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Below for your consideration are comments on the June 11, 2007 Draft EIR on the Mishka's Café Project / Dresbach-Hunt-Boyer Mansion Site.

Although as you are aware, I am a member of the Davis Historic Resources Management Commission, these comments are submitted on my own behalf as an individual citizen of Davis.

Thank you,  
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#### **COMMENTS ON THE 2007 DRAFT ENVIRONMENTAL IMPACT STUDY FOR THE MISKA'S CAFÉ & HUNT BOYER TANK HOUSE**

**I. Authors & consultants.** The EIR should include resumes of relevant experience of the authors and consultants, particularly in reconstruction and restoration of 19<sup>th</sup> century residential and/or agricultural auxiliary structures, reconstruction and restoration of timber framed structures, particularly balloon construction, and restoration of 19<sup>th</sup> century residential landscapes.

**II. Documentation.** The PP impacts two designated Landmarks of differing periods. Reference is made to the designation documents and previous evaluations. Most of these documents are not readily available to the public. The EIR should include the National Register application document for the Mansion property, the California Place of Interest document, and at minimum the most recent, but preferably all, Davis Historic Resources Survey records for both the Varsity Theatre and the Mansion. The latter are customarily provided for hearings in Davis on projects affecting listed historic resources.

**III. Bibliography** should include:

1. The web site of the Davis Historical Society, which contains the most detailed background on the Varsity Theatre currently available.
2. The 1913 Gregory History of Yolo County (biography of John Hunt), the earliest information available on the orange trees.

**IV. Omissions & errors:**

1. Appendix B – Minutes of the Historical Resources Commission hearing of June 19, 2006:

page 4 of 6 of the minutes is missing from the EIR document. The missing page contains much of the hearing relevant to the EIR.

2. Page 3.0-4, Page 5.1-5, Page 5.1-31, Multiple times under Impact 5.1-4: Impact on Landmark Trees and Trees of Significance; Page 5.2-9, Page 5.2-12  
The phrase (or equivalent): “ by John Hunt, **the second owner** of the house.”

John Hunt’s family was the fourth of five families resident in the house: Dresbach, Enos (2 generations), Stelling, Hunt, Hunt-Boyer.

Technically, John Hunt himself was the eighth owner of the Mansion property after the original plat of the town of Davisville: (1) Davisville proprietors, (2) Dresbach, (3) Capitol Savings Bank, (4) SM Enos, (5) Mrs. SM Enos & W.S. Enos, (6) Stelling, (7) Frank Hunt, (8) John Hunt, (9) Mary Hunt Boyer & Josephine Hunt.

## V. Regulatory Context, Historic Resources

The entire “purpose” section of the HR code should be quoted:

The purpose of this article is to promote the general welfare by providing for the identification, designation, protection, enhancement, perpetuation, and use of historical resources including improvements, buildings, structures, objects, signs, features, sites, cultural landscapes, places, and areas within the city that reflect special elements of the city’s historical, architectural, archaeological, cultural, or aesthetic heritage for the following reasons:

- (a) To encourage public knowledge, understanding, appreciation, and use of the city’s past;
- (b) To foster civic pride in the beauty and character of the city and in the accomplishments of its past;
- (c) To enhance the visual character of the city by encouraging new design and construction that complement the city’s historical resources;
- (d) To increase the economic benefits of historic preservation to the city and its inhabitants;
- (e) To protect property values within the city;
- (f) To identify as early as possible and resolve conflicts between the preservation of historical resources/districts and alternative land uses; and
- (g) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built and natural environment. (Ord. No. 2124 Amended 05/21/2003; Ord. No. 1270, § 2 (part); Ord. No. 1784, § 1 (part).)

VI The City’s regulatory obligation to maintain the resources should be included:

40.23.180 Duty to keep in good repair.

The owner, lessees and any other person in actual charge or possession of a designated historical resource shall take steps necessary to prevent:

- (a) The substantial deterioration or decay of any exterior portion of such a resource or improvement;
- (b) The substantial deterioration or decay of any interior portions thereof whose maintenance is necessary to preserve any exterior portion. As used in this section, the term "substantial deterioration or decay" shall refer to those conditions of the structure or improvement that threaten the structural or historical integrity of the resource or improvement.

## VII. Regulatory Context, Trees:

Davis city code indicates that the Mansion property trees are at minimum “city trees” and “protected trees.” It also indicates that the strings of lights in the trees are contrary to city ordinance.

Davis City Code, Chapter 37

TREE PLANTING, PRESERVATION AND PROTECTION

37.01.020 Definitions.

(i) "Community Forest" refers to all publicly and privately owned trees within the City, its open space areas and surrounding planning areas(s).

f) "**City Tree**" means any tree, other than a street tree, **planted or maintained by the city within a city easement, right-of-way, park, greenbelt, public place or property owned or leased by the city.**

(x) "**Protected tree**" means trees protected under this article: landmark trees, trees of significance, city-maintained street trees, **city trees** and trees identified to become a city tree.

37.01.090 Prohibited acts generally

It shall be unlawful for any person to break, injure, deface, mutilate, kill or destroy any tree in any public place or way in the city, and to knowingly cause or permit any wire charged with electricity to come into contact with any tree in any public place or way...

37.02.040 Prohibited Acts

(b) Knowingly causing or permitting any wire charged with electricity to come into contact with any **street tree or city tree.**

Forest Management Plan, p. 23:

Trees of Significance List: This is the list of trees (included but not limited to) which may be considered significant over 5” diameter at breast height, as per Planning & Building or Parks and Community Services Department review.

## VIII. Evaluation of the Orange Trees:

1. It was suggested in the July HRMC hearing that the orange trees might not be the originals planted either around 1907 or 1888. (Ref. 1913 History of Yolo County). However, nothing has been found to suggest that they are not.

There are other orange trees in residential yards of the original housing stock in Davis, as it was quite common to plant one or more for both fruit and as flowering ornamentals for their beautiful sweet scented waxy white flowers (the traditional June bridal flower) and glossy green leaves.

Traditionally, they were not used for shade, but kept in a full, rounded shape with low branches making the fruit easily accessible. The Mansion trees have had their lower branches removed to make them into shade trees. For example, the tree at 703 6<sup>th</sup> Street (built 1924) was a large mature tree in 1957 when I first came to Davis 50 years ago; it still has the traditional low to the ground shape.

Certainly orange trees are capable of living over a century, e.g.. the “Mother Orange Tree” at State Parks headquarters in Oroville, which was planted in 1856, and has been moved twice (1862, 1964). It has also been cloned by the propagation experts of the UC Riverside historic citrus collection, but is still in production.

2. No mitigation measures have been proposed with regard to removal of some or all of the orange trees. Feasible mitigations: The trees should be evaluated by the UC Riverside experts and information retained for the UCR Historic Citrus Collection. UCR could perhaps determine their age and genetic origin. If the trees are removed, UCR should be offered cuttings for the Historic Citrus collection groves.

3. Under aesthetics, the fact that the trees are ornamental (flowering & scented) should have been assessed and discussed.

4. The map (Fig. 3.0-2) from city files is the best evidence of the number and size of trees on the Mansion grounds in the 1970’s prior to construction of Mansion Square and relocation of the Tank House to its present west of the Mansion. The map shows that the various fruit trees were in different groupings and sizes, indicating different eras of plantings, in groups of mixed species. The trees were never an “orchard” in the common understanding of the word. The group of trees immediately on the west side of the Mansion constituted of eleven 6” orange trees and 2 large (24”) fig trees. The later were removed to relocate the Tank House. One orange tree (most north easterly) was removed more recently. Consequently *the vast majority of the west side group* of orange trees is still there today, bearing fruit and serving an ornamental purpose as flowering trees.

5. The EIR fails to take note of the one remaining Italian Cypress tree, now taller than the Varsity Theatre wall, located against the Varsity west wall just south of the property line common to Mansion Square. While this tree was for some reason not included on the map (Item 4, above), a 1971 photo (Hattie Weber Museum files) shows it as one of an east-west row of three or four, the rest of which were probably removed for the installation of the Mansion Square drainage & sewer lines. Considering its size and age, whether this tree would have to be removed for the PP or other alternatives should have been addressed.

## **IX. Relevant Guidelines for Designated Historic Resources:**

1. DEIR pg 5.1-15 correctly states:

Projects involving the alteration of Designated Historic Resources are subject to both the Design Guidelines and the *Secretary’s Standards*, which the City approved as the design review standards by which all exterior alterations to designated resources are reviewed.

***While the Secretary’s Standards are the primary guiding document for exterior alterations, the Design Guidelines are used to address secondary issues.*** (emphasis added).

While the above section of the DEIR recognizes the essential relationship of the Standards and Design Guidelines, it should be noted that the City Historic Resources ordinance specifies that alterations to Landmarks ***shall*** conform to the Secretary of Interior’s Standards.

The DEIR (p 5.1-15 et seq.) inappropriately quotes as applicable to historic resources numerous sections of the DCC Guidelines that are not secondary issues, but *major* issues such as massing, form, rooflines, etc., representing typically major significant aspects of historic buildings and sites, where the Secretary's Standards must ("shall") be met for Landmarks.

2. Pg. 2. 0-3 Table 2.0 –1, the summary table of areas of impacts of the PP and alternatives - Impact 5. 1-3 Inconsistency with design guidelines.

This summary table doesn't specify whether the "design guidelines" meant are the DCCDG or the Secretary's Standards. The latter prevail over the former for designated resources. The table should either include a line/impact for compliance with the Secretary's Standards as the essential design guidelines for historic resources, or preferably, two separate lines, one for the Secretary's Standards and one for the secondary DCCDG, specifying that the former is primary and the latter secondary for alterations or new construction on historic properties.

## **X. Analysis of Impacts to the Varsity Theatre Landmark.**

1. The Varsity Theatre, like the Mansion property and the Tank House itself, has suffered from remodelings which have compromised its integrity to various degrees.

The Historical Resources Commission has recommended that no further remodeling of the exterior be done until a restoration plan has been completed, that the exterior be restored to its original design as much as possible, and that unsuitable aspects of previous remodels be corrected at the time of restoration.

However, the Varsity remains mainly intact and restorable on the exterior as the last most modern and mature of the theatres designed by William B. David. It has regional as well as local significance and as such is probably eligible for listing on the National Register. Further damage or comprising alterations to any of its significant components, such as the original neon, should not be allowed.

2. The probable impact on the "fin wall" & neon, one of the most important and valuable features of the theatre, is not fully expressed in the EIR. The reality of this proposal's impact has not been thought through.

The PP would not just *cover* part (half to two-thirds) of the neon. The proposed wall would be constructed *flush with* the west wall of the theatre. Since the "fins" project out from the theatre wall, they would either have to be removed/reduced, or the new wall built out a fraction from the theatre wall, an improbable and unworkable idea. But even were the wall able to be constructed flush, there would remain partly covered recesses between the fins, inaccessible due to the new wall; these would collect debris, cause water problems, etc. It is difficult to see how that could be avoided.

Moreover, the new wall **would render part of the neon and its electrical works inaccessible for maintenance and repair.** And it seems highly unlikely that the new wall could be constructed without actually damaging (e.g. breaking) the neon tubing itself during construction.

3. It should also be noted that at the time (1950) it was completed, and for many years later, the high west wall of the theatre was the tallest structure in downtown and marked the western limit of the business district. The adjacent Mansion and gardens on its west side were the transition to the open, very low density residential area characteristic of early Davis. That relationship of these two Landmarks has been part of their mutual setting for more than fifty years. It is still visible today as a reminder of the compact character of the original business district and the close proximity and in mixing of residences. The PP will seriously change this setting of both Landmarks.

## **XI. Analysis of Alternative 5 – The Greenhouse Café**

The proposed “greenhouse” café structure in Alternative 5 is described (pg 5.1-25) and analyzed as a “substantial and visually prominent addition” to the Tank House. This is a stretch: what is proposed to be attached to the Tank House is a short, narrow transparent glass corridor between the Tank House and the main greenhouse structure.

Both visually and in terms of the actual alteration and attachment (an additional doorway on the Tank House east side) to the Tank House, the connection is trivial. It is difficult to see how this corridor and the new doorway can be described as a substantial alteration of the Tank House. Similar greenhouse (glass) lobbies, pedestrian bridges etc. have been proposed for other historic structures and found to be compatible with the Secretary’s standards.

The above description as “visually prominent” is also inconsistent with page 2.0-12, Impact 5.2-3, which states: “Alternative 5 would be barely visible through the street trees and orange trees from Second Street, and mostly maintain a setback from Second Street similar to the Mansion.” The proposed greenhouse building can’t be both “barely visible” a “visually prominent addition” at the same time.

On the contrary, the main greenhouse café structure arguably is visually and physically an “addition” to the Varsity Theatre west wall rather than to the Tank House. Whether that is appropriate or meets the Standards probably should have been evaluated.

Also, since residences in Davisville during the Mansion’s period(s) of significance did have greenhouses (“hot houses” “glass houses”), it might be arguable that the proposed building conveys a false sense of history unless sufficiently differentiated as conspicuously new construction.

Alternative 5 does, however, have some troubling aspects in terms of meeting the Secretary’s Standards as a re-use/rehab of the Tank House: the loss of the historic west side window; presenting a blank wall to the east bay window of the Mansion; being moved directly opposite to the bay window and much closer; the kitchen use, which will require plumbing, venting, probably fans and/or air conditioning equipment; a use that may produce steam and high humidity inside the structure. Previous occupancies of the Tank House with similar uses and interior alterations and utility requirements did not prove to be beneficial to the preservation of the historic structure and were probably overambitious considering the size, type of construction, and such characteristics as sloping sides of the structure. (Multiple opening in the siding compromised the structural soundness as well.)

Also particularly troubling is that in contrast to most “additions” or “new construction” on historic sites as described in the Secretary’s Standards Guidelines, which are undertaken to provide handicapped access (e.g. elevators, accessible lobbies, etc.) or minor spaces for interpretive activities, the construction proposed by the PP and Alternatives are for purposes basically unrelated and unnecessary to the historic Landmarks themselves, nor are they strictly speaking an adaptive reuse of the historic resource itself in that the Tank House forms plays a small role in the proposed greenhouse café, which is mostly new construction. No integrated adaptive reuse or management plan is proposed for the entire Mansion property as a whole, which would respect and retain the remaining original and valuable auxiliary resources, relationships and context.

The creation of additional “dead” space behind the Tank House is also conceivably problematical from the standpoint of Mansion Square. While it could be used for additional outside seating, it should be noted that the space is contiguous with the utility yard or enclosure for the Mansion Square drainage and sewer cleanouts. The latter has experienced as many as three overflows in a year, extending into the brick patio area and mingling with drainage from the Mansion roof downspouts.

Overall, however, it is difficult to see that Alternative 5 is less compatible with or has more impacts on the Tank House and Mansion than other Alternatives that propose moving the Tank House (which produces additional impacts in itself) and constructing a large modern building between the two Landmarks and unrelated to either one of them. The EIR seems to imply that it does.

## **XII. Proposed restoration of Tank House**

The Standards for Restoration should be followed to the degree feasible if the building is disassembled and relocated, or retained in situ (Alt. 6).

In addition to retaining (or replacing in kind where damaged) historic *materials*, the Standards for Rehabilitation and Restoration both require that “*distinctive construction techniques* or examples of craftsmanship that characterize a property will be preserved.”

1. (Structural/Rehab Report p. 17):

The proposed method fails to recognize that the Tank House is an example of folk engineering using **balloon framing construction**, a distinctive technique of the era.

This method of construction was common for tank houses, as well as virtually all one or two story wooden or enclosed timber structures, including most businesses, residences and utility buildings of the same era. The Mansion itself used the same materials and balloon framing technique.

It is proposed to add plywood shear panels between the studs in reconstructing the Tank House. This would alter the framing to modern style construction.

Balloon framing consists of full height (uninterrupted, ground to roof) studs, here 4x4 studs, with no cross bracing. **Shear resistance is provided by the 1x10 siding itself**, nailed directly to the studs, typically finished only on one or two sides, with the interior face of the siding flush against one of the finished sides of the stud, and attached with 3 nails into the studs per tier of siding.)

There is some indication that a ledger/sill – which would have provided some minimal degree of cross bracing in addition to the siding itself – may have been added originally to support a storage platform or rudimentary “second floor”, but there is no evidence that there was ever a full second floor access by a stairway or any other additional bracing of the structure beyond the basic balloon framing.

That the original method of construction was structurally adequate is attested that it supported a heavy water tank on top for 2 or 3 decades (including the Winters earthquake, windstorms, etc.), along with the additional forces of the attached windmill. It also supported a new second story office usage with only the addition of a new second floor on the present new ledger attached to the studs (the present ground floor ceiling).

Clearly, the original balloon framing construction method was structurally sound until the water damage and subsequent neglect to the lower half of the structure occurred, rotting the studs for some distance above the foundation. Since the current proposals rightly abandon the unfortunate idea of a second story occupancy, and there is no proposal to require the structure to once more support a full water tank, it should be obvious that restoring the original balloon framing would be more than adequate from a structural standpoint. This could of course be confirmed by an actual engineering analysis of the balloon framing.

It may be noted that the 2000 structural engineers report found the upper half of the structure to be sound, and recommended only replacing the lower half of the studs in addition to retaining the present second floor/ceiling, which is new (1970’s) construction and believed to be sound. The main problem identified in the 2000 structural report that lead to condemnation is that the damage to the lower studs made occupancy of the new second story office space (implying furniture, etc.) potentially dangerous. A city electrician was recently in the upper story and reported no apparent roof leaks or damage. So possibly more of the original materials can be retained from the upper half of the structure than thought from an exterior inspection.

The balloon construction is a characteristic of the Tank House’s period and use, and as a record of a particular kind of folk engineering of a utility structure, it should be retained and restored, and not replaced by modern methods, which will **not** “maintain the historical context of the original construction technique” as the structural report asserts.

Also, while it is true that the same type of materials (studs and siding) are still available, in the 19<sup>th</sup> century dimensional finished lumber was closer to its nominal dimensions than the modern equivalents. That is, a 4x4 stud (especially if not finished on all sides), and 1x10 bevel channel shiplap siding were closer to those dimensions than the current versions. Matching the siding in particular may require special order from a planing mill specializing in duplicating historic materials.

2. It may also be noted that the current roof is some kind of makeshift arrangement put on over the tank deck on top of the structure to turn it into a “roof” when the tank was removed (probably in the 1920’s when the city water system was developed). The first rehab of the Tank House proposed to add a 4 sided hip roof, but like many other aspects of that original proposal, short cuts were taken and details omitted. Probably all that was done was to overhaul the “built-up” arrangement still there.

3. Where the tank was located. The first rehab of the Tank House was done by well meaning people who were however inexperienced in restoration or 19<sup>th</sup> century building materials and techniques, resulting in misinterpretations such as the idea that the tank was inside the upper part of the building.

It is also asserted that there is no “documentation” of where the tank was. I won’t go into all the details here, but historic structures, properly interpreted, (Secretary’s Standards again) *are themselves records* of their eras and uses, and the Tank House certainly speaks loud and clear on this issue if “read” intelligently (and supplemented by the information in the 2000 structural engineers’ report.)

The principal evidence that **the tank was on top** (where the “roof” is now) is that what might now be called the roof joists are **4x12 (4 inch by 12 inch) timbers**. This clearly indicates a **tank deck**, not just a roof. No carpenters of that era (profligate as it was of timber resources), or any other era, would use 4x12s simply to support the trivial weight of a 12 foot by 12 foot roof. 2x4s do just fine for roofs much much larger. 4x12s are what you would need to support a very heavy load, namely a water tank. There is no other conceivable reason for those timbers to be where they are, and no evidence at all that the tank was any place else.

### **XIII. Impact of moving the Tank House to the west side of the Mansion**

The degree of additional impacts to the setting of the Mansion by moving the Tank House is underestimated in the EIR.

While there have been tank houses on farms that were nominally “in front of” the residence, probably because that was the best location for a well, or attached to or close to a kitchen (invariably at the rear of the house), such a location is unknown for town residential tank houses. The proposal is to relocate the Tank House within 2 to 5 feet of the west wall of the house, and aligned with the front wall of the house. This is a totally unhistorical placement for a tank house or any other such utility auxiliary structure.

In the case of the Mansion, with its corner lot on a gateway street, it puts the Tank House virtually (visually, aesthetically) in the front yard and arms length from the Mansion, making it overly prominent and conspicuous in contrast to its current clearly subordinate and rather inconspicuous location, where the surrounding trees and distance back from the street keep it from competing visually with the Mansion consistent with its original historic location on the property in the back yard, well south of the house.

In addition, combined with the project alternatives proposed for the patio area, moving the Tank House to the west of the house would essentially eliminate most of the remaining gardens and green space. All that would be left would be a few scraps of front lawn, hedges and paved areas, a considerable impact on the landscape. Any possibility of restoring a “Victorian” garden would be lost forever.

## XIV Mitigations Table 2.0-2

The proposed mitigations are inadequate; others are feasible.

1. Impact 5.1-4: Feasible mitigations for loss of some or all of the historic trees, see VII (2) above.
2. Impact 5.2-2 proposes only HABS/HEAR documentation in mitigation. This is usually considered minimal for loss or alteration of a historic structure.

However, the recent Anderson Bank Building EIR proposed also a Historic Structures Report (HSR) in addition to HABS for a project with similar impacts. An HSR for the Tank House would also be a feasible mitigation for the PP and Alternatives proposing to alter or relocate the Tank House, and should include an engineering analysis of the original method of construction, balloon framing, which could yield information about the size/capacity of water tank the structure was capable of supporting.

Impact 5.2-1c,d propose mitigations for “cultural and historic resources” that are consistent with mitigations outlined in the General Plan (Policy HIS 1.2 – Standards, b. *“development and implementation of public interpretation plans for both prehistoric and historic sites”*). Appropriately amended, these mitigation are also feasible for the PP and Alternatives, e.g.:

5.2-2d An interpretive display shall be developed in the proposed new construction or other appropriate location on site, or grouped with other projects to produce a larger more comprehensive exhibit or display in coordination with the Historic Resources Management Commission (HRMC). The interpretive display shall include a history of the property and residents and may contain samples of historic materials, models showing methods of construction, and educational material describing the use and relationship of the site’s auxiliary structures to the residence. The display(s) shall be made available to the HRMC for review and comment before they are constructed and installed.

5.2-2e Appropriate public outreach material such as a leaflet, pamphlet, or booklet shall be developed detailing the history of the structures and site, their development and alteration over time, place in the history of sustainable resource use, and context in the town’s cultural, environmental and political history. All reports and public outreach materials shall be deposited with the city's archive and the Hattie Weber Museum, and shall include original photographs and negatives or high resolution digital scans in a TIF format on high quality CD's or DVD's. Reports and other materials if produced in a digital format shall be deposited as both a hard copy and a digital copy. A release shall be included that allows the archive and museum the right to reproduce all documents and graphics (including photographs) without restriction.

These additional mitigations should be applied to the PP and all alternatives.

## XV The EIR and Proposed Project in General.

1. The main problem with this EIR is it should never have had to be written, because the entire idea behind this Project is incredibly wrong headed, leading to rationalizations with an Alice in Wonderland or Catch 22 flavor.

For example (excerpt from city HR code defining the code purpose) states that the ordinance is for

the....**protection, enhancement, perpetuation, and use of historical resources** including improvements, buildings, structures, objects, signs, features, sites, cultural landscapes, places, and areas within the city that reflect special elements of the city's historical, architectural, archaeological, cultural, or aesthetic heritage...  
(c)To enhance the visual character of the city by encouraging new design and construction that **complement the city's historical resources**;

The project and most of the alternatives *do not protect, perpetuate, enhance or complement* the two historic Landmarks. Rather they detract from, damage, compromise the integrity of significant elements, and in most cases, destroy a contributing structure, sections of the landscaping and historic trees, and/or reduce the remaining gardens to a tiny fragment (alternatives to relocate the tank house on the west side).

Another example of this peculiar reasoning that fails to recognize historic properties as **uses in their own right** and that the Secretary's Standards must prevail over all others for new construction, additions, alterations and rehabilitation of historic resources occurs on page 5.1-25 and throughout the DEIR: "*This alternative does not meet design goals to intensify downtown development with two to three-story construction and stepped back design.*" and (page 5.1-28) "*The City designates this area of Davis for the most intense infill development.*"

The faulty reasoning here is that "intensified development" should occur on the site of a historic resource that historically is not densely developed, where that very lack of density (i.e. originally a single residence on a quarter block lot) as one of the defining characteristics of the period of history the Landmark signifies; or that the height or design of additions or alterations, let alone new construction should be governed by other standards or guidelines, or that "infill" (being used currently in Davis to mean not infill in the standard sense but redevelopment on a clear unoccupied lot) should take place on a historic site. The Mansion property is not surplus nor an unoccupied "underutilized" property. It is a Landmark property occupied by contributing resources which provide the setting for the main structure. Using this property to pursue infill, densification and similar development goals is inappropriate, if not outrageous.

2. The HR ordinance also states as a purpose:

(g)To conserve valuable material and energy resources by ongoing use and maintenance of the existing built and natural environment.

and:

40.23.180 Duty to keep in good repair.

The owner, lessees and any other person in actual charge or possession of a designated historical resource shall take steps necessary to prevent:

(a) The substantial deterioration or decay of any exterior portion of such a resource or improvement;

(b) The substantial deterioration or decay of any interior portions thereof whose maintenance is necessary to preserve any exterior portion. As used in this section, the term "substantial deterioration or decay" shall refer to those conditions of the structure or improvement that threaten the structural or historical integrity of the resource or improvement.

Previous misguided attempts at adaptive reuse of the Tank House that were far from compliant with the Secretary's Standards have been totally disastrous for the Tank House structure.

Where there was an uniquely intact historic structure in the 1970s, a succession of ill-conceived remodelings have virtually destroyed over half of the historic materials to the point where reconstruction of the building will require them to be replaced. The multiple openings in the structure have reduced the siding to short pieces that compromised the buildings waterproof "skin", allowing water damage to occur both inside and out, making reuse of much these historic materials for a watertight reconstruction impossible. Given that the original construction method (see ... above) depended on continuous pieces of siding for shear resistance, reducing the siding to short pieces also compromised the structural integrity of the building. If reused, the short pieces could only be a "veneer" attached over modern framing.

Then contrary to the City's own ordinance, nothing was done about the damage. It was allowed to escalate until the upper story of the Tank House was found to be unsafe for occupancy, and the City issued a condemnation order on its own historic resource, but did nothing to prevent further damage, which has continued for seven more years.

On the grounds that it is a danger to public safety, this has also led to denial of public access to the patio area, one of the last remaining public "green spaces" in the downtown (the former public plaza at Old City Hall is now privatized).

And the gardens have been only minimally maintained, with foundation plantings allowed to grow into trees that can endanger the house's brick foundation, trees insensitively pruned, and the "flower garden" reduced to a few scraggly barely recognizable roses bushes.

Yet the EIR cites the state of disrepair and the condemnation order as a rationale for downgrading the value of the Tank House and orange trees. For example, page 5.2-28, evaluating the current view from the Mansion west bay window:

the current view is of a deteriorated tank house, tree trunks laced with lights on a brick patio, and the Varsity wall.

True, but whose fault is it that this is the case?

The deterioration of the tank house and the tree lights are both in violation of city ordinances. The lights and patio are easily reversible (although the patio is elsewhere in the EIR – and by much of the

public – considered an asset, to say nothing of arguably far more compatible with the resource and desirable as a “view” than the wall of a new building seven feet away).

The deterioration of the tank house could have been avoided or remedied and is the result of a decade long case of *demolition by neglect* of an important publicly owned community asset. The visibility of the Varsity wall from the window is currently a result of pruning the orange trees up high off the ground to make them into shade trees, something that was not historically the practice. None of these things justifies the drastic remedy of demolition and replacement with an unrelated modern building.

3. Elsewhere the EIR presents as a problem that the Tank House is partially hidden by the trees. On the contrary, that is its setting, and was even in its original locations. An inobtrusive location in a grove of trees, subordinate with respect to the house in an entirely appropriate historic setting for a tank house.

4. The EIR attempts to downgrade the significance of loss of the patio area by using a narrowly drawn technical, “planners” definition of “open space.” The public however sees the patio area as “green space”, open space, a “pocket park”, one of the few such remaining public properties publicly accessible, with landscaping and trees other than street trees.

5. Notably with respect to the proposed project and “goals” cited in favor of it, the Historic Resources code states as a purpose:

**(f)To identify as early as possible and resolve conflicts between the preservation of historical resources/districts and alternative land uses**

Note that the above identifies historic resources as a “land use” in their own right by implication, but the EIR and citations of other land use documents fail to do so.

Nor did the process resulting in the present Project and EIR make any attempt to “identify as early as possible and resolve conflicts between preservation” and alternative land uses. In particular, the project RFP, selection of a body to review the submitted proposals, and that review itself (which took place out of the public venue) failed to involve the interested historical community in any meaningful way or most notably, even the Historic Resources Commission itself. There were no historians, preservationists, or similarly qualified persons among the authors of the RFP or on the proposal review body for an RFP that dealt with two publicly owned Landmarks.

Not until after the City Council hearing at which the winning proposal was accepted and an exclusive negotiating agreement entered into with the Project proponents was there any input from the community as to the impacts of the proposal on these two major publicly owned Landmarks. At the very first HRMC hearing on the Project, it had already advanced to the stage of detailed architectural drawings and a large model. Only then was there any real consideration of the substantial conflicts of this Project with General Plan and Historic Resources ordinance objectives, as well as with the philosophy of use of publicly owned important and irreplaceable historic resources.

The Mansion with its contributing features is one of the oldest survivors in Davis. It is the only surviving downtown property of its type. The Weber, Bullard, Lillard, etc. houses are all gone,

victims of redevelopment. Since Mary Boyer's death in 1973, leaving this gem of a property virtually intact, the public has expressed the desire to save this historic property *for public use and enjoyment*, and city council and commission decisions previously have largely reflected that public interest, including city acquisition of the property.

Under "Potential areas of controversy" the EIR asserts "perceptions of what is important to a community vary widely amongst its citizens." By designating the both these historic properties City Landmarks and achieving National Register status for the Mansion complex, the City of Davis as unambiguously determined that their preservation is of **the very highest importance to all the city's citizens**. That's what Landmark designation means. It is also why the City purchased these properties: to preserve them for future generations.

Most other jurisdictions with a similarly intact major 19<sup>th</sup> century residential property featuring gardens and two rare and unusual surviving auxiliary structures (tank house and cistern, possibly the only such combination in the state), would, when embarking on an adaptive re-use, not dream of destroying, neglecting or severing part of the property. Davis is the only jurisdiction I have been able to locate that has such a publicly owned property and proposes to demolish or seriously compromise any part of it. One jurisdiction did a complete authentic reconstruction of its missing tank house.

Moreover, other surviving tank houses are cherished and restored by their owners to their historic supporting roles, purely for the structure's educational interpretive value in context with its associated house or farm.

No one else has suggested separating such an auxiliary structure from its "parent" property, or attempted to adapt it to a reuse than is incompatible because the structure's small size can characteristic construction is simply not up to the burden of a stand alone occupancy of any great consequence.

The Secretary's Guidelines (Weeks & Grimmer, p. 1, Choosing an Appropriate Treatment for the Historic Building) recognizes this:

**..special use properties such as grain silos, forts, ice houses, or windmills** (*note: a tank house with an attached windmill, such as the Hunt-Boyer, is often referred to as a "windmill" or "water tower"*) **may be extremely difficult to adapt to new uses without major intervention and a resulting loss of historic character and even integrity.**

This is exactly what has lead to the current state of the Tank House, by trying to reuse it for a purpose far beyond the capacity of this small auxiliary structure to support, ones requiring plumbing, vents, air conditioner, fans, etc, attachment of numerous damaging conduits, lights, meters, etc on the outside, loss of decorations, historic materials, construction of an unhistorical second story and stairs, etc. etc.

These damaging occupations have also been the result of attempting to make this small auxiliary structure support economically a stand alone enterprise that had nothing to do with the use of the Mansion itself. Now the current project wants to further remove it from its historic supporting role to the residence by attempting to make that section of the property (or under some alternatives, the Tank

House itself again) an economic support for the Varsity Theatre Landmark, possibly even removing the brick patio section of the property **entirely** from public use, ownership, or historic association.

Again, no other jurisdiction with such a property has contemplated such a travesty. They have instead taken the recommended sensible, reasonable and appropriate course of treating their historic property as a whole, with its contributing minor structures supporting the main structure and enterprise in a suitable fashion consistent with its history and preservation.

Yet Davis, owning this outstanding and sole remaining property, with its rare and possibly unique combination of Tank House and cistern, has failed to perform more than a rudimentary evaluation of the preservation, restoration, and maintenance requirements of the **whole Hunt Boyer Mansion complex**; fully investigate its history; accurately identify historic materials, and alterations; or plan for an **integrated use of the property** – inside and out - in the public interest, as a **historic resource land use**, for the public’s enjoyment, education and benefit, consistent with goals of the General Plan and the HR ordinances and the Secretary of Interior’s Standards.

The Varsity and Mansion properties have shared a context or setting for half a century, but have different histories, constituencies and preservation/maintenance requirements that would require different reuse and management skills and likely attract differing proposals.

They should never have been linked together for a proposal for a single management RFP, and certainly not one that – with numerous significant immitigable impacts - attaches part of one to the other as an economic support that may not be even be needed now or in future. (One of the responses to the RFP recognized this need to treat the properties differently.) Nor has it been recognized as in other jurisdictions that publicly owned historic resources provide public benefits without always necessarily being completely self-supporting, any more than public parks, public libraries, or public schools are.

Ironically, Davis seems to be forging blindly ahead toward a separate, unintegrated re-use of the Mansion itself, without a proper evaluation of the Complex, and before the usual recommended process of choosing a truly appropriate use and treatment, or consultation with the historic preservation interest community or the HRMC. The expected inevitable result, contrary to the HR Code (40.23.010-f) will predictably conflict with the best interests and preservation of the historic property, repeating the sad history of the City’s stewardship of the Tank House.

Finally: Davis proclaims itself to be a city outstanding for its concern for the environment. Historic Resources are part of the environment, a policy recognized by CEQA (the California Environmental Quality Act), the reason for the present Environmental Impact Report.

Historic resources are an “endangered species” everywhere, and in Davis far more so than in most other places our size, thanks to the redevelopment binge of the 60s and 70s: we are down to a bare handful of really significant properties of the Landmark class, and the Varsity Theatre and Hunt Boyer Mansion are arguably the cream of that short list.

Yet in the past year alone, there have been three major EIRs before the Historical Resources Commission dealing with projects affecting historic resources – two of them impacting three

Landmarks – two of the Landmarks publicly owned, and one impacting two eligible resources (Landmark and Merit Resource) plus a dozen contributing resources.

All three of these EIRs evaluated proposed projects found to have ***Significant and Unavoidable Impacts*** (i.e. not possible to mitigate to insignificance) in multiple areas of concern, requiring that the City make findings of “overriding considerations”, that is, identify public interests that justify doing significant irreparable damage to the environment. Really good projects don’t have to have significant unavoidable impacts. Projects that do should be very few and justified by truly *overwhelming long term public interests*.

According to the General Plan (HIS 1.3-Actions), Davis is supposed be ***a leader in caring for historic and cultural resources***. So why is Davis, of all places – where caring for all aspects of the environment is supposedly the city’s motto, not only allowing proposals for private projects with these kinds of unavoidable environmental impacts, but actually itself proposing such a damaging project for public property?