

**ADDENDUM TO THE HISTORICAL RESOURCE  
EFFECTS ANALYSIS STUDY OF THE  
REVISED TRACKSIDE CENTER PROJECT,  
901-919 3rd STREET, DAVIS,  
YOLO COUNTY, CALIFORNIA 95616**

**SEPTEMBER 2015/REVISED SEPTEMBER 2016**

**NOVEMBER 27, 2016**

The purpose of this addendum is to address comments by the public and City of Davis Community Development Department staff received on November 11 and 23, 2016, related to the revised Trackside Center Historical Resource Effects Analysis Study prepared in September 2016. The Trackside Center project is located at 901-919 3rd Street, Davis, California. This addendum is limited to analyzing the project's potential effects on historic resources as opposed to addressing issues related to quality of life, noise, and traffic.

In September 2015, Historic Resource Associates (HRA) completed a formal evaluation of the existing buildings within the direct project Area of Potential Effect (APE), that is those buildings within the parcel itself, and determined those buildings were ineligible for the California Register of Historic Resources (CRHR), the National Register of Historic Places (NRHP), and/or as City of Davis Merit or Landmark resources. This finding was submitted to the City of Davis Community Development Department and the City of Davis Historic Resource Commission, both of whom concurred with the recommendation (December 14, 2015 HRMC meeting).

In December 2015, the HRMC recommended that the previous six story Trackside Center proposal (2015) would have an adverse effect upon the significant cultural resources located within 300 feet of the project site, namely the Montgomery House (923 3rd Street), a Merit Resource; Williams-Drummond House (320 I Street), a Landmark Resource; and Schmeiser House (334 I Street), a Landmark Resource. At that time the finding by the commission was that "the project has [had] an indirect significant adverse impact by change in setting," largely based upon the project's "visual impact" to the historic resources rather than any direct impact.

The current project presents a scaled down design for Trakside Center. The new design includes a sloping and lower roofline and elevation, and varied setbacks stepping the building back away from the alley and the Old East neighborhood and aforementioned historic resources.

This addendum focuses on two questions that have been explored in the previous historic resource analysis. Those issues are expressed in different ways since there are two frames of analysis - the first being the regulatory process under which the California Environmental Quality Act (CEQA) California Code of Regulations (CCR), Title 14, Chapter 3, Sections 15000 et seq., and the CRHR governs historic resources (PRC § 21084.1, 14 CCR § 15064.5(3), and the second is the City of Davis, Downtown and Traditional Residential Neighborhoods Design Guidelines (June 2001, updated June 2007).

It is important to point out that the only "officially designated historic resources" in the project indirect or visual APE, namely the 300' radius around the project site, are the Montgomery House (923 3rd Street), a Merit Resource; Williams-Drummond House (320 I Street), a Landmark Resource; and Schmeiser House (334 I Street), also a Landmark Resource. At present there is no officially designated historic district. These three properties are not only listed by the City of Davis, but are also listed on the California Register of Historic Resources (CRHR).

A lead agency, such as the City of Davis, may consider a property a "historic resource" if it chooses to do so, and, if so, it would be potentially eligible for the CRHR. To date neither the City of Davis, nor the Old East Davis neighborhood have come forward to officially list the neighborhood as a historic district or to suggest the precise geographic boundaries of such a listing, if it were to occur, even though four previous historic resource surveys (1979, 1996, 2003, and 2015) have occurred that encompass the Old East Davis neighborhood.

## **CEQA Analysis**

CEQA requires the identification of significant effects of a project on the environment (CEQA Guidelines §15064). For purposes of the act, the "environment" means the physical conditions that exist within the area that will be affected by a proposed project, including objects of historic or aesthetic significance. A project that causes a "substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." The determination of whether a project may cause a substantial adverse change in the significance of an historical resource is generally a two-step process. First, it must be determined how many historical resources exist within the area that will be affected by the proposed project, which in this case there are three. Second, it must be determined whether the project may cause a **substantial adverse change** in the significance of those historical resources.

The question of "substantial adverse change" is paramount to this discussion, since the potential effects in this case are somewhat ambiguous, because those effects are largely related to the setting of the three properties, rather than a direct effect to the resource.

As pointed out in the 2015 Historic Resource Effects Analysis, the rationale for listing the three properties is based principally on each property's architecture and to some degree who occupied each of the residential houses. There is little discussion about how important the setting is in the official historic record for each of the aforementioned properties. Although the Montgomery House (923 3rd Street), Williams-Drummond House (320 I Street), and Schmeiser House (334 I Street) have been formally recorded four times (1979, 1996, 2003, and 2015), none of these recordations provides any substantive discussion about the importance of the property's historic setting. Only in passing does the record for the Montgomery House mention the existence of a "remnant of what appears to be a 19th century landscape." In the most recent update (Clementi 2015) no mention is made of the importance of "setting" to the Montgomery House. In the 1996 record for the Williams-Drummond House, it mentions "some very fine trees apparently part of the 19th Century planting scheme." For the Schmeiser House the record mentions a "landscaped garden."

It should be noted that on page 28 of the 2003 *Historic Context and Resource Survey for Central Davis*, the study notes that "the Tufts house [outside the project APE], still set on a double or larger lot, retains its setting," as opposed to the "Williams-Drummond house [which was] also originally was set on a large lot (approximately one-third block), but has since been constrained between later residences in a denser pattern of lot division" (Brunzell 2015; Central Davis Historic Conservation District, City of Davis, Context Statement: Historic Resource Survey, August 2003, p. 28). This description seems to infer that the "historic setting" for the Williams-Drummond House has been altered. The same is true for the Montgomery House, where the lot was split in recent years and a second house added.

CEQA Guidelines define "substantial adverse change" (PRC Section 5020.1(q)).as: "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource would be materially impaired." Material impairment occurs when a project:

- (a) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(b) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources...or its identification in an historical resources survey..., unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(c) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for the purposes of CEQA.

None of the aforementioned forms of "material impairment" will occur to the three historic properties in the project APE, based both on the scope of the revised project and the "official designation" of each of the properties. In other words, an historic property that no longer retains integrity due to physical impairment may no longer qualify for the California Register, but the alterations would therefore have to amount to a **substantial adverse change**. Alternately, an historic property that retains integrity, in spite of alterations which may include changes to its immediate surroundings, would still qualify as an historical resource and the alterations would not amount to a substantial adverse change ( Cal. Code Regs. tit. 14, § 15064.5 (b); Cal. Code Regs. tit. 14, § 15064.5 (b)(1); Cal. Code Regs. tit. 14, § 15064.5 (b)(2)).

Besides direct material change or alterations, CEQA also requires that potential "indirect impacts" that may occur within a project APE be evaluated. As noted above in the CEQA guidelines, "immediate surroundings" is central to the question of indirect impacts. Generally speaking "immediate surroundings" needs to be defined as "physical demolition, destruction, relocation, or alteration of the resource. In the built environment indirect impacts include the introduction of visual, audible or atmospheric effects that are out of character with the historic property or alter its setting, **when the setting contributes to the property's significance**. As previously noted in the official historic record of each of the three historic properties, there is no evidence that the setting was paramount to the significance of each property. If setting is a factor, it is largely relegated to the parcel on which the property rests, not the entire neighborhood. Per CEQA, by definition, **only historical resources** may suffer material impairment. However, other purported non-officially designated historic resources may be treated or reviewed independently by local government.

Therefore, based on CEQA definitions, the proposed project **will not** impact the historical resources within the indirect project APE, namely the Montgomery House (923 3rd Street), a Merit Resource; Williams-Drummond House (320 I Street), a Landmark Resource; and Schmeiser House (334 I Street), a Landmark Resource.

## **Setting**

Besides direct physical impact, indirect effects may occur to the setting of a historic property or properties. According to the *Secretary of the Interior Standards for Rehabilitation (Standards)* (codified in 36 CFR 67):

**The setting is the area or environment in which a historic property is found. It may be an urban or suburban neighborhood or a natural landscape in which a building has been constructed.** The elements of setting, such as the relationship of buildings to each other, setbacks, fence patterns, views, driveways and walkways, and street trees together create the character of a district or neighborhood. In some instances, many individual building sites may form a neighborhood or setting. In rural environments, agricultural or natural landscapes may form the setting for an individual property (Illustrated Guidelines for Rehabilitating Historic Buildings. *Technical Preservation Services*:[www.nps.gov/tps/standards/rehabilitation/rehab/setting01.htm](http://www.nps.gov/tps/standards/rehabilitation/rehab/setting01.htm), Accessed November 26, 2016).

As discussed in the *Standards*, some exterior and interior alterations to an historic building are often needed to assure its continued use, but it is important that such alterations **do not radically change, obscure, or destroy character defining spaces, materials, features, or finishes**. The implication is that change is acceptable depending upon the degree of change. The *Standards* take into account the balance between the need to maintain a building in its current use or function, assuming that use or function is analogous to its "historic use or function" and in doing so the building's historic character is retained. For the Trackside project the *Standard* that is most relevant is "setting," since there will be no apparent direct effects to the aforementioned historic properties.

The project setting has been defined as the Old East Davis neighborhood. Although the *Standards* generally focus on "officially designated historic resources," anyone is free to apply the *Standards* to help define recommended or non-recommended treatments for older properties.

The *Standards* **recommend** identifying retaining, and preserving building and landscape features which are important in defining the historic character of the setting. Such features can include roads and streets; furnishings, such as lights or benches, vegetation, gardens and yards; adjacent open space, such as fields, parks, commons or woodlands; and important views or visual relationships. The *Standards* recommend retaining the historic relationship between buildings and landscape features of the setting.

The *Standards* **do not recommend** altering those features of the setting which are important in defining the historic character. Altering the relationship between the buildings and landscape features within the setting by widening existing streets, changing landscape materials, or constructing inappropriately located new streets or parking. The *Standards* do not recommend removing or relocating historic buildings or landscape features, thus destroying their historic relationship within the setting.

Because there are no "historically significant" buildings in the direct project APE, the *Standards* have more applicability to past historic uses, and other important landscape features that define the character of the neighborhood or neighborhoods.

The revised Trackside project **will not** physically alter any of the features, such as the trees, shrubs, walkways, or other landscape design elements, of the three historic properties. Nor will the project alter any important landscape features within the footprint of the project itself, since none exist. Because no significant historic properties or features are present in the project footprint, it is important to understand past historic uses not only within the project site, but also within the visual area surrounding it.

The project parcel is sited within a railroad corridor dating to the late nineteenth century. The rail corridor through Davis has always been a mixed-use zone, characterized by larger, and sometimes taller, buildings reflecting industrial uses, as opposed to the residential neighborhood to the east, or the commercial downtown neighborhood to the west. Under this analogy, commercial/industrial land uses are consistent with the *Standard* of setting, since the corridor was used for this purpose for over 100 years. Assuming the proposed Trackside Center project is consistent with the historic setting, the question that must be addressed is solely visual and whether or not the design and height of the building dramatically exceeds what was previously present within the corridor. Historic photos, illustrations, and maps suggest that utilitarian design of former buildings in the corridor was markedly different than the Old East residential neighborhood to the west, and different than the downtown core area to the west. Therefore, new infill should be distinct from the Old East residential architecture and the downtown core commercial architecture.

This historic setting is also paramount to the question of "substantial adverse change" under CEQA, and whether the project is so extreme or crosses a threshold that it destroys the historic relationship between the residential neighborhood and the industrial neighborhood where the project is located, and violates the City of Davis, Downtown and Traditional Residential Neighborhoods Design Guidelines. For over 100 years, the Rail Corridor through Davis coexisted with the residential East Side neighborhood, with many of its residents participating in what the Rail Corridor offered, such as jobs and travel opportunities. In essence, the two areas, while being rather close to one another, have also been distinguished by divergent uses and physical development.

In this regard, it is also important to point out in respect to the *City of Davis, Downtown and Traditional Residential Neighborhoods Design Guidelines*, that the west boundary of the Old East Neighborhood was defined as the alley that divides the project from the residential neighborhood (*City of Davis, Downtown and Traditional Residential Neighborhoods Design Guidelines*: 87), despite the overlay map that shows a slightly different boundary extending to the railroad tracks (*City of Davis, Downtown and Traditional Residential Neighborhoods Design Guidelines*: 29, July 2001, updated June 2007; refer to Page 25 that depicts the project site in a Mixed Use Opportunity Site vs. within the Residential Neighborhood of Old East Davis). As previously noted the two zones are conjoined by geography, but not by the cultural landscape, which defines each zone, both being very different from one another. The Guidelines provide a useful context in which to review project design, but the Guidelines do not replace CEQA, nor do they provide explicit analysis when it comes to determining impacts and, ultimately, adverse effects.

To date the bulk of the comments by the Commission and residents of the Old East Neighborhood have focused on the potential adverse effects due to changes to the historic setting of the properties and neighborhood. The question of whether the proposed revised Trackage Center "substantially" alters the setting of the properties or neighborhood, or simply "changes" the setting of the neighborhood is ultimately what the City of Davis must decide.

## **CONCLUSIONS**

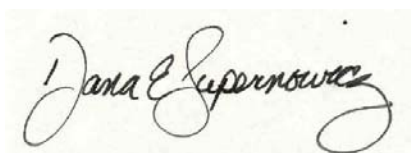
Applying the test under CEQA for **substantial adverse change**, it is my opinion the project does not rise to such a level that the three officially listed "historic properties" would suffer harm or would be materially impaired, either directly or indirectly. To date, there is no substantive evidence that the City of Davis or the Commission would rescind their status or historic designation if the project were to proceed as designed. Similarly, there is nothing in the "official record" that articulates that the "setting" of each property is paramount to their

significance, as opposed to the architecture of the buildings themselves. Furthermore, there is no substantive evidence that the Trackside Center site is significant to the character of the Old East Neighborhood, other than by inference that it abuts the alleyway adjacent to the neighborhood. In essence, the historic character of the residential neighborhood is markedly different from the commercial/industrial zone along the Rail Corridor. The Rail Corridor has a long history of use much different than the area to the east, including the preponderance of larger, taller buildings and structures. The Secretary's Standards, in regards to setting, are only applicable when evidence exists to argue that the significance of the "officially designated" historic properties is rooted in the properties setting. If setting is to be the principal element of analysis in a finding of "adverse effect," then the official record of why the historic resources were listed should have been augmented to reflect this. The proposed Trackside Center project will certainly result in "change" to the Rail Corridor and Old East Davis neighborhood. While the building exceeds the recommended predominate number of stories in the Guidelines, the current proposal is massed such that from 3<sup>rd</sup> Street, I Street, and the alleyway it will be perceived as predominately a three story building.

The question of shadows was presented in the previous analysis. Again, no evidence exists that increased shadowing as a result of the revised Trackside Center project will "adversely affect" any of the three historic properties by altering the properties significant character defining features, namely the architecture of each property. Shadowing only becomes a concern for historic properties when the increased shadowing, or perhaps lack of shadow, will adversely affect the property directly by damaging historic fabric or altering the use or function of the property.

The question of cumulative effect was presented in comments by members of the Old East Neighborhood Association in regards to the "loss of historical resources due to neglect." This idea is not substantiated by similar projects across the state, whereby mixed uses combine to offer services that benefit the community, unless such uses are in themselves incompatible with one another, which is not the case with the Trackside Center project.

Respectfully,

A handwritten signature in black ink on a light-colored background. The signature reads "Dana E. Supernowicz" in a cursive, flowing script.

Dana E. Supernowicz, Principal  
Historic Resource Associates