



Arnold Schwarzenegger
Governor

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



Sean Walsh
Director

Notice of Preparation

June 13, 2006

RECEIVED
JUN 15 2006
City of Davis
Planning & Building

To: Reviewing Agencies

Re: Removal/Relocation of the Dresbach-Hunt-Boyer Tankhouse and Construction of Miska's Cafe Building at
604 Second Street
SCH# 2006062052

Attached for your review and comment is the Notice of Preparation (NOP) for the Removal/Relocation of the Dresbach-Hunt-Boyer Tankhouse and Construction of Miska's Cafe Building at 604 Second Street draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Ken Hiatt
City of Davis
23 Russell Boulevard
Davis, CA 95616

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Senior Planner, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2006062052
Project Title Removal/Reiocation of the Dresbach-Hunt-Boyer Tankhouse and Construction of Miska's Cafe Building at
Lead Agency 604 Second Street
Davis, City of

Type NOP Notice of Preparation
Description The applicant proposes to remove the tankhouse structure and remnant orange tree grove that are part of the Dresbach-Hunt-Boyer Mansion at 604 Second Street and construct a new approximately 5,000 square foot commercial building. The commercial building will house a ground floor cafe with outdoor seating and office space on the second and third floors.

Lead Agency Contact

Name Ken Hiatt
Agency City of Davis
Phone (530) 757-5610 **Fax**
email
Address 23 Russell Boulevard
City Davis **State** CA **Zip** 95616

Project Location

County Yolo
City Davis
Region
Cross Streets 2nd and E Streets
Parcel No. 070-243-01,02
Township **Range** **Section** **Base**

Proximity to:

Highways I-80
Airports
Railways Union Pacific
Waterways Putah Creek
Schools UC Davis, DJUSD
Land Use Retail Stores (Downtown Core)

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Geologic/Seismic; Noise; Traffic/Circulation; Population/Housing Balance

Reviewing Agencies Resources Agency; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 2; Native American Heritage Commission; California Highway Patrol; Caltrans, District 3; Department of Toxic Substances Control; Regional Water Quality Control Bd., Region 5 (Sacramento)

Date Received 06/12/2006 **Start of Review** 06/13/2006 **End of Review** 07/12/2006

Note: Blanks in data fields result from insufficient information provided by lead agency.

Resources Agency	County: Y O-D	Regional Water Quality Control Board (RWQCB)
<input checked="" type="checkbox"/> Resources Agency Nadell Gayou	<input type="checkbox"/> Fish & Game Region 3 Robert Ficerite	<input type="checkbox"/> Caltrans, District 8 Dan Kopulsky
<input type="checkbox"/> Dept. of Boating & Waterways David Johnson	<input type="checkbox"/> State Lands Commission Jean Sarino	<input type="checkbox"/> Caltrans, District 9 Gayle Rosander
<input type="checkbox"/> California Coastal Commission Elizabeth A. Fuchs	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<input type="checkbox"/> Caltrans, District 10 Tom Dumas
<input type="checkbox"/> Colorado River Board Gerald R. Zimmerman	<u>Business, Trans & Housing</u>	<input type="checkbox"/> Caltrans, District 11 Mario Orso
<input type="checkbox"/> Dept. of Conservation Roseanne Taylor	<input type="checkbox"/> Caltrans - Division of Aeronautics Sandy Hesnard	<input type="checkbox"/> Caltrans, District 12 Bob Joseph
<input type="checkbox"/> California Energy Commission Paul Richins	<input type="checkbox"/> Caltrans - Planning Terri Pencovic	<input type="checkbox"/> Cal EPA
<input type="checkbox"/> Dept. of Forestry & Fire Protection Allen Robertson	<input checked="" type="checkbox"/> California Highway Patrol Shirley Kelly	<input type="checkbox"/> Air Resources Board
<input checked="" type="checkbox"/> Office of Historic Preservation Wayne Donaldson	<input type="checkbox"/> Office of Special Projects	<input type="checkbox"/> Airport Projects Jim Lerner
<input type="checkbox"/> Dept. of Parks & Recreation Environmental Stewardship Section	<input type="checkbox"/> Housing & Community Development Lisa Nichols	<input type="checkbox"/> Transportation Projects Ravi Ramalingam
<input type="checkbox"/> Reclamation Board DeeDee Jones	<input type="checkbox"/> Housing Policy Division	<input type="checkbox"/> Industrial Projects Mike Tollstrup
<input type="checkbox"/> S.F. Bay Conservation & Dev't. Comm. Steve McAdam	<u>Dept. of Transportation</u>	<input type="checkbox"/> California Integrated Waste Management Board Sue O'Leary
<input checked="" type="checkbox"/> Dept. of Water Resources Resources Agency Nadell Gayou	<input type="checkbox"/> Caltrans, District 1 Rex Jackman	<input type="checkbox"/> State Water Resources Control Board Jim Hockenberry
<input type="checkbox"/> Conservancy	<input type="checkbox"/> Caltrans, District 2 Marcelino Gonzalez	<input type="checkbox"/> Division of Financial Assistance
<u>Fish and Game</u>	<input checked="" type="checkbox"/> Caltrans, District 3 Jeff Pulverman	<input type="checkbox"/> State Water Resources Control Board Student Intern, 401 Water Quality Certification Unit
<input type="checkbox"/> Dept. of Fish & Game Scott Flint	<input type="checkbox"/> Caltrans, District 4 Tim Sable	<input type="checkbox"/> Division of Water Quality
<input type="checkbox"/> Environmental Services Division	<input type="checkbox"/> Caltrans, District 5 David Murray	<input type="checkbox"/> State Water Resources Control Board Steven Herrera
<input type="checkbox"/> Fish & Game Region 1 Donald Koch	<input type="checkbox"/> Caltrans, District 6 Marc Birbaum	<input type="checkbox"/> Division of Water Rights
<input checked="" type="checkbox"/> Fish & Game Region 2 Banky Curtis	<input type="checkbox"/> Caltrans, District 7 Cheryl J. Powell	<input type="checkbox"/> Dept. of Toxic Substances Control CEQA Tracking Center
		<input type="checkbox"/> Department of Pesticide Regulation
		<input type="checkbox"/> Other

Notice of Completion & Environmental Document Transmittal

Appendix C

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2006062052

Project Title: Removal/Relocation of the Dresbach-Hunt-Boyer Tankhouse and Construction of Miska's Café Building at 604 Second Street

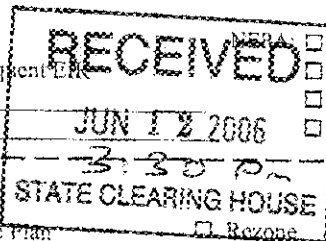
Lead Agency: City of Davis Contact Person: Ken Hiatt
 Mailing Address: 23 Russell Boulevard Phone: (530) 757-5610
 City: Davis Zip: 95616 County: Yolo

Project Location:

County: Yolo City/Nearest Community: Davis
 Cross Streets: 2nd and E Streets Zip Code: 95616
 Assessor's Parcel No.: 070-243-01,02 Section: _____ Twp.: _____ Range: _____ Base: _____
 Within 2 Miles: State Hwy #: I-80 Waterways: Putah Creek
 Airports: _____ Railways: Union Pacific Schools: UC Davis, DJUSD

Document Type:

CEQA: NOP Draft EIR NOI Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) Draft EIS Other
 Mit Neg Dec Other FONSI



Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other Cert. of Appropriateness

Development Type:

Residential: Units _____ Acres _____ Water Facilities: Type _____ MGD
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. 6,000 Acres .04 Employees 20 Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW
 Educational _____ Waste Treatment: Type _____ MGD
 Recreational _____ Hazardous Waste: Type _____
 Total Acres (approx.) _____ Other: _____

Project Issues Discussed in Document:

Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Wildlife
 Coastal Zone Noise Solid Waste Growth Inducing
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Land Use
 Economic/Jobs Public Services/Facilities Traffic/Circulation Cumulative Effects
 Other _____

Present Land Use/Zoning/General Plan Designation:

Retail Stores (Downtown Core)

Project Description: (please use a separate page if necessary)

The applicant proposes to remove the tankhouse structure and remnant orange tree grove that are part of the Dresbach-Hunt-Boyer Mansion at 604 Second Street and construct a new approximately 5,000 square foot commercial building. The commercial building will house a ground floor café with outdoor seating and office space on the second and third floors.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Appendix C, continued

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X". If you have already sent your document to the agency please denote that with an "S".

- | | |
|---|---|
| <input type="checkbox"/> Air Resources Board | <input checked="" type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Caltrans District # _____ | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Planning (Headquarters) | <input type="checkbox"/> Reclamation Board |
| <input type="checkbox"/> Coachella Valley Mountains Conservancy | <input type="checkbox"/> Regional WQCB # _____ |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> S.F. Bay Conservation & Development Commission |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> Santa Monica Mountains Conservancy |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Fish & Game Region # _____ | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Forestry & Fire Protection | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Integrated Waste Management Board | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Native American Heritage Commission | |
| <input type="checkbox"/> Office of Emergency Services | |

Local Public Review Period (to be filled in by lead agency)

Starting Date June 12, 2006 Ending Date July 14, 2006

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative:  Date: 6.12.06

Parkside Properties

200 B Street, Suite D, Davis, CA 95616 – Phone (530) 758-6868 Fax (530) 758-5638

June 20, 2006

Ken Hiatt
Economic Development Manager
City of Davis
23 Russell Blvd.
Davis, CA 95616

RE: Hunt-Boyer Tankhouse

Ken;

We support this project. We believe this type of "in fill" will significantly add to the downtown business and revitalization of the City.

Sincerely,



Katherine Hicks
Administrator

RECEIVED

JUN 20 2006

City of Davis
Planning & Building



Removal/Relocation of the Dresbach-Hunt-Boyer Tankhouse and
Construction of Mishka's Café Building at 604 Second Street

EIR Scoping Meeting
June 22, 2006
Third and B, Teen Center
7:00 PM

The Environmental Review should consider...

(Attach additional sheets if desired; All comments must be received by July 14, 2006)

- 1) CAREFULLY CONSIDER THE VISUAL/SETTING IMPACT ON THE VARSITY THEATER AND HUNT-BOYER (TWO CITY LANDMARKS) OCCASIONED BY THE LOSS OF THE OPEN SPACE BETWEEN THE TWO BUILDINGS. THIS MAY BE UNMITIGABLE BELOW THE LEVEL OF SIGNIFICANCE, UNDER CEQA.
- 2) THE LOSS OF THE TANKHOUSE, A CONTRIBUTING ELEMENT OF THE HUNT-BOYER MANSION (LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES); THE LOSS MAY NOT BE MITIGATED BELOW THE LEVEL OF SIGNIFICANCE, UNDER CEQA.
- 3) ALTERNATIVES BEYOND THE 3 STORY BLDG, THE ONLY ONE PRESENTED AT THIS MEETING.

In addition, the City should consider ...

- 1) ECONOMIC INCENTIVES THAT WOULD HELP THE APPLICANT MANAGE THEIR PROJECT WITHIN A 3 STORY BLDG. LOWER LEASE COST FOR LAND?
THIS WOULD HELP REDUCE NEED FOR A LARGE BLDG, BUT ALLOW FOR RETHINKABLE DEVELOPMENT.
- 2) THE CITY SHOULD ANALYZE ALTERNATIVES IN EQUAL DETAIL TO THE PROPOSED PROJECT.

Name and address

RAND HERBERT
841 L ST.
DAVIS, CA 95616
(530) 756.0793

Comments/questions/concerns to:

Ken Hiatt, Principal Planner
City of Davis
23 Russell Boulevard
Davis, CA 95616
(530) 757-5610; fax (530) 757-5660
khiatt@cityofdavis.org

(email address) RHERBERT@JAP.HISTORICAL.COM
RHERBERT@AOL.COM

Please add me to your email list



**Removal/Relocation of the Dresbach-Hunt-Boyer Tankhouse and
Construction of Mishka's Café Building at 604 Second Street**

EIR Scoping Meeting

June 22, 2006

Third and B, Teen Center

Public Comments

EIR Scope

How would the tank house be moved? Rehabilitated? Is this even feasible or reasonable? Will it fit? The tankhouse is 16 ft by 16 ft (not small). What to do with the cistern?

Is the tank house made out of redwood?

Alternative: Adaptive reuse in conjunction with D.H.B.

Every historic resource is precious ie- D.H.B., tank house, remnant orchard

Is it possible to enhance the visibility of the tankhouse? Would that impact the visibility of other structures if it were to be moved to the side of the Hunt Boyer?

Would relocation and rehab/restoration impact public open space?

Could the EIR look at tankhouse as a city facility not private/commercial use?

The big issue if tankhouse can be moved on-site is the change in setting between the Varsity and Mansion, as both are landmarks.

How did the Mansion originally interact with the setting? View of trees from inside? Would the neon stripe and side of the Varsity be blocked?

Alternative for tankhouse to be expanded with a greenhouse type structure?

Alternative for tankhouse reuse with mansion... public use vs. City offices

Historical objective- would it be objective to re-use?

Will there be equivalent renderings for alternatives? How much detail do we have?

Would subdividing parcel need to be addressed in EIR?

What defines economic feasibility? Different applicants?

Are grant funds available?

Can orange trees be retained? Keep with café?

Is demolition of the Hunt Boyer next??

Comments Pertaining Specifically to Proposed Mishka's Café building

3 stories high- would this create a mass over the D.H.B. mansion and the Varsity reducing their prominence?

Would the building be too much on 2nd Street?

The 2nd and 3rd stories would be set back a little bit so as not to obscure views and tower over street.

Would it block views and/or access to Mansion Square?

What is above the café? Why does the building have to be three stories?

Window in the front and west as well as set back at 2nd or 3rd stories provide sight lines to the mansion.

Massing matters, not style

Policy/Other Related Comments or Questions

How did we get here? Why?

Is the tank house with the Varsity instead of the D.H.B.?

How did this happen? Didn't the City have an obligation to maintain through a city ordinance?

Engineer report (2000) focused on upstairs; included plan for repairs with costs.

Why is the tank house in the current location?

What is the value of the open space around the D.H.B.?

Should Mishka's go into the mansion? Is there space on the other side of the Varsity to locate them?

Who would own the land and the new building?

Was there previous mitigation required when Mansion Square was built that can be provided as background?

Ken Hiatt - Hunt-Boyer Mansion-Tank House EIR

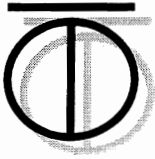
From: <Wenjnel@aol.com>
To: <khiatt@ci.davis.ca.us>
Date: 7/3/2006 3:40 PM
Subject: Hunt-Boyer Mansion-Tank House EIR

Ken,

I am writing in regard to the EIR for the Hunt Boyer Mansion-Tank House EIR. Under Section V Cultural Resources/Archaeological Resources, the box checked states "less than significant", which I believe, from a professional standpoint to be incorrect. The project area is within 4 blocks of the prehistoric site at 1st and A (which contained burials). I assume a 3-story building would need significant footings, which I assume would be dug fairly deep into the ground (perhaps a meter?). Thus there is a potential for the proposed construction to impact prehistoric resources. I might add that there might be some historical archaeological remains as well (recall the historic site under the Terminal Hotel and the historical water feature and other artifacts discovered during the H Street Alley project). This is important for the EIR to consider, in particular when it comes to mitigation. I think it is also important for the proponents to be aware of this possibility as the necessary archaeological work (at the least a monitor during construction) can be costly.

Sincerely,
Wendy Nelson
1410 Secret Bay Street
756-4606

Roger Smith



CIRCLE
BAR
TRUST

Post Office Box 6893, San Rafael, California 94903

RECEIVED
JUL 12 2006
CITY OF DAVIS
PLANNING & BUILDING

July 10, 2006

Ken Hiatt
Economic Development Manager
Principal Planner City of Davis Community Development Department
CITY OF DAVIS
23 Russell Boulevard
Davis, CA 95616-1318

Dear Ken,

Thank you for sending out the information on the proposal to develop the Pumphouse Lot on Second Street in downtown Davis on behalf of Mishka's Cafe. We own and manage (Roger Smith is the owner, Melrina Maggiora is the property manager) the adjacent property known as Mansion Square, which is a 19,000 square foot, mixed retail and office complex. There are twelve different small businesses in the property.

The City of Davis should be complimented on its continuing effort to change the present situation at the Pump House. The derelict structure is an eye sore in its current condition and reflects badly on all of its neighbors. However, as presently configured, the proposed project will certainly cause far more serious problems than it will solve. The concern is that it will negatively impact businesses that inhabit Mansion Square which in turn hurts the property and the entire Davis community.

This is not a letter against development of the Pumphouse site. However, any such development should clearly help its neighbors by bringing in new business and/or enhancing the look and feel of the area. This is especially true for the Pumphouse Lot inasmuch as the property is not owned by a private party but by the City of Davis, which has obvious community-wide obligations.

In general, here are the major concerns:

- The proposed project severely narrows the walkway between the Hunt Boyer Mansion, making this access point from Second Street far less visible and inviting to customers. Easy access from Second Street to Mansion Square is important since Downtown Davis businesses rely heavily on walking traffic. The proposed walkway between the Hunt Boyer Mansion and the new building should be significantly wider and designed to be both visible and inviting (and well lit at night).

We also want to point out that for some reason, the designer has made the problem even worse on the South West corner of the new building where it is closest to Mansion Square. The side setback is greatest in front, near Second Street, but then is dramatically reduced toward the back, effectively shutting Mansion Square off from Second Street.

- The project's height is also troubling. At three stories on a tiny site, it is clearly pushing some limits. However, I think three stories can work, but only if the building is well articulated so it does not impose on Mansion Square on the upper stories. This means that the second and third floors should be significantly stepped back from the first floor.
- Natural light available to Mansion Square will be reduced. As it is, this northerly exposure is the darker side of Mansion Square, but a large, three story structure will put the north end of Mansion Square and the East side of the Boyer House in shadow most of the day. This is not appealing, is cold and uninviting in the winter, and makes landscaping difficult to maintain.
- Safety is an issue, especially at night. The small "back yard" of the proposed building will form a dark courtyard that will be impossible to police. Mansion Square is already plagued by vandalism, public urination, and vagrants (this is well documented). The new building would isolate this area and totally hide it from Second Street, E Street and the central courtyard of Mansion Square. You should also note that this area is immediately adjacent to entry steps leading to the second floor of Mansion Square and customers using this stair may be put at risk.
- The design of the slab-sided, south face of the building is another deficiency that needs addressing. Mansion Square should not become the "back yard" of a new building. Although the South elevation was not included in documents sent out, it seems that Mansion Square will face a three story high, monolithic wall which houses the elevator, stairs and presumably, the garbage enclosures, of the new building. It would be far better to have the new building project onto Mansion Square light and life in the form of articulation, windows and doorways. This could possibly be achieved by placing an entry stair and some of the office windows on this end of the building.
- Maintenance of the new building will be very important to the neighborhood. No matter how well designed, if the landscaping and lighting are not well maintained, it will negate the architect's efforts. Hopefully the conditions of any approval will include meaningful assurances on these items. I would also be concerned about details such as the location of refuse containers, electrical and gas meters, etc. These

utilitarian building necessities, if poorly thought out, can be very unattractive.

It might be helpful to remind you that Mansion Square was designed in a manner to feature the Boyer House Mansion. In doing so, it was not optimally laid out for tenant visibility or customer convenience. As a result, it has been a struggle to find and retain tenants that can thrive with the limitations already present. You can therefore understand why it is very disconcerting that this new project will simply make Mansion Square's deficiencies even more pronounced and difficult to manage. Clearly, from a community point of view, it does not make sense to improve one property at the expense of another.

Our conclusion is that this project is well intentioned but is insensitive to its surroundings. Hopefully, you will take the comments above into account and ask the project sponsor to redesign the project in a manner that eliminates our concerns.

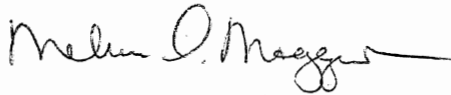
If you wish, either or both of us would be willing to meet with the project's sponsor, the architects, and/or City officials to discuss these issues in greater detail. Downtown Davis has continued to be a vibrant, attractive place with great community spirit and we want to make every effort to maintain these qualities.

You can contact us at the numbers noted below.

Sincerely,



Roger A. Smith
415/472-8725



Melrina Maggiora
530/757-3537

Cc: Mansion Square tenants
Davis Chamber of Commerce
Davis Downtown Business Association

July 11, 2006

To: City of Davis
From: Historic Resources Management Commission
Re: Commission Comments on Dresbach - Hunt-Boyer Tankhouse - Public Scoping Meeting

Introduction

This memorandum summarizes the comments made by the City of Davis Historic Resources Management Commission during the Dresbach - Hunt-Boyer Tankhouse - Public Scoping Meeting.

These comments were made with the following facts in mind:

1. The Dresbach-Hunt-Boyer Mansion complex (including the tankhouse, brick patio, and remnant orange grove) is listed in the National Register of Historic Places. The City Landmark (and National Register) designations list the mansion, tankhouse, brick patio, and surviving orange trees as parts of the greater whole. Under the federal and state regulations, the tankhouse and space around the mansion is as much a part of the mansion as the building's front porch or doors and windows.
2. The Dresbach-Hunt-Boyer Mansion complex is a City Landmark.
3. The Dresbach-Hunt-Boyer Mansion complex is an historic resource for the purposes of the California Environmental Quality Act.
4. The Varsity Theater is a City Landmark.
5. The Varsity Theater has been determined eligible for listing in the National Register of Historic Places.
6. The Varsity Theater is an historic resource for the purposes of the California Environmental Quality Act.
7. City Landmarks are defined as:

Buildings, structures, objects, signs, features, sites, places, areas, cultural landscapes or other improvements of the **highest** scientific, aesthetic, educational, cultural, archeological, **architectural or historical value to the citizens of Davis** and designated as such by the City Council pursuant to the provisions of Article 40.23 of the city's Municipal Code ... 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.** [emphasis added]

8. The City has only 16 such landmarks.
9. Both the Dresbach-Hunt-Boyer Mansion complex and the Varsity Theater are city-owned landmarks and thus have special status under city rules and California environmental regulations.

Commission Comments:

1. The project would **adversely affect (under NEPA) and cause a substantial adverse change (under CEQA)** to the Dresbach-Hunt-Boyer Mansion through the loss of one of its contributing elements. The project would require the demolition or removal of the historic tankhouse. At the time the Dresbach-Hunt-Boyer Mansion complex was completed, city services were not available and town residences had to rely on their own water systems. The tankhouse represents one of the last tankhouses in the city, and is illustrative of the time in the City's history when all residences in the town core were so equipped. Moreover, a recent study revealed only 32 such surviving examples in Yolo and Solano counties. Thus the Dresbach-Hunt-Boyer Mansion complex with its tankhouse is a rare example of such a system.
2. The project would **adversely affect and cause a substantial adverse change** to the Dresbach-Hunt-Boyer Mansion complex as a whole by filling the existing open space between the mansion and the Varsity Theater, and blocking the view of the mansion from the east.
3. The project would **adversely affect and cause a substantial adverse change** to the Varsity Theater by filling the existing open space between it and the Dresbach-Hunt-Boyer Mansion complex, and blocking the view of one of the major decorative pylon, one of the most important character defining features of the Varsity Theater.
4. **Insufficient consideration** has been made for integrating the tankhouse into a structure that could be considered appropriate in the space between the two landmarks.
5. **Insufficient consideration**, in terms of preparation of even the most basic architectural renderings, has been made for integrating the tankhouse into a structure that could be considered appropriate in the space between the two landmarks. In fact, no information other than verbal descriptions, have been provided to the Commission or the public regarding such alternatives.
6. **Insufficient consideration** has been made to retaining the space between the two landmarks as public open space. Consideration should be given to establishing the patio, along with and as a part of the rest of the Dresbach-Hunt-Boyer Mansion complex grounds, as a **city historic park**.
7. **Insufficient information** has been provided regarding whether the City plans to sell to the applicant the portion of the Dresbach-Hunt-Boyer Mansion complex parcel on which the tankhouse sits.

Email Correspondence Received on July 14, 2007:

Ken Hiatt, Principal Planner
City of Davis
23 Russell Boulevard
Davis, CA 95616
Fax: (530) 757-5660 Tel: (530) 757-5610
khiatt@cityofdavis.org

Mr. Hiatt:

Thank you for allowing me to comment on the Scope of the EIR for the Dresbach-Hunt-Boyer Mansion and plaza. I have noted in my review of the Staff Report of June 14, 2006, that all of the Alternatives presented address alternatives for the Tankhouse alone. The idea of the development of the courtyard as open space or a pocket park is not addressed. However, another alternative should be considered, and that is the re-development of the Tankhouse and courtyard as an outdoor seating area for the restaurants surrounding the area. The loss of open space in downtown Davis has a significant impact because the cost to replace that open space is prohibitive and will increasingly be more so.

"Re-development" in this case will include the rehabilitation of the Tankhouse, attractive lighting on the Tankhouse and orange trees, seating, and the development of a upscale urban park. This option, although not addressed, will contribute to the economic viability of the entire area, not just to the Varsity Theatre.

Sincerely,

Kathleen Groody
603 C St.
Davis, CA 95616

From: Tim Allis <teallis@ucdavis.edu>
To: Ken Hiatt <KHiatt@ci.davis.ca.us>
Date: 7/14/2006 5:03:34 PM
Subject: Comments on DHB Tankhouse plaza proposal EIR Scope

Ken Hiatt -

I feel the following issues should be addressed in the EIR evaluation of the Dresbach-Hunt-Boyer Tankhouse plaza proposal.

1) The value of the public City-owned open space represented in the DBH Tankhouse plaza and orange grove as a public gathering and event space for the benefit of all Davis citizens and visitors, much as the E Street and G Street plazas and Central Park are valuable non-commercial gathering and recreation spaces. The Tankhouse plaza has recently been neglected and closed to the public, but in prior years was a public place for music, films, public gathering and holiday events. Particularly given the risk of the eventual loss of the G Street plaza and the continued densification of downtown, a renewed Tankhouse plaza with the orange grove shade from summer sun and some benches and tables would be an asset to the downtown as a public park-like space, while respecting, complimenting and drawing attention to the Historic Mansion and Varsity Theater on either side. Much as all of Davis would have lost the opportunity for a Farmers Market, Teen Center and Wednesday night music and picnicking in the southern block of Central Park if that had been commercialized years ago rather than preserved as a park, there is an opportunity to renew a wonderful public open space in the Tankhouse plaza. I feel the value of this public resource needs to be weighed in the EIR.

2) The value to the Mansion of the orange grove. I believe the most recent documents regarding the status of the orange grove over time indicate that it actually was a garden grove rather than part of a larger orchard, and as such continues to represent a historically accurate reflection of how the grove might have been in the original years of the Mansion. As such, I don't believe it should be dismissed as historically insignificant, but rather continues to support the understanding of the public as to how the Mansion existed over 100 years ago. The fact that these trees continue to survive after all this time carries the appropriate sense of history which is especially significant given Davis' agricultural origins.

3) The value of the Mansion, Tankhouse, orange grove and cistern _as a complex_. I feel that it is extremely rare to have all of these elements surviving together, representing the original methods of conserving and using water in an innovative manner before city-wide water was available. These represent a wonderful opportunity for tourist and public school education about century-old sustainable living as actually practiced in Davis, and representing a prescient model that may need to be reconsidered as water becomes more scarce in the future.

The Davis General Plan and City goals emphasize protecting and enhancing Davis' historical resources and public open spaces, which are limited in number and invaluable for future generations. I would hope that serious consideration would be given to the issues raised here in preparation of the DBH Tankhouse proposal EIR.

Respectfully,

Tim Allis
404 K Street
Davis, CA 95616

From: Valerie Vann [valerie@vanngroup.com]
Sent: Friday, July 14, 2006 3:36 PM
To: Ken Hiatt
Cc: Tim Allis; Jim Becket
Subject: Comments on Hunt-Boyer Scoping

Attachments: Hunt-Boyer Comments.pdf

Hello Ken,

Attached PDF file is my comments of the staff report and scoping for the Hunt-Boyer FEIR.

Appended is a summary of the Mansion history and features such as the tank house that is based on my research, includes some information not previously known, and corrects some misconceptions about the tank house structure, etc.

As you will see in my comments on the scope and check list, I intended to include my comments on the Historical Evaluation as well, but I can always get that to you later, as it is not essential to meet the deadline today for comments on the scoping and intitial study.

Thank you,
Valerie Vann
631 G Street
Davis, CA 95616
valerie@vanngroup.com

Comments on Scoping & Initial Study for FEIR for Hunt-Boyer Mansion Development Project

I. Alternative Projects:

1) *Alternative 2* should be divided into two alternatives:

2A Rehabilitation of the tank house structure and surrounding brick patio area for adaptive commercial re-use, while retaining a clear referential role for the tank house as part of the historic Mansion infrastructure,

2B Repair, preserve and *restore* the tank house structure with minimal alteration, preservation of the historic trees and mansion grounds, for public use as educational and interpretative resources in conjunction with the house and its other supporting infrastructure (gardens, cistern).

2) *Alternative 3* is too narrowly specified. It reads "...addition to accommodate a ground floor café." It should read "to accommodate ground floor commercial use, such as a café."

II. Terminology

1) The Dresbach-Hunt-Boyer Mansion Landmark could be called the "Mansion Complex," reflecting that it is composed of a house and its supporting historic infrastructure (gardens, tank house, cistern). For the sake of brevity, herein it will be referred to as the "Hunt-Boyer" or abbreviated as the "DHBM."

2) For some time, particularly in city documents, the auxiliary structure at issue in the EIR has been called a "pumphouse" or "pump house." This is technically and historically inaccurate. Some progress in correcting the misnomer has been made lately, but the error persists.

A "pumphouse" is a structure, usually a small single story building, often located on agricultural properties, and in this region, out in fields, housing a pump to lift water from a well, stream or ditch. (Modern rural residential properties still have pump houses at their wells.)

A "tank house" (tankhouse, water tower) is a structure, usually 2 or more stories high (to provide water pressure for gravity flow from a storage tank), enclosing a water tank inside the topmost story, or supporting a water tank *on top* on a tank deck.

In the case of historic tank houses, the "pump" was a windmill installed directly over the well located *outside* of the tank house, and either supported separately from the tank house on its own tower (usually an open cross-braced framework), or attached directly to the side of the tank house along side the tank deck or tank enclosure. There was no "pump", windmill or otherwise, housed *in* the tank house. The available evidence indicates that the Hunt-Boyer

tank house was of the type with a tank deck on top of the two-story high structure with an unenclosed (open) tank, with the windmill attached to the side of the structure.

3.) The modern (1979) brick patio area surrounding the tank house and 10 orange trees (herein after “the patio”) is routinely referred to in city documents, including the RFQ, as the “pump house parcel”, as if it were a separate piece of property, implying that it has no connection with and is easily separated from the Mansion Complex, an unwarranted negative implication.

The property is currently legally composed of two “parcels”, one of essentially just the footprint of the mansion and the tank house, and one the rest of the area inside the city-owned lot line. The patio area is part of both parcels. Historically the property was composed of 4 “Lots” of the original 1868 Davisville plat; the patio area occupies the east third or so of Lots 9 & 10.

The “parcel” terminology negatively reinforces a concept of false separation or disconnection of the tank house and trees from the mansion, a concept that possibly developed through the series of “adaptive re-uses” of the tank house in a manner that ignored its original role and purpose, surrounded the area with a fence, and more recently, by the public being excluded (locked out of) the patio area, presumably in response to the 2000 condemnation order (addressed below). This trend of separating the patio area and especially the tank house from the house is misleading, inaccurate, and implies that the tank house is not part of the Complex. It has also resulted in such obfuscations as writing “develop the pump house” when what is obviously meant, but concealed by the phrase, is “demolish the tank house and build something new where it was.”

4) Unwarranted, pejorative use of the word “*remnant*” in conjunction with “orange trees,” “orange grove,” “orange orchard,” “pumphouse,” or “tank house;” introducing a negative “spin” on the feature so designated.

This practice was used in the RFQs and staff reports (“remnants of a pumphouse”) giving the nonsense impression that the DHBM tank house is only partly there, or is some kind of “remains,” instead of a historic structure retaining all of its original components except the windmill and tank (both removed historically when the municipal water system was built). At the time of National Listing, it also retained all of its decorations and structural integrity as well (according to a city inspection of the property). Despite the series of ill-conceived and damaging “adaptive re-uses” and years of neglect (contrary to City ordinance), it continues to retain almost all of that integrity, including much of the structural (the structural engineers report is further addressed below). It is therefore not a “remnant” of anything; it is simply a tank house.

Through the blessings of cut & paste word processing, negative spin is further produced by applying the term “remnant” in city documents to the orange trees in the form of “remnant orange grove”, “remnant orange orchard” or “remnant orange trees”. This occurs in the present EIR documents (staff report, check list) some 14 times, essentially every time the trees surrounding the tank house are referred to.

The usage is arguably inaccurate (see discussion below of the historical report) and produces a trivializing negative spin on the subject. Simply saying “orange trees in the patio area” or even just “orange trees” would be understood by most readers to mean the 10 trees around the tank house in the brick patio area. (There are in fact three more orange trees, two behind the house and one at the corner of 2nd and E streets.)

III. Staff Report

1) Page 2, paragraph 3 states “Plans of the preliminary project design as well as *a written description and justification (sic) of the preliminary project is attached to this report (Attachment 3.)* Attachment 3 contains a rendering and project plans but no written description or “justification” (whatever that means).

2) Page 2, paragraph 6 states “based on the findings of this Initial Study it has been determined that the *majority of project impacts are less than significant* or can be made less than significant through application of ... standard conditions..” (emphasis added)

This should probably say “for the majority of *areas of potential impact reviewed in the standard checklist*, project impacts will be less than significant”, since the checklist is not a form of election where the most check marks in the “insignificant” column adds up to an overall insignificant impact, the impression left by the expression used.

IV. Scope of the EIR

1) The EIR should assess the impact of the project on the adjacent **Landmark Varsity Theatre**, its historic environment and siting, the visibility of its current signboard and the possible restoration of its historic signboard, spatial relationships, style, impression of height (for 50 years the tallest building on the face block), and decorative features, especially the neon lighting.

With respect to the last, the supplied plans, elevations & perspective rendering all indicate that the proposed building, which would be directly up against (flush with) the west wall of the Varsity Theatre, will cover up, i.e. make not only *invisible* but *inaccessible for repair or restoration*, between half and three-quarters of the neon and decorative color striping at the top of the west wall, one of the most distinctive features of the theatre exterior.

2) In order to adequately assess the impact of both the main project and alternatives such as relocating the tank house elsewhere on the City-owned property (bearing in mind that relocating it off the property is the legal equivalent of demolition), all plot plans, maps, drawings, models and photographs (where feasible) intended to illustrate the alternative projects should clearly show the **city property line**, accurately locate all the **trees**, sidewalks, the **cistern**, the **full footprint** of the structures (in the case of the house, **including the ADA ramp and fenced off mechanical area**), locate the **windows & doors of the house**, and indicate the use of adjacent areas of the Mansion Square property such as its mechanical yard (behind the tank house) and ADA ramp. When these features are not shown, a false impression

is given of available space and spatial relationships. Preference should be given to illustrating the impression and view of people at street level on or passing by the mansion grounds rather than bird's eye views or the like.

3) The EIR should consider not only the exterior relationship of the house to its site, but the extent to which the *interior of the house retains its historic relationship to the gardens on the north, west & east sides*. In other words, how the view of the gardens and trees from the principle rooms, particularly from the bay windows and principal "public" rooms, has been retained and would be impacted or impaired by the alternative project, including moving the tank house to a different location on the property.

4) The EIR should address specifically how the project complies with and furthers the objectives stated in **Chapter 16 of the Davis General Plan:**

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

Resources are identified as "historic resources, including but not limited to, underground sites, artifacts, *buildings, structures, landmarks*, districts, linear resources, *landscapes, gardens, sites, trees and other vegetation.*"

Policy HIS 1.2 Incorporate measures to *protect and preserve* historic and archaeological resources into all planning and development. (emphasis added)

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

Continue to serve as a **leader in historic preservation** by preserving, restoring and reusing City-owned historic resources where feasible.

Policy HIS 1.4 Preserve historic features of the core area and historic districts.

GOAL HIS 2. Promote public awareness of the prehistoric and historic past of the Davis area.

5) The EIR should assess how the proposed project and alternatives would impact (impair or foreclose) **future options to restore the entire Mansion Complex for public use** as educational and interpretative resources, such as a "house museum," visitor center, restored Victorian garden, illustration of a 19th century water supply system, use of wind power, adaptation to local climate, etc.

6) The EIR should assess the aesthetic and environmental impacts of substantially reducing the dwindling stock of **public open space, particularly "green space" in the core area**, as the effect of such reduction or elimination on the character of the historic downtown area and the City's oft proclaimed desire to maintain its distinguishing character (dependent to

large degree on retaining unique cultural resources), especially in an area in such close proximity to a principal city “gateway.” Alternatives to relocate the tank house on the grounds should assess that additional loss of open green space, impact on adjacent trees, and on the historical relationship of the house to the surrounding garden, visual & aesthetic impact on principal facades and view from the street, and on access routes to the Mansion and adjacent retail development.

7) The EIR should assess the impacts of the following aspects of the proposed project and similar alternatives:

Potentially increased on-site bicycle parking impacts on pathways, pedestrian traffic routes, mansion perimeter vegetation, lawns and trees;

Visual & aesthetic impact of trash / garbage storage and collection facilities for a proposed café (where? visible from Mansion? effect on brick pathways?);

Impact of alteration and/or disruption and required remedies for drainage from the Mansion (east side downspouts currently empty across the brick pathway into the patio area, away from the mansion brick foundation. Currently the perimeter planting beds of the mansion are higher than the north-south brick walkway, so that drainage ponds in the patio area and eventually seeps into the ground. Elimination of the patio area would probably result in ponding of water on the walkway and against the new building;

The proposed project includes a small courtyard for outside café seating. Would smoking be permitted in this area? Currently smoking is prohibited on the Manson grounds

8) The EIR should assess the change of the 2nd Street streetscape that has existed for over fifty years by inserting a modern building of equal or greater height into historically landscaped space between the two Landmarks, changing the visual impression of the mansion into the equivalent of an urban “row house”, and the effect of the block into one of continuous development.

9) In view of their age, the EIR should address the need to determine whether the orange trees have biological value, e.g. to contribute cuttings and/or DNA to the UC Riverside collection of historic citrus. The aesthetic values both visual and scent of the orange trees during blossom time, when the scent is detectable even to casual passersby, should be assessed.

V. Evaluation of Environmental Impacts (Environmental Checklist)

1) “Item IV **Biological Resources**, e) Conflict with any **local policies or ordinances** protecting biological resources, such as a tree preservation policy or ordinance” (emphasis added).

The checklist concludes a “less than significant impact” for removal of the 10 orange trees in the patio area. The explanation states that according to the CASP there are no “Landmark” trees or trees “Worth Saving” on the site, although the project will be subject to

compliance with the Community Forest Management Plan (CFMP). Email correspondence with the city arborist in June 2006 reveals that there is some question of whether the DHBM orange trees were, or were supposed to be, designated “Landmark Trees” in addition to the site designation, and if not, why not. Possibly inclusion in the Mansion Landmark was deemed sufficient protection. However, the orange trees were and as of July 14, 2006 are still listed, although not numbered, on the List of Landmark Trees published on the City web site.

The orange trees were specifically cited in the CFMP as candidates for designation:

..(the) Historical Resources Management Ordinance, adopted by the City Council in 2001, authorizes the designation and protection of certain resources including landscapes such as the Avenue of the Trees and also *the sites for historic buildings that includes their historic trees*, such as the palm trees at the Depot, *the remaining orange trees at Hunt/Boyer* and the historic planting at the Davis Cemetery. (p. 22, emphasis added)

The trees and gardens were cited as contributing features of the property in the city Landmark designation and the national listing. The city designation was made in 1984 (Ord.#1282) **with the tank house in its present location and the current complement of historic trees**, indicating that for the purposes of the local (i.e. city) designation, the trees retained sufficient integrity to be contributing features of the property. The trees are at least 100 years old and possibly older (planted 1906 or 1888), perhaps the, or among the, oldest orange trees in Davis, where like tank houses, they were a common feature of residential gardens in the 19th century, arguably making them historic both from age and survival, regardless of how many there were in the first place (35, of which 13 remain).

The justification of the assessment goes on to note that most of the orange trees “are greater than 5” in DBH” and would be subject to mitigation under the City Tree Ordinance (City Code Ch. 37).

However, it fails to note that under the ordinance, the orange trees are “City Trees”, and hence “Protected Trees;” the ordinance accords the same level of protection to all “Protected Trees,” not just “Landmark Trees” or “trees of significance”:

"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.

"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.* (emphasis added).

Since the 10 orange trees proposed for removal constitute the **majority** of the 13 orange trees existing at the time of local landmark designation, their removal would surely result in more than a “less than significant impact” on the gardens of the Landmark Mansion. (See also the discussion below of the historical evaluation report).

2) **Item V. Cultural Resources**

The explanation of the checklist item conclusions, p 7, paragraph 3, fails to note that at the time of local (city) landmark designation, the tank house was in its present location (and the orange trees were the same as currently, see above). Moreover, the Historical Resources Commission in 1998 affirmed that the tank house retained its significance at the current location and in its then current state, hence retained its eligibility (see also historic evaluation p. 3).

Therefore the fact that the tank house was moved in 1979 and is no longer in its historic location with respect to the house is irrelevant for the purposes of the EIR. This needs to be made clear, as there continues to be public confusion about the matter.

Mitigation Conditions for cultural resources (p. 7): only mitigation of impact to archeological or “historic remains” is mentioned. The General Plan lists other possible mitigation measures that might be required, especially in the case of severe impact, such as loss or impairment of a resource like the tank house, including:

development and implementation of public interpretation plans for both prehistoric and historic sites;

.. reconstruction of historic structures according to Secretary of Interior Standards for Treatment of Historic Properties;

treatment of historic **landscapes** according to the Secretary of Interior Standards for Treatment of Historic Landscapes.

CEQA requires reasonable, feasible and adequate mitigation of impacts. Proposed mitigation conditions should be proportional to the impact or loss caused by the project or alternative. It may be noted that currently in Davis none of the public ally owned historic resources has been adequately researched or documented to HABA standards, and there is not one for which a plan of preservation and restoration has been developed, or (with the exception of the Hattie Weber Museum) for which there is a long range plan for public interpretation or use for education of the public in the value of historic resources; all of which activities are reasonable, feasible required mitigations for potential significant impact under this EIR (see also General Plan Policy HIS 2.1.)

The Dresbach-Hunt-Boyer Mansion – Davis City Landmark – 604 Second Street

Summary History and Description

The Dresbach-Hunt-Boyer Mansion is located at 604 2nd Street next to the Varsity Theatre (another city landmark, built 1950). The house or 'mansion', together with its important auxiliary features (tank house, cistern, century old orange trees, gardens) was listed on the National Register of Historic Places as a Historical Building in 1976 (Building #76000540). It became a Davis City 'Landmark' on the city list of designated historic resources in 1984.

The 12 room, 3500 square foot main house and 340 square foot tank house (water tower) were built between 1871 and 1875 by **William Fredrich Dresbach**, a Prussian immigrant and Davisville's first postmaster. Mr. Dresbach is credited with naming the town after rancher Jerome C. Davis. The land on which the mansion sits is likely some of the first residential land purchased (1870 - 1874) in Davisville. The lots sold for \$175 to \$250 ea. The house itself sits on Lots 9 & 10 of Block 1, Range D of the original 1868 Davisville plat; Dresbach later acquired the adjacent lot to the south, Lot 11, and the final piece of the quarter block property, Lot 12 was added in 1884 by the Enos family.

The mansion is said to have been built by carpenters **Patricio Vaca** and **Cirilo Zuniga**, a native of Chile, who were relations of the local pioneer Vaca (Baca) and **Pena** families. According to an early Davisville resident, Elijah William Brown, who had been Dresbach's book-keeper, and owned a hardware store at the time the house was probably built, the original cost of the house was some \$12-14,000.

Mr. Dresbach, one of Davisville's wealthiest citizens in the 1870's, also owned a livery stable, general store, hotel and saloon, and a grain warehouse. Dresbach, who married a local dentist's daughter, Isabel Pearce in May 1870, moved to San Francisco around 1877-78, where he continued his business as a grain merchant, trading on the San Francisco Exchange and becoming a major player in a number of speculative attempts to "corner" the grain markets, resulting in a number of bankruptcies. In the first of these in 1879, a Sacramento bank foreclosed on the Mansion property when Dresbach defaulted on a \$17,000 load secured by eighteen Davisville lots, including the Mansion, and 320 acres of land. (He lost the rest of his Davisville properties as well.) His speculative ups and downs continued until his death at home in San Francisco in 1901.

The bank sold the property in 1880 for \$5,000 to **Sessions M. Enos** (1823-1884), a Davisville dairy farmer and proprietor of the "Tule House" northwest of Davisville, and his son **William S. Enos**, who had married **Cornelia Ellen Russell**, daughter of the prominent local Russell family (of "Russell Boulevard"). S.M. Enos died in 1884; his widow apparently continued to live in the area until her death, although not in the mansion; perhaps with her brother Eli D. Pratt, an area pioneer living near Winters; he had been an associate of S.M. Enos in the 1870's. The younger **W. S. Enos** family left Davisville in 1888 for Inyo County, after selling the property in late 1887 to **Henry Stelling**, a German born farmer from the Solano County side of Putah Creek (Tremont township) with a large family.

By the time he bought the property for \$2,000, **Henry Stelling** had become a grain merchant like Dresbach. He purchased the huge Granger's grain warehouse and scales in town in 1891, and maintained an office on Main Street (Olive St., now G St.). He was also apparently engaged in the insurance business, one of four agents who certified the accuracy of the earliest Sanborn fire insurance map of Davisville in 1888.

His much younger third wife, also German born, not only looked after the younger children still at home, but reportedly kept the books and operated the scales of at the grain warehouse. Stelling's older son by his first marriage, Henry Jr. became a well known area marksman whose shooting exploits were noted in the local press, starting with a bag of "three dozen robins" and moving up to trap and duck shooting competitions.

A spectacular family dispute in late 1896 involving the young third wife Bertha, the adult children, and most of the neighbors (meaning most of the then still compact town) may have precipitated the family's decision to leave Davisville. At any rate, like Dresbach, Stelling moved to San Francisco around 1896 to pursue his grain merchant business, but continued to own the Davisville properties for income, occasionally visiting town. It is not known who, if anyone, was resident in the mansion 1897-99. However, Henry Jr. was apparently still in the Davisville area after his father moved to San Francisco, and may have lived there, or it may have been rented.

In 1899, Henry Stelling, Sr. advertised a desire "to leave the town" and offered his properties, at "50 cents on the dollar," stating that the house had originally cost \$10,000 dollars. Among the features of the house noted in the ad were "large outbuildings, a windmill" and "water pipes throughout the house and grounds". In March **Frank Hunt**, the brother of John Hunt, bought the house for \$2250. (He also later bought Stelling's Olive Street office building for \$800; a five acre orchard north of town went for \$500 to one of the Chiles family.)

A native of County Mayo, Ireland who immigrated to America as a young boy, **John Hunt** had previously farmed near Davis in the 1870's with a younger brother and sister, but had moved back to his original home in Wisconsin in the 1880's, where he still owned property. A widower with four grown children, he returned to Davisville about 1900, having bought the "Stelling House" from his brother Frank in mid-1899 for a nominal "\$10 in gold coin" (a convention common in intra family dealings that concealed any actual transfer of funds.)

John Hunt lived there with his three eldest children, Thomas, Mary and Josephine until his death in August 1919. Thomas, the only son, who would have inherited all the extensive Hunt farming properties, suddenly died of influenza at age 35, shortly after his father's death. The two eldest daughters inherited the mansion, appraised at \$3,500, from their father's estate, which was reported as one of the largest ever probated in Yolo county.

The oldest Hunt daughter Mary wed a Sacramento physician, J.B. Boyer in 1920. Widowed in 1937, **Mary Hunt Boyer** resided in the mansion with her unmarried sister **Josephine** (died 1950) until 1973, when the property passed to her nephew, **John Lillard**, son of the youngest Hunt daughter, Irene, wife of L. C. Lillard, a Davisville grain farmer. The house and grounds were little changed during Mary Boyer's residency, except for enclosure of the back porch (on

the west side) in order to install a downstairs bathroom. It was remarked later during the controversies over its future, that retaining the property intact for half a century was perhaps the most outstanding contribution Mary Boyer could have made to the community.

In 1976 the essentially unaltered house, outbuildings and gardens, valued at \$160,000, were threatened with demolition for commercial development. Both a private fund raising attempt to raise the purchase price, and a city bond issue ballot measure failed. The bond measure was opposed by the Chamber of Commerce and other opinion makers because in addition to the \$300,000 needed to buy and restore the property (for use as a museum primarily), the bond issue included a deal breaking \$600,000 more to build city offices on the south part of the grounds, and reliance on income from a controversial proposed sale of the city owned "Mayfair" lot (now the south end of Central Park) to retire part of the bond issue. (The Chamber expressed the opinion that the City had conflated two unrelated matters on the bond issue; others felt that the office building proposal eclipsed the public's main interest in saving the house.)

In 1978 the property was purchased by UCD professor **Lawrence Shepherd** and his wife Nancy, who hoped to use it for a residence, originally intending restore it after moving it to a new location to allow development of the whole quarter block lot. When City permission to move it was denied, economics eventually led to the decision to find separate commercial uses for the tank house and mansion, while the back (south) half of the Mansion grounds were developed as the present *Mansion Square* retail/commercial building.

The Mansion interior underwent some alterations (walls removed primarily), restoration of woodwork and decorative plaster, updated plumbing and electrical systems, and new interior decoration. Damaged exterior features were expertly restored. The Tank House was moved north to its present location on the east side of the mansion among 11 of the original 35 orange trees, where it was 'adapted' for a variety of enterprises - with mixed success - including a cafe and a small office in an added 2nd floor. (Shepherd laid the brick patio area now surrounding the tank house using a cache of old bricks found on the grounds.)

The Tank House and grounds

The Mansion Tank House, also known as the "Downtown Tank House" is located on between the Varsity Theatre and the Dresbach-Hunt-Boyer Mansion, on the east part of the mansion gardens. Probably over 120 years old, it is part of the original infrastructure of the Mansion property, which included fruit trees (35 orange trees plus other varieties), gardens, a corral and stable for horses, a cistern for soft water (rain water) collection, and the tank house to store well water pumped by an attached windmill.

The Tank House never housed a pump or a tank inside. It was built as a "tank house," that is, a specialized structure engineered to support a water tank on top, which was removed when Davis built a regular city water system. What now looks like a flat roof is actually a tank deck constructed of heavy timbers (4x12's) designed to support several tons of water in a round redwood tank.

The water was pumped to the tank on top by a windmill attached to the side of the structure. (Wind power! The windmill may even have been made locally, as there was a Sinclair Windmill Company located on the east side of the railroad.) The tank may have had a roof over it and something like open latticed walls around it, or it may have been simply enclosed by at most a railing around the edge of the deck, most probably the latter. The water pipe from the tank usually ran down inside the tank house, and sometimes a stove was installed inside a tank house in cold climates to keep the pipes from freezing in winter, although perhaps not necessary in Davis.

The pyramidal shape of the Tank House is part of the structural design that enabled it to support the weight of the water tank and to resist the consequent overturning moment produced by having a high center of gravity because most of the weight was on top when the tank was full.

The construction is of the type common to the period known as 'balloon framing', with full height vertical 4x4 studs and 1x10 bevel-channel shiplap siding similar to that used on the Mansion. The board siding is not just to fill in or cover the open sides, it is *essential* to the strength of the structure, as there is no cross bracing such as is used with an open tower tank support.

An estimated 3600 board feet of virgin redwood was used to build the structure, which originally had at most only three openings in the sides: a door, a window and an exit hole for a stovepipe. Since tank houses were enclosed buildings, the lower level especially was convenient for use for storage or sometimes even for basic housing for a servant.

Originally located near the corral, some 75 ft south of its present location (it was moved north in 1978 so the south half of the original Mansion grounds could be developed into the Mansion Square retail building), the Tank House water system served the entire Mansion property as was typical of large urban properties.

Unlike utilitarian rural or farm tank houses, the Mansion Tank House was decorated with Gothic medallions on each of the four sides (one has been destroyed, and a second one damaged by cutting part of it away to put in an air conditioner during the first "adaptive reuse"), and given a fancy cornice to match the Italianate house.

The so-called "parcel" of land the Tank House currently sits on is not a separate parcel from the Mansion; it is an integral part of the Mansion property and grounds, and also includes the ten of the 13 remaining over-100-year-old orange trees (the trees were part of the gardens, not an agricultural operation; the oldest 25 were probably planted by the Stelling family around 1888.)

Water for the trees & gardens were supplied from the Tank House by two hydrants, one on each side of the Mansion. Having the tank mounted on top of the two-story high structure provided enough water pressure for the system to be capable of supplying water to the second floor of the house as well. A 1899 ad for the property described the "water pipes throughout

grounds and house" as a prominent feature; it short, combined with the soft water cistern the property featured a state-of-the-art Victorian era water supply system.

The fruit trees, tank house, cistern and gardens were important parts of the significance and setting of the Mansion specifically cited in the documentation that was submitted to qualify the entire complex as a whole for listing on the National Register of Historic Places (Building #76000540), as well as cited in the City designation as a Landmark Historic Resource in 1984.

Originally the Mansion property occupied four lots of the original Davisville town layout, or nearly a quarter block. The main rooms of the Mansion, including the two front parlors, were oriented toward 2nd Street and eastward toward the orange trees in the form of two bay windows to enjoy the gardens. The house turns its back on E Street; the "back porch" faces that way, where the cistern for storing rain water runoff from the house roof is located (even early Davisville had some environmentally friendly or "sustainable" ways of doing things!). The cistern would have had a large hand pump mounted on top. (Soft rain water was preferred to hard well water for laundering fine linens, washing glassware, etc., the water would have been screened but also usually boiled first, since it came off the roof - think "pigeons".)

Before the city water system was built, the residential areas of old downtown Davis at one time had about a dozen such urban tank houses with windmill pumps. (In 1911 there were 32 elevated tanks, 18 tank houses, 15 of them at residences, the remainder of the tanks on open frame tank stands.) Although all the largest Davis residences had a tank house, only one other besides the Mansion Tank House remains in town proper, the much later (c. 1925) rather plain Barovetto tank house (209 2nd Street), which has been significantly altered and remodeled into a residence (see below).

When moved from its original location in 1978, the Tank House was essentially intact except for some damage of the lower edge due to rot from bad drainage. About 1-1/2 to 2 rows of siding and the bottom of the studs were removed when it was installed on a raised concrete slab at the present site. The current lamentable state of the Mansion Tank House is the result of badly executed 'adaptive reuse' projects that allowed water to seep into the walls, causing rot to the lower parts of the studs and siding, followed by ten years of neglect and lack of maintenance or repair while owned by the City of Davis. The 2000 city condemnation "for occupancy" was based on a structural engineers' report that principally addressed the potential hazard of re-occupying the new second floor (added in 1978, not part of the original structure or use) as an office. (Ironically, Davis City Code requires the owner or person in charge of a designated historical resource to keep it in good repair to prevent deterioration or decay that threatens the structural or historical integrity of the resource.)

Construction of the Mansion Square retail building south of the Mansion required clearing over half of the original grounds, including removal of 34 trees (walnut, almond, lime, cherry, orange, fig). A city Landmark Tree, the huge Digger Pine near the Mansion Square entry sign on E Street was saved, along with 14 orange trees, 2 cherry trees and a few others that were on the mansion part of the lot. Two large fig trees that were part of the group of trees east of the mansion were removed in order to move the Tank House to its present location in the brick patio area, leaving only the 11 orange trees of that original mixed group. One at the front of the

patio area was later removed for unknown reasons, leaving the 10 currently surrounding the Tank House.

Other Davis Tank Houses

Davis has three surviving tank houses of the dozens in town and surrounding suburbs in the 1900-1920's. Of the three, the Dresbach-Hunt-Boyer is the oldest and most unusual. The later tank houses were more likely to be three or more stories tall and have the tank enclosed in the top story.

The **Ricci Tank House** in south Davis is a typical farm tank house that once stored water for the animals and crops of the Ricci Farm. It would have drawn water (probably by windmill power) from the adjacent north fork of Putah Creek, which used to be the main flow of the creek until it was diverted in 1948. The tank is elevated only about one story, enough to provide gravity flow for irrigation. Today it stands watch over the Putah Creek Greenbelt.

The **Barovetto Tank House**, 209 2nd Street, was built toward the end of the tank house era, in the 1920's. The Barovetto is a 3 story high plain tank house that has been remodeled into small house; it apparently had the single story ground level addition right from the beginning, used probably as a garage originally.

Unlike the Dresbach-Hunt-Boyer tank house, where the tank probably sat on an open deck, the top level where the tank was located in this tank house probably had a roof and was fully enclosed originally. The heavy timber 'tank deck' supporting the tank would have been where the profile of the sides goes from sloping to straight up, where the floor of the third story is now. The windmill (the 'pump') could have either been attached to the side of the top story or located on its own open timber tower beside it, with the water line running overhead from the windmill tower to the tank. The Barovetto Tank House is a City of Davis designated Historic Merit Resource.

To: Ken Hiatt, Principal Planner
Community Development Department
City of Davis
Davis, CA 95616

July 14, 2006

From: Pam Nieberg
3010 Loyola Drive
Davis, CA 95616

Re: Comments for the NOP on the relocation of the Hunt-Boyer Tank house and construction of Mishka'a Café at 604 Second Street.

My main areas of concern with the proposal are:

- I. Loss of the open space and visual character of the site. The removal of the tank house will also result in elimination of part of the original context of the site, including open space and landscaping.
- II. Loss of an historical structure that is integral to the surrounding structures.
- III. Impacts of the intrusion into the open space between the historic theater and historic mansion of a relatively massive building taller than the historic buildings to either side.

Part of the attraction of this site is the open space and greenery around the tank house and mansion. The mansion was originally on extensive landscaped grounds with beautiful lawns, trees and shrubbery. Much of this has been lost over the years, and though what remains is only a remnant, it is important to the character and "feel" of the site. Loss of this green open space will severely reduce the visual character of the historic resources on the site. Furthermore, it is important to retain some small open spaces in our downtown for the enjoyment of the community. Isn't that why we expended city funds to develop the E Street Plaza? The property surrounding the tank house can serve as a gathering place for people as it has in the past. It is important to preserve this site in its present form to the extent possible. The proposed project would substantially degrade the existing visual character of the site and its surroundings. The EIR should look at the possibility and feasibility of preserving the tank house in its present form and location and rehabilitating it to stand alone as a public resource or as part of a small and appropriate addition. The EIR should also look at keeping the trees and patio in their current context and incorporating them into any future use of the site. Davis does have tree preservation policies, and these trees, at more than one hundred years old, should be preserved under these policies. The EIR should look at impacts under these policies.

The parcel of land the tank house currently occupies is not separate from the mansion. It is an integral part of the property and includes the orange trees, patio and tank house. These were important parts of the significance of the mansion cited in documentation submitted to qualify the entire complex as an historical landmark. The tank house continues to have historical value, and should be retained at its present site. The assertion that the trees and bricks do not retain historical value is absurd. They are part of the original setting and were included as part of the historical landmark designation. In addition, the tank house is one of the few remaining of this

once common type of rural structure. In Davis, only two remain, and one of these is the Dresbach-Hunt-Boyer tank house. The trees on the property were mentioned in the 1976 National Register nomination and in the Point of Historical Interest application. According to a report on the mansion and its surroundings, "The house or 'mansion' together with its very important auxiliary features (tank house, cistern, century old orange trees, gardens) was listed on the National Register of Historic Places as and Historic Building in 1976." Demolition of the tank house would be a significant impact to an historical resource. It would also affect the mansion by removing an auxiliary structure associated with the house from its early history. The EIR should evaluate retention of the tank house, patio and orange trees on-site and their incorporation into any future development.

This proposal demonstrates a complete lack of appreciation of the historic importance and character of the site and a complete disregard of the significance of this historical complex and its importance to the community. The building proposed for the site to house a restaurant and offices is completely inappropriate for this site. It would be taller than either of the historic buildings, the Varsity Theater and the mansion and would be set at the sidewalk with no set back. The construction would directly abut the west wall of the Varsity and would significantly alter the view of the historic building from the west. It would also obscure part of the marquee which is a major defining character of the theater. Placement of a building of the proposed size and height will reduce the open space and open feel that currently exists and will present instead a wall of commercial buildings in a continuous row. It will change the historic setting significantly and will change the historic relationship between the two buildings and reduce or eliminate the open quality of space currently at the site. It is just all wrong.

Alternatives: I would suggest that the restaurant go either into the mansion (if this can be done without significant alteration to the building) or into the office space on the other side of the Varsity. This latter is mentioned in the RFP as a possibility. Why isn't this being discussed? The tank house and patio area could be rehabilitated as a small café or as a small museum. Another alternative would be to leave the tank house and trees and to incorporate them into any future development. This development would be addition of a small one-story structure to house a small café that would incorporate the historic landmarks (tank house, trees, and patio) into its design. The structure would be set well back from the street with a patio and outdoor seating in front and would preserve the character of the site.

Thank you for the opportunity to comment on the Notice of Preparation of the EIR for the proposal to remove the historic tank house, trees and patio at the Hunt-Boyer site and to replace them with a three story office building.

Pam Nieberg
3010 Loyola Drive
Davis, CA 95616
530-756-6856
pnieberg@dcn.davis.ca.us

**Historical Resources Management Commission Minutes
Hattie Weber Museum
Monday June 19, 2006**

Commissioners present: Richard Berteaux, Rand Herbert, Christine Ottoway, Gale Sosnick, Keren Costanzo

Commissioners Absent: Richard Rifkin

Staff present: Ike Njoku, Ken Hiatt, Ann Brunette, Margaret Roberts, Torrey Cummings, Melissa Piano

Call to Order. Chairperson Herbert called the meeting to order at 7:30 pm

1. Approval of Agenda.

Action: Commissioner Berteaux moved and Commissioner Sosnick seconded the motion to approve the agenda; motion passed unanimously.

2. Approval of Minutes. Corrections were made to the May 15, 2006 minutes.

Action: Commissioner Costanzo moved and Commissioner Berteaux seconded approval of the minutes as amended. Motion passed unanimously.

3. Public Communications. None

4. Written Communications. None

5. Museum Report. Museum Curator, Phyllis Haig reported that the Hausler family donated pictures and information to the museum on June 17.

6. City Council, Commissioner and Staff Communications

A. Council Liaison Comments. None.

B. Commissioner Comments.

Commissioner Berteaux passed around plans and elevations of the Grieve house located at Fourth and G Streets that his students drafted.

C. Staff Comments.

Staff Liaison, Ike Njoku introduced City Clerk, Margaret Roberts. Commission Handbooks were circulated for the Commissioners. Chairperson Herbert clarified rules regarding recusal and participation in discussions for recused commissioners with Ms. Roberts.

7. Business Items.

A. 505 2nd Street – H.J. Hamel House (City Merit Resource) – Coldwell Banker Building

David Robinson spoke on behalf of TREE Davis, and briefly explained that they would like to place a sculpture on the corner of D & 2nd Streets to serve as a spot to distribute brochures for a “Downtown Tree Walk”. Staff and Robinson noted that the Civic Arts Commission and the owners of the building have already agreed to the proposal. Staff, Njoku asked the Commission to allow city staff to administratively approve a Certificate of Appropriateness for this project. After brief discussion the Commission concluded that any effects would be minor and reversible, and consequently there would be no adverse effect on the building, and so is suitable for staff approval. No formal action was taken.

B. 604 Second Street – Dresbach/Hunt Boyer Mansion Tank House & Orange Grove (City Landmark, National Register)

Ken Hiatt, Economical Development Manager introduced the item, requesting early input into the EIR scope. He briefly described the process to-date, noting that as the aesthetics category warranted special attention, the city hired Carol Rowland, Preservation Consultant, to draft the Cultural Resources section, focusing on evaluation of existing historical resources and project alternatives. Hiatt went on to describe the proposed project alternatives.

The project applicant, Sinisa Novakovic described his desired project and showed a model of the proposed building. He stated his preference to rehabilitate and relocate the pump house to the E Street side of the Dresbach/Hunt-Boyer Mansion. He and Architect Maria Ogredziak confirmed that in their proposal, the orange trees would be removed.

Carol Rowland stated that her goals were to review the eligibility of the tankhouse, orange trees, and patio, and the potential impacts of the proposed project and alternatives on the Varsity Theater and the Dresbach/Hunt-Boyer Mansion. She stated that although the tankhouse is not in its original location, it retains eligibility for the state and national register as part of the Dresbach/Hunt-Boyer Mansion complex, but the orange trees, although original and mentioned in the description, are not a sufficient remnant of the original grove to retain eligibility. She stated that the patio is not historic.

She concluded that moving the tankhouse offsite would create a false sense of historicity by creating a non-historical relationship with another residence; however if it were moved to a different area of the same property, it would continue to support the eligibility of the complex for the state and national registers.

Commissioners briefly discussed the alternatives, noting that the “No Project” alternative should not assume further neglect of the tankhouse, and discussed the need for the feasibility of moving the tankhouse to be carefully assessed. Commissioners expressed

concern regarding the effect of moving the tankhouse on the cistern, and she stated that there should be more options besides no project or a three story structure, and asked if there was a way to retain a sense of openness in the site between the Varsity Theater and the Dresbach/Hunt-Boyer Mansion.

Staff Hiatt responded that the purpose of the Scoping Meeting on the 22nd is to get other ideas from the general public.

The public comment period was opened.

Hattie Weber Curator, Phyllis Haig felt that the new building would be way out of proportion in comparison to the Varsity Theatre and Hunt Boyer Mansion.

Jim Becket expressed that he would like to see the tankhouse stay where it is used as a place to promote historical and cultural tourism.

John Fenski, partial owner of the Varsity Theatre project stated that he feels that economic considerations are also important. John said that the future of the Varsity Theatre depends on what happens with the space that the tankhouse currently occupies. Commissioner Herbert responded by saying that economics is not their purview and that the HRMC has not stopped adaptive reuse.

Tim Allis expressed his concern for the notification of the Scoping Meeting. He said that there was only one notice posted at the site. He wondered if there had been appropriate action taken to ensure that the public had been notified of the meeting. He also asked if the economics, a driving force in the project, will be discussed in the EIR, and asked how that would be factored into the project alternatives, as compared to the potential tourism value or the value of open space or the value of an example of sustainability. He also stressed the importance of the patio as non-commercial public open space in the downtown.

Sinisa Novakovic stated that the City Council requested proposals to develop the lot, and that it was clearly stated that the neighboring development would support the cinema. He stated that the applicants need the café to help support the cinema, and that they would likely not have submitted a proposal if they had been told they could not develop the tankhouse space.

Valerie Vann stated that economic impacts are not considered under CEQA, and noted that project alternative 2 would not meet the project objectives.

Staff Hiatt responded that the alternatives must be feasible, but need not meet all the project objectives.

Ms. Vann requested that drawings include the existing sidewalk, property lines, and pedestrian right of way, as well as the proposed location of the tankhouse.

the building. The Commission had no objections to the proposed kiosk and no formal action was taken.

8. Public Hearing Items.

616/618 Second Street – Varsity Theatre (City Landmark) Certificate of Appropriateness (COA) approval for planters' conversion to benches & signage for Icekrimski Cafe.

Anne Brunette briefly introduced the item. She asked if, as a temporary solution to the unattractive and unhistoric appearance of the bench material, painting it white might help. After 4-6 months, it could then be reevaluated and the commission could recommend removing the benches or another action. Brunette passed around photos of the proposed signage that would hang from the concrete column wall of the building.

Chair Herbert opened the public hearing.

Valerie Vann spoke in opposition to proposed exterior changes to the Varsity Theatre and conversion of the planters. She requested a moratorium on changes to the exterior until there is a comprehensive restoration plan, since every change takes it further away from the original, and until there is a plan, more damage will be done. She stated that with signage and alterations, pretty or decorative is not necessarily what is accurate or appropriate.

Chair Herbert closed the public hearing.

Action: Commissioner Herbert moved and Commissioner Ottoway seconded the motion to approve the Certificate of Appropriateness for the benches, signage and etched glass with the condition that there be a six month evaluation period for the white paint on the benches, and that the planters be restored when the façade is eventually restored.

The motion failed to pass with the following votes:

AYES: Herbert, Ottoway
NOES: Berteaux, Costanzo
ABSENT: Sosnick

Action: Commissioner Costanzo moved and Commissioner Herbert seconded to approve the Certificate of Appropriateness for the benches, signage and etched glass with the condition that there be a six month evaluation period for the white paint on the benches.

The motion passed with the following votes:

AYES: Herbert, Ottoway, Costanzo

**MINUTES OF THE DAVIS CITY COUNCIL
MEETING OF JULY 25, 2006**

The City Council of the City of Davis met in regular session beginning at 6:30 p.m. in the Community Chambers, 23 Russell Blvd., Davis, California. The meeting was called to order by Mayor Greenwald.

Roll Call: Councilmembers Present: Ruth Asmundson, Lamar Heystek, Don Saylor, Stephen Souza, Sue Greenwald

Councilmembers Absent: None

Other Officers Present: City Manager Bill Emlen, Assistant City Attorney Kara Ueda, City Clerk Margaret Roberts,

Approval of Agenda R. Asmundson moved, seconded by S. Souza, approval of the City Council agenda as submitted. The motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Ceremonial Presentation Charlie Russell, Chair for the Parks and Recreation Commission accepted a Proclamation commemorating July as Parks and Recreation Month.

Brief Communications: Brief reports: announcements, questions, reports on 2X2s and other agencies: Members of the Council gave reports on various meeting they attended as well as upcoming events.

Long Range Calendar: S. Souza asked that the appointments to regional committees, boards etc. be moved to the August 1st meeting.

D. Saylor moved, seconded by S. Souza to have the appointments to regional committees, boards etc., be done at the August 1, 2006 meeting.

S. Greenwald offered a substitute motion, seconded by L. Heystek to hold off on making the appointments to the first regular meeting in September. The motion failed by the following vote:

AYES: Heystek, Greenwald
NOES: Asmundson, Saylor, Souza

The main motion passed by the following vote:

AYES: Asmundson, Saylor, Souza
NOES: Heystek, Greenwald

S. Greenwald moved, seconded by L. Heystek to move the August 1, 2006 meeting to the evening. The motion failed by the following vote:

AYES: Heystek, Greenwald
NOES: Asmundson, Saylor, Souza

Public Comments Concerns by citizens during public comments:

- Public records request was made and given to the City Clerk
- Congratulations to the newly seated Council
- Opposition stated regarding the spraying for West Nile Virus
- The City should make a statement to the federal government stating they want a larger voice in what they are doing

rate for crossing guards and that this be revisited at such time that the school closes. Motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Resolution extending the exclusive negotiating agreement between Armisi, Inc., city of Davis and Redevelopment Agency for the development of the Dresbach-Hunt-Boyer Tank-house site; and review of components of Environmental Impact Report

K. Hiatt and K. Stachowicz gave the background and the action that is being requested on the item. This item has gone before the Historical Resources Management Commission and a letter with their concerns was submitted. The delay was caused on the part of the city to work on the Environmental Impact Report. After the EIR there would be a comprehensive analysis for the site and present some policy considerations for the site.

Points made during public input on the item:

- The use of the Hunt-Boyer should be explored
- The entire site, including the orange grove, tank-house and Hunt-Boyer Mansion should be considered
- There are other opportunities in the area for this business
- Putting the proposed business next to the Varsity Theatre would bring synergy to the area
- Take a look at the improvements in the area over the last year
- People waiting for the movies are wanting coffee
- Comparable analysis needs to be done through the EIR process
- The project is between two city-owned historical landmarks
- The discussion appears to be split between economic and historical points
- The applicant brings unmatched enthusiasm to the project
- Try to use the site respectfully and understand what the original site has to offer
- An agreement was entered into and the applicant has done everything that has been asked of him
- The issue is about extending the conversation; to not do this would be irresponsible of the Council
- To not extend this agreement would send a terrible message to downtown businesses
- There is an opportunity to provide a social center to the downtown
- Once the tank-house was originally moved, it lost its historical value at the site
- Other businesses in the area have improved since the opening of the Varsity and the newly opened ice cream shop

T. Novatnovich, the applicant, went through the process to date for this site and has done everything that he has been asked to do to date. He would like to bring something viable to be adjacent to the Varsity. There has been an extreme amount of money into the project and they did it because they love the building and the town. He proposes some type of building to make everybody happy and restore the tank-house, which has not had any attention in the past thirty years.

Points made by the Council:

- The exclusive negotiating agreement does not imply that the project is a "done deal"
- The alternatives for the site need to be investigated during the EIR process
- There needs to be clear understanding that the alternatives are truly that; alternatives
- The assessment of open space needs to take place
- Alternatives for the Hunt-Boyer Mansion needs to be reviewed during the EIR process
- Other uses of the Hunt-Boyer Mansion need to be investigated
- The focus initially was the Varsity Theater, the tank-house and Hunt-Boyer Mansion were secondary
- An RFP should be issued for the Hunt-Boyer Mansion
- Without moving the tank-house, businesses are unable to sustain in that area

- Mishka's Café caters to the students

S. Souza moved, seconded by D. Saylor to move forward with an EIR with equal weight on Alternatives 2 and 3 as outlined below.

S. Greenwald made a substitute, seconded by L. Heystek that an equal weight EIR for Alternative 2, 3 and 4 as outlined below.

S. Greenwald made an amendment to the substitute motion to include moving the tank-house to alternate locations; L. Heystek did not accept the amendment.

Vote on the original substitute motion passed by the following vote:

AYES: Asmundson, Heystek, Greenwald
 NOES: Saylor, Souza

Alternative 1 – No project Alternative, Existing Conditions. Under this alternative, the tank-house would be left in its present location and would not be rehabilitated.

Alternative 2 – Rehabilitation and Reuse Alternative. This alternative would retain the tank-house in its present location and rehabilitate it for commercial or public use.

Alternative 3 – Rehabilitation and Addition Alternative. This alternative assumes the tank-house would be retained approximately in its current location, rehabilitated and expanded with a single story addition to accommodate a ground floor café.

Alternative 4 – Tank-house Relocation Alternative. This alternative assumes the relocation of the tank-house to the west side of the Dresbach-Hunt-Boyer House along the E Street side of the property.

Alternative 5 – Reduced Project. This alternative assumes the new building would be reduced in height and/or be set back farther from the sidewalk on Second Street.

S. Greenwald moved, seconded by L. Heystek, approval of Resolution 06-149 extending the exclusive negotiating agreement between Armisi, Inc., and city of Davis and Redevelopment Agency for the development of the Dresbach-Hunt Boyer Tank-house site. The motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Greenwald
 NOES: Souza

R. Asmundson moved, seconded S. Souza, to extend the meeting until 12:10 a.m. The motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
 NOES: None

Additional items removed from the consent calendar

Ordinance amending section 12.01.050 of the Davis Municipal Code concerning the disclosure of campaign contributions of more than twenty-five dollars was pulled from consent by S. Greenwald.

S. Souza moved, seconded by D. Saylor, to introduce the ordinance and have the second reading and consideration for adoption at the August 1, 2006 meeting. The motion passed by the following vote:

AYES: Asmundson, Saylor, Souza
 NOES: Heystek, Greenwald

Budget adjustment #1 – fiscal year 2006/07 carry-over of unencumbered appropriations from fiscal year 2005/06 for specific programs and capital improvement projects was pulled by L.