growth in Davis. The building does not appear to be eligible for listing in the NRHP/CRHR Criterion B/2 because it has no known association with persons who made significant contributions to the broad patterns of our nation's, California's, or local history. The building does not appear to be eligible under Criterion C/3. The building lacks architectural distinction, does not have artistic qualities, and is not the work of a master. The building does not appear to be eligible under Criterion D/4 because it is not likely to yield any additional important information about our history. Construction details about the existing building have been fully documented. This building does not appear to meet the criteria for the NRHP or the CRHR and therefore is not considered to be significant for the purposes of CEQA.

965-A Olive Drive – Speedy Glass

The building does not appear to meet the listing requirements of NRHP/CRHR Criterion A/1, as it is not associated with events that have made a significant contribution to the historic of the city. It was one of several commercial businesses operating during the early 1960s, a period of general growth in Davis. The building does not appear to be eligible for listing in the NRHP/CRHR Criterion B/2 because it has no known association with persons who made significant contributions to the broad patterns of our nation's, California's, or local history. The building does not appear to be eligible under Criterion C/3. The building lacks architectural distinction, does not have artistic qualities, and is not the work of a master. The building does not appear to be eligible under Criterion D/4 because it is not likely to yield any additional important information about our history. Construction details about the existing building have been fully documented. This building does not appear to meet the criteria for the NRHP or the CRHR and therefore is not considered to be significant for the purposes of CEQA.

965 Olive Drive – AAMCO

The building does not appear to meet the listing requirements of NRHP/CRHR Criterion A/1, as it is not associated with events that have made a significant contribution to the historic of the city. It was one of several commercial businesses operating during the early 1960s, a period of general growth in Davis. The building does not appear to be eligible for listing in the NRHP/CRHR Criterion B/2 because it has no known association with persons who made significant contributions to the broad patterns of our nation's, California's, or local history. The building does not appear to be eligible under Criterion C/3. The building lacks architectural distinction, does not have artistic qualities, and is not the work of a master. The building does not appear to be eligible under Criterion D/4 because it is not likely to yield any additional important information about our history. Construction details about the existing building have been fully documented.

ISSUES NOT EVALUATED FURTHER

Historic Structures

As described above, no historic architectural resources/structures were identified on the project site (Nishi site or West Olive Drive). The NRHP-listed Davis Subway, also known as the Richards Boulevard underpass, is located adjacent to the northern corner of the West Olive Drive portion of the project site. Project construction on Richards Boulevard would include widening Richards Boulevard at the Olive Drive intersection. Roadway construction would occur no less than 50 feet southeast of the Davis Subway and would not physically alter the historic structure or change the character of the setting. It would not alter the form or function of the structure or the function of nearby uses. See Section 4.14, "Transportation and Circulation," under Impact 4.14-2 (Impacts to intersections within the Richards Boulevard interchange area) for further discussion of improvements to the intersection of Richards Boulevard and Olive Drive. Therefore, project construction and operation would have no impact on historical architectural resources/structures, and this issue is not discussed further in this EIR.

PROJECT-SPECIFIC IMPACTS AND MITIGATION MEASURES

Impact 4.5-1: Disturb unique archaeological resources.

Nishi Site

Based on the results of the archaeological records search and survey, there are no known archaeological resources on the Nishi site. Project-related ground-disturbing activities could result in uncovering currently unknown resources and cause a substantial change in the significance of an as yet undiscovered unique archaeological resource as defined in CEQA Guidelines Section 15064.5. This would be a **potentially significant** impact.

Although the records search did not identify any archaeological resources within the Nishi site and no significant prehistoric or historic archaeological resources were identified during the pedestrian survey, two archaeological resources, both prehistoric-historic sites, are known to be located near the Nishi site and may extend onto the Nishi site. Prehistoric and historic period archaeological materials including Native American human remains (burials) have been identified and recorded at both of these archaeological sites. Therefore, the potential for encountering previously undiscovered or unrecorded archaeological sites and materials during project-related preconstruction or construction-related ground disturbing activities is considered moderate to high. If such resources were to represent "unique archaeological resources" as defined by CEQA, any substantial change to or destruction of these resources would be a potentially significant impact.

*The development of the Nishi site as part of the project could result in the damage or destruction of a known or as yet undiscovered unique archaeological resource. This would be a **potentially significant** impact.*

Mitigation Measures

Mitigation Measure 4.5-1a: Prior to initiation of vegetation removal/grading, the applicant shall retain a Registered Professional Archaeologist meeting the Secretary of Interior's qualifications standards for prehistoric and historical archaeology to perform auger testing on the Nishi site. The objective of the auger testing is to refine specific areas where monitoring for buried (subsurface) archaeological material within specific areas of the Nishi site shall be required. A series of auger holes will be completed by a manual spiral auger and soil from each auger will be processed through 1/8 inch hardware mesh. All recovered cultural material will be recorded with respect to the specific auger and estimated depth. Excavation results, including soil description, will be recorded on field forms. Following the auger testing, a report will be prepared that describes study methods, recovered data, and conclusions.

If the auger testing and associated report reveal any cultural material or areas where soils have been determined likely to conceal cultural deposits, construction monitoring (by both a Native American resources monitor and qualified archaeologist) shall occur in these areas as recommended by a qualified archaeologist.

Mitigation Measures 4.5-1b: In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block-unit excavation and data recovery.

If the archaeologist determines that some or all of the affected property qualifies as a Native American Cultural Place, including a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (Public Resources Code §5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to Public Resources Code §5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (Public Resources Code §5097.993), the archaeologist shall recommend to the applicant potentially feasible procedures that would preserve the integrity of the site or minimize impacts on it.

Significance after Mitigation

Implementation of Mitigation Measures 4.5-1a and 4.5-1b would reduce potentially significant impacts to known and currently undiscovered archaeological resources because actions would be taken to avoid, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of archaeological resources, this impact would be reduced to a **less-than-significant** level.

West Olive Drive

Based on the results of the archaeological records search, there are no known archaeological resources within West Olive Drive but a recent monitoring report revealed one potential resource.. Project-related ground-disturbing activities could cause a substantial change in the significance of an as yet undiscovered unique archaeological resource as defined in CEQA Guidelines Section 15064.5. This would be a **potentially significant** impact.

The records search did not identify any archaeological resources within West Olive Drive on the project site. The West Olive Drive portion of the project site is completely developed and therefore was not subject to a pedestrian survey. However, a recent monitoring report from construction of a pipeline on the West Olive Drive site described the discovery of a single archaeological deposit consisting of a horse or cow bone and historic-era refuse including metal bathtub fragments and glass containers. In addition, previous disturbance does not preclude the possibility that significant subsurface cultural resources could be discovered during project-related grading, excavation, and other earth-moving activities during construction. Project-related ground-disturbing activities could cause a substantial change in the significance of an as yet undiscovered unique archaeological resource as defined in CEQA Guidelines Section 15064.5.

*Potential redevelopment of uses within West Olive Drive could result in the damage or destruction of a known or as yet undiscovered archaeological resource due to ground disturbing activities. This would be a **potentially significant** impact.*

Mitigation Measures

Implement Mitigation Measure 4.5-1b (Accidental discovery of archaeological resources during construction).

Significance after Mitigation

Implementation Mitigation Measure 4.5-1b would reduce impacts associated with archaeological resources to a **less-than-significant** level because it requires the performance of professionally accepted and legally compliant procedures for the discovery of previously undocumented significant archaeological resources.

Impact 4.5-2: Accidental discovery of human remains.

Nishi Site

Although records searches revealed no documented graves within the Nishi site, Native American remains have been identified at archaeological sites near the Nishi site. Therefore, construction and excavation activities associated with development of the Nishi Site could unearth previously undiscovered or unrecorded human remains, if they are present. This impact would be **potentially significant**.

Based on documentary research, no evidence suggests that any prehistoric or historic-era marked or unmarked human interments are present within the Nishi site. However, two archaeological resources, both prehistoric-historic sites, are known to be located near the project site. Prehistoric and historic period archaeological materials including Native American human remains (burials) have been identified and recorded at both of these archaeological sites. Therefore, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the project site, and could be uncovered by project-related construction activities.

The location of grave sites and Native American remains can occur outside of identified cemeteries or burial sites. Construction activities could uncover previously unknown human remains, which could be archaeologically or culturally significant.

*The development of the Nishi site as part of the project could uncover or otherwise disturb previously undiscovered or unrecorded human remains during project-related construction activities. This would be a **potentially significant** impact.*

Mitigation Measures

Mitigation Measure 4.5-2: California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097.

If human remains are discovered during any demolition/construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the project applicant shall notify the Yolo County coroner and the NAHC immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant (MLD), if any, identified by the NAHC. Following the coroner's and NAHC's findings, the archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94.

Significance after Mitigation

Implementation of Mitigation Measure 4.5-2 would reduce potentially significant impacts to human remains because actions would be implemented to avoid, move, record, or otherwise treat the remains appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered, this impact would be reduced to a **less-than-significant** level.

West Olive Drive

Although unlikely, construction and excavation activities associated with project development could unearth previously undiscovered or unrecorded human remains, if they are present. This impact would be **potentially significant**.

As discussed above under the Nishi Site, based on documentary research, no evidence suggests that any prehistoric or historic-era marked or un-marked human interments are present within the project site. The West Olive Drive portion of the project has been completely disturbed and is currently developed. Therefore, it is unlikely that project-related grading, excavation, and other earth-moving activities during construction would unearth undiscovered human remains. However, two archaeological resources, both prehistoric-historic sites, are known to be located near the project site. Prehistoric and historic period archaeological materials including Native American human remains (burials) have been identified and recorded at both of these archaeological sites. Therefore, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the project site, and could be uncovered and disturbed by project-related construction activities.

*Potential redevelopment of uses within West Olive Drive could uncover or otherwise disturb previously undiscovered or unrecorded human remains during project-related construction activities. This would be a **potentially significant** impact.*

Mitigation Measures

Implement Mitigation Measure 4.5-2 (Accidental discovery of human remains during construction).

Significance after Mitigation

Implementation of Mitigation Measure 4.5-2 would reduce potentially significant impacts to human remains because actions would be implemented to avoid, move, record, or otherwise treat the remains appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered, this impact would be reduced to a **less-than-significant** level.

Impact 4.5-3: Disturb a unique paleontological resource.

Nishi Site

The project site is considered to have a low paleontological sensitivity because the site rests on recent alluvial sediments, less than 10,000 years old. No paleontological resources are known to occur within the project site or a one-mile radius of the site. This impact would be **less than significant**.

The entirety of the project site is underlain by quaternary alluvium from the Holocene period that is generally less than 10,000 years old. Late Holocene alluvial deposits overlie older Pleistocene alluvium and/or the upper Tertiary bedrock formations in the southern and eastern portions of Yolo County. This alluvium consists of sand, silt, and gravel deposited in fan, valley fill, terrace, or basin environments. These alluvial deposits contain vertebrate and invertebrate remains of extant, modern taxa, which are generally not considered paleontologically significant.

Records of paleontological finds maintained by the University of California Berkeley Museum of Paleontology state that there are 135 localities at which fossil remains have been found in Yolo County. These occur in two major geologic formations: the Capay and Forbes formations, which are exposed primarily in the northwestern part of the county.

*Because of the types of soil formations that underlay the project site are not considered sensitive for paleontological resources, the development of the Nishi site as part of the project would have a **less-than-significant** impact on paleontological resources.*

Mitigation Measures

No mitigation measures are required.

West Olive Drive

The project site is considered to have a low paleontological sensitivity because the site rests on recent alluvial sediments, less than 10,000 years old. No paleontological resources are known to occur within the project site or a one-mile radius of the site. This impact would be **less than significant**.

The entirety of the project site is underlain by quaternary alluvium from the Holocene period that is generally less than 10,000 years old. Late Holocene alluvial deposits overlie older Pleistocene alluvium and/or the upper Tertiary bedrock formations in the southern and eastern portions of Yolo County. This alluvium consists of sand, silt, and gravel deposited in fan, valley fill, terrace, or basin environments. These alluvial deposits contain vertebrate and invertebrate remains of extant, modern taxa, which are generally not considered paleontologically significant.

Records of paleontological finds maintained by the University of California Berkeley Museum of Paleontology state that there are 135 localities at which fossil remains have been found in Yolo County. These occur in two major geologic formations: the Capay and Forbes formations, which are exposed primarily in the northwestern part of the county.

*Because of the types of soil formations that underlay the project site are not considered sensitive for paleontological resources, potential redevelopment of uses within West Olive Drive would have a **less-than-significant** impact on paleontological resources.*

Mitigation Measures

No mitigation measures are required.

Impact 4.5-4: Conflict, or create an inconsistency, with any applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating environmental effects related to cultural resources.

Nishi Site

Implementation of the project within the Nishi site would be consistent with the policies of the City of Davis General Plan related to cultural resources. This would be a **less-than-significant** impact.

The City of Davis General Plan includes policies to protect environmental resources. The features of the proposed development of the Nishi site and mitigation measures discussed in this document are consistent with the policies of the City of Davis General Plan as shown in Table 4.5-1.

*Development of the Nishi site as part of the project would not conflict with any local policies or ordinances protecting cultural resources. Impacts would be **less than significant**.*

Mitigation Measures

No mitigation measures are required.

West Olive Drive

Redevelopment that could occur as a result of the redesignation/rezoning of parcels located in West Olive Drive would be consistent with the policies of the City of Davis General Plan related to cultural resources. This would be a **less-than-significant** impact.

Similar to what was discussed above, potential redevelopment of West Olive Drive would not create conflicts or result in inconsistencies with the policies of the City General Plan.

Potential redevelopment associated with the proposed General Plan Amendment and zoning change of West Olive Drive would not conflict with any regulations established for the protection of cultural resources. Impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Table 4.5-1 City of Davis General Plan Policy Consistency

Policy	Project Consistency
<p>Policy HIS 1.2: Incorporate measures to protect and preserve historic and archaeological resources into all planning and development.</p>	<p>Archaeological and built-environment resources surveys were conducted for the project by qualified professionals. The built-environment survey identified no historic architectural resources on the project site (Nishi site and West Olive Drive). No significant prehistoric or historic archaeological resources were identified during the pedestrian survey. However, mitigation measures are recommended to provide an opportunity to avoid disturbance, disruption, or destruction of potential archaeological resources. As such, the project is considered consistent with this policy.</p>
<p>Policy HIS 1.3: Assist and encourage property owners and tenants to maintain the integrity and character of historic resources in a manner compatible with their historic character.</p>	<p>The mitigation measures identified above for the project would ensure that any previously unknown resources would be treated appropriately if and when they are discovered within the project site. Further, the project site does not contain any historic structures that would require maintenance/preservation. As such, the project is consistent with this policy.</p>
<p>Source: City of Davis General Plan 2007; Ascent Environmental 2015</p>	

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