



**Historical Resources Management Commission  
Hattie Weber Museum – 445 C Street, Davis, California  
Corner of 5<sup>th</sup> and C Streets in Central Park  
Monday, December 14, 2015**

Commissioners Present: Rand Herbert (Chair), Mark Beason (Vice Chair), Richard Rifkin, Karen Clementi, David Hickman, Scott Miltenberger, Jonathon Howard (Alternate)

Commissioners Absent: William Allen Lowry

Council Liaisons Present: Rochelle Swanson

Staff Present: Ike Njoku, Eric Lee, Robert Smith

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**1. Call to Order. Chairperson Herbert called the meeting to order at 7:00 pm.**

Council Liaison Swanson disclosed that the reason she does not attend all Commissions' meetings is out of respect for the commissions. She added that she is always available to the chairs of commissions, and that the Mayor shares this perspective regarding attending commissions' meetings.

**2. Approval of Agenda.**

Chairperson Herbert corrected an omission on Item #8A of the agenda.

**Action: Commissioner Howard moved, seconded by Commissioner Miltenberger to approve the agenda as edited. The motion passed unanimously.**

**3. Approval of Minutes.**

Commission Rifkin made an edit to the minutes regarding the reference that the 232 B Street property owner resides on the property when that is not the situation.

**Action: Commissioner Miltenberger moved, seconded by Commissioner Clementi to approve the minutes as edited. The motion passed unanimously.**

**4. Public Communications.**

President of Old East Neighborhood Association Ms. Rhonda Reed stated that some neighbors had put together a sampling of homes in the neighborhood which is outdate, and passed the list around to Commissions and requested edits to assist with the current update effort. She also shared that her home's remodeling is done as evidenced by the building permit she showed to the Commission. She also shared a picture from the 1961 study by UC Berkley students of her home, (a Landmark home at 320 I Street), which shows that it retains integrity of architecture. She expressed interest in having a public meeting in front of her home.

## **5. Written Communications**

None.

## **6. Museum Report**

Museum Director Dennis Dingemans gave a brief presentation of the museum activities, including a discussion about one Adrian who has brought some new perspectives on the captioning of the museum exhibits. He announced that the Yolo County Historical Society is organizing a centennial. He provided brief status update on the WPA building. Finally he provided update on the recent exhibits at the museum.

## **7. Staff, Council Liaison, and Commissioner Comments**

Commissioner Howard thanked everyone for being at the meeting since it is not typical for the Commission to have many people as had turned up for the meeting.

## **8. Public Meeting.**

### **A. Continued Meeting on 901-919 Third Street -- PA #15-41 for General Plan Amendment #01-15, Core Area Specific Plan Amendment #02-15, Demolition #5-15, Rezoning #4-15, Final Planned Development #5-15, and Design Review #15-15 for a Six-story Replacement Project – Trackside.**

Chair Herbert made introductory comments and reviewed the meeting protocol and the HRMC purview.

Planner Lee brought up a discrepancy between the staff report and the agenda regarding Staff Recommendation “C” for the project and clarified that the agenda contained the correct recommendation which was requesting advisory input from the HRMC on the replacement project relative to the project’s consistency with the Downtown Davis and Traditional Residential Neighborhood (DDTRN) Design Guidelines and compatibility with the nearby historical resources.

Contract Planner Smith provided a staff presentation on the proposal.

The applicant, Kemble Pope, presented the project as the project proponent.

Steve Greenfield, project engineer and project investor, provided additional background on the project, policies, and context and acknowledged that the project does not meet the DDTRN design guidelines.

Dana Supernowicz, the proponent’s historical consultant, presented his analysis and conclusions of Historical Resources Analysis (HRA) prepared for the project. He stated that there were no direct historical impacts because the existing structures do not meet criteria for historical designation and their demolition would not result in any historical impacts. He stated that the project site is not within the Old East residential district boundaries, there is no designated historic district, and therefore, the project would not have a deleterious impact on the Old East neighborhood from a historic perspective. He further added that the project would not have indirect adverse effects on nearby historical resources because they were designated based on their architectural qualities and not the area’s setting. He concluded that

although there would be visual changes and there would be an effect and individuals may feel there is an impact, it did not meet the threshold for an adverse effect.

Mr. Supernowicz also discussed the HRA Addendum addressing the project's shadow study and effects. He determined that the project would not have an adverse effect on the nearby resources relative to their historical quality because of factors including the location or distance of the resources to the project, orientation of their street-facing facades, existing shading in the area, lack of specific sunlight-dependent historical features, and the shadow study analysis. He acknowledged that the project does not meet the DDTRN Design Guidelines.

Dorte Jensen, a Davis resident but not Old East resident, expressed concerns about the process, questioned what was meant by "significance," did not feel it was the role of applicant or investors to figure out City Council priorities, did not agree that there was no effect on the historic resources, did not think the design guidelines should be changed.

Tia Will, Old East resident at 217 J Street, commented that her house would not be affected but that neighborhood would be affected by the project, would like to see a smaller more compatible design, would like a project like this to be a collaborative effort, felt the Present was not being considered, for residents the dividing line for the neighborhood is the train tracks, and Old East is a transitional community.

Larry Guenther, Old East resident, questioned the accuracy of the Shadow Study. He did some rough calculations and measurements which indicated discrepancies from the shadows in the study for the December 21 date. He felt the angle was off, that shadows from the proposed building would hit the adjacent earlier in the afternoon than indicated. He did not believe it was an insignificant impact.

David Krueger, Owner of the nearby historic Montgomery House, commented on the project's effect on people in the neighborhood, implications of the building and shadows on people in nearby houses, need to think of people in the houses as a priority.

Rhonda Reed, Old East resident at 320 I Street and President of Old East Neighborhood Association, noted flaws in the objectivity of the HRA, did not agree with HRA findings that the project would not impact the nearby historic resources, referenced her previous letter which identified a number a factual gaps, urged that a full CEQA analysis would need to be done and may need to come back to HRMC for their review.

Patricia Krueger, owner of Montgomery House, expressed concern about potential damage to the Montgomery House from construction of the project and underground parking garage under the alley, noted that her house is fragile and asked what recourse there was if it was damaged by nearby construction.

Mark Grote, Old East resident, urged HRMC not to support the project, said that the project is fully subject to the design guidelines, there are significant violations of the guidelines which make the project fundamentally inappropriate, particularly with mass and scale, the setting and physical environment would be permanently harmed by the project, and that conditioning a project for compliance is often not effective.

Cathy Forkas, Old East resident, noted the proposed building's overwhelming presence, described the modest history of Davis buildings, and the importance of the historic context. Cited concerns about loss of privacy, increased shadows, deterioration of the neighborhood, loss of incentive to improve the neighborhood's small cottages and likely increase in rentals.

Ashley Hill, Old East resident at 402 D Street, cited impacts on the nearby historic homes and other homes in the area, believes there will be a significant impact, concerned about the large Elm tree on the Montgomery lot and impacts to the roots from the underground parking, loss of tree would be detrimental to the Montgomery House, loss of sunlight on citrus trees at the Williams Drummond House, and impacts from loss of sun on the homes along the adjacent alley.

Steve Kaltenbach, Old East resident at 327 I Street, cited significant historic impacts, does not agree the impacts on the Montgomery House would be less than significant because the house does not face the proposed building, the aesthetic experience of the Montgomery House would be significantly altered with the proposed building.

Ezra Beeman, Old East resident and owner of the Schmeisser House, moved there because of appreciation of the Old East neighborhood and its historic character, need to preserve the integrity of the community, believes there is insufficient evidence in the HRA to support its conclusions, finds that shading would be a significant issue.

Mary Kaltenbach, Old East resident at 327 I Street, has been resident there since 1987, spirit and soul of the community matters, mentioned earlier proposed development that would have destroyed the neighborhood but was denied, proposed project would erode the neighborhood character and would impact desirability of the neighborhood, and would change the feeling and setting of the neighborhood.

Cara Seflora, one of the project investors, did not agree that project was just driven by economics, talked about local investors with objective for long-term investment that would be an asset to the community, believes that the project will be good for the community, original building on site was a large, tall building and the project would not be incongruous for the site.

Alan Miller, Old East resident, did not agree that the design guidelines were "only" guidelines, did not know that the document or guidelines had an expiration date, downtown allows multi-story buildings but this site is a transition zone which calls for a smooth transition from downtown to the residential area, this would be precedent setting, neighborhood should not be punished for infill precedent such as supporting relocation of the second house on the Montgomery lot if it is now being said to have harmed the Montgomery House's historic significance/setting, stated that the neighborhood is united against the project.

Marijean Burdick, Old East resident, concerned about safety of older wood-built homes in the neighborhood, worried about proper Fire safety in town with the taller buildings being built and response times to the site if the road is blocked by a passing train, wants to know the City plan on Fire safety before such projects are developed, people use their backyards and enjoy a lot of sun but that will change, should not be taking away from others so investors can get what they want, believes in infill but that it needs to be done right, and

project cites its sustainability aspects but would be rendering existing solar on nearby homes useless.

The Commissioners discussed the project and asked questions.

Commissioner Clementi asked if there was an alternate plan that meets the guidelines. Applicant said different possible versions were initially looked at but that this plan is the proposed project.

Commissioner Beason commented that the HRA presented a false equivalency in its Findings of Effect section regarding impacts. CEQA does not require that a historical resource be rendered ineligible for listing if it to be considered a significant impact. It is important to point out in the report or an addendum that impacts can come from something short of making it ineligible as a historical resource. Commissioner Beason also expressed disappointment the meeting postponement from October did not result in adequate analysis of the project as intended. He stated that the project brazenly flouts the design guidelines that the HRMC is charged with reviewing projects under. He was disappointed that the staff report recommended support even while the attached guideline consistency table contained more noes than yeses with regards to project consistency with the guidelines.

Planner Smith clarified the error in the staff report regarding the recommendation and that staff was not recommending support of the replacement project, but was seeking the Commissions input and comments.

Commissioner Rifkin commented on the purpose of transition areas in planning documents as a way to manage building heights and intensities in order to reduce the impact or cost on neighboring properties. He felt that the statement in the staff report and attached compliance table about the project incorporating architectural features, such as the columns in the balconies, from surrounding residential buildings should be clarified. It would be more accurate to say that the project borrows elements and should say that the elements are out of context. Commissioner Rifkin also asked whether proximity of the project to a historical resource resulted in a greater impact and felt that it is not just a pure architectural issue and that changes to the setting can impact the architecture.

Commissioner Miltenberger echoed Commissioner Beason's comments about the staff report errors and joined with Commissioner Rifkin about his comments on the architecture. He also did not agree with the consultant about the proximity issue and that there was not an impact to the nearby historical resources. Commissioner Miltenberger raised the question of the Greenhouse Gas Emission implications on demolition versus new construction and that the literature shows that there can be greater GHG impacts however sustainably-designed the new building is. He was not saying it was the case but something that should be considered. The commissioner discussed the transition zone and felt that this project did not fit his understanding of a transition and that there should be more guidance provided as to what a transition should look like. He discussed the death by a thousand cuts and that the aggregation of all these kinds of projects would have a deleterious effect.

Commissioner Howard asked when the taller manufacturing building that used to exist on the property was removed. Applicant answered that it burned down in 1907. The commissioner mentioned the DDTRN reference to transition zones and language about 2 and 3-story

buildings. He also asked about the potential inconsistency in the shadow study that was brought up during public comment as something to look into.

Chair Herbert made the following comments:

- Asked who wrote the project description in the HRA and it was clarified by the historical consultant that it was based on the project description provided by the applicant.
- Clarified with the consultant that the only change in the HRA from the October meeting was the Addendum for the shadow study.
- Pointed out that the tall factory building which used to exist on the property and is shown on the applicant's exhibit comparing the height of various buildings, but that the building was destroyed in 1907 before the period where most of the houses in the neighborhood were constructed (1920's and 1930's).
- Concerned about the loss of privacy that would be experienced by the adjacent houses and felt that it was a change in the setting.
- Pointed out the neighborhood is a historic conservation district which is intended to allow for a streamlined review compared to a designated historic district. The Conservation District allows for adaptive reuse. Purpose was not to freeze development in the area, but this project goes much farther than that.
- Did not agree with the HRA if it was saying that for a homeowner their setting would not be adversely affected if a 60-foot tall building was constructed next door.
- Stated that the Old East Neighborhood has concentration of buildings which form the basis for the Conservation District even if they are not all designated resources. The HRA throws out the basis for the Conservation District concept if it is saying that the setting is not important.
- Wondered how often setting is described in such a way as that allows the conclusion to be drawn that the setting is not relevant to a historical resource. The Chair stated that setting is implied as part of a Conservation District and referenced a document from the City of San Diego that includes the setting when considering direct and indirect impacts.
- It is necessary to consider the setting in an analysis. It is not reasonable to say that nearby historic buildings would not be adversely impacted because the setting is not an issue.
- The Chair emphasized that the Design Guidelines underwent a lengthy public process and that they should not be dismissed as "just" guidelines. He listed a number of guidelines that this project does not comply with and stated that the HRMC is tasked with evaluating projects under the guidelines and should not be discounted. He recognized that the applicant already acknowledged that the project does not meet the Design Guidelines, but was also stating it here for the record.

Councilwoman Swanson requested of staff that for the Planning Commission and City Council the CEQA implications and issues need to be clearly addressed and an analysis of the CEQA impacts on the Conservation District should be provided.

Commissioner Miltenberger made a request for the applicant and neighbors to try and work together to find some common ground on a project that could work.

**Action:           The HRMC voted on the following motions:**

- 1. Commissioner Howard moved and seconded by Commission Hickman that the existing structures do not meet the criteria for listing in the National Register of**

**Historic Places, California Register of Historical Resources, or City landmark or merit resource requirements based on the Historical Resources Analysis and that they do not warrant full review under CEQA as historical resources. The motion passed unanimously by a vote of 7-0.**

- 2. Commissioner Howard moved and seconded by Commission Beason that a Demolition Certificate is not required for the project given the findings of the HRMC that the existing buildings do not have historical significance. The motion passed unanimously by a vote of 7-0.**
- 3. Commissioner Rifkin moved and seconded by Commissioner Miltenberger that the proposed project complies with the Design Guidelines.**

**Commissioner Rifkin commented that there are five major areas where the project does not meet the DDTRN design guidelines. While there are projects that may not comply in one or two areas, there are too many that this project does not meet.**

**The motion failed unanimously by a vote of 7-0.**

- 4. Commissioner Rifkin moved and seconded by Commission Miltenberger that the project may have an adverse effect on one or more of the historical properties.**

**Chair Herbert commented that a change in setting would be an indirect adverse impact on the historic buildings.**

**Commissioner Rifkin cited examples where large buildings were constructed next to a residential area or residential buildings and commented on how much they stand out and the effect that the large building have. He added that he was not ready to state that the nearby historical properties would lose their designation as a result of the project, but the project would harm the setting and their architectural qualities.**

**Commissioner Beason commented that the HRA focused strongly on just the front façade of the adjacent resource, but that the analysis needed to go beyond that because when a property is designated, it is not designating just the front façade but the entire property. The front façade is relevant but not the only issue as the other sides are equally important, especially the sides that the proposed project is facing. He stated that the applicable HRA sections should be strengthened.**

**Chairperson Herbert asked Commissioners Rifkin and Miltenberger whether a friendly amendment to their motion would be acceptable, which adds that:**

**The project has an indirect significant adverse impact on the three historic properties due to the changes in setting by the construction of the proposed project.**

**The suggested friendly amendment was acceptable to both Commissioners. The motion passed by a vote of 6-1 with Commissioner Howard voting “Nay”.**

**5. Commissioner Hickman moved and seconded by Rifkin to accept the HRA report with amendments to the finding.**

The commissioners discussed the HRA sections including the Findings of Effect Section, Visual Effects Section, Conclusion Section and their agreement or disagreement with the sections. They determined that the analysis and conclusion of no effect regarding the project’s potential impact on the core downtown area or the G Street corridor was not necessary and could be removed.

Project Representative Mr. Pope asked if the shadow study videos could be viewed by the Commission.

The consensus when asked by the Chairperson is that the HRMC had seen the shadow videos.

Project Representative Mr. Pope stated that the shadow study showed that there would not be any significant new shadowing created by the project on the historical resources and that the additive shadowing from the project was minimal taking into account the existing mature trees that currently cast shadows.

Chair Herbert disagreed stating that none of the trees are immortal and that the shadow cast by the existing trees does not discount the shadow of the proposed building because there is overlap. He said that the question is how much shade is cast by the new building, and that the videos indicate that the Schmeisser House would get shade.

**Commissioner Hickman modified his motion and it was acceptable to Commission Rifkin, which states:**

**To accept the HRA report as complete with the exception of Sections 8-11 related to the analysis of effects and conclusions which would be replaced by the findings of the HRMC.**

**The motion passed unanimously (by a vote of 7-0).**

Chair Herbert explained that it would be made clear that the conclusions of the historical consultant’s HRA report regarding the project’s historical impacts differed from those of the HRMC, if he chose not to incorporate the HRMC’s comments.

**9. Business Items**

**A. 2014-2015 CLG Annual Report Approval.**

The Commission deliberated and made no changes to the 2014-2015 CLG Annual report, and by consensus directed staff to submit the report to OHP.



**B. Provide Comment to California State Office of Historic Preservation (OHP) on Proposed Nomination of TB-9 to the National Register of Historic Places.**

The Commission deliberated and by consensus directed staff to inform OHP that the City has no jurisdiction over the proposed nomination of TB-9 to the National Register of Historic Places.

**10. Adjournment.** The next meeting will be January 25, 2016, at the Hattie Weber Museum (445 C Street) at 7:00 pm.

**Action: Commissioner Howard moved, seconded by Commissioner Clementi, to adjourn the meeting. The motion passed unanimously.**

**The meeting was adjourned at 11:10 pm.**