

**Rand F. Herbert
841 L. Street
Davis, CA 95616**

Ken Hiatt, Planner
City of Davis, City Manager's Office
23 Russell Blvd.
Davis, CA 95616

Comments, Mishka's Café Project DEIR

Dear Mr. Hiatt,

This project impacts two city-owned City Landmarks, the Hunt-Boyer Mansion complex and the Varsity Theater. If permitted as stated in this DEIR, the city would be making adverse changes to those landmarks, owned by the people, with minimal mitigation, for the benefit of a single private party.

The following are my specific comments, made as an individual and separate from those presented at the July 16, 2007 meeting of the Historic Resources Management Commission.

2.0 Summary table / Impacts and Mitigation Summary Table

1. How is the Alternative 6 (no build + restoration) inconsistent with adopted plans? It absolutely fits with General Plan provisions. Please clarify.
2. On Alternative 5, please discuss and clarify the RE classification on Impact 5.2-2. Why isn't it less than significant? See also p. 2.0-6, table that Alternative 5 would not be consistent with the Secretary of the Interior's standards. This is a major point throughout this DEIR, and needs explanation.
3. P. 2.0-11, it appears that HABS-like documentation is the only mitigation measure proposed. Are there no others that would be feasible?

3.0 Project Description

1. What are the terms of leasing or selling the property to the proponent? How would that work? What are typical sale structures for City property to private individuals?

4.0 Alternatives

- p. 4.0-3. Alternative locations. Was the Anderson Bank Building considered?
- p. 4.0-7. Moving the tankhouse to the west side of the mansion. Tankhouses, like other outbuildings, were subsidiary structures. Wouldn't moving the tankhouse, which is in two alternatives (Alternative 2 and Alternative 3), be equivalent to

moving a shed to the mansion's front yard? Please show how many tankhouses were located in such a prominent position *vis a vis* the main structure? How close would it be to the mansion (it is hard to tell from photosimulations and drawings, and which, in the case of the drawings, present a view impossible to see in reality)? How can the historic preservation consultant say that it would be located in "a location appropriate in the context to the Mansion?" This comment appears throughout the DEIR and should be justified.

5.0 Land Use and Aesthetics

1. P. 5.1-7. Please provide the full quote regarding the City Zoning Ordinance, without the redactions. ("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.")
2. P. 5.1-9. Please explain how the proposed project, or two alternatives countenancing 2 and 3 story versions follow General Plan Policy UD1.1(j) and UD2.1 (preserve and protect "resources reflective of place and history.")
3. P. 5.1-10. Please explain how proposed project or alternatives Alternative 2-Alternative 4 follow General Plan Policies HIS 1.2, 1.3, and 1.4. This is particularly important because the alternatives will adversely impact **TWO City-owned Landmarks**.
4. P. 5.1-11. How does the proposed project and alternatives fit into CASP purpose: "to preserve older architectural styles where feasible"?
5. p. 5.1-13. CASP sections: the Proposed Project and Alternatives 2-4 fly in the face of 4.2(d) Architecture.
6. p. 5.1-14. CASP sections: the Proposed Project and Alternatives 2-4 fly in the face of the five year action plan, especially as it pertains to "encourage sensitive adaptive re-use and protect existing historic buildings from demolition or insensitive remodeling."
7. P. 5.1-18. How can the Proposed Project or Alternatives 2 - 4 be in compliance with the Davis Redevelopment Plan and 2003-2008 Five-Year Implementation Plan, which states, "continued preservation of historically significant structures"?
8. P. 5.1-19. Zoning regulations call for conservation of "the traditional neighborhood character, fabric, and setting while guiding future development, reuse, and reinvestment," (p. 5.1-21), "discourage the demolition of structures consistent with the district's historic character," etc. How does the Proposed Project and various alternatives fit within this concept? Please justify why Alternative 5 is considered equal to Alternatives 2-4 in terms of these regulations?

9. p. 5.1-24. How can we say that Alternative 3 would be consistent with adopted goals and policies? Please explain.
10. p. 5.1-25. Please explain how Alternative 5 is inconsistent with the Secretary of Interior's standards for rehabilitation. How can the preservation consultant support the idea that the greenhouse and breezeway connecting to the tankhouse is more of an impact than other alternatives such as Alternative 3? The argument presented for this is just that, argument, rather than a clear discussion with references to the Secretary's standards. As noted earlier, this is a fundamental question to be explained / justified if Alternative 5 is to be considered adequately addressed.
11. p. 5.1-30. Design guidelines. How can we say that impacts of the Proposed Project and Alternative 2 are significant, but Alternative 3's impacts are not? Or that (p. 5.1-31) Alternative 5 is a significant impact when Alternative 3 is less than significant? Are we saying that an alternative that impacts the Varsity Theater, and the Hunt-Boyer (by moving the tankhouse to a different location) is less of an impact than one that retains the tankhouse in (essentially) its current location and relationship to the Hunt-Boyer, and does not impact the Varsity? Is reversible?

5.2 Cultural and Historic Resources

1. p. 5.2-9. Please notice that the tankhouse was at the rear, in a subsidiary position, never at the corner. Moving it to the corner of 2nd and E would create a false sense of history. Please explain why this is not improper; specifically, how moving it to such an inappropriate location meets the letter and spirit of the Secretary of the Interior's standards. As noted earlier, this is a fundamental question to be explained and/or justified if Alternatives based on such action are to be adequately addressed.
2. p. 5.2-10. It is disingenuous to state that the tankhouse was not specifically evaluated. It is a part of, and a character-defining feature of the Hunt-Boyer Mansion complex and listed in all designations (NRHP, City Landmark, etc.); no one would evaluate it separately from the Hunt-Boyer, any more than one would separately evaluate a garage from its house.
3. p. 5.2-16. Note that all comments related to the Secretary of the Interior's guidance apply to build alternatives except Alternative 5, when considering the Hunt-Boyer and the Varsity. Please justify this and explain.
4. P. 5.2-24. Comparison of Proposed Project and Alternatives to Secretary of the Interior guidelines. See comment 1 in this section. Please justify the statement that concludes that the Proposed Project and Alternatives 2-4 have less, or equal, impacts than Alternative 5? Also, in the table, please explain or justify why the "No" notations are shown in bold, when none of the rest are? This formatting suggests special pleading, or an attempt to lead the public to a specific conclusion desired by the authors.

5. pp. 5.2-24 through 27. How can we say that Proposed Project and Alternative 2 have significant impacts, but Alternative 3 does not? Or that Alternative 5 is a significant impact when Alternative 3 is less than significant? Is the DEIR, and the city's historic preservation consultant, saying that an alternative that impacts the Varsity Theater (through construction of an intrusive building against the theater) and the Hunt-Boyer (by construction of a multi-story building and by moving the tankhouse to a different location) is less of an impact than one that retains the tankhouse in (essentially) its current location and relationship to the Hunt-Boyer, and does not impact the Varsity, and is reversible? The argument made for this conclusion is more of a simple statement of opinion than careful application of the Secretary of Interior's standards. Please explain.
6. p. 5.2-27. Why are the "No" notations in the table shown in bold, when none of the rest are? This formatting suggests special pleading, or an attempt to lead the public to a specific conclusion desired by the authors.
7. p. 5.2-27. In the table, to what does the footnote number with Proposed Project and Alternative 4 refer?
8. p. 5.2-27. Please justify the "NO" conclusion in line 2 for Alternative 5?

Mitigation Measures:

Please expand the list of mitigation measures; the sole mitigation measure is HABS recordation, which is insufficient to mitigate for the substantial adverse impacts caused by the Proposed Project and Alternatives 2-4.

Sincerely,

Rand F. Herbert