



City of Davis

**Historical Resources Management Commission Meeting Minutes**  
**Monday, March 18, 2019**  
**7:00 p.m.**

**Senior Center, 646 A Street, Activity Room, Davis, CA 95616**  
(Southeast Corner of A Street & 7<sup>th</sup> Street)

Commissioners Present: Mark S. Davis, Jordan Jacobs, David Hickman, John Rasure, Erin Autry Montgomery, William Allen Lowry (Vice-chairperson), Scott Miltenberger (Chairperson)

Commissioners Absent: Excused absents: none

Council Liaison Present: Mayor Pro Tempore Gloria Partida (Regular)

Staff Present: Ike Njoku, Planner & Historical Resources Manager, Elise Carroll, Senior Planner De Novo Planning Group

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**1. Call to Order & Roll Call.**

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

**2. Approval of Agenda.**

Action: Hickman moved, seconded by Lowry to approve the agenda. Motion passed unanimously.

**3. Public Comments**

None

**4. Consent Calendar**

**A.** November 26, 2018, Special Meeting minutes approval. Montgomery moved, seconded by Davis to approve the minutes with two minor edits. Motion passed unanimously.

**B.** February 25, 2019, minutes approval. Rasure moved, seconded by Hickman to approve the minutes. Motion passed unanimously.

**5. Written Communications.**

Written communications folder was circulated.

**6. Museum Report.**

None.

**7. HRMC Meeting Items.**

**A. 503, 509 & 515 First Street – Theta Xi Scoping Meeting.**

Chairperson Miltenberger opened the public meeting and introduced Scoping meeting process. Commissioners asked clarifying questions. Staff Liaison Njoku and EIR Consultant representative Elise Carroll addressed the questions, and further explained the Scoping meeting process. On behalf of the Theta Xi fraternity, Co-applicant Bob Testa provided background on the project. The comments provide can be summarized as follows:

- The EIR should recognize the tribal cultural resources in the area. The mitigation in the EIR should reflect the recommendations made in the Yocha Dehe Wuntun Nation’s response letter to the City.

- There needs to be clarification regarding the structures’ status as historic resources for the purpose of the California Environmental Quality Act (CEQA). The buildings have been evaluated three times since 2015 (Rand Herbert, June 2015; Historic Resources Associate, October 2016 and June 2018). All of those evaluations assigned the buildings the California Historical Resource Status Codes of 5D2 or 5D3, indicating that they are contributors or potential contributors to a district, this is eligible or potentially eligible for local designation. With that status, the buildings would be considered historic resources for the purposes of CEQA. However, Commissioner Hickman presented evidence to suggest that the status codes had been erroneously applied to the buildings, and that if the error were corrected, the buildings would not be considered historic resources for CEQA purposes.

The buildings were first assigned a 5D3 status code during a 2003 survey. Subsequent evaluations have simply carried that code forward. The carrying forward appears to have been an error that failed to take into account a revision of status codes that was undertaken by the California State Office of Historic Preservation in August 2003. The revision was published in Technical Assistance Bulletin No. 8. Prior to the revision, the 5D3 status code indicated that a resource had been determined ineligible for local listing but that it was part of a district that was eligible “for special consideration in local planning” (i.e.: a conservation overlay district). Following the revision, the 5D3 status code was converted to 6L, retaining the same meaning that it was found ineligible for local listing but might warrant special consideration in local planning. In the State’s roster of historic resources (the California Historical Resources Information System [CHRIS] inventory), the buildings were in fact converted to a 6L status. Structures with that status are not considered historic resources for the purposes of CEQA. Commissioner Hickman believes that this is the correct status for the buildings. The three recent evaluations apparently were done without knowledge of the status code revision and thus arrived at the wrong conclusion. It was recommended that the project applicant relook the buildings’ statuses in light of this information.
- The EIR should include a project alternative that preserves two of the three buildings: preserve one for ultimate sale (i.e., the building near the Natsoulas Gallery), and renovate one for use by the fraternity.
- The EIR should consider the overall (i.e., cumulative) impact of the project on the downtown area, especially addressing the look and feel of the area relative to historical setting; the goal being to avoid the death by a thousand cuts of historical resources within the downtown core area.
- The EIR should include a mitigation, which considers the Yocha Dehe Wintun Nation response letter. Any mitigation measure which requires a cultural monitor should not be “dual purpose” (i.e., the backhoe operator also functioning as a monitor on the ground). There should be a qualified separate monitor whose sole responsibility is to monitor the ground disturbing activities.

**8. Brief Announcements from Staff, Commissioners and Liaisons.**

Chairperson Miltenberger and Commissioner Montgomery provided an update to the Commission on the historic districts designation process plan. The Commission deliberated on the updated designation of historic district plan, and directed that this item be brought back to the Commission on April 15, 2019, for formal action. The anticipated next step is to seek permission from the City Council to proceed with the process plan for historic districts designation. Commissioners are requested to send additional comments and edits to the plan via staff liaison Njoku to the Commission Subcommittee of Miltenberger and Montgomery for consideration and inclusion. The Commission by consensus agreed that Chairperson Miltenbergre will draft a summary letter explaining the intent of the Commission regarding the historic district designation and circulate it via Njoku by April 8, 2019, for edits and input from other Commissioners.

**9. Adjourn.**

The next meeting will be April 15, 2019, 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.

Motion to adjourn by Lowry, seconded by Davis. Motion passed unanimously. The meeting was adjourned at 9:00 p.m.