



FINAL

# ENVIRONMENTAL IMPACT REPORT

FOR THE

THETA XI FRATERNITY REDEVELOPMENT  
(SCH: 2019029127)

MARCH 2020

*Prepared for:*

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

*Prepared by:*

De Novo Planning Group  
1020 Suncoast Lane, Suite 106  
El Dorado Hills, CA 95762  
(916) 580-9818

D e N o v o P l a n n i n g G r o u p

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A Land Use Planning, Design, and Environmental Firm





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**FINAL EIR**

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## INTRODUCTION

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

A Project EIR is an EIR which examines the environmental impacts of a specific development project. This type of EIR focuses primarily on the changes in the environment that would result from the project. A Project EIR examines 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, including development and operation of the project, as described in greater detail below.

## PROJECT DESCRIPTION

The following provides a brief summary and overview of the proposed project. Section 2.0 of the Draft EIR includes a detailed description of the proposed project, including maps and graphics. The reader is referred to Section 2.0 of the Draft EIR 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 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.

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 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, 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.

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

## 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.

The superior alternative would depend on the City's local priorities (i.e., preservation of historical resources), as well as the ability to meet the proposed project's objectives. This scoring system treats all impact areas equally. Readers and decision-makers may consider one impact area to be more important than another, and could potentially use a weighted scoring system. However, the point system in this EIR does provide a way to identify alternatives that may have orders of magnitude greater or lesser impacts than the proposed project.

These alternatives are described in detail in Section 5.0, Alternatives to the Proposed Project, in the Draft EIR. The No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. A comparative analysis of the proposed project and each of the project alternatives is provided in Table ES-1 below. The environmentally superior alternative was determined using 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 the Draft 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 scores for each environmental issue were then combined for a total score. 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	2 – Lesser	2 – Lesser	3 – Same
Land Use	3 – Same	2 – Lesser	2 – Lesser	3 – Same
<b>Summary</b>	<b>6</b>	<b>4</b>	<b>4</b>	<b>6</b>

As shown in Table ES-1, the No Project (No Build) Alternative received a score of four, the Renovation and Preservation Alternative received a score of four, and the Preservation, Renovation, and New Build Alternative received a score of six. 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 four 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.

### COMMENTS RECEIVED

The Draft EIR addressed environmental impacts associated with the proposed project that are known to the City, were raised during the Notice of Preparation (NOP) process, or raised during preparation of the Draft EIR. The Draft EIR discussed potentially significant impacts associated with cultural and tribal resources and land use.

During the NOP process, several comments were received related to the analysis that should be included in the Draft EIR. These comments are included as Appendix A of the Draft EIR, and were considered during preparation of the Draft EIR.

The City of Davis received five individual comment letters, and comments from Historical Resources Management Commission and Planning Commission on the Draft EIR. The letters are from two public agencies, two citizens and the applicant. These comment letters on the Draft EIR are identified in Table 2.0-1 of this Final EIR. The comments received during the Draft EIR review processes are addressed within this Final EIR.

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This Final Environmental Impact Report (Final EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The City of Davis (Davis, or City) is the lead agency for the environmental review of the Theta Xi Fraternity Redevelopment Project (project) and has the principal responsibility for approving the project. This Final EIR assesses the expected environmental impacts resulting from approval of the project and associated impacts from subsequent development and operation of the project, as well as responds to comments received on the Draft Environmental Impact Report (Draft EIR).

## 1.1 PURPOSE AND INTENDED USES OF THE EIR

### CEQA REQUIREMENTS FOR A FINAL EIR

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This Final EIR for the proposed project has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that a Final EIR consist of the following:

- the Draft EIR or a revision of the draft;
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR.

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, and an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

### PURPOSE AND USE

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The City of Davis, as the lead agency, has prepared this Final EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from approval, construction, and operation of the proposed Theta Xi Fraternity Redevelopment Project. Responsible and trustee agencies that may use the EIR are identified in Sections 1.0 and 2.0 of the Draft EIR.

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

## 1.0 INTRODUCTION

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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 as the primary environmental document to evaluate all aspects of construction and operation of the proposed project. The details and operational characteristics of the proposed project are identified in Chapter 2.0, Project Description, of the Draft EIR (December 2017).

### 1.2 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

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The City circulated an Initial Study (IS) and Notice of Preparation (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. 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 of the Draft EIR.

#### NOTICE OF AVAILABILITY AND DRAFT EIR

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The City of Davis published a public Notice of Availability (NOA) for the Draft EIR on July 8, 2019 inviting comment from the public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2017042043) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from July 8, 2019 through August 28, 2019. Comments received in response to the NOP were considered in preparing the analysis in 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. The 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.

#### RESPONSE TO COMMENTS/FINAL EIR

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The City of Davis received five individual comment letters, and comments from Historical Resources Management Commission and Planning Commission on the Draft EIR. The letters are

from two public agencies, two citizens and the applicant. These comment letters on the Draft EIR are identified in Table 2.0-1 of this Final EIR. The comments received during the Draft EIR review processes are addressed within this Final EIR.

In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the written comments received on the Draft EIR. This Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Revisions. This document, as well as the Draft EIR as amended herein, constitute the Final EIR.

## CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

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

- 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 which intelligently take account of environmental consequences.

Upon review and consideration of the Final EIR, the Davis Planning Commission may take action to approve, revise, or reject the proposed redevelopment project. A decision by the Planning Commission to approve the Theta Xi Fraternity Redevelopment Project, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093. A Mitigation Monitoring and Reporting 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 and Reporting Program has been designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR.

### 1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

#### CHAPTER 1.0 – INTRODUCTION

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Chapter 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead, agency, summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

**CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES**

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Chapter 2.0 provides a list of commenters, copies of written and electronic comments made on the Draft EIR (coded for reference), and responses to those written comments.

**CHAPTER 3.0 – REVISIONS**

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Chapter 3.0 consists of minor revisions and edits to the Draft EIR in response to comments received on the Draft EIR.

**CHAPTER 4.0 – FINAL MMRP**

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Chapter 4.0 consists of a Mitigation Monitoring and Reporting Program (MMRP). The MMRP is presented in a tabular format that presents the impacts, mitigation measure, and responsibility, timing, and verification of monitoring.

## 2.1 INTRODUCTION

No new significant environmental impacts or issues, beyond those already covered in the Draft EIR for the Theta Xi Fraternity Redevelopment Project, were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or add “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

CEQA Guidelines Section 15088.5 states that: *New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.*

Sections 2.0 and 3.0 of this Final EIR include information that has been added to the EIR since the close of the public review period in the form of responses to comments and revisions.

The Draft EIR was circulated and available for comments from July 8, 2019 through August 28, 2019. The NOP was circulated from February 25, 2019 through March 26, 2019. NOP comments were addressed in the DEIR, while the DEIR comments are addressed in this Final EIR.

## 2.2 LIST OF COMMENTERS

Table 2.0-1 lists the comments on the Draft EIR that were submitted to the City of Davis during the extended, 60-day public review period for the Draft EIR. The assigned comment letter or number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed. Letters received are coded with letters (A, B, etc.).

**TABLE 2.0-1 LIST OF COMMENTERS ON DRAFT EIR**

<i>RESPONSE LETTER/NUMBER</i>	<i>INDIVIDUAL OR SIGNATORY</i>	<i>AFFILIATION</i>	<i>DATE</i>
A	Scott Morgan	Governor’s Office of Planning and Research	8-29-2019
B	N/A	Historic Resources Management Commission Meeting	8-19-2019
C	N/A	Planning Commission Meeting	8-28-2019
D	Leland Kinter	Yocha Dehe Cultural Resources	8-5-2019
E	Bob Testa	Project Applicant Representative	7-27-2019
F	Cheryl Essex	City of Davis Planning Commissioner	7-23-2019
G	Greg Rowe	City of Davis Planning Commissioner	8-1-2019

### 2.3 COMMENTS AND RESPONSES

#### REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

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CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commenters provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR identifies all revisions to the Theta Xi Fraternity Redevelopment Project Draft EIR.

#### RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each letter is lettered or numbered (i.e., Letter A) and each comment within each letter is numbered (i.e., comment A-1, comment A-2).





Govin Newsom  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Kate Gordon  
Director

August 29, 2019

Ike Njoku  
Davis, City of  
23 Russell Boulevard  
2019029127  
Davis, CA 95616

Subject: Theta Xi Fraternity Redevelopment  
SCH#: 2019029127

Dear Ike Njoku

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 8/28/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, <https://ceqanet.opr.ca.gov/2019029127/2>.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

RECEIVED

SEP 06 2019

City of Davis  
Community Development

A-1

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL 1-916-445-0613 state.clearinghouse@opr.ca.gov www.opr.ca.gov

**Response to Letter A: Scott Morgan, Governor's Office of Planning and Research**

**Response A-1:** The comment acknowledges that the City has complied with the State Clearinghouse review requirements, pursuant to CEQA. No further response is necessary.

THETA XI FRATERNITY REDEVELOPMENT PROJECT  
 HISTORIC RESOURCES MANAGEMENT COMMISSION MEETING  
 August 19, 2019 – 7:00 PM  
 15 Attendees

<p>Chairperson Miltenberger opened the public meeting and introduced the purpose of the meeting. Commissioners asked clarifying questions. Staff Liaison Njoku and EIR Consultant representative Elise Carroll addressed the questions, and further explained the meeting process and purpose. The comments provide can be summarized as follows:</p>	<p>B-1</p>
<ul style="list-style-type: none"> <li>• Commissioner Montgomery:                     <ul style="list-style-type: none"> <li>a. Commented that there are two different parts of the Draft EIR that reference Merit Resources or designated historic resources, and wanted to know which of the three properties are within 300 feet of the designated resources. She asked that this section needs to be clarified relative to which properties are within the designated historic resources.</li> </ul> </li> </ul>	<p>B-2</p>
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>b. Asked for clarification of the text on page 3.1-6 of the Draft EIR, second to the last paragraph on this page, EIR regarding the historical background information, such as the Silva and Machado references. She asked that this section be clarified.</li> </ul> </li> </ul>	<p>B-3</p>
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>c. Commented that after reading the engineering report, the report does lead to the same conclusion that the project could not be any other alternative other than demolition. She asked that clarifications should be made to support the financial claims made; hence, she requested clarification regarding the financial feasibility of some of the project alternatives. Commissioner requested that engineering costs be provided because, for instance, she could not tell from needing new foundation equated to significant and unavoidable financial hardship.</li> </ul> </li> </ul>	<p>B-4</p>
<ul style="list-style-type: none"> <li>• Commissioner Davis, citing his experience with the 336 C Street project, commented that additional financial documentation report is needed.</li> </ul>	<p>B-5</p>
<ul style="list-style-type: none"> <li>• Commissioner Lowry:                     <ul style="list-style-type: none"> <li>a. Commented that the project alternatives chapter is missing one important alternative, which would be to preserve and/or keep some of the structures in order to acknowledge the cultural value of the buildings.</li> </ul> </li> </ul>	<p>B-6</p>
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>b. Architecturally, he commented that the proposed replacement building is a poor at substitute for these buildings.</li> </ul> </li> </ul>	<p>B-7</p>

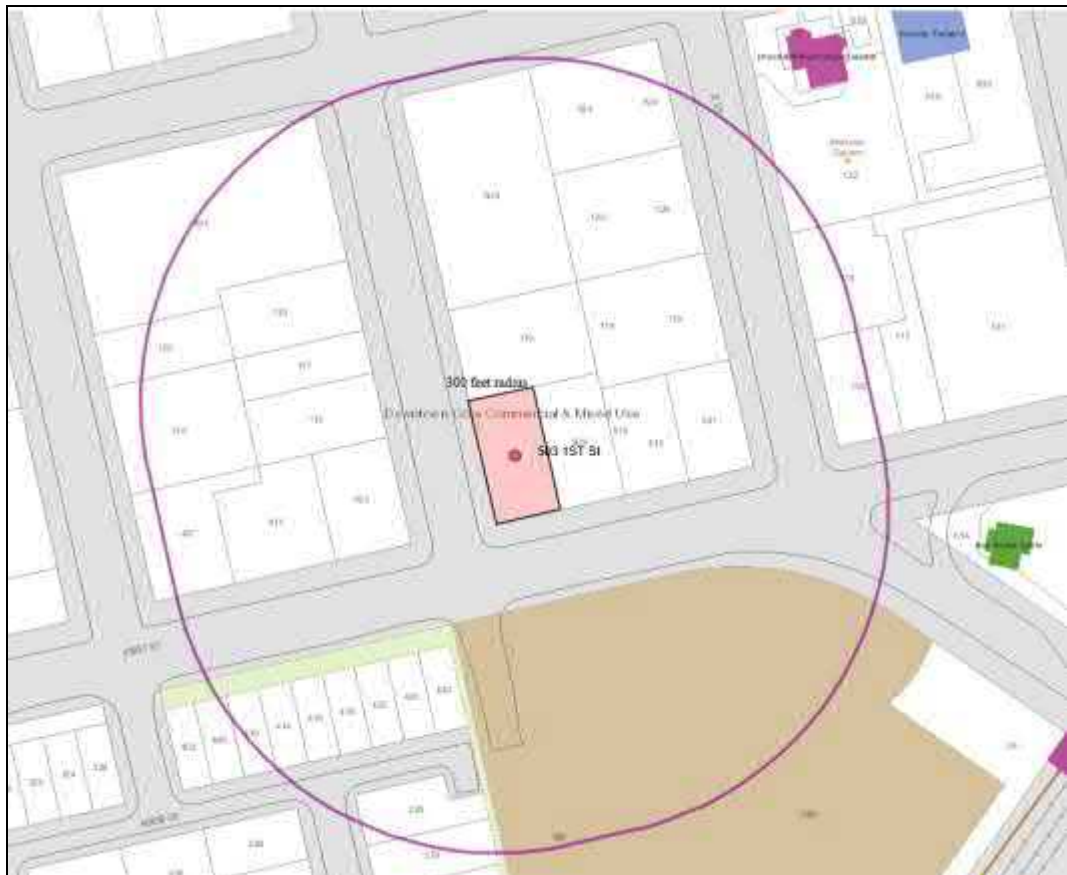
- Chairperson Miltenberger:
  - a. Commented that he agreed with Commissioner Hickman's previous comments made during the Notice of Preparation Scoping Meeting regarding the California Historical Resource Status Codes. Error replication of status might indicate that this EIR may not be required at all, which he is sympathetic to this comment. B-8
  - b. While there are no mitigation measures that can reduce impacts of the loss of the historical resources to less than significant levels, requiring similar mitigation measure as 3820 Chiles Road, which requires a memorial or plaque/display notes about the historical significance of the building, should be included in the EIR. B-9

**Response to Letter B: Historic Resources Management Commission**

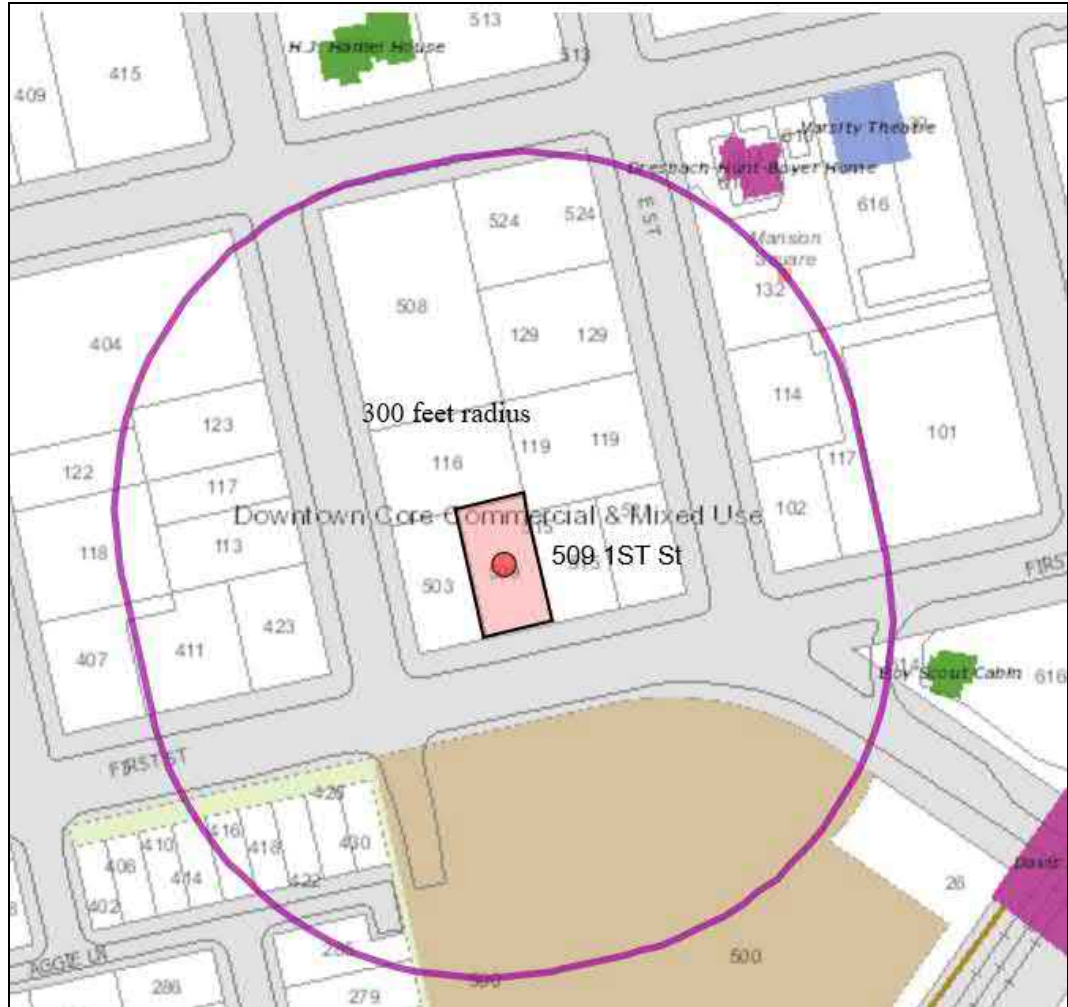
**Response B-1:** This comment is noted. This comment serves as an introduction to the comment letter and does not warrant a response. No further response is necessary.

**Response B-2:** The commenter, Commissioner Montgomery, notes that there are two different parts of the Draft EIR that reference Merit Resources, and questions which of the three properties are within 300 feet of the designated resources. The commenter also asks that the EIR be clarified regarding which properties are within the designated historic resources radius.

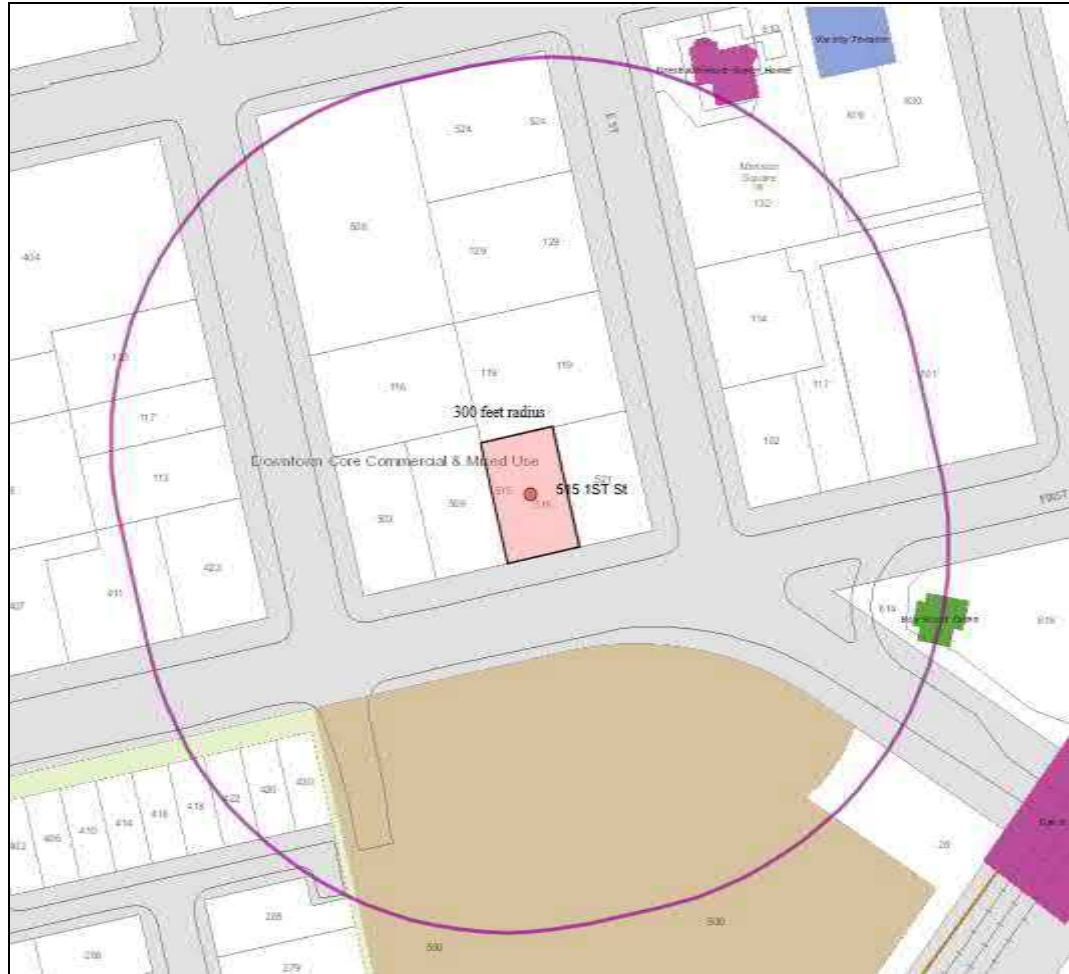
The 503 First Street property (“Jackson House”) and the 509 First Street property (“Bryson House”) are not within 300-feet of a designated historic resources. The 515 First Street property (“Theta Xi Main House”) is within 300-feet of two designated historic resources: the Boy Scout Cabin (located at 616 First Street), and the Dresbach-Hunt-Boyer Home (located at 604 Second Street). This information has been clarified and revised in Chapter 2.0, Project Description, Section 3.1, Cultural and Tribal Resources, and Section 3.2, Land Use of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the revisions. Below are City of Davis GIS generated maps showing which property is within 300’ perimeter of designated historical resources.



As shown above, 503 First Street is not within 300 feet of any designated historic resources.



As shown above, 509 First Street is within 300 feet of Boys Scout Cabin and Dresbach-Hunt-Boyer Mason.



As shown above, 515 First Street is within 300 feet of Boys Scout Cabin and Dresbach-Hunt-Boyer Mason.

**Response B-3:** The commenter, Commissioner Montgomery, asks for clarification regarding the historical background information on page 3.1-6 of the Draft EIR. The commenter also asks that this section be clarified. This information has been clarified and revised in Section 3.1, Cultural and Tribal Resources. See Chapter 3.0, Revisions, of this Final EIR for the revisions.

**Response B-4:** The commenter, Commissioner Montgomery, notes that after reading the engineering report, the report does lead to the same conclusion that the project could not be achieved by any other alternative other than demolition. The commenter also asks for clarifications regarding the financial feasibility of some of the project alternatives. The commenter also requests that engineering costs be provided because, for instance, she could not tell if needing new foundation equated to significant and unavoidable financial hardship. This comment is noted. The following information was provided by the project applicant after the Draft EIR was published in order to clarify the financial hardship.

“The evaluation of alternatives considered the project objectives, the costs of rehabilitation versus the costs of new construction, the ability to finance improvements without extracting value from the existing property, the inefficiencies inherent in operating and maintaining four



separate structures, the added costs inherent in complying with requirements for remodeling historic structures and complying with building code updates that have occurred, including the requirements of the Americans with Disabilities Act.

The existing structures would require more than a new foundation in order to be acceptable for the applicant and residents. Any remodeling effort would first require us to address deficiencies in the structural integrity of the three houses as identified in the report by Pemberton Engineering, dated July 27, 2016. At a minimum, each house would have to be jacked up in order to rebuild their foundations, which would require stripping and replacing the exterior siding to address structural issues, and replacing each of the roofs. A construction estimate for the project suggested that the cost of known structural improvements required would be approximately \$500,000 plus a large contingency factor because of the unknown conditions that likely would be uncovered as the structures are opened up. Additional costs of remodeling would also be required in order to meet the current students' needs.

The current maximum occupancy is nine persons in the Jackson House, 13 persons in the Bryson House, and 16 persons in the Theta Xi Main House, or a total of 38 persons. The proposed three-story structure would have a maximum occupancy of 35. Any project alternative which requires modeling of the existing two western structures (Jackson House and Bryson House) as a replacement for the eastern structure (Theta Xi Main House) would require conversion of limited bedroom areas to accommodate the required addition of a kitchen, dining room, and living room since common area rooms are currently present only in the eastern house. Further, any remodeling effort would not address off street parking requirements which are currently limited.

The total project cost is estimated at approximately \$4.5 million. The project will be financed by a construction loan to be rolled into a mortgage, a capital campaign to grow the building fund, and the sale of roughly half of the current property (Theta Xi Main House with additional lot area). The distribution of costs will likely be equal among the three sources of funding. A shortfall in either the donation goal or proceeds from the sale of the Theta Xi Main House property would result in a higher mortgage and potentially jeopardize the viability of the project."

**Response B-5:** The commenter, Commissioner Davis, notes that the additional financial documentation report is needed. See Response B-4 regarding additional financial information provided by the project applicant regarding the project alternatives.

**Response B-6:** The commenter, Commissioner Lowry, notes that the project alternatives chapter is missing an alternative which preserves and/or keeps some of the structures in order to acknowledge the cultural value of the buildings. Project alternatives are discussed in detail in Chapter 5.0, Alternatives to the Proposed Project. Two project alternative which preserve and/or keep some of the structures were considered: the Preservation, Renovation, and Addition Alternative and the Preservation, Renovation, and New Build Alternative.

As noted on pages 5.0-4 and 5.0-5 of the Draft EIR, 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



financially 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.

As noted on page 5.0-6 of the Draft EIR, 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 35, similar to the proposed project. This option is unacceptable to the applicant team for the same financial hardship and structural engineering reasons already provided.

**Response B-7:** The commenter, Commissioner Lowry, notes that, architecturally, the replacement building is a poor substitute for these buildings. While the comment does not raise questions about adequacy of the Draft EIR, or a CEQA topic, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond environmental impacts.

**Response B-8:** The commenter, Chairperson Miltenberger, notes that he agrees with Commissioner Hickman's previous comment made during the Notice of Preparation (NOP) Scoping Meeting regarding the California Historical Resource Status Codes. The commenter also notes that error replication of status might indicate that this EIR may not be required at all, which he is sympathetic to this comment. This comment is noted and was addressed within the Draft EIR.

The status codes of the project buildings are discussed on pages 3.1-15 and 3.1-16 of Section 3.1, Cultural and Tribal Resources. As discussed, the residence at 503 First Street ("Jackson House") was recently assigned a National Register of Historic Places (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 5D2 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. This August 2003 status code revision was published in the California State Office of Historic Preservation's Technical Assistance Bulletin No. 8. Prior to this revision, the 5D2 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 5D2 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 register 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 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. The commenter is not questioning the historical resource analysis report by Historic Resource Associates, but its erroneous assignment of status code. As stated in the Draft EIR, the status code assignment does not nullify the findings and conclusions of the Historical Resources Analysis Study (Historical Resource Associates, 2016) and the Historical Effects Analysis Study (Historical Resource Associates, 2018).

**Response B-9:** The commenter, Chairperson Miltenberger, notes that while there are no mitigation measures that can reduce impacts of the loss of the historical resources to less than significant levels, requiring similar mitigation measure as 3820 Chiles Road, which requires a memorial or plaque/display notes about the historical significance of the buildings, should be included in the EIR. Mitigation Measure 3.1-1 (reproduced below) on page 3.1-7 of the Draft EIR requires that a plaque/display be placed and maintained on or near the former location of the properties:

***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 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, 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.*

THETA XI FRATERNITY REDEVELOPMENT PROJECT  
 PLANNING COMMISSION MEETING  
 August 28, 2019 – 7:00 PM

Chairperson Streeter opened the public meeting on the Theta Xi Draft EIR. Staff Liaison Njoku and EIR Consultant representative Elise Carroll briefly introduced the project and the EIR meeting process, purpose, and environmental review process. Chairperson Streeter invited anyone from the public who wishes to comment to come forward, and seeing no one, he invited questions and comments from Commissioners. The comments provide can be summarized as follows:

C-1

- Commissioner Rowe noted that page 4.0-3 of Chapter 4.0 of the Draft EIR, as pointed out in his previous written comments, has outdated growth assumptions for the UC Davis Long Range Development Plan. He noted that the Final EIR for the Long Range Development Plan (dated July 2018) reflects the most recent assumptions, and requested that the Draft EIR be corrected to reflect the most recent assumptions.

C-2

- Commissioner Essex:

C-3

a. Asked whether a complete arborist report for the project site will be provided to the Planning Commission.

b. Asked if demolition of the buildings would impact the historical significance of Lincoln Highway, and suggested that this be looked into and addressed in the EIR.

C-4

c. Pointed out that the Draft EIR should reflect that the Renovation and Preservation Alternative would include health and safety improvements that would be required by existing laws and regulations.

C-5

- Commissioner Mikesell:

a. Noted that the Jackson House was the former home of Gordon Anderson, who was the first mayor of Davis for 12 years, and asked that this information be included in the historical resources report prepared for the property and the EIR.

C-6

b. Asked why the Renovation and Preservation Alternative would not reduce impacts to Cultural and Tribal Resources; stating that this alternative is "beneficial" and should be reflected as such in the Draft EIR. He cited that Table 5.0-1 gives this alternative the same value point of 3 and has the same level of impacts as the proposed project, and stated his disagreement. Asked that this table be corrected and the EIR reflect that this alternative will have less impacts as compared to the proposed project.

C-7

- c. Asked that more details should be provided in the EIR to address the financial hardship of not considering the Renovation and Preservation Alternative. | C-8
- Commissioner Robertson expressed disagreement with the Renovation and Preservation Alternative analysis, and commented that the EIR should modify the analysis for this alternative. | C-9
- Commissioner Boschken: | C-10
  - a. Commented that the City is currently working on the Downtown Davis Plan, and that the proposed project should be postponed until the Plan is completed.
  - b. Commented that the subject project's setting is such a mess that he does not know where else in the City that such three houses could be found; objected to the demolition proposal because he could not see how the proposal meets the objectives of historic preservation. | C-11
  - c. He expressed concerns about the proposed building height, appearance, relative streetscape, and impact to First Street; cited viewshield concern given the existing adjacent buildings and the proposed 3-story building. | C-12
- Commissioner Rutherford commented that the Draft EIR does not recognize the existing condition | C-13
- Chairperson Streeter suggested that moving or relocating the buildings elsewhere in the City could have been considered as a project alternative. He added that the buildings could still serve as historic properties if appropriately relocated. | C-14

**Response to Letter C: Planning Commission Meeting**

**Response C-1:** This comment is noted. This comment serves as an introduction to the comment letter and does not warrant a response. No further response is necessary.

**Response C-2:** The commenter, Commissioner Rowe, notes that page 4.0-3 has outdated growth assumptions for the UC Davis Long Range Development Plan (LRDP). The commenter also notes that the Final EIR for the LRDP reflects the most recent assumptions, and requests that the Draft EIR be corrected to reflect the most recent assumptions. The requested information has been updated and revised in Chapter 4.0, Other CEQA-Requires Topics. See Chapter 3.0, Revisions, of this Final EIR for the revisions.

**Response C-3:** The commenter, Commissioner Essex, asks if a complete arborist report for the site will be provided to the Planning Commission. A complete arborist report for the site is included as Appendix A to this Final EIR.

**Response C-4:** The commenter, Commissioner Essex, asks if demolition of the buildings would impact the historical significance of Lincoln Highway, and suggests that this be looked into and addressed in the EIR. The requested information and analysis have been updated and revised in Chapter 3.1, Cultural and Tribal Resources, and Chapter 4.0, Other CEQA-Required Topics. See Chapter 3.0, Revisions, of this Final EIR for the revisions.

In summary, according to the Historical Effects Analysis Study prepared for the project, 503 and 509 First Street (the “Jackson House” and “Bryson House”) represent an important class or style of architecture reflective of post-1900 Davis. While these structures are not unique, the project site’s location along First Street, formally part of the Lincoln Transcontinental Highway and now a busy thoroughfare, makes the buildings visually important to residents and visitors to the City.

There are, however, other similar Craftsman Bungalow style residential homes in Davis that are of equal or greater architectural significance. The loss of the structures at 503 and 509 First Street will not result in the destruction of the last buildings of this type or design in Davis. Other factors considered include the City’s long-range plan for this urban section of Davis, the non-historic contemporary or modern commercial infill across First Street from the subject properties, and the loss of integrity of the Natsoulas Gallery Building at 521 First Street, which when constructed mirrored 515 First Street.

**Response C-5:** The commenter, Commissioner Essex, notes that the Draft EIR should reflect that the Renovation and Preservation Alternative would include health and safety improvements that would be required by existing laws and regulations. The requested information has been updated and revised in Chapter 6.0, Alternatives to the Proposed Project. See Chapter 3.0, Revisions, of this Final EIR for the revisions.

**Response C-6:** The commenter, Commissioner Mikesell, notes that the Jackson House was the former home of Gordon Anderson, who was the first mayor of Davis, and asks that this information be included in the historical resources report prepared for the property and the EIR. Both the Historical Effects Analysis Study (Appendix B of the Draft EIR) and the Historical Resource Analysis Study (Appendix C of the Draft EIR) include information regarding Gordon Anderson and his historical use of the property. The requested information has been updated and revised in Chapter 3.1, Cultural and Tribal Resources. See Chapter 3.0, Revisions, of this Final EIR for the revisions.

**Response C-7:** The commenter, Commissioner Mikesell, asks why the Renovation and Preservation Alternative would not reduce impacts to Cultural and Tribal Resources, and notes that this alternative would be beneficial. The commenter notes that Table 5.0-1 gives the alternative the same value as the proposed project, and he disagrees with this. The commenter requests that the table be corrected and the EIR reflect that this alternative would have less impacts compared to the project.

As stated on pages 5.0-7 and 5.0-9, the Renovation and Preservation Alternative would reduce impacts to cultural and tribal resources compared to the proposed project. The Renovation and Preservation Alternative is identified as the environmentally superior alternative to the project. The transcription error in Table 5.0-1 has been revised, as requested. See Chapter 3.0, Revisions, of this Final EIR for the revisions.

**Response C-8:** The commenter asks that more details be provided in the EIR which address the financial hardship of not considering the Renovation and Preservation Alternative. The requested information has been updated and revised in Chapter 5.0, Alternatives to the Proposed Project. See Chapter 3.0, Revisions, of this Final EIR for the revisions.

In summary, the evaluation of alternatives considered the project objectives, the costs of rehabilitation versus the costs of new construction, the ability to finance improvements without extracting value from the existing property, the inefficiencies inherent in operating and maintaining four separate structures, the added costs inherent in complying with requirements for remodeling historic structures and complying with building code updates that have occurred, including the requirements of the Americans with Disabilities Act.

Any remodeling effort would first require us to address deficiencies in the structural integrity of the three houses as identified in the report by Pemberton Engineering, dated July 27, 2016. At a minimum, each house would have to be jacked up in order to rebuild their foundations, which would require stripping and replacing the exterior siding to address structural issues, and replacing each of the roofs. A construction estimates for the project suggested that the cost of known structural improvements required would be approximately \$500,000 plus a large contingency factor because of the unknown conditions that likely would be uncovered as the structures are opened up. Additional costs of remodeling would also be required in order to meet the current students' needs.

The current maximum occupancy is nine persons in the Jackson House, 13 persons in the Bryson House, and 16 persons in the Theta Xi Main House, or a total of 38 persons. The proposed three-story structure would have a maximum occupancy of 35. Any project alternative which requires modeling of the existing two western structures (Jackson House and Bryson House) as a replacement for the eastern structure (Theta Xi Main House) would require conversion of limited bedroom areas to accommodate the required addition of a kitchen, dining room, and living room since common area rooms are currently present only in the eastern house. Further, any remodeling effort would not address off street parking requirements which are currently limited.

The total project cost is estimated at approximately \$4.5 million. The project will be financed by a construction loan to be rolled into a mortgage, a capital campaign to grow the building fund, and the sale of roughly half of the current property (Theta Xi Main House with additional lot area). The distribution of costs will likely be equal among the three sources of funding. A shortfall in

either the donation goal or proceeds from the sale of the Theta Xi Main House property would result in a higher mortgage and potentially jeopardize the viability of the project.

- Response C-9:** The commenter, Commissioner Robertson, expressed disagreement with the Renovation and Preservation Alternative analysis, and noted that the EIR should modify the analysis for this alternative. See Response C-7. As stated on pages 5.0-7 and 5.0-9, the Renovation and Preservation Alternative would reduce impacts to cultural and tribal resources and land use compared to the proposed project. The Renovation and Preservation Alternative is identified as the environmentally superior alternative to the project. The transcription error in Table 5.0-1 has been revised. See Chapter 3.0, Revisions, of this Final EIR for the revisions.
- Response C-10:** The commenter, Commissioner Boschken, notes that the City is currently working on the Downtown Davis Plan, and the proposed project should be postponed until the Plan is completed. The working draft of the Downtown Davis Plan does not propose changes to the project site's land use and/or zoning requirements pertaining to conditionally permitted living group uses. The 503 and 509 First Street properties (the Jackson House and Bryson House) are located in the proposed Neighborhood-Medium land use designation, which conditionally permits living group uses in the Draft Downtown Plan. The 515 First Street property (the TX Main House) is located in the proposed Main Street-Medium land use designation, which does not permit living group uses in the Draft Downtown Plan. However, this would not be a concern for the proposed project as 515 First Street (The TX Main House) is proposed to be retained to house the fraternity students temporarily during construction of the new consolidated fraternity building, if the proposed project is approved. The intent is to sell the 515 First Street property and discontinue its use as a living group. If sold, this property would become available for uses allowed under the City's policy documents, including the General Plan and Downtown Davis Plan (if adopted prior to the sale). The Draft Downtown Davis Plan notes that the general uses for the Main Street-Medium land use designation (i.e., the draft land use designation for the 515 First Street property) include ground floor retail, office, and service with residential and office in upper stories. Thus, the proposed living group use would continue to be conditionally permitted for the 503 and 509 First Street properties under the Downtown Davis Plan Neighborhood-Medium land use designation. The City does not anticipate that this will change in the near future or in the final plan at this time. As such, the Downtown Davis Plan would likely have no affect on the proposed project. It is important to acknowledge, however, that until the Downtown Davis Plan is approved, there is the possibility that things could change.
- Response C-11:** The commenter, Commissioner Boschken, notes that he does not know where else in the City that such three houses could be found, and objects to the demolition of the structures because he does not see how the proposal meets the objective of historic preservation. This comment is noted. The EIR conclusion is that the demolition of the structures is a significant and unavoidable impact of the project.
- Response C-12:** The commenter, Commissioner Boschken, expresses concerns about the proposed building height, appearance, relative streetscape, and impacts to First Street. The commenter cites viewshed concerns given the existing adjacent buildings and the proposed three-story building. This comment is noted. Several of the buildings in the project area have similar heights and setbacks as the proposed building. For example, Natsoulas Gallery and the adjacent mixed-use buildings along E Street are three stories with zero setbacks from the frontage. Impacts associated with aesthetics, including adverse effects on a scenic vista, damage to scenic resources, degradation of the visual character, and creation of light or glare, are discussed in the



Initial Study for the project. The Initial Study is included as Appendix A of the Draft EIR. As discussed on page 30 of the Initial Study, according to the City of Davis General Plan Program EIR, the City has determined that the Planning Area of the General Plan has no officially designated scenic highways, corridors, vistas, or viewing areas. While there may be areas or buildings with aesthetic value, there are no areas or buildings that rose to a level of being “designated” as a scenic highway, corridor, vista, or viewing area by a federal, state, or local agency. As such, the project would have no impact to these topics. Similarly, while development of the proposed project would change and alter the existing visual character of the project site, these visual changes do not rise to the level of a “significant” visual impact.

**Response C-13:** The commenter, Commissioner Rutherford, notes that the Draft EIR does not recognize the existing condition. The Draft EIR uses the baseline (or existing) condition to define the time and conditions as the point of comparison for determining the significance of the project’s environmental effects. The environmental setting section of both Sections 3.1 and 3.2 of the Draft EIR describe the baseline condition.

**Response C-14:** The commenter, Chairperson Streeter, suggests moving or relocating the buildings elsewhere in the City, and that the buildings could still serve as historic properties if appropriately relocated. This comment is noted. Chapter 5.0, Alternative to the Proposed Project, includes analysis of several alternatives to the proposed project, including two alternatives which consider relocation of one or more of the buildings. As discussed on pages 5.0-4 and 5.0-5, the City and applicant contemplated two relocation 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 of the Draft EIR for the comment letter). Therefore, the Preservation, Renovation, and Addition Alternative is dismissed from further analysis.

Additionally, see Response C-8 for additional financial information provided by the applicant since publication of the Draft EIR.



YOCHA DEHE  
CULTURAL RESOURCES

RECEIVED

AUG 13 2019

City of Davis  
Community Development

August 5, 2019

City of Davis - Dept. of Comm. Development and Sustainability  
Attn: Ike Njoku, Planner  
23 Russell Boulevard  
Davis, CA 95616

RE: Theta Xi Project

Dear Mr. Njoku:

Thank you for your notice of availability letter regarding cultural information on or near the proposed Theta Xi Project, Davis, Yolo County. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, the Tribe has concerns that the project could impact known cultural resources. We request that you incorporate Yocha Dehe Wintun Nation's Treatment Protocol into the mitigation measures for this project. Please submit the updated mitigation measures to the Cultural Resources Department once completed.

D-1

If you have any questions, please contact the following individual:

Laverne Bill, Cultural Resources Manager  
Yocha Dehe Wintun Nation  
Office: (530) 723-3891  
Email: [lbill@yochadehe-nsn.gov](mailto:lbill@yochadehe-nsn.gov)

Please refer to identification number YD-05212018-01 in any correspondence concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

Leland Kinter  
Tribal Historic Preservation Officer

Yocha Dehe Wintun Nation

PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2145 www.yochadehe.org



YOCHA DEHE  
CULTURAL RESOURCES

**Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation**

The purpose of this Protocol is to formalize procedures for the treatment of Native American human remains, grave goods, ceremonial items, and items of cultural patrimony, in the event that any are found in conjunction with development, including archaeological studies, excavation, geotechnical investigations, grading, and any ground disturbing activity. This Protocol also formalizes procedures for Tribal monitoring during archaeological studies, grading, and ground-disturbing activities.

**I. Cultural Affiliation**

The Yocha Dehe Wintun Nation ("Tribe") traditionally occupied lands in Yolo, Solano, Lake, Colusa and Napa Counties. The Tribe has designated its Cultural Resources Committee ("Committee") to act on the Tribe's behalf with respect to the provisions of this Protocol. Any human remains which are found in conjunction with Projects on lands culturally-affiliated with the Tribe shall be treated in accordance with Section III of this Protocol. Any other cultural resources shall be treated in accordance with Section IV of this Protocol.

**II. Inadvertent Discovery of Native American Human Remains**

Whenever Native American human remains are found during the course of a Project, the determination of Most Likely Descendant ("MLD") under California Public Resources Code Section 5097.98 will be made by the Native American Heritage Commission ("NAHC") upon notification to the NAHC of the discovery of said remains at a Project site. If the location of the site and the history and prehistory of the area is culturally-affiliated with the Tribe, the NAHC contacts the Tribe; a Tribal member will be designated by the Tribe to consult with the landowner and/or project proponents.

Should the NAHC determine that a member of an Indian tribe other than Yocha Dehe Wintun Nation is the MLD, and the Tribe is in agreement with this determination, the terms of this Protocol relating to the treatment of such Native American human remains shall not be applicable; however, that situation is very unlikely.

**III. Treatment of Native American Remains**

In the event that Native American human remains are found during development of a Project and the Tribe or a member of the Tribe is determined to be MLD pursuant to Section II of this Protocol, the following provisions shall apply. The Medical Examiner shall immediately be notified, ground disturbing activities in that location shall cease and the Tribe shall be allowed, pursuant to California Public Resources Code Section 5097.98(a), to (1) inspect the site of the discovery and (2)



YOCHA DEHE  
CULTURAL RESOURCES

make determinations as to how the human remains and grave goods should be treated and disposed of with appropriate dignity.

The Tribe shall complete its inspection and make its MLD recommendation within forty-eight (48) hours of getting access to the site. The Tribe shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future.

The Tribe may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b).

The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects), and/or the ceremonial burning of Native American human remains, funerary objects, grave goods and animals. Ashes, soils and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains are to be treated in the same manner as bones or bone fragments that remain intact.

#### IV. Non-Disclosure of Location of Reburials

Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code § 6250 et seq. The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). The Tribe will require that the location for reburial is recorded with the California Historic Resources Inventory System ("CHRIS") on a form that is acceptable to the CHRIS center. The Tribe may also suggest that the landowner enter into an agreement regarding the confidentiality of site information that will run with title on the property.

#### V. Treatment of Cultural Resources

Treatment of all cultural items, including ceremonial items and archeological items will reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archeological items, which may be found at a Project site should be turned over to the Tribe for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The Project Proponent should waive any and all claims to ownership of Tribal ceremonial and cultural items, including archeological items, which may be found on a Project site in favor of the Tribe. If any intermediary, (for example, an archaeologist retained by the Project



YOCHA DEHE  
CULTURAL RESOURCES

Proponent) is necessary, said entity or individual shall not possess these items for longer than is reasonably necessary, as determined solely by the Tribe.

#### **VI. Inadvertent Discoveries**

If additional significant sites or sites not identified as significant in a Project environmental review process, but later determined to be significant, are located within a Project impact area, such sites will be subjected to further archeological and cultural significance evaluation by the Project Proponent, the Lead Agency, and the Tribe to determine if additional mitigation measures are necessary to treat sites in a culturally appropriate manner consistent with CEQA requirements for mitigation of impacts to cultural resources. If there are human remains present that have been identified as Native American, all work will cease for a period of up to 30 days in accordance with Federal Law.

#### **VIII. Work Statement for Tribal Monitors**

The description of work for Tribal monitors of the grading and ground disturbing operations at the development site is attached hereto as Addendum I and incorporated herein by reference.

Yocha Dehe Wintun Nation  
PO Box 18 Brooks, California 95606 p) 530.798.2400 f) 530.798.2114 www.yochadehe.org



YOCHA DEHE  
CULTURAL RESOURCES

ADDENDUM I

Yocha Dehe Wintun Nation  
Tribal Monitors  
Description of Work and Treatment Protocol

**I. Preferred Treatment**

The preferred protocol upon the discovery of Native American human remains is to (1) secure the area, (2) cover any exposed human remains or other cultural items, and (3) avoid further disturbances in the area.

**II. Comportment**

All parties to the action are strongly advised to treat the remains with appropriate dignity, as provided in Public Resource Code Section 5097.98. We further recommend that all parties to the action treat tribal representatives and the event itself with appropriate respect. For example, jokes and antics pertaining to the remains or other inappropriate behavior are ill advised.

**III. Excavation Methods**

If, after the Yocha Dehe Tribal representative has been granted access to the site and it is determined that avoidance is not feasible, an examination of the human remains will be conducted to confirm they are human and to determine the position, posture, and orientation of the remains. At this point, we recommend the following procedures:

*(A) Tools.* All excavation in the vicinity of the human remains will be conducted using fine hand tools and fine brushes to sweep loose dirt free from the exposure.

*(B) Extent of Exposure.* In order to determine the nature and extent of the grave and its contents, controlled excavation should extend to a full buffer zone around the perimeter of the remains.

*(C) Perimeter Balk.* To initiate the exposure, a perimeter balk (especially, a shallow trench) should be excavated, representing a reasonable buffer a minimum of 10 cm around the maximum extent of the known skeletal remains, with attention to counter-intuitive discoveries or unanticipated finds relating to this or other remains. The dirt from the perimeter balk should be bucketed, distinctly labeled, and screened for cultural materials.

*(D) Exposure Methods.* Excavation should then proceed inward from the walls of the balk as well as downward from the surface of the exposure. Loose dirt should be scooped out and brushed off into a dustpan or other collective device. Considerable care should be given to ensure that human remains are not further impacted by the process of excavation.

Yocha Dehe Wintun Nation  
PO Box 18 Brooks, California 95606 p) 530.780.3400 f) 530.786.2143 www.yochadehe.org



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*(E) Provenience.* Buckets, collection bags, notes, and tags should be fully labeled per provenience, and a distinction should be made between samples collected from: (1) **Perimeter Balk** (described above), (2) **Exposure** (dirt removed in exposing the exterior/burial plan and associations), and (3) **Matrix** (dirt from the interstices between bones or associations). Thus, each burial may have three bags, "Burial 1 Perimeter Balk," "Burial 1 Exposure Balk," "Burial 1 Matrix."

Please note the provisions below with respect to handling and conveyance of records and samples.

*(F) Records.* The following records should be compiled in the field: (1) a detailed scale drawing of the burial, including the provenience of and full for all human remains, associated artifacts, and the configuration of all associated phenomena such as burial pits, evidence for preinterment grave pit burning, soil variability, and intrusive disturbance, (2) complete a formal burial record using the consultants proprietary form or other standard form providing information on site #, unit or other proveniences, level depth, depth and location of the burial from a fixed datum, workers, date(s), artifact list, skeletal inventory, and other pertinent observations, (3) crew chief and worker field notes that may supplement or supercede information contained in the burial recording form, and (4) photographs, including either or standard photography or high-quality (400-500 DPI or 10 MP recommended) digital imaging.

*(G) Stipulations for Acquisition and Use of Imagery.* Photographs and images may be used only for showing location or configuration of questionable formation or for the position of the skeleton. They are not to be duplicated for publication unless a written release is obtained from the Tribe.

*(H) Association.* Association between the remains and other cultural materials should be determined in the field in consultation with an authorized Tribal representative, and may be amended per laboratory findings. Records of provenience and sample labels should be adequate to determine association or degree of likelihood of association of human remains and other cultural materials.

*(I) Samples.* For each burial, all **Perimeter Balk** soil is to be 1/8"-screened. All **Exposure** soil is to be 1/8"-screened, and a minimum of one 5-gallon bucket of excavated but unscreened Exposure soil is to be collected, placed in a plastic garbage bag in the bucket. All **Matrix** soil is to be carefully excavated, screened as appropriate, and then collected in plastic bags placed in 5-gallon buckets.

*(J) Human remains are not to be cleaned in the field.*

*(K) Blessings.* Prior to any physical action related to human remains, a designated tribal representative will conduct prayers and blessings over the remains. The archaeological consultant will be responsible for insuring that individuals and tools involved in the action are available for traditional blessings and prayers, as necessary.

Yocha Dehe Wintun Nation  
PO Box 18 Brooks, California 92006 p) 350.796.9500 f) 350.796.2143 www.yochadehe.org



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#### IV. Lab Procedures

No laboratory studies are permitted without consultation with the tribe. Lab methods are determined on a project-specific basis in consultation with Yocha Dehe Wintun Nation representatives. The following procedures are recommended:

*(A) Responsibility.* The primary archaeological consultant will be responsible for insuring that all lab procedures follow stipulations made by the Tribe.

*(B) Blessings.* Prior to any laboratory activities related to the remains, a designated tribal representative will conduct prayers and blessings over the remains. The archaeological consultant will be responsible for insuring that individuals and tools involved in the action are available for traditional blessings and prayers, as necessary.

*(C) Physical Proximity of Associations.* To the extent possible, all remains, associations, samples, and original records are to be kept together throughout the laboratory process. In particular, **Matrix** dirt is to be kept in buckets and will accompany the remains to the lab. The primary archaeological consultant will be responsible for copying all field records and images, and insuring that the original notes and records accompany the remains throughout the process.

*(E) Additional Lab Finds.* Laboratory study should be done making every effort to identify unanticipated finds or materials missed in the field, such as objects encased in dirt or human remains misidentified as faunal remains in the field. In the event of discovery of additional remains, materials, and other associations the tribal representatives are to be contacted immediately.

#### V. Re-internment without Further Disturbance

No laboratory studies are permitted on human remains and funerary objects. The preferred treatment preference for exhumed Native American human remains is reburial in an area not subject to further disturbance. Any objects associated with remains will be reinterred with the remains.





YOCHA DEHE  
CULTURAL RESOURCES

**VI. Curation of Recovered Materials**

Should all, or a sample, of any archaeological materials collected during the data recovery activities – with the exception of Human Remains – need to be curated, an inventory and location information of the curation facility shall be given to tribe for our records.

Yocha Dehe Wintun Nation

PO Box 18 · Healdsburg, California 95606 · p) 530.796.3400 · f) 530.796.2145 · www.yochidehe.org

**Response to Letter D: Leland Kinter, Yocha Dehe Cultural Resources**

**Response D-1:** The comment notes that the tribe has cultural interest and authority in the project area, and is concerned that the project could impact known cultural resources. The commenter further requests that the attached Yocha Dehe Wintun Nation's Treatment Protocol be incorporated into the mitigation measures for the project. Impacts and mitigation measures related to cultural and tribal resources are discussed in Section 3.1, Cultural and Tribal Resources, of the Draft EIR. See pages 3.1-18 through 3.1-22. The mitigation measures for impacts to tribal cultural resources (Mitigation Measure 3.1-2), archaeological resources (Mitigation Measure 3.1-2), paleontological resources (Mitigation Measure 3.1-2), and human remains (Mitigation Measure 3.1-3) are reproduced below:

**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.*

**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.*

As shown, Yocha Dehe Wintun Nation's Treatment Protocol has been incorporated into the above mitigation measures. For example, a most likely descendant will be made by the Native American Heritage Commission if human remains are discovered on-site. Pursuant to the

California Public Records Act, should reburial of Native American human remains be required, the location would not be disclosed. As required by Mitigation Measure 3.1-2, 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. The mitigation measures reproduced above are adequate for CEQA purposes.

July 27, 2019

**To:** City of Davis Community Development and Sustainability Department  
 Attention Ike Njoku  
 23 Russell Blvd., Suite 2 (INjoku@cityofdavis.org)  
 Davis, CA 95616

**From:** Bob Testa & Skip Mezger, representing the Board of Directors  
 Beta Epsilon Association of Theta Xi, a CA non-profit Corporation  
 P. O. Box 4450  
 Davis, CA 95616

**Cc:** Elise Carroll (ecarroll@denovoplanning.com)  
 De Novo Planning Group

**Subject:** Comments related to the draft Environmental Impact Report for the redevelopment project proposed for Theta Xi Fraternity

These comments are submitted in response to the request by the City of Davis for public comments related to the draft EIR of the Theta Xi Redevelopment Project.

E-1

First, we wish to note that the elevations and other representations of the proposed new structure as included in the draft EIR are preliminary and should not be considered as final.

E-2

Secondly, we note the burdensome proposed requirements for the applicant to engage the services of (1) a qualified avian biologist to perform pre-construction surveys for protected birds on the project site and (2) a qualified bat biologist to conduct a habitat assessment for suitable bat habit on-site. The periods of February 15-August 31, March 1-April 15 and August 31-October 15 are cited as critical periods for birds and/or bats. Such requirements seem to be overkill for an in-fill project such as is being proposed. We are not aware of any protected birds on the site or any indication of any bat population occupying the premises. As a non-profit entity, the costs to be incurred would appear to far outweigh any public benefits to be derived from such requirements.

E-3

Thirdly, we have a similar concern relating to the proposed requirement to hire a qualified architectural historian to provide an additional history of the buildings, including photo-documentation of the structures proposed for demolition. We have copies of the City of Davis-approved architectural drawings of the last major remodel that occurred in 1983-84 and are happy to provide them to the City if it cannot retrieve them from its records. We have already submitted a Historic Resources Analysis report as a part of the application for this project. The Draft EIR also addresses historic aspects of the existing structures. Our own plans include placement of a suitable marker/plaque as approved by the city to recognize the history of the fraternity and the previous structures on the site. Some have questioned whether the structures even qualify as historic resources since they have not formally been designated as such by the City or any other governmental body. Certainly, the interior of each of the houses bears little resemblance to its original form, and there is general acknowledgement that exterior modifications that have occurred during our lengthy period of ownership have been substantial. As a non-profit entity, we view the costs to be incurred to provide the additional documentation proposed to far outweigh any public benefits to be derived from such requirements.

E-4

Thank you for the opportunity to provide these comments. Please include them in the record.

E-5

Sincerely,

*Bob Testa & Skip Metzger*

Bob Testa & Skip Metzger,  
for the Board of Directors,  
Beta Epsilon Association of Theta Xi,  
A California Non-profit Corporation

**Response to Letter E: Bob Testa, Project Applicant Representative**

**Response E-1:** This comment is noted. This comment serves as an introduction to the comment letter and does not warrant a response. No further response is necessary.

**Response E-2:** The commenter notes that the elevations and other representations of the proposed new structure as included in the draft EIR are preliminary and should not be considered as final. While the comment does not address the adequacy of the Draft EIR, this comment is noted herein. As discussed throughout the Draft EIR, Tier III Design Review approval is required because a portion of the project site is within 300-feet of two designated historical resources, Dresbach-Hunt-Boyer Home and Boy Scout Cabin, and the site is within the Conservation Overlay District. Final elevations and other design-related project details will be addressed as part of the design review process.

**Response E-3:** The commenter notes that the avian biologist and bat biologist surveys and assessments are burdensome for the applicant. The commenter also notes that the applicant is not aware of any protected birds on the site or any indication of any bat population occupying the premises. The commenter concludes that, as a non-profit entity, the costs to be incurred would appear to far outweigh any public benefits to be derived from such requirements.

Impacts to avian and bat species are discussed in Section IV, Biological Resources, of the Initial Study that was prepared for the project. See Appendix A of the Draft EIR. As discussed on page 40, 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*). The proposed project would retain some of the on-site trees, which could be used for future nesting habitat for bat and/or bird species, although the presence of the residents would make it a less desirable location for nesting in the retained trees by many species. Construction activities that occur during the avian nesting season (generally March 1-August 31) could disturb nesting sites if they were present during construction. The Initial Study includes mitigation measures to avoid impacts to special-status species, including birds, which may occur on-site.

Additionally, as discussed on page 1.0-3 of Chapter 1.0, Introduction, of the Draft EIR, the California Department of Fish and Wildlife (CDFW) submitted a Notice of Preparation (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 is included in Appendix A of the Draft EIR. The 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. As a result of the CDFW's comment letter, the requested revisions and additions to the mitigation measures included in Section IV, Biological Resources, of the Initial Study are reflected in the Draft EIR.

**Response E-4:** The commenter notes similar concerns relating to the "proposed requirement to hire a qualified architectural historian to provide an additional history of the buildings, including photo-documentation of the structures proposed for demolition." The commenter notes that they have copies of the City of Davis-approved architectural drawings of the last major remodel that occurred in 1983-84. The commenter also notes that they have already submitted a Historic

Resources Analysis report as a part of the application for this project. The commenter also notes that their own plans include placement of a suitable marker/plaque as approved by the city to recognize the history of the fraternity and the previous structures on the site. The commenter concludes that, as a non-profit entity, its view is that the costs to be incurred to provide the additional documentation proposed to far outweigh any public benefits to be derived from such requirements. This comment pertains to Mitigation Measure 3.1-1, which is reproduced below:

***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 with 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.*

If an impact to a historical or archaeological resource is significant, CEQA requires feasible measures to minimize the impact. Mitigation must avoid or substantially lessen the physical impact that the project will have on the resource. Generally, the use of drawings, photographs, and/or displays does not mitigate the physical impact on the environment caused by demolition or destruction of a historical resource. However, CEQA requires that all feasible mitigation be undertaken even if it does not mitigate impacts to a less than significant level.

The requirements of Mitigation Measure 3.1-1 are consistent with the recommendations made within the applicant-provided Historical Resource Analysis Study (Appendix C of the Draft EIR) and Historical Effects Analysis Study (Appendix B of the Draft EIR). See pages 16 and 17 of the Historical Effects Analysis Study and page 34 of the Historical Resource Analysis Study.



Additionally, photo documentation of the structures proposed for demolition is required by Section 40.23.120 of the City's Municipal Code. The applicant's City of Davis-approved architectural drawings of the last major remodel that occurred in 1983-84 can be re-submitted to the City, but does not serve a HABS documentation called for in the applicant submitted Historical Resources Analysis. The applicant submitted Historical Resources Analysis states that "If demolition were to be accepted as the preferred alternative, mitigation should include HABS/HAER recordation, including a written report, scaled drawings of each building, and archival quality photographs and negatives."

**Response E-5:** This comment is noted. This comment serves as a conclusion to the comment letter and does not warrant a response. No further response is necessary.

**From:** Cheryl Essex <cheryl.essex.davis@gmail.com>  
**Sent:** Tuesday, July 23, 2019 9:52 PM  
**To:** Ike Njoku <INjoku@cityofdavis.org>  
**Subject:** Comment on Theta Xi EIR

Greetings, Ike!

I have reviewed the Theta Xi EIR and am very concerned about Mitigation Measure 3.1-1. It says that just recording these two historic buildings and placing interpretation of the historic significance on site is sufficient to reduce the impact from Potentially significant to Less than significant. It seems to me that removing these buildings along the old Lincoln Highway reduces the significance of the historic highway as well as destroying the opportunity we have to preserve an important part of Davis history. I would suggest that the City give serious consideration to acknowledging that there will be a significant negative impact on the historic resources. If the City decides to allow this project to move forward, making a finding of overriding considerations seems to be more appropriate.

F-1

I'm interested in hearing the opinion of the HRMC, but did not find their report on the webpage--please email it to me. I would also be interested in reviewing the arborist report, since there may be historically-significant landscape elements on these sites or trees that should be considered.

F-2

Best regards,

--  
**Cheryl Essex**

**Response to Letter F: Cheryl Essex, City of Davis Planning Commissioner**

**Response F-1:** The commenter expresses concerns with Mitigation Measure 3.1-1 and its ability to reduce impacts to historical resources to a less than significant level. The commenter notes that removing these buildings along Lincoln Highway reduces the significance of the historic highway as well as destroying the opportunity to preserve an important part of Davis history. The commenter concludes that if the City decides to allow the project to move forward, a finding of overriding considerations seems to be more appropriate. This comment is noted.

Mitigation Measure 3.1-1 would not reduce impacts to historical resources to a less than significant level. Impacts to historical resources are discussed on pages 3.1-15 through 3.1-17 of Section 3.1 of the Draft EIR. In summary, 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.

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 California Register of Historic Resources. 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.

It is noted that an error pertaining to this impact and mitigation measure in Table ES-2 has been correct in Chapter 3.0, Revisions, of this Final EIR.

**Response F-2:** The commenter notes that she is interested in hearing the opinion or the HRMC, as well as reviewing the arborist report, since there may be historically-significant landscape elements on the site or trees that should be considered. A complete arborist report for the site is included as Appendix A to this Final EIR. Exhibit 1 of the arborist report summarizes all of the trees that were evaluated. As shown, all of the evaluated trees have a diameter great than five inches. According to Section 37.03.050 of the City's Municipal Code, "All trees of significance are considered significant at five inches or greater in diameter (DBH)." As such, all of the evaluated trees are considered trees of significance. One tree of significance, tree #276 of the arborist report, will be removed as part of the proposed demolition and construction. Tree #276 is a Chinese tallow with a health and structural rating of "fair. This tree is located in the front yard of the Jackson House.

**From:** GREG ROWE <gregrowe50@comcast.net>  
**Sent:** Thursday, August 1, 2019 5:36 PM  
**To:** Sherri Metzker <SMetzker@cityofdavis.org>; Ike Njoku <INjoku@cityofdavis.org>  
**Subject:** Comments - Fraternity DEIR

**CAUTION: External email. Please verify sender before opening attachments or clicking on links.**

Sherri and Ike: Thanks for providing a copy of the DEIR for the proposed Theta Xi Fraternity Redevelopment project. I have finished reading the document and prepared the attached 2 pages of notes, primarily for my reference during the August 28 Planning Commission meeting.

G-1

As mentioned in the notes, I am recommending a change in the cumulative effects section, basically to update the referenced numbers in the UCD LRDP and FEIR. The recommended change is also below. In general, I believe that the DEIR for the proposed project is adequate and complete. Further, the project appears necessary because in my view the existing residential structures are clearly functionally obsolete. The proposed new structure would represent a visual improvement to the 500 block of First Street.

G-2

Recommended change:

Under the heading of Cumulative Setting, on the top of page 4.0-3, the UCD LRDP is discussed. It references the NOP issued January 4, 2017, which assumed the campus would add 6,229 students and 2,000 employees "...between existing conditions and the 2027-28 academic year."

G-3

2018. Comment/Correction: The above information is outdated. To be more accurate, this section should be updated to reference the final 2018 LRDP dated July 2018 and the

associated FEIR adopted by the Board of Regents on July 19, 2018. The LRDP and FEIR assume that the campus will grow from 33,825 students during the baseline 2016-17 academic year to 39,000 students during the 2030-31 academic year, an increase of 5,175 students. It also assumes that the number of employees will increase from 12,365 to 14,500 during the same timeframe, an increase of 2,135.

G-3  
cont'd

Thanks for your consideration. Regards, Greg Rowe

G-4

**Notes and Comments: DEIR – Theta Xi Fraternity Redevelopment – July 2019**

By Greg Rowe, Planning Commissioner

1. **Overall impression:** The existing buildings have been used by the fraternity for almost 70 years. They are functionally obsolete, are not energy-efficient, and lack amenities.
    - a. Fraternity is at a competitive disadvantage because amenities are not comparable to other frats and rental apartment housing Davis.
      - i. "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." (Page 3.2-13)
    - b. Replacement Housing: "...the proposed project would result in the construction of replacement residential housing on a site that currently contains residential housing." (P. 4.0-6).
      - i. Because the project would provide 3 fewer beds than the present configuration, in my view the project would therefore not be growth inducing nor would it have cumulative impacts.
    - c. Historic Preservation: There is nothing particularly noteworthy, unique or impressive about the 3 buildings that would compel preservation.
      - i. The new building would have a Craftsman Bungalow style/architectural theme that would provide a linkage to the present structures (Initial Study, pages 6 and 31). It would respect the traditional scale and character within the Conservation Overlay District (FEIR page 2.0-5).
- G-5
2. **The Proposed New Project**
    - a. The proposed project architect is a Davis resident who has designed other projects in Davis that are sensitive to surrounding buildings and neighborhood context.
    - b. The new structure would improve the appearance of the gateway to downtown Davis (p. 2.0-1).
      - i. See visual simulations, Figure 2.0-8. It is very attractive and functional compared to current residential structures.
      - ii. "The proposed 3-story building would be constructed at a similar size and scale as existing buildings in the immediate vicinity" (DEIR P. 3.2-12 and Initial Study p. 6).
      - iii. "The proposed building incorporates a mix of materials, architectural features, varied roof lines, building recesses and articulation which provide visual interest and maintain the City's urban character" (Initial Study, P. 32).
    - c. Bike Parking: There would be 24 dedicated bike parking spaces (Table 2.0-1); none now.
      - i. A Bike Barn would be included (DEIR, page 2.0-4).
    - d. Would be more energy efficient, plus would have more efficient plumbing fixtures.
      - i. Proposed project will target "LEED Silver" classification (p. 2.0-4) and solar power.
      - ii. Parking areas will move from D Street to an internal portion of the site (IS, p. 69).
    - e. Would meet City's densification goals.
    - f. Qualifies as a "living group" use that can be allowed as a conditional use within the Central Commercial zoning classification.
- G-6
3. **Greenhouse gas emissions** from the existing residences are higher than the proposed project because the existing buildings were constructed in 1912 and therefore do not match the energy efficiency of modern structures (FEIR p. 1.0-11, Initial Study p. 54).
- G-7



- 4. **Trees:** 6 of the 28 are “Trees of Significance” according to Arborist Report (p. 3.1-1).
  - a. No Landmark Trees are located on-site (IS, page 43). G-8
  
- 5. **Historic Resources,** pages 3.1-8 through 9).
  - a. 503 First Street (Jackson House); exterior has been altered considerably through time.
    - i. Is classified 6L, not considered a historic resource for purposes of CEQA (p. 3.1-15). G-9
  - b. 509 First Street (Bryson House); exterior has also been changed (example, fireplace removed).
  - c. 515 First Street (TX Main House); appears to have numerous alterations.
  - d. Relocation of the structures may not be feasible due to their poor condition (P. 5.0-4), based on the structural engineering report commissioned by the applicant team.
  
- 6. **General Plan/Design Guidelines**
  - a. Proposed new project is consistent with the goal of fostering reinvestment and economic development in the core area that is consistent with historic conservation (because the design of the new structure has many elements of traditional architecture in Davis), page 3.2-9).
  - b. New project would be a “living group” use, which is a conditional use within the Central Commercial District. Therefore, the project would need a Conditional Use Permit for the new fraternity house. (Page 3.2-15) G-10
  - c. Compliance with City’s Tier III Design Review process would ensure that the proposed building respects the traditional scale and character of the project area. (P. 3.2-16).
  - d. The CASP and General Plan land use designation for the site is Retail Stores, but it would make no sense for the City to require ground floor retail in a fraternity building. Plus, there are already vacant retail sites in Davis (example: Davis Co-op shopping center on G Street).
  
- 7. **Cumulative Impacts**
  - a. Under the heading of Cumulative Setting, on the top of page 4.0-3, the UCD LRDP is discussed. It references the NOP issued January 4, 2017, which assumed the campus would add 6,229 students and 2,000 employees “...between existing conditions and the 2027-28 academic year.”
    - i. Comment/Correction: The above information is outdated. To be more accurate, this section should be updated to reference the final 2018 LRDP dated July 2018 and the associated FEIR adopted by the Board of Regents on July 19, 2018. The LRDP and FEIR assume that the campus will grow from 33,825 students during the baseline 2016-17 academic year to 39,000 students during the 2030-31 academic year, an increase of 5,175 students. It also assumes that the number of employees will increase from 12,365 to 14,500 during the same timeframe, an increase of 2,135. G-11

**Response to Letter G: Greg Rowe, City of Davis Planning Commissioner**

- Response G-1:** This comment is noted. This comment serves as an introduction to the body of the comment letter and does not warrant a response. No further response is necessary.
- Response G-2:** The commenter references the numbers in the UC Davis Long Range Development (LRDP), recommends changes to reflect current data in the LRDP, notes that the Draft EIR is adequate and complete, notes that the project is necessary and that the existing structures are functionally obsolete, and notes that the new structure would represent visual improvements to the 500 block of First Street. See Response G-3 regarding the UC Davis LRDP. See Response G-5 regarding the existing buildings. See Response G-6 regarding the proposed buildings.
- Response G-3:** The commenter notes that the UC Davis LRDP assumptions in the Cumulative Setting on page 4.0-3 of the Draft EIR are outdated. The commenter provides updated information from the 2018 LRDP and associated Final EIR. The requested information has been updated and revised in Chapter 4.0, Other CEQA-Required Topics, of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the revisions.
- Response G-4:** This comment serves as a conclusion to the email body of the comment letter and does not warrant a response. No further response is necessary.
- Response G-5:** The commenter notes that the existing buildings are functionally obsolete, not energy efficient and lack amenities. The commenter provides examples from the Draft EIR text pertaining to the fraternity's competitive disadvantage, replacement housing and growth inducement, and historic preservation of the existing buildings. The commenter has cited various sections of the Draft EIR, but the comment does not address the adequacy of the Draft EIR. This comment is therefore for the consideration of decision makers as the project review proceeds.
- Response G-6:** The commenter notes that the project architect is a Davis resident who has designed other projects in Davis that are sensitive to surrounding buildings and neighborhood context. The commenter also provides examples from the Draft EIR text pertaining to the visual appearance of the proposed buildings, the provided bike parking and automobile parking, the energy efficiency of the proposed buildings, the City's densification goals, and the conditional "living group" use within the Central Commercial zoning classification. The commenter has cited various sections of the Draft EIR, but the comment does not address the adequacy of the Draft EIR. This comment will be forwarded to the decision makers for their consideration.
- Response G-7:** The commenter notes that the greenhouse gas emissions from the existing residences are higher than the proposed project because the existing buildings were constructed in 1912 and therefore do not match the energy efficiency of modern structures. The commenter has cited page 1.0-11 of the EIR and page 54 of the Initial Study. The proposed building would result in reduced greenhouse gas emissions compared to the existing condition. The commenter has accurately cited the EIR and Initial Study as they pertain to greenhouse gas emissions. The comment does not address the adequacy of the Draft EIR. This comment is hereby noted for the decision makers for consideration.
- Response G-8:** The commenter notes that six of the 28 on-site trees are "Trees of Significance", and that no Landmark Trees are on-site. The commenter has accurately cited various sections of the Draft EIR and Initial Study and summarized the on-site trees evaluated as part of the initial arborist report



for the project. The comment does not address the adequacy of the Draft EIR. It is noted that a complete arborist report for the site is included as Appendix A to this Final EIR. Exhibit 1 of the arborist report summarizes all of the trees that were evaluated. As shown, all of the evaluated trees have a diameter great than five inches. According to Section 37.03.050 of the City's Municipal Code, "All trees of significance are considered significant at five inches or greater in diameter (DBH)." As such, all of the evaluated trees are considered trees of significance. One tree of significance, tree #276 of the arborist report, will be removed as part of the proposed demolition and construction. Tree #276 is a Chinese tallow with a health and structural rating of "fair. This tree is located in the front yard of the Jackson House.

- Response G-9:** The commenter notes that the Jackson House has been altered considerably through time and is not considered a historic resource due to the National Register of Historic Places status code (6L). The commenter also notes that the Bryson House has also been changed. The commenter further notes that the Main House has had numerous alterations, and concludes that relocation of the structures may not be feasible due to their poor condition based on the structural engineering report. The commenter has accurately cited various sections of the Draft EIR and summarized the on-site historic resources. The comment does not address the adequacy of the Draft EIR. However, the Draft EIR acknowledges the status code 6L error, but concluded that it does not invalidate the findings and conclusions of the applicant submitted Historical Resources Analysis. See Appendix C of the Draft EIR. This comment is hereby noted for the decision makers consideration.
- Response G-10:** The commenter notes that the project is consistent with the goal of fostering reinvestment and economic development in the core area that is consistent with historic conservation (because the design of the new structure has many elements of traditional architecture in Davis). The commenter also notes that a Conditional Use Permit would be required for the Central Commercial District, as well as Tier II Design Review. The commenter further notes that the Central Area Specific Plan (CASP) and General Plan land use designation for the site is Retail Stores, but it would make no sense for the City to require ground floor retail in a fraternity building. The commenter has accurately cited various sections of the Draft EIR and summarized the land use-related approvals and analysis. The comment does not address the adequacy of the Draft EIR. This comment will be forwarded to the decision makers for their consideration.
- Response G-11:** The commenter notes that the UC Davis LRDP assumptions in the Cumulative Setting on page 4.0-3 of the Draft EIR are outdated. The commenter provides updated information from the 2018 LRDP and associated Final EIR. See Response G-3.

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This section includes minor edits and changes to the Draft Environmental Impact Report (EIR). These modifications resulted from responses to comments received during the public review period for the Draft EIR, and City staff-initiated edits to clarify the details of the project. Additionally, on January 6, 2020, the project applicants submitted to the City the preferred site plan and elevations. These site plan and elevations changes resulted in changes to the Project Description chapter of the Draft EIR as noted further below. In summary, the revisions would result in a change of the architectural style of the building, a decrease in residential building area from 11,483 to 9,952 square feet (a decrease of 1,531 square feet), an increase in the size of the storage and laundry area from 238 square feet to 262 square feet (an increase of 24 square feet), an equal disturbance area, and an equal number total beds (i.e., 35 beds) for use by the fraternity members.

None of these minor modifications to the project would result in new significant impacts or mitigation measures, or increase the severity of an impact.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis that would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5.

Other minor changes to various sections of the Draft EIR are also shown below. These changes are provided in revision marks with underline for new text and ~~strike out for deleted text~~.

### 3.1 REVISIONS TO THE DRAFT EIR

#### APPENDIX B HISTORICAL EFFECTS ANALYSIS STUDY

The following change was made to page 9 of the Historical Effects Analysis Study, which is included as Appendix B of the Draft EIR:

In either case, all three properties retain adequate integrity to be considered “Merit Resources” within the City of Davis, significant for their architecture and association with U.C. Davis. All have housed members of the fraternity since the 1950s. Besides the Theta Xi Fraternity, who has owned and occupied the three residences since the 1950s, the Jackson House is associated with the Anderson family of Davis, particularly A. Gordon Anderson, who served on the Board of Trustees, the precursor to the city council and as mayor~~major~~. Gordon’s descendants, Don Anderson and Don's daughter Jennifer Anderson, have continuously run Davis Lumber & Hardware Company, today known as Davis Ace, and like their parents have played an important role in community’s civic and economic development.

#### ES EXECUTIVE SUMMARY

The following change was made to pages ES-5 and ES-8 of Chapter ES of the Draft EIR:

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>	<p>Potentially Significant</p>	<p><b>Mitigation Measure Bio-1:</b> <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"> <li>• <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></li> <li>• <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 occupied by Swainson's hawks.</i></li> <li>• <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></li> </ul> <p><b>Mitigation Measure Bio-2:</b> <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</i></p>	<p>Less than Significant</p>

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
		<p>February 15-August 31), the project applicant shall retain a qualified avian biologist to perform preconstruction surveys for protected birds, including nesting raptors, not addressed 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:</p> <ul style="list-style-type: none"> <li>• Locate and map the location of the nest site. Within 2 working days of the surveys prepare a report and submit to the City;</li> <li>• 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.</li> <li>• The qualified avian biologist shall be onsite daily for the first week of construction activities to monitor the birds. The qualified avian biologist shall 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;</li> <li>• 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.</li> </ul> <p><b>Mitigation Measure Bio-3:</b> 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.</p> <p>To exclude bats from structures, CDFW recommends exclusion devices be installed on structures during the periods stated above to prevent bats</p>	

## 3.0 REVISIONS

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
		<p>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.</p>	
CULTURAL RESOURCES (ANALYZED IN THE DRAFT EIR)			
<p>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</p>	<p>Potentially Significant</p>	<p><b>Mitigation Measure 3.1-1:</b> The project applicant shall fund and implement the following measures:</p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>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.</li> </ol> <p>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.</p>	<p>Less than Significant Significant and Unavoidable</p>

### 1.0 INTRODUCTION

No changes were made to Section 1.0 of the Draft EIR.

### 2.0 PROJECT DESCRIPTION

The following changes were made to page 2.0-3 of Chapter 2.0 of the Draft EIR:

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**

	EXISTING JACKSON HOUSE	EXISTING BRYSON HOUSE	EXISTING TX MAIN HOUSE	TOTAL EXISTING HOUSES	PROPOSED NEW HOUSE
# of stories	2	2	2	2	3
Basement	Partial	Partial	Partial	Partial	<del>Partial</del> None
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	<del>9,802</del> 9,952
<u>Basement</u>	<u>720</u>	<u>433</u>	<u>450</u>	<u>1,603</u>	<del>1,681</del> 0
Ground floor	1,282	1,208	2,000	4,490	<del>3,100</del> 3,118
2 <sup>nd</sup> floor	783	801	1,964	3,548	<del>3,351</del> 3,417
3 <sup>rd</sup> floor	--	--	--	--	<del>3,351</del> 3,417
<u>Total sf (including basement)</u>	<u>2,785</u>	<u>2,442</u>	<u>4,414</u>	<u>9,641</u>	<del>11,483</del> 9,952
Total sf (excluding basement)	2,065	2,009	3,964	8,038	<del>9,802</del> 9,952 <sup>1</sup>
Basement sf	720	433	450	1,603	<del>1,684</del> 0
Storage/laundry sf	96	0	0	96	<del>238</del> 262
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

*NOTE: <sup>1</sup> THE REVISED PROJECT DOES NOT INCLUDE A BASEMENT. THE TOTAL SQUARE FOOTAGE SHOWN HERE (9,952 SF) INCLUDES THE FIRST FLOOR, SECOND FLOOR, AND THIRD FLOOR RESIDENTIAL BUILDING AREAS.*

The following changes were made to page 2.0-4 of Chapter 2.0 of the Draft EIR:

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 (3,118 sf first floor, 3,417 second floor, and 3,417 third floor) ~~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 modern/industrial ~~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”<sup>1</sup>.

The following change was made to page 2.0-5 of Chapter 2.0 of the Draft EIR:

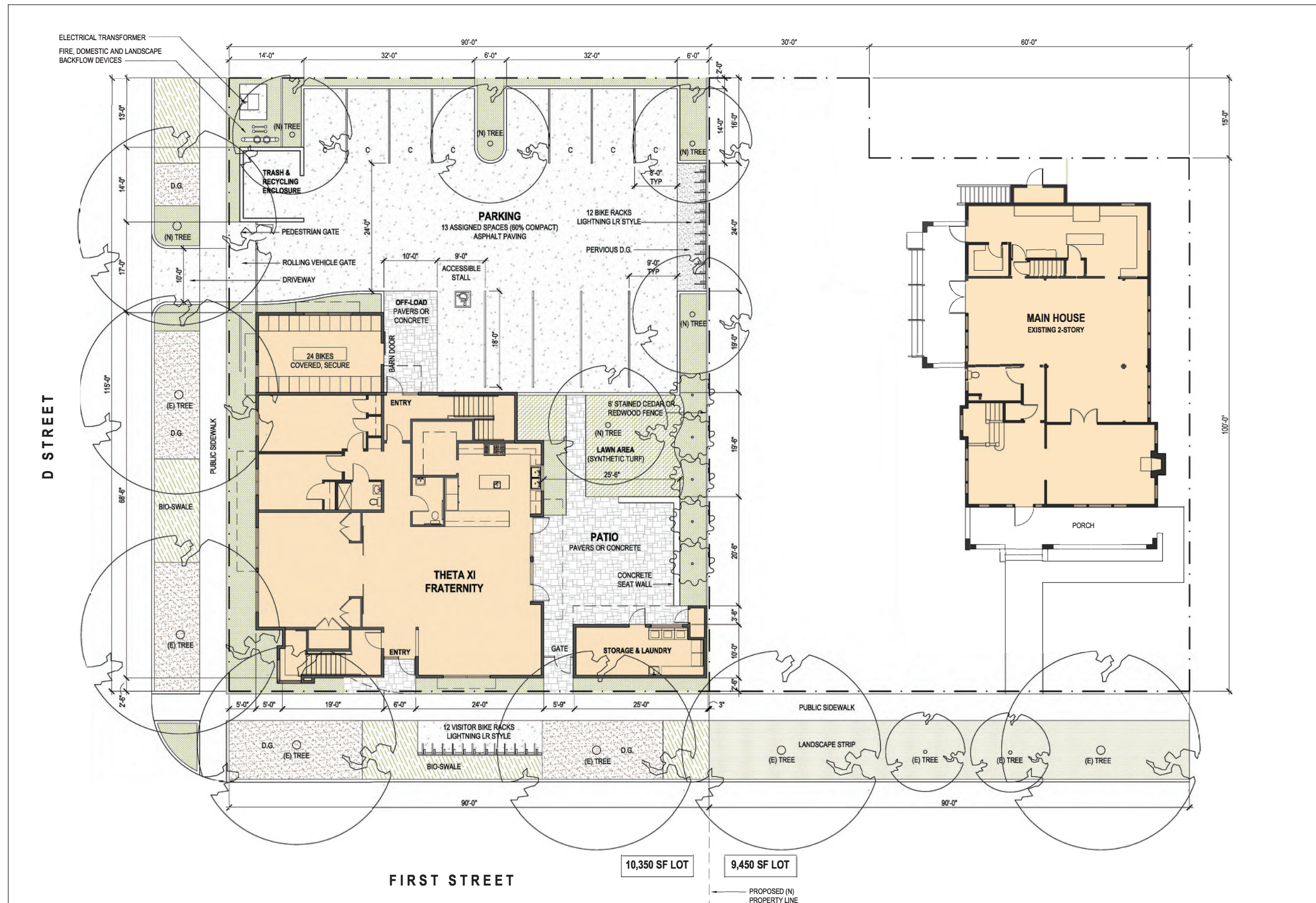
Tier III Design Review approval is required because a portion of the project site is within 300-feet of ~~at two~~ designated historical resources, Dresbach-Hunt-Boyer Home and Boy Scout Cabin, and the site is within the Conservation Overlay District. According to the Davis Municipal Code, the Conservation 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.

Figures 2.0-6, 2.0-7, and 2.0-8 on pages 2.0-19, 2.0-21, and 2.0-23, respectively, were also revised, as shown:

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<sup>1</sup> 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>





CITY OF DAVIS - THETA XI PROJECT

Figure 2.0-6. Proposed Site and First Floor Plan

Source: Studio T Square, December 11, 2019.  
Map date: January 24, 2020.

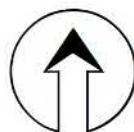
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CITY OF DAVIS - THETA XI PROJECT

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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### 3.1 CULTURAL AND TRIBAL RESOURCES

The following changes were made to pages 3.1-6 and 3.1-7 of Section 3.1 of the Draft EIR:

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).

#### **Project Site History**

Beginning in the 1920s, First Street was designated as part of the Lincoln Transcontinental Highway, later named U.S. 40, before it was abandoned for present-day Highway 80. U.S. Federal Census records also list First Street in 1920 as "Highway Street," reflective of the fact that the state highway followed the same route. Unlike other sections of Davis where the highway ran through, this part of Davis remained largely residential until the late twentieth century when commercial infill began to occur or when older residences were converted to some form of commercial use, such as the residence at 521 First Street which was converted in the past decade or so to an art gallery.

Based upon city directories and U.S. Federal Census records, 503 First Street was owned and occupied by the Anderson family. In 1910, Gordon Anderson was single, working as an ice dealer, and living on Olive Street. The 1930 U.S. Federal Census lists Gordon Anderson, 53 years of age; Essie Anderson, his wife, 45 years of age; and Donald Anderson, their son, 13 years of age. Gordon Anderson, who was from Canada, owned the hardware store at 207 G Street until 1937, the year he died. After his death, the family acquired interest in the Davis Lumber Company owned by Edwin McBride. On June 22, 1962, Donald, Gordon's son, acquired the lumber company and changed the name to Davis Lumber and Hardware Company. In 1930, Anderson's residence was valued at \$8,500 in 1930. By 1940, Donald and Essie Anderson were living at 503 First Street.

From 1920 through 1930, 509 First Street was occupied by John Thompson, his wife Cleo, and his two sons, Irwin and James. Thompson is listed as a manager or instructor at the University Farm in Davis. The Thompson residence in 1930 was valued at \$5,000. In 1940, the Hoff family owned the residence.

All three properties share a common historic context associated with residential architecture in Davis beginning in the late 1910s, and the demand for student housing that occurred quite early in the history of UC Davis. All three residential properties were converted to fraternity housing

## 3.0 REVISIONS

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beginning in the early 1950s through the "colonization" as it was called by the Theta Xi Fraternity. Plans for establishing the Davis colony of the Theta Xi Fraternity were first made during the Christmas of 1949, when Bill Bretz, assistant secretary of the fraternity, discussed the establishment of the Fraternity with Robert Wayne Mumby, who at the time was residing at the North Hall of UC Davis. The alumni had several additional discussions the following year, including Davis students, William Reutenbush, Jr., H. L. Murdock, and Jay Wolfgang. In March 1950, votes were taken with unanimous approval to authorize colonization of the fraternity at UC Davis. The next step was to form a charter.

On October 1, 1951, the fraternity purchased its first house at 515 First Street. On November 12, eleven pledges were initiated. Six additional pledges were initiated on February 19. By the close of 1951, the fraternity house was being furnished. During the fall semester of 1951-52, the house was improved with the addition of a large dormitory and a kitchen by redesigning existing rooms. The house was painted the same year. By 1952, the colony included 21 actives, including faculty members, 11 pledges, and a housekeeper who was also the secretary to the Dean of the College of Agriculture.

### KNOWN CULTURAL AND HISTORICAL RESOURCES

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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. The 503 First Street property ("Jackson House") is not within 300-feet of a designated historic resources. The 509 and 515 First Street property ("Theta Xi Main House") is within 300-feet of two designated historic resources: the Boy Scout Cabin (located at 616 First Street), and the Dresbach-Hunt-Boyer Home (located at 604 Second Street). The Boy Scout Cabin is a "Merit Resource" and the Dresbach-Hunt-Boyer Home is a "Landmark". 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." Landmark means buildings structures, objects, signs, features, sites, places, areas, cultural landscapes or other improvements of the highest 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 this article. A landmark is deemed to be so important to the historical and architectural fabric of the community that its loss would be deemed a major loss to the community. Once designated, landmarks are included in the Davis Register of Historical Resources. Landmarks were formerly designated as "outstanding historical resources."

### 3.2 LAND USE

The following changes were made to page 3.2-8 of Section 3.2 of the Draft EIR:

Pursuant to Zoning Ordinance and the Davis Downtown and Traditional Residential Neighborhoods Design Guidelines, a Tier III Design Review approval is required because the 515 and 509 First Street are within 300-feet of two designated historic resources: the Boy Scout Cabin (located at 616 First Street), and the Dresbach-Hunt-Boyer Home (located at 604 Second Street). ~~project site is within~~



~~300 feet of a designated historical resource, Dresbach-Hunt-Boyer Home.~~ Additionally, the sites are 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.

The following changes were made to page 3.2-12 of Section 3.2 of the Draft EIR:

Further, as noted above, Tier III Design Review approval is required given that the 515 and 509 First Street are within 300-feet of two designated historic resources: the Boy Scout Cabin (located at 616 First Street), and the Dresbach-Hunt-Boyer Home (located at 604 Second Street). ~~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 following changes were made to pages 3.2-15 and 3.2-16 of Section 3.2 of the Draft EIR:

Additionally, as noted above, Tier III Design Review approval is required because the 515 and 509 First Street are within 300-feet of two designated historic resources: the Boy Scout Cabin (located at 616 First Street), and the Dresbach-Hunt-Boyer Home (located at 604 Second Street). ~~project site is within 300 feet of a designated historical resource, Dresbach-Hunt-Boyer Home, and~~ Additionally, 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.

#### 4.0 OTHER CEQA-REQUIRED TOPICS

The following changes were made to page 4.0-3 of Chapter 4.0 of the Draft EIR:

- **UC Davis Long Range Development Plan (LRDP):** According to the 2018 Final EIR ~~2017 Notice of Preparation~~ for the update to the LRDP (dated July 2018 ~~January 4, 2017~~), the UC Davis campus is assumed to grow from 33,825 students during the baseline 2016-17 academic year to 39,000 students during the 2030-31 academic year, an increase of 5,175 students. The LRDP Final EIR also assumes that the number of employees will increase from 12,365 to 14,500 during the same time frame, an increase of 2,135 employees. ~~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.~~

The following changes were made to pages 4.0-4 and 4.0-5 of Chapter 4.0 of the Draft EIR:

***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.

According to the Historical Effects Analysis Study prepared for the project, 503 and 509 First Street (the “Jackson House” and “Bryson House”) represent an important class or style of architecture reflective of post-1900 Davis. While these structures are not unique, the project site’s location along First Street, formally part of the Lincoln Transcontinental Highway and now a busy thoroughfare, makes the buildings visually important to residents and visitors to the City.

There are, however, other similar Craftsman Bungalow style residential homes in Davis that are of equal or greater architectural significance. The loss of the structures at 503 and 509 First Street will not result in the destruction of the last buildings of this type or design in Davis. Other factors considered include the City’s long-range plan for this urban section of Davis, the non-historic contemporary or modern commercial infill across First Street from the subject properties, and the loss of integrity of the Natsoulas Gallery Building at 521 First Street, which when constructed mirrored 515 First Street.

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.

## 5.0 ALTERNATIVES TO THE PROPOSED PROJECT

The following changes were made to page 5.0-5 of Chapter 5.0 of the Draft EIR:

According to the applicant, the evaluation of alternatives considered the project objectives, the costs of rehabilitation versus the costs of new construction, the ability to finance improvements without extracting value from the existing property, the inefficiencies inherent in operating and maintaining four separate structures, the added costs inherent in complying with requirements for remodeling historic structures and complying with building code updates that have occurred, including the requirements of the Americans with Disabilities Act.

Further, any remodeling effort would first require the project applicant to address deficiencies in the structural integrity of the three houses as identified in the report by Pemberton Engineering, dated July 27, 2016. At a minimum, each house would have to be jacked up in order to rebuild their foundations, which would require stripping and replacing the exterior siding to address structural issues, and replacing each of the roofs. A construction estimates for the project suggested that the cost of known structural improvements required would be approximately \$500,000 plus a large contingency factor because of the unknown conditions that likely would be uncovered as the structures are opened up. Additional costs of remodeling would also be required in order to meet the current students' needs.

The current maximum occupancy is nine persons in the Jackson House, 13 persons in the Bryson House, and 16 persons in the Theta Xi Main House, or a total of 38 persons. The proposed three-story structure would have a maximum occupancy of 35. According to the applicant, any project alternative which requires modeling of the existing two western structures (Jackson House and Bryson House) as a replacement for the eastern structure (Theta Xi Main House) would require conversion of limited bedroom areas to accommodate the required addition of a kitchen, dining room, and living room since common area rooms are currently present only in the eastern house. Further, any remodeling effort would not address off street parking requirements which are currently limited.

According to the project applicant, the total project cost is estimated at approximately \$4.5 million. The project will be financed by a construction loan to be rolled into a mortgage, a capital campaign to grow the building fund, and the sale of roughly half of the current property (Theta Xi Main House with additional lot area). The distribution of costs will likely be equal among the three sources of funding. A shortfall in either the donation goal or proceeds from the sale of the Theta Xi Main House property would result in a higher mortgage and potentially jeopardize the viability of the project.

The following changes were made to pages 5.0-5 and 5.0-6 of Chapter 5.0 of the Draft EIR:

### RENOVATION AND PRESERVATION ALTERNATIVE

Under the Renovation and Preservation Alternative, the three existing buildings would be preserved and undergo modest interior renovations and various other renovations required by existing laws

## 3.0 REVISIONS

and regulations 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 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.

The following changes were made to page 5.0-9 of Chapter 5.0 of the Draft EIR:

**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	<del>3 – Same</del> 2 – Lesser	<del>3 – Same</del> 2 – Lesser	3 – Same
Land Use	3 – Same	2 – Lesser	2 – Lesser	3 – Same
<b>Summary</b>	<b>6</b>	<del>4</del> <b>5</b>	<del>4</del> <b>5</b>	<b>6</b>

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 ~~four~~ 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.

### 6.0 REPORT PREPARERS

No changes were made to Section 6.0 of the Draft EIR.

### 7.0 REFERENCES

No changes were made to Section 7.0 of the Draft EIR.

This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Theta Xi Fraternity Redevelopment Project (project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A FMMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR.

## 4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Davis will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

**TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM**

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
BIOLOGICAL RESOURCES				
<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>	<p><b>Mitigation Measure Bio-1:</b> <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"> <li><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></li> <li><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</i></li> </ul>	<p>City of Davis Public Works Department</p> <p>Qualified biologist</p> <p>California Department of Fish and Wildlife</p> <p>Yolo Habitat Conservancy</p>	<p>Prior to issuance of grading permits and during all site construction activities</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>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 occupied by Swainson’s hawks.</i></p> <ul style="list-style-type: none"> <li><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></li> </ul> <p><b>Mitigation Measure Bio-2:</b> <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 addressed 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"> <li><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></li> <li><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</i></li> </ul>	<p>City of Davis Public Works Department</p> <p>Qualified avian biologist</p> <p>California Department of Fish and Wildlife</p> <p>Yolo Habitat Conservancy</p>	<p>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), surveys must be conducted no more than 14 days prior to the initiation of construction</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>buffer(s), the buffer(s) shall be expanded to prevent birds from abandoning their nest.</i></p> <ul style="list-style-type: none"> <li><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 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></li> <li><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></li> </ul> <p><b>Mitigation Measure Bio-3:</b> <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</i></p>	<p>City of Davis Public Works Department</p> <p>Qualified bat biologist</p> <p>California Department of Fish and Wildlife</p>	<p>activities, including vegetation clearing</p> <p>Within six months of project disturbance activities</p>	



ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>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>			
CULTURAL AND TRIBAL RESOURCES				
<p>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</p>	<p><b>Mitigation Measure 3.1-1:</b> <i>The project applicant shall fund and implement the following measures:</i></p> <ol style="list-style-type: none"> <li>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></li> <li>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</i></li> </ol>	<p>City of Davis Department of Community Development and Sustainability</p>	<p>During review of improvement plans</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>significance.</i></p> <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>			
<p>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</p>	<p><b>Mitigation Measure 3.1-2:</b> <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> <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</i></p>	<p>City of Davis Department of Community Development and Sustainability</p>	<p>Before the beginning of site work</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>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 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>			

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
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	<i>Implement <b>Mitigation Measure 3.1-2.</b></i>	See Mitigation Measure 3.1-2	See Mitigation Measure 3.1-2	
Impact 3.1-4: Project implementation has the potential to directly or indirectly destroy a unique paleontological resource	<i>Implement <b>Mitigation Measure 3.1-2.</b></i>	See Mitigation Measure 3.1-2	See Mitigation Measure 3.1-2	
Impact 3.1-5: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries	<p><i><b>Mitigation Measure 3.1-3:</b> 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"> <li>• <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 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></li> <li>• <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"> <li>○ <i>The Native American Heritage Commission is unable to identify a descendent.</i></li> </ul> </li> </ul>	City of Davis Department of Community Development and Sustainability  Yolo County Coroner	If human remains are discovered during the course of construction activity during any phase of the project	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<ul style="list-style-type: none"> <li>○ The descendant identified fails to make a recommendation.</li> <li>○ 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.</li> </ul>			
GEOLOGY AND SOILS				
<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 risks to life or property?</p>	<p><b>Mitigation Measure Geo-1:</b> 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.</p>	<p>City of Davis Building Division</p>	<p>Prior to the development of the project site</p>	
<p>b) Result in substantial soil erosion or the loss of topsoil?</p>	<p><b>Mitigation Measure Geo-2:</b> 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</p>	<p>City of Davis Building Division</p>	<p>Prior to any site disturbance</p>	

4.0

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>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>			
HYDROLOGY AND WATER QUALITY				
<p>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?</p>	<p><b>Mitigation Measure Hydro-1:</b> 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><b>Mitigation Measure Hydro-2:</b> 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 project.</p>	<p>City of Davis Department of Public Works</p> <p>City of Davis Department of Public Works</p>	<p>Prior to issuance of building or grading permits</p> <p>Prior to any site disturbance</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
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	<b>Mitigation Measure 3.2-1:</b> <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>	City of Davis Department of Community Development and Sustainability	In conjunction with submittal of improvement plans for the project	

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# **Appendix A**

## **Arborist Report**



**TREE**  
ASSOCIATES

September 30, 2019

Bob Testa  
Theta Xi Fraternity  
515 First Street  
Davis, CA 95616

RE: Revised Arborist Report: Theta Xi

Dear Bob,

Attached is the revised Arborist Report requested by Skip Mezger. I appreciate the opportunity to work with you. Please do not hesitate to contact me should you have questions regarding this report.

Sincerely,

John M. Lichter, M.S.  
ASCA Registered Consulting Arborist #375  
ISA Certified Arborist #863  
ISA Qualified Tree Risk Assessor





**ARBORIST REPORT  
THETA XI FRATERNITY PROJECT  
DAVIS, CALIFORNIA**

**Prepared for  
THETA XI FRATERNITY  
Davis, California**

**Prepared by  
TREE ASSOCIATES  
John M. Lichter, M.S.  
ASCA Registered Consulting Arborist #375  
ISA Certified Arborist #863  
ISA Qualified Tree Risk Assessor**

**September 30, 2019**

## Assignment

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Bob Lindley with YHLA Architects and Skip Mezger, Landscape Architect requested, on behalf of Theta Xi Fraternity, an Arborist Report concerning a proposed development project at the Theta Xi Fraternity in Davis. This Arborist Report includes a tree evaluation, appraisal of tree values, and general preservation guidelines for all City of Davis ordinance-protected trees on site.

## Limits of the Assignment

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- This evaluation reports on the condition of the subject trees at the time of my site visit. Tree conditions change over time and, as they change, this report may need to be revised.
- The result of the evaluations for trees for which a detailed risk assessment is recommended (including but not limited to aerial inspection, decay mapping and/or root examination) is provisional, pending the outcome of these studies.
- This evaluation was based on a visual inspection from the ground. In some cases, my vantage points are limited due to property access issues.



## Tree Evaluation

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I identified, tagged in the field and evaluated the ordinance-protected trees on April 2, 2019. For each of these trees, the following data were provided.

- Tree Number – corresponds to a round aluminum tag affixed to each protected tree.
- Species – common and scientific name of the tree.
- Trunk Diameter (Dia.) – the diameter of the trunk (in inches) at 4.5' above grade, unless measurement at another location between 1 and 5 feet above grade provided a more accurate reflection of the size of the tree.
- Dripline – the approximate maximum distance from the trunk to the edge of the branches, in feet.
- Tree Protection Zone (TPZ) – the radius in feet of a circular tree protection zone (centered at the trunk) recommended by the author.
- Comments – comments regarding tree and landscape features that influenced health, structure and condition ratings.
- Health Rating – rating between poor and good considering the overall health of the tree. A rating of fair-good or good indicates no significant health concerns.
- Structural Rating – rating between poor and good considering the overall structure of the tree. A rating of fair-good or good indicates no significant structural concerns.
- Recommendations – recommendations for tree work or treatments to improve tree structure or health or for further evaluation, where necessary. Note: recommendations are indicated in red where removal was recommended or green where detailed examination and/or testing was recommended.

Exhibit 1, entitled “Tree Evaluation” summarizes the results of the tree evaluation for all protected trees. The locations of the trees can be found attached on a copy of a project site plan.



## Summary of Tree Evaluation

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### *Number of Trees, Species Makeup, Location:*

The project site was on a portion of an existing fraternity. Two of three fraternity buildings are to be removed and the third is to remain. I evaluated trees within 15 feet of the project boundary which is between the second and third building from the west (see attached tree location map). Five of the seven total trees were mature street trees located on either D or First Streets in Downtown Davis.

### *Tree Age, Size:*

The youngest tree was the 14-inch diameter valley oak in the back yard. The remaining trees were mature and the largest tree was a 28-inch diameter Honeylocust.

### *Tree Health:*

I rated the health of the trees from poor-fair to good. Tree number 270 was in poor-fair health and trees 271 and 276 were in fair health. The remaining trees had no health concerns as they were in fair-good or good health.

### *Tree Structure*

Three of the trees had poor-fair structure (270,274 and 275). The remaining four trees had fair structure. The structural rating and recommendations concerning two trees (273,274) was provisional, pending the outcome of the results of the detailed risk assessment I recommended.

Exhibit 1 contains recommendations for tree work and other treatments to improve the condition of the trees.

## Appraisal

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I appraised the monetary value of all protected, on site trees. The appraisal used Arborist-standard methods found in the Guide for Plant Appraisal, 9<sup>th</sup> Edition, authored by the Council of Tree and Landscape Appraisers. Cost data and nursery tree sizes were provided by Land Escapes, Landscape Contractor and Boething Tree Land Farms, 2018. The results of the appraisal can be found in Exhibit 2, attached.



## Tree Preservation Guidelines

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The guidelines presented below should be followed for all trees to be preserved to ensure the least impact to the trees considering the existing plans.

- Engage the Consulting Arborist to prepare a development impact assessment after construction plans are drafted. Tree preservation measures should be indicated on construction plans.
- Indicate surveyed trunk locations and tree protection zones (TPZ's) as described in attached table on all construction plans for trees to be preserved. Note, where infrastructure is located within protection zones, indicate modified tree protection zones (MTPZ's) and fencing as close to infrastructure and as far away from trees as possible (minimize overbuild).
- Conduct a meeting to discuss tree preservation guidelines with the Consulting Arborist and all contractors, subcontractors and project managers prior to the initiation of demolition and construction.
- Any pruning required for construction or recommended in this report should be performed by an ISA Certified Arborist or Tree Worker. Pruning for necessary clearance should be the minimum required for the project performed prior to demolition by an ISA Certified Arborist.
- Prior to any demolition activity, identify (tagged) trees to be preserved and install tree protection fencing as indicated on construction plans.
- Tree protection fences should be made of chain link with posts sunk into the ground. These fences should not be removed or moved until construction is complete. Avoid soil or above ground disturbances within the fenced area.
- Avoid grading, compaction, trenching, rototilling, vehicle traffic, material storage, spoil, waste or washout or any other disturbance within TPZ's/MTPZ's.
- Any work that is to occur within the protection zones of the trees should be monitored by the Consulting Arborist.
- Prior to trenching or grading within the protection zone of trees, carefully excavate, expose and mark roots  $\geq 2$ " diameter and preserve if possible or cut cleanly with a sharp saw under Arborist supervision.
- If roots  $\geq 2$  inches or limbs larger than 3 inches in diameter are cut or damaged during construction, contact Consulting Arborist as soon as possible to inspect and recommend appropriate remedial treatments.
- All trees to be preserved should be irrigated once every week during non-Winter months to uniformly wet the soil to a depth of at least 18 inches under and beyond their canopies.



## **Arborist Disclosure Statement**

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The following statement pertains to my work and this report.

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the Arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of the Arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the Arborist. An Arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.





## Glossary<sup>1</sup>

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*Bow* – the gradual curve of a branch or stem.

*Callus* – growth resulting from and found at the margin of wounds.

*Canker* – a localized area of dead tissue on a stem or branch, caused by fungal or bacterial organisms.

*Central Leader* – the main stem of the tree.

*Chlorotic* – yellow.

*Codominant* – equal in size and relative importance.

*Crown* – parts of the tree above the trunk.

*Crown Clean* – the removal of dead, dying, diseased, broken, and weakly attached branches and watersprouts from a tree's crown.

*Decay* – process of degradation of woody tissues by fungi and bacteria.

*Dieback* – death of shoots and branches, generally from tip to base.

*Dropcrotch* – the process of shortening trunks or limbs by pruning back to dominant lateral limbs.

*End Weight* – the concentration of foliage at the distal ends of branches.

*Epicormic* – shoots which result from adventitious or latent buds; often indicates poor vigor.

*Included bark* – pattern of development at branch junctions where bark is turned inward rather than pushed out.

*Primary limb* – limb attached directly to the trunk.

*Reduction cut* – shortening the length of a branch or stem by cutting it back to a lateral branch of at least one-third the diameter of the cut stem.

*Root crown* – area at the base of a tree where the roots and stem merge.

*Secondary limb* – limb attached directly to a primary limb.

*Sound wood* – undecayed wood.

*Suppressed* – trees which have been overtopped and whose crown development is restricted from above.

*Target* – people or property potentially affected by tree failure.

*Topped* – Pruned to reduce height by cutting large branches back to stubs.

*Train* – to prune a young tree to establish a strong structure.

*Vigor* – overall health.

*Watersprouts* – vigorous, upright, epicormic shoots that grow from latent buds in older wood.

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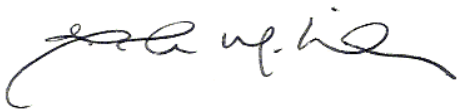
<sup>1</sup> Definitions from author or Matheny and Clark, Evaluation of Hazard Trees in Urban Areas, 2<sup>nd</sup> Edition c 1994, ISA.

## Certification of Performance

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I, John M. Lichter, certify:

- That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and/or appraisal is stated in the attached report and the Terms and Conditions;
- That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;
- That the analysis, opinions and conclusions stated herein are my own, and are based on current scientific procedures and facts;
- That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events;
- That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;
- That no one provided significant professional assistance to the consultant, except as indicated within the report.



John M. Lichter, M.S.  
ASCA Registered Consulting Arborist #375  
ISA Certified Arborist #863  
ISA Qualified Tree Risk Assessor



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**ASSUMPTIONS AND LIMITING CONDITIONS: TREE ASSOCIATES, INC.**

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1. Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes or other governmental regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.
4. The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.
5. Unless required by law otherwise, possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant/appraiser.
6. Unless required by law otherwise, neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior expressed written or verbal consent of the consultant/appraiser - particularly as to value conclusions, identity of the consultant/appraiser, or any reference to any professional society or institute or to any initialed designation conferred upon the consultant/appraiser as stated in his qualifications.
7. This report and any values expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
8. Sketches, drawings, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise. The reproduction of any information generated by architects, engineers, or other consultants on any sketches, drawings, or photographs is for the express purpose or coordination and ease of reference only. Inclusion of said information on any drawings or other documents does not constitute a representation by John M. Lichter or TREE ASSOCIATES as to the sufficiency or accuracy of said information.
9. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.
10. Loss or alteration of any part of this report invalidates the entire report.



Exhibit 1.

Tree Evaluation  
Theta Xi Project, Davis

To Accompany  
Tree Associates, Inc. Report  
September 30, 2019

Tree #	Species	Dia. (in.)	Dripline (ft.)	TPZ (ft.)	Comments	Health Rating	Structural Rating	Recommendations
270	honeylocust ( <i>Gleditsia triacanthos f. inermis</i> )	18	26	18	codominant trunks; limb dieback to 8" diameter; low vigor; mistletoe; trunk wound	poor-fair	poor-fair	crown clean. irrigate.
271	honeylocust ( <i>Gleditsia triacanthos f. inermis</i> )	16	35	16	unbalanced crown; trunk wound; codominant trunks; primary limbs with excessive end weight; limb dieback; trunk wound	fair	fair	crown clean. use reduction cuts to remove 25% of the foliage of primary limbs > 1/3 the trunk diameter at their attachment point. irrigate.
272	honeylocust ( <i>Gleditsia triacanthos f. inermis</i> )	27	45	27	trunk wound; codominant trunks; primary limbs with excessive end weight	fair-good	fair	crown clean. use reduction cuts to remove 25% of the foliage of primary limbs > 1/3 the trunk diameter at their attachment point. crown reduction.
273	honeylocust ( <i>Gleditsia triacanthos f. inermis</i> )	24	40	24	trunk wound on west side with conk; trunk decay; codominant trunks; limb dieback; mistletoe	fair-good	fair	perform detailed risk assessment including determining the extent of trunk decay. use reduction cuts to remove 25% of the foliage of primary limbs > 1/3 the trunk diameter at their attachment point. crown reduction.

Exhibit 1.

Tree Evaluation  
Theta Xi Project, Davis

To Accompany  
Tree Associates, Inc. Report  
September 30, 2019

Tree #	Species	Dia. (in.)	Dripline (ft.)	TPZ (ft.)	Comments	Health Rating	Structural Rating	Recommendations
274	honeylocust ( <i>Gleditsia triacanthos f. inermis</i> )	28	40	28	codominant trunks; primary limbs with excessive end weight; trunk decay; trunk wounds	fair-good	poor-fair	perform detailed risk assessment including determining the extent of trunk decay. use reduction cuts to reduce tree height and crown size. crown clean. use reduction cuts to remove 35% of the foliage of primary limbs > 1/3 the trunk diameter at their attachment point.
275	valley oak ( <i>Quercus lobata</i> )	14	22	14	codominant trunks with included bark; trunk wounds	good	poor-fair	brace trunks. select leader, drop crotch competing trunks or primary limbs. supress one trunk using reduction cuts over several prunings.
276	Chinese tallow ( <i>Sapium sebiferum</i> )	15	23	15	low vigor; limb dieback; trunk wound; primary limbs with excessive end weight; unbalanced crown	fair	fair	use reduction cuts to remove 25% of the foliage of primary limbs > 1/3 the trunk diameter at their attachment point.

Exhibit 2.

Appraised Value of Trees  
Theta Xi Project

To Accompany  
Tree Associates, Inc. Report  
September 30, 2019

Tree #	Species	Dia. @ 4.5' ht (in.)	Species Rating	Condition Rating	Location Rating	Installed Tree Cost (installed cost of 24" box tree)	Unit Tree Cost (cost/trunk sq. in)	Trunk or Adjusted Trunk Area (sq. in.)	Replacement Tree Trunk Area (sq. in.)	Appraised Tree Trunk Increase (sq. in.)	Basic Tree Cost (Appraised Tree Trunk Increase X Unit Tree Cost + Installed Tree Cost)	Appraised Value (Basic Tree Cost X Species Rating X Condition X Location)	Appraised Value (Rounded to \$100.00 if over \$5,000; to \$10.00 if < \$5000)
270	honeylocust	18	50%	50%	73%	\$600.00	\$104.52	254	1.77	252.23	\$ 26,963.08	\$ 4,920.76	\$ 4,920.00
271	honeylocust	16	50%	56%	73%	\$600.00	\$104.52	201	1.77	199.23	\$ 21,423.52	\$ 4,398.52	\$ 4,400.00
272	honeylocust	27	50%	75%	73%	\$600.00	\$104.52	572	1.77	570.23	\$ 60,200.44	\$16,479.87	\$ 16,500.00
273	honeylocust	24	50%	66%	73%	\$600.00	\$104.52	452	1.77	450.23	\$ 47,658.04	\$11,415.59	\$ 11,400.00
274	honeylocust	28	50%	69%	73%	\$600.00	\$104.52	615	1.77	613.23	\$ 64,694.80	\$16,234.35	\$ 16,200.00
275	valley oak	14	90%	75%	60%	\$600.00	\$104.52	154	1.77	152.23	\$ 16,511.08	\$ 6,686.99	\$ 6,700.00
276	Chinese tallow	15	60%	56%	57%	\$600.00	\$104.52	177	1.77	175.23	\$ 18,915.04	\$ 3,638.78	\$ 3,640.00

