

Ken Hiatt
City of Davis, City Manager's Office
23 Russell Boulevard
Davis, CA 95616

July 26, 2007

Comments on the Mishka's Café Draft EIR

Dear Mr. Hiatt.

I see the following issues with this project and this Draft EIR.

1. This project has severe negative impacts to the Varsity Theater and mansion area which are not properly evaluated in the DEIR.
2. Alternatives to the project are incorrectly dismissed as irrelevant.
3. Conclusions drawn in the body of the DEIR are incorrectly represented in the summary table.
4. Substantial changes in the visual setting of the site are improperly dismissed as less-than-significant.
5. This project undermines decades of effort to protect the Dresbach-Hunt-Boyer Mansion site and other historic properties in the core area.

1. This project has severe negative impacts to the Varsity Theater and mansion area which are not properly evaluated in the DEIR.

Great care was taken 30 years ago when Mansion Square was developed to protect both the tank house and the mansion itself. Yes, the tank house was relocated, but to a location that is consistent with typical placement of those structures in their original setting. This relocation, the open design of the Mansion Square buildings, and the height reduction brought about by the sunken courtyard all contributed to preserving the feel of the original setting for the mansion. This project will destroy that feeling for the most critical front façade of the mansion. No dressing up of the Miska's Café building can hide the fact that the mansion will be severely impinged upon with a taller structure a mere seven feet from it's east wall. The loss of the brick courtyard and what is left of the small orange grove undercuts a fundamental intent of efforts to make the downtown a thriving destination—pleasant streetscape ambiance. Fully enclosing our sidewalks with tall structures damages that feel.

2. Alternatives to the project are incorrectly dismissed as irrelevant.

In particular, the "alternative location" analysis is disingenuous. Yes, two stated objectives are a project that "complements existing entertainment uses in the Core Area" and to "help support the vitality of the Varsity Theater." But only the first floor of the proposed building meets those objectives. The second and third floor office uses would exist purely for the profit of the developer.

To dismiss an alternative that would place the entire three-story structure at another location downtown because it then won't support the Varsity Theater is a failure to recognize that it is in reality two distinct projects. The upper two floors could be located

on any one of many different parcels downtown without impacting the tank house structure or the setting of the mansion.

Another alternative evaluating this splitting of the proposed uses should be studied. Also, an alternative should be prepared combining elements of Alternatives 5 and 6. The tank house could be rebuilt in situ, with a redesigned greenhouse structure that did not require the tank house to be moved.

3. Conclusions drawn in the body of the DEIR are incorrectly represented in the summary table.

Table 2.0-2 summarizes impacts and mitigation measures. The first impact, 5.1-1, is "Consistency with adopted plans and policies." This table indicates the Proposed Project "would be consistent with most adopted goals and policies." But Table 2.0-1 "Comparison of Alternatives..." states clearly that the Proposed Project is not consistent with adopted plans and policies."

I agree with the conclusion in Table 2.0-1, and would like to point out that consistency with "most" of anything is not consistency. In fact, the body of the DEIR, on page 5.1-23 states:

"The Proposed Project would be ***inconsistent*** with key urban design and conservation goals and policies to protect historic resources in the Downtown Core." (emphasis in DEIR) Lets focus on the inconsistency with key policies, not consistency to less relevant policies.

4. Substantial changes in the visual setting of the site are improperly dismissed as less-than-significant.

This begins with the four stated thresholds of significance on Page 5.1-22, three of which are admitted to be subjective. Limiting impacts to those deemed to be "substantial" is to minimize the gradual erosion of our historic resources. This project will partially obscure the marquee of the Varsity Theater, its most prominent feature. The large number of public comments about this issue, and the degradation of the mansion's setting, must be construed as "substantial" in determining this impact in the Final EIR.

5. This project undermines decades of effort to protect the Dresbach-Hunt-Boyer Mansion site and other historic properties in the core area.

Downtown Davis has lost most of its historic structures in recent decades. There are serious implications for long-term planning efforts in the downtown area when the few remaining historic structures in the core area are considered to me mere impediments to private development that can be blithely removed. I find it particularly troublesome to that a public agency is a partner in such a project. This site is a huge asset, and the finest remaining example of early Davisville architecture. It should be preserved as it is, the tank house should be restored and, if feasible, used to anchor a use on the patio that will benefit residents and visitors to Davis.

