

1. INTRODUCTION

PURPOSE OF THIS DOCUMENT

This document contains public comments received on the Draft Environmental Impact Report (Draft EIR) for the Mishka's Café Project (Proposed Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA). Comments on the Draft EIR were received by the City of Davis Redevelopment Agency (Agency) during the 45-day public comment period held from June 11, 2007 through July 26, 2007, and at a public hearing of the Historic Resources Management Commission on July 16, 2007. This Final Environmental Impact Report (Final EIR) includes written responses to each comment received on the Draft EIR. The responses correct, clarify, and/or amplify text in the Draft EIR. Also included are text changes made at the initiative of Agency and City of Davis (City) staff. All text changes have been incorporated into a Revised EIR in Chapter 3. These changes clarify, but do not alter the conclusions of the Draft EIR.

BACKGROUND

The Proposed Project is located on two parcels that contain the Dresbach-Hunt-Boyer Mansion (Mansion) and Tank House, and residual historic orange grove and grounds. The Mansion is a Stick-Italianate Victorian listed on the National Register of Historic Places and the California Register of Historic Resources, and the Tank House is a contributing structure to the Mansion.

The Dresbach property occupied nearly a quarter of the block in 1888. The Tank House was constructed between 1874, when the Mansion was built, and 1888, when it appeared on the City's first Sanborn map. Built to provide water to the Mansion and grounds, it was originally located at the rear of the Dresbach-Hunt-Boyer lot behind the house and at some distance from the outhouse. The Tank House remained in this location until 1979 when it was moved to its present location to accommodate the construction of the Mansion Square commercial development directly south. The Mansion Square project at that time included a proposal for rehabilitating the Mansion and reconstructing the Tank House. The 1978 staff report for Mansion Square noted that the "historical use and character of the site as a whole, will be substantially altered" but moving the tank house and restoring the Mansion was "a good compromise between removal of the building (and all historical significance) and preservation of the entire site as is" (Mansion Square Project staff report, Revised EIR, Appendix F). The revised details for rehabilitation of the relocated pump house, including preservation of the north door and west window, adding a stairway to the south side, and constructing the patio and perimeter fencing, were approved in June 1979. Yellow awnings were added in 1979, and numerous other changes to serve commercial users were added over time.

At the time it was moved, approximately 18 inches were cut off the bottom of the structure to remove dry rot. Modifications were later made, in order to use the building as an office, to add a second floor with an external stairway (which has since been removed), windows, electricity, and air conditioning; it was leased for various commercial purposes until the mid-1990s. The City's Chief Building Official "condemned the pump house structure based on an investigation conducted on May 5, 1998 that showed that it was not structurally sound

due to extensive rotting of the support timbers and that the stairs to the second floor were in extreme disrepair” (Memorandum from Lorin Gardner, Chief Building Inspector, June 4, 1998, Revised EIR Appendix G). The Tank House has remained vacant since that time. A structural investigation was conducted in 2000 by Marr Shaffer Miyamoto, Structural Engineers, Inc. This report identified severe dry rot, particularly below the second floor. A Condition Assessment and Alternative Location Study documenting additional deterioration was subsequently prepared by S2Architects in September 2006.

The City issued several requests for proposals (RFP) for use of the Tank House between 1998 and 2004, but no projects were built due to the limitations in reusing the building and unfavorable market conditions. In 2005, the City issued a Request for Proposals/Qualifications (RFP/Q) for the development and management of the Varsity Theater. The RFP/Q included the City’s interest in seeing proposals that included the commercial space connected to the Theater (known as Clarence Cooper Insurance) as well as the Mansion and Tank House properties to work in conjunction with the theater and provide viable income to support the operation of the theater. The proposal for the development of the Tank House site from the selected development team and identified alternatives are the subject of this EIR.

PROJECT SUMMARY

The Proposed Project would demolish the existing tank house structure and residual orange grove at 604 Second Street to accommodate the construction of a new three-story, approximately 5,000 square foot (sf) commercial building between the Varsity Theater and the Mansion. The mixed-use commercial building would include a 1,776 sf ground floor café with outdoor seating, and 3,224 sf of office space on the second and third floors.

The building would directly abut the Varsity Theater and would be flush with the Second Street sidewalk. A small patio space enclosed with wrought iron fencing would be located on the west side, providing an 11 foot setback from the existing brick pathway for approximately 27 feet until the proposed building widens, reducing the setback from the Mansion to seven feet at its narrowest point. The building would be 31 feet 6 inches in height for the length of the property. The second and third floors would be developed for office, with an approximately 10 foot by 25-foot deck on the third floor.

The building would be constructed with exterior brick cavity walls over a slab on grade foundation. Doors would be all wood mahogany commercial doors with tempered glass, clear, double pane, with a height of 7 to 8 feet. The exterior walls would be faced with bricks in a Sierra Slate color with a running bond pattern. Dimensions of the visible portion of the brick face would be 2.5 inches x 8 inches; dimensions of the traditional brick would be 2.5 inches x 3.75 inches x 8 inches. Grout would be concave and tinted to a lighter brown color than the brick brown. Windows would be aluminum-clad wood, bronze color, with a Columbus cladding profile. The original brick already present at the site would be reused for any patio areas. Tiles decorated with orange tree motifs would be used on the walls of the building, and two new orange trees would be planted on the patio.

The Dresbach-Hunt-Boyer Mansion property is currently owned by the City of Davis and is comprised of two existing assessor’s parcels (070-243-01 and 02) totaling approximately 8,834 square feet in area. The City has indicated interest in selling or ground-leasing a portion of the property. The proposed project assumes the existing parcels would be reconfigured to create a parcel of land on the east side of the property where the existing

enclosed patio is. The developable parcel would be approximately 36 feet wide by approximately 58 feet deep, totaling approximately 2,088 square feet in area. The remaining approximately 6,746 square feet would comprise a single parcel incorporating the Mansion. The adjustment of the parcel lines would be made through a lot line adjustment or certificate of compliance process to facilitate sale of this portion of the property or to clarify the necessary legal descriptions under a ground lease scenario.

ALTERNATIVES SUMMARY

The Draft EIR analyzed six alternatives at an equal level of analysis:

- ***Alternative 1: No Project/No Development Alternative***
The No Project/No Development Alternative assumes that the Proposed Project would not occur and there would be no new development of the site. This alternative assumes the Tank House would be left in its present location and in its existing condition. Minimal activities to secure the building and minimize further deterioration, such as sealing the structure in a plastic wrapping, would be provided by the City.
- ***Alternative 2: Disassemble/Reassemble and Rehabilitate the Tank House and Construct New Three-Story Building***
Alternative 2 would construct a three-story building identical to the Proposed Project. Rather than demolishing the Tank House, Alternative 2 would disassemble, reassemble, and rehabilitate the Tank House on the west side of the Mansion near the corner of E and Second streets. The Tank House could be reused either for public use such as a visitor/community information kiosk or as a small private retail shop (i.e. flower or produce stand), or as a support use/function to the primary uses in the Mansion. The walkways and landscape areas around the Tank House would be improved to complement the Tank House use, provide public seating areas, and enhance the entrance to the Mansion Square complex to the south.
- ***Alternative 3: Disassemble/Reassemble and Rehabilitate the Tank House and Construct New Two-Story Building***
Alternative 3 would construct a new approximately 2,920 sf two-story building between the Varsity Theater and the Mansion, remove the remaining orange trees, and disassemble, reassemble, and rehabilitate the Tank House on the west side of the Mansion for potential public use as a visitor information kiosk or private commercial use. The relocation and rehabilitation would be as described above in Alternative 2. The new commercial building would include a 1,670 sf ground floor café and a 1,250 sf second floor office with a 420 sf roof deck. The second floor would be stepped back to maintain full visibility of the Varsity's neon marquee.
- ***Alternative 4: Demolish the Tank House and Construct New Two-Story Building***
Alternative 4 would construct a new approximately 2,920 sf two-story building identical to that described in Alternative 3, above. However, Alternative 4 assumes demolition of the Tank House.
- ***Alternative 5: Disassemble/Reassemble and Rehabilitate the Tank House with Greenhouse-Type Addition Alternative***
Alternative 5 would construct a 739 sf, wood frame greenhouse-type addition to the Tank House, and disassemble the Tank House and relocate and reassemble/rehabilitate it approximately 9 feet west and 4 feet north of its current location,

abutting the existing brick walkway at approximately 6 feet, 9½ inches from the Mansion's bow window. The Tank House would be used as an operational "kitchen" for a café, connecting through an enclosed passage through a new opening on the eastern wall to the greenhouse addition along the Varsity wall to provide additional seating, a unisex restroom, and storage. Five out of ten orange trees would be removed.

- **Alternative 6: Disassemble/Reassemble and Rehabilitate In Situ Alternative**
Alternative 6 would disassemble/reassemble and rehabilitate the Tank House in its present location for commercial or public use. Reuse options under this alternative could include a visitor/public information kiosk run by the City or other non-profit entity. Other possibilities include trying to attract a private business to operate a small retail or café use out of the rehabilitated Tank House. Under either the public or commercial reuse options for this alternative, the brick patio and orange tree grove would be maintained and enhanced as an outdoor seating space

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Alternative 6, Disassemble/Reassemble, and Rehabilitate the Tank House In-Situ, would be the environmentally superior alternative. This alternative would eliminate significant impacts on the Tank House, Landmark-eligible trees, and historic setting of the Mansion complex, and would address health and safety issues as well as visual impacts. There would be no significant environmental issues associated with this alternative, and it would meet some of the project objectives. It could somewhat increase the vitality on the block and surrounding area by providing for public use of the site, it would be a project that is compatible with the adjacent historic resources, and it would remedy an unsafe public building for the protection of public health and safety. Alternative 6 would meet adopted historic conservation goals and policies, but would meet few Downtown Core Commercial goals and policies, and would likely fail to meet the project objective of an economically viable project that generates direct and indirect net fiscal benefit to the city.

REQUIRED PROJECT APPROVALS/ENTITLEMENTS

As a public agency principally responsible for approving the Proposed Project, the Redevelopment Agency is considered the Lead Agency under the CEQA. The Agency has the authority to either approve or reject the project. In addition to certification of the EIR, additional entitlements have been requested for the Proposed Project. The Proposed Project would require the following:

City of Davis Redevelopment Agency

- Certification of the EIR and Adoption of Findings and a Mitigation Monitoring Plan (MMP)
- Approval of a Disposition and Development Agreement (DDA) or Disposition and Lease Agreement (DLA)

City of Davis as Responsible Agency

- Lot Line Adjustment or Certificate of Compliance

- Design Review
- Certificate of Appropriateness (COA)
- Review and approval of demolition permit for a designated City Landmark

TYPE OF DOCUMENT

The EIR is a Project EIR, pursuant to Section 15161 of the CEQA Guidelines. A Project EIR examines the environmental impacts of a specific project. This type of EIR focuses on the changes in the environment that would result from implementation of the project, including construction and operation.

This EIR is an informational document intended to disclose to the Agency and the public the environmental consequences of approving and implementing the Proposed Project. The preparation of the Final EIR focuses on the responses to comments on the Draft EIR. The Lead Agency (City of Davis Redevelopment Agency) must certify that the EIR adequately discloses the environmental effects of the project and has been completed in conformance with CEQA, and that the decision-making bodies independently reviewed and considered the information contained in the EIR prior to taking action on the project. The Final EIR must also be considered by the Responsible Agency (City of Davis), which is a public agency that has discretionary approval authority over the project in addition to the Lead Agency. For this project, the Responsible Agency must consider the environmental effects of the project, as shown in the EIR prior to approving any portion of the project over which it has authority. CEQA Guidelines Section 15132 specifies the following:

The Final EIR shall consist of:

- The Draft EIR or revision of the draft
- Comments and recommendations received on the Draft EIR either verbatim or in summary
- A list of persons, organizations, and public agencies commenting on the Draft EIR
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process
- Any other information added by the Lead Agency

This document contains the list of commenters, the comment letters, and responses to the significant environmental points raised in the comments, and a Revised EIR. Appendices provide additional background information requested by commenters.

ORGANIZATION OF THIS DOCUMENT

For this Final EIR, comments and responses are grouped by comment letter. As the subject matter of one topic may overlap between letters, the reader must occasionally refer to more than one letter and response to review all the information on a given subject. Cross references are provided to assist the reader. Responses to these comments are included in this document to provide additional information for use by the decision makers.

The comments and responses that make up the Final EIR, in conjunction with the Draft EIR, as amended by the text changes, constitute the EIR that will be considered for certification by the Agency.

The Final EIR is organized as follows:

CHAPTER 1 – INTRODUCTION

This chapter includes a summary of the project description and the process and requirements of a Final EIR.

CHAPTER 2 - COMMENTS AND RESPONSES

This chapter contains a list of all of the agencies or persons who submitted comments on the Draft EIR during the public review period, ordered by date and last name of commenter. The comment letters received on the Draft EIR and the corresponding response to each comment are provided by order of date received. Each letter and each comment within a letter has been given a number. Responses are provided after the letter in the order in which the comments were assigned. Where appropriate, responses are cross-referenced between letters.

CHAPTER 3 – REVISED EIR

Chapter 3 contains the Revised EIR, consisting of the Draft EIR with text edits to show where revisions have been made in response to comments received. This is in lieu of an errata chapter, to assist the community and decision makers in using the final document to inform their review of the proposed project and alternatives.

PUBLIC PARTICIPATION AND REVIEW

The Agency notified all responsible and trustee agencies and interested groups, organizations, and individuals that the Draft EIR on the Mishka's Café Project was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft EIR:

- A Notice of Preparation (NOP) for an EIR was filed with the State Clearinghouse on June 12, 2006. The 30-day public review comment period for the NOP was established starting on June 12, 2006 and ending on July 14, 2006.
- A Scoping Meeting was held on June 22, 2006 for all interested Agencies and Individuals.
- A Notice of Completion (NOC) and copies of the Draft EIR were filed with the State Clearinghouse on June 11, 2007. An official 45-day public review period for the Draft EIR was established by the State Clearinghouse, ending on July 25, 2007 and a Notice of Availability (NOA) was distributed to interested groups, organizations, and individuals including property owners within 500 feet of the project boundaries.
- The Notice of Availability (NOA) was published in The Davis Enterprise on June 11, 2007.

- Copies of the Draft EIR were available for review at the City of Davis, City Manager's Office, 23 Russell Boulevard, Davis, California 95616-1318, and at the City Clerk's Office, City Hall, 23 Russell Blvd. Davis, California 95616.