



City of Davis

**Historical Resources Management Commission Meeting Minutes
Monday, September 17, 2018
7:00 p.m.**

Senior Center, 646 A Street, Activity Room, Davis, CA 95616
(Southeast Corner of A Street & 7th Street)

Commissioners Present: Karen Clementi, Rand Herbert (Alternate), David Hickman, Scott Miltenberger, Richard Rifkin

Commissioners Absent: Mark S. Davis, William Allen Lowry, Erin Autry Montgomery

Staff Present: Staff Liaison Ike Njoku, Planner Eric Lee, Building & Planning Technician Tom Callinan, HRMC Secretary Nancy Stephenson

1. Call to Order & Roll Call.

Chair S. Miltenberger called the meeting to order at 7:00 p.m.

2. Approval of Agenda.

Action: R. Rifkin moved, seconded by D. Hickman to approve the agenda. Motion passed by the following vote:

Ayes: Clementi, Herbert, Hickman, Miltenberger, Rifkin
Noes: None.
Absent: Davis, Lowry, Montgomery
Abstaining: None.

3. Public Comment

None.

4. Consent Calendar

A. Draft July 16, 2018 Minutes Approval.

Action: D. Hickman moved, seconded by R. Rifkin to approve the consent calendar as amended. Motion passed by the following vote:

Ayes: Herbert, Hickman, Miltenberger, Rifkin
Noes: None.
Absent: Davis, Lowry, Montgomery
Abstaining: Clementi

5. Written Communications.

Written communications were circulated.

6. Museum Report.

None.

7. Public Hearing Item.

A. 3820 Chiles Road – Historical Designation Consideration and Confirmation of Draft EIR #07-17 Comments Relative to Apartment Project for Planning Application #17-40. (Planner Eric Lee)

Applicant plans to redevelop existing vacant office property with a residential project. Proposed project would demolish existing office building and would include the two following replacement options: Preferred Site Plan and Alternative B. Preferred Site Plan includes development with multi-family rental units only, and Alternative B would include single-family units throughout the remainder of the site in a similar configuration as the Preferred Site Plan. Preferred Site Plan includes total of 225 rental units. Alternative B includes 193 units, five of which would be single-family homes along La Vida Way, and 188 of which would be multi-family residential units. Both the Preferred and Alternative plans include construction of a fitness center, leasing office, clubhouse and pool.

Planner E. Lee: Project and Draft EIR were presented to Commission at last month's meeting. Staff received comments and compiled summary in current staff report. Tonight, staff seeking corrections, additional comments as well as public hearing and decision by HRMC as to whether or not to recommend the property for historical designation by City Council. Staff consulted City Attorney to clarify responsibilities of HRMC and what actions the Commission could take. HRMC can recommend that City Council consider designation of the property as a historical resource, recommend that the City Council *not* consider designation of the property as a historical resource, or choose to take no action. This property is considered a historical resource by the City.

Applicant L. Shepard: Even though all agree that building is of landmark status, I have tried over significant period of time and failed to find economically viable way of reusing existing building. Urge Commission to note historical significance of building as a finding rather than recommend designation as a resource. I have made good-faith effort, would feel "smacked" if Commission recommended designation. Commission's vote is rather late. Looking forward to working on mitigation measures, which will be implemented regardless of Commission's decision to recommend designation or not.

Commissioner comments.

R. Herbert: Building was found eligible for designation in 2015 survey; this is not a late vote/decision. Because building is a resource for the purposes of CEQA, mitigation process would move forward anyway. City can make a Statement of Overriding Considerations and agree to a mitigation path. Bureaucratically, it does not matter if building is elevated to Landmark status or not. But it is a matter of consistency with the actions of the Commission.

Staff Liaison I. Njoku: If will of Commission is to recommend designation, the City Council will be the one that makes the final decision. All the Commission recommendation would do is add a process verse not recommending designation. Staff will have 45 days from tonight, if designation is recommended, to report the Commission's recommendation to the City Council. Should Council decides to designate the property as an historic resources, and turns around to support demolition, a Statement of Overriding Considerations would have to be adopted by City Council as part of Final EIR approval action.

D. Hickman: If Commission is proposing to demolish a historic resource, we owe it to City Council to make a recommendation regarding whether or not the building should be listed in Davis register. Building is Merit Resource rather than Landmark based on minor role it played in historic fabric of Davis community; if building is lost, historic fabric of community will not be irreparably damaged. Commission should not recommend designation of the building as a Landmark if we know it will be demolished because that would set a precedent that even Landmark buildings could be demolished.

R. Rifkin: Following two factors give building Landmark status and override fact that building was not central to Davis community: 1) building was a unique corporate headquarters, and 2) it is the best

example of New Formalism in Davis. Building was biggest project of architect Silvio Barovetto. However, I do not oppose the demolition; building is no longer functional.

S. Miltenberger: Building has been previously identified, analysis speaks strongly to its Landmark status. There is a process that is designed to ensure that all considerations are made, project thoroughly vetted. Just because we know what inevitable outcome will be, our actions should not be tied to that outcome. As an expert commission, we have a responsibility to make a recommendation to City Council; it is City Council's responsibility to choose to elevate or not elevate it. Our job is to find that building is a Landmark resource, a Merit resource, or nothing at all. I object to City staff's *post hoc ergo propter hoc* reasoning in their recommendation that City Council not consider property for designation *because* building is obsolete; just because building is obsolete does not mean it is not a historical resource. Our determination needs to be based on merits of resource in question. However, I am sympathetic to the applicant; there are certain issues, such as economic constraints, City Council, other commissions need to consider. Building should be designated a Landmark resource, but I am willing to be persuaded that it is a Merit resource. Commissioner Hickman, who evaluated the building and compiled the DPR form, has studied the property more deeply than most; I give his opinion weight.

Davis resident Judy Williams: I have been driving by that so-called building for about 49 years, and to my knowledge, I did not even know there was a building there due to the mound in front of the building. There are very few other people in this town who even know there is a building back there. There was a very large tree in back of the building that was from Southern California that lived for a long time until it was lost to a hard freeze. Why would you even consider designating a building that hardly anyone has any knowledge of?

R. Rifkin: For the building's first 20 years, there was a very large sign and flagpole. The building and the landscaping were designed to make the building appear to be floating when viewed from the freeway.

Action: R. Rifkin moved, seconded by K. Clementi to acknowledge that 3820 Chiles Road is an eligible historical resource under CEQA as discussed and analyzed in the Draft EIR, which was prepared for the project and reviewed by the HRMC on August 20, 2018. Motion passed by the following vote:

Ayes: Clementi, Herbert, Hickman, Miltenberger, Rifkin
Noes: None.
Absent: Davis, Lowry, Montgomery
Abstaining: None.

Action: R. Rifkin moved, seconded by S. Miltenberger to recommend that the City Council consider designation of 3820 Chiles Road as a Landmark Resource. Motion failed by the following vote:

Ayes: Miltenberger, Rifkin
Noes: Clementi, Herbert, Hickman
Absent: Davis, Lowry, Montgomery
Abstaining: None.

Action: D. Hickman moved, seconded by K. Clementi to recommend that the City Council consider designation of 3820 Chiles Road as a Merit Resource. Motion passed by the following vote:

Ayes: Clementi, Herbert, Hickman, Rifkin
Noes: Miltenberger
Absent: Davis, Lowry, Montgomery

Abstaining: None.

Action: R. Herbert moved, seconded by K. Clementi to acknowledge that adaptive reuse is generally the best method of preserving an older building. In the case of 3820 Chiles Road, there has been a voluminous record regarding adaptive reuse, but that record indicates that adaptive reuse is not feasible and that fact should be taken into account during the deliberations of the City Council. Motion passed by the following vote:

Ayes: Clementi, Herbert, Hickman, Miltenberger, Rifkin
Noes: None.
Absent: Davis, Lowry, Montgomery
Abstaining: None.

S. Miltenberger: Given the fact that this structure is likely to be demolished and replaced by something else, and the applicant has already expressed his interest in working with us to provide some measure of mitigation. Want to make sure that this is included both before City Council and as part of our comments for the EIR.

R. Rifkin: Please change “Fredland” Mace to “Freland” Mace.

S. Miltenberger: Please change “Mark” Hickman to “David” Hickman.

I. Njoku: Mitigations not called out by Commission or EIR are highly unlikely to be part of mitigation plan for the project. Please indicate any mitigations that you feel are not part of the record in terms of the Draft EIR.

Commissioners agreed by consensus that they did not need to provide a list of mitigation measures for the applicant, who is already committed to voluntarily donating photos, paintings and other items relating to the property to the Hattie Weber museum.

E. Lee: Staff will take Commission’s recommendations to City Council. If Council designates property as a historic resource, staff would need to process demolition certificate, which would have to come back before the HRMC.

8. Public Meeting Item.

A. 526 – 528 J Street Demolition and Replacement Project – Planning Application #18-37 for Demolition #06-18. (*Assistant Planner Tom Callinan*)

Building and Planning Technician T. Callinan outlined the project. Proposal is demolition of a duplex and carport and construction of a two-story duplex and attached garage. Existing driveway to be removed and new driveway proposed on north side of property. Existing swimming pool in rear yard to be retained. Project is located in Old East Davis, and is further than 300 feet from the nearest Landmark resource, the Tufts Mansion (434 J Street). The historical survey done by Commissioner D. Hickman concluded that the property is not eligible for designation and is not a contributor. Applicant has worked with staff, neighbors to revise project for consistency with Davis Downtown and Traditional Residential Neighborhood (DDTRN) Design Guidelines. We are asking Commission about the following issues: 1) parking in the front yard area (a fourth space is needed for zoning compliance), which is not consistent with the Design Guidelines; and 2) mass and scale of architecture: applicant asking for 50% Floor Area Ratio (FAR), and zoning requires design review for anything that goes over 40% FAR.

I. Njoku: This is a Tier 3 design review pursuant to the Design Guidelines; advisory input by Commission would be to the Planning Commission as well as to staff.

Applicant Mark Stover: Proposed project designed to house himself and his wife, their son, and their grandchildren. Upstairs balcony created to provide outdoor space for upper unit. Balcony contributes to increased FAR. Old East Davis Neighborhood Association (OEDNA), City staff, and neighbors provided input, prompting numerous revisions to original plans. Front porch helps blend project into neighborhood. Open to input on how to provide parking for fourth car. Regarding mass and scale: there are four roof levels; tried to push the height of the structure back as far as possible; lowered pitch of roof; dropped ceiling height of second-floor unit to nine feet instead of ten.

Applicant Cindy Stover: Learned a great deal from process, changed everything to make project look like others in neighborhood. Very happy with where process led us, what we learned.

Both applicants thanked City Building and Planning Technician Tom Callinan and OEDNA for their help and patience. T. Callinan had directed them to do neighborhood outreach, which helped them get to know neighbors, understand neighborhood better.

J Street resident Judy Williams: Project will definitely improve street. Existing cement block structures is not attractive.

OEDNA secretary and J Street resident Mark Grote: Applicant had discussed project a lot at OEDNA meetings. Neighborhood outreach by applicant has been excellent, applicant has incorporated neighborhood feedback in project design. I am very satisfied, believe OEDNA very satisfied with project. City staffer Tom Callinan has done a very good job bringing design to current form. Regarding process – he expressed concern on what he perceived to be delay in providing information to the applicants by staff regarding the initial proposal to have garage within the frontage of the house-

J Street resident Ed Whistler: Existing structure at project site has served purpose in neighborhood, time to move on to something new. Support proposed project; it will be nice addition to neighborhood.

Commissioner comments are summarized as follows:

- How does height of proposed project compare to height of building to the north?
- Will the porch have steps?
- This design fits well with the block, good design for neighborhood.
- The survey report was very interesting and well written.
- Structure does not seem too big in terms of mass and scale for the property (one third of the area is underground).
- Praise is due to applicants for working with the OEDNA and the Design Guidelines.
- While the process may have appeared arduous, it resulted in something that works for the community, underscores the importance of the concept of a conservation overlay district.

Applicant responses

- Height will be about 1.5 to 2 feet lower.
- Yes, there will be steps. I did not have time to include them in the drawings.
- Front of house is only 24 feet wide.

Action: K. Clementi moved, seconded by D. Hickman to concur with staff determination that the proposed project is categorically exempt per Section 15303(b) of CEQA Guidelines as a new duplex construction in urbanized area. Motion passed by the following vote:

Ayes: Clementi, Herbert, Hickman, Miltenberger, Rifkin
Noes: None.
Absent: Davis, Lowry, Montgomery
Abstaining: None.

Action: R. Rifkin moved, seconded by K. Clementi to determine that the historical resources survey report prepared for the property by Commissioner Hickman is acceptable. The survey report finds that the property does not meet the eligibility requirements in the National Register of Historic Places (NRHP), California Register of Historic Resources (CRHR), or the City of Davis register because it lacks historical significance. Motion passed by the following vote:

Ayes: Clementi, Herbert, Hickman, Miltenberger, Rifkin
Noes: None.
Absent: Davis, Lowry, Montgomery
Abstaining: None.

Action: D. Hickman moved, seconded by R. Rifkin to determine that, although just outside the 300-foot requirement, the demolition and proposed replacement project would no result in a substantial adverse impact to the Landmark designated property at 434 J Street. Motion passed by the following vote:

Ayes: Clementi, Hickman, Miltenberger, Rifkin
Noes: None.
Absent: Davis, Lowry, Montgomery
Abstaining: Herbert

9. HRMC Business Items.

A. Downtown Plan Update. The Commission will receive update report on the status of the Downtown Plan Update.

I. Njoku: Staff is working on synchronizing various lists of surveyed and unsurveyed structures in Downtown Core and Conservation Districts. Incorporating lists from Commissioners K. Clementi, M. Davis and R. Herbert; 1996 and 2003 survey lists; consultant Mark Hulbert's list. Included Merit, Landmark resources. Resulting master list and map will be shared with full Commission as well as Opticos when it has been finished. Commission could survey Old East and Old North. Consultant would need to survey University Avenue/Rice Lane and Downtown Core.

Commissioners and staff discussed concerns regarding Opticos historical consultant, Mark Hulbert. Concerns centered around M. Hulbert's focus on Mid-century Modern structures, his apparent lack of action in surveying any other properties, and the apparent disconnect between what M. Hulbert is producing and what he is being paid by the City. Commissioners again questioned why Downtown Plan process got started without Commission's involvement. Commissioners noted that anything produced by consultant is property of City of Davis. Suggested that any discretionary money City might have be directed toward hiring someone else such as Ms. Brunzell to do the Downtown Plan historical survey instead of M. Hulbert. Staff reminded the Commission that M. Hulbert is a subcontractor to Opticos and the City cannot fire him.

S. Miltenberger: At check-in meeting with City Council last week (also attended by R. Herbert), Dan Prolec of Opticos indicated that the issue regarding remaining historical resource surveys needing to be done still needs to be addressed; City needs to know there is a potential CEQA issue if not addressed. Admin draft of Downtown Plan update should be available this month. I expressed Commission's concerns about some of the recommendations we discussed, I stated that we are working with Opticos, mentioned that we should have been involved in the process from the beginning because it might have forestalled some of these issues. I brought up this question of a CEQA liability with H. Tschudin via email. The Downtown Plan historical resource component is not going well, which creates a significant problem for the City.

R. Herbert summarized M. Hulbert's recommendations as follows: 1) get rid of Conservation Overlay District; 2) get rid of Design Guidelines; 3) convert all Merit resources to Landmark resources— basically freeze number of resources. There would essentially no longer be a historic preservation program in the City of Davis. All contributors would lose status right away. There is no acknowledgement that the City is a Certified Local Government (CLG).

S. Miltenberger: Principal of Opticos are proponents of form-based code. Their preliminary recommendations have been distilled into the following three: 1) selective conversion of Merit resources to Landmarks, *relocation* of Merit resources (which does complete violence to their resource status); 2) elimination of the Conservation Overlay Zoning District and creation of historic preservation guidelines; and 3) Historic district designations for Old North, and strictly for Victorian-period resources in Old East.

D. Hickman: All past surveys need to be pulled together, put in a PDF file, put on HRMC website.

S. Miltenberger: Will follow up with A. Lowry regarding the surveys he has done.

B. 150th Yolo County Railroad Anniversary Event.

Those of us who were there can report that the event was very well-attended.

10. Brief Announcements from Staff, Commissioners, and Liaisons.

S. Miltenberger: E. Montgomery and I have a draft outlining policies and procedures for dealing with proposed historic districts, will bring to commission for discussion.

R. Rifkin: Have written an outline of the history of area schools for the *Davis Enterprise*.

R. Herbert: Will not be able to attend the next HRMC meeting.

S. Miltenberger: Would like to discuss recent Niles decision at next meeting. Ike circulated it. Pertinent set of facts to recent events that HRMC has confronted, important statement about what historical commissions do. City needs to be aware of this decision.

R. Herbert: City attorney might want to read this decision. You could replace the name of the proposal, "Valley Oak," with the word "Trackside," and replace "Landmark Commission" with "HRMC" throughout document, and it would read exactly the way things went here.

I. Njoku: Joint City Council/HRMC meeting Tuesday, December 18, 2018. Provide HRMC goals, work plan to Council. Only the HRMC chair and vice chair are expected to speak on behalf of Commission during the 45-minute meeting. Council will assess HRMC goals.

I. Njoku: Commissioners Rifkin and Herbert received emails from City Clerk's office informing them that they had termed-out. After subsequent discussions between staff and City Clerk regarding fact that HRMC is an expert commission, it was decided that Rifkin and Herbert might re-apply to continue with the Commission. City Council subcommittee of Brett Lee and Lucas Frerichs will consider reapplications from all Commissioners wishing to reapply.

11. Adjourn.

The next meeting will be October 15, 2018 at the Senior Center Activity Room, 646 A Street, Davis, CA 95616 (southeast corner of A Street and 7th Street) at 7:00 p.m.

The meeting was adjourned at 9:25 p.m.