



**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 15, 2008**

Commissioners Present: Rand Herbert (Chair), Richard Rifkin (Vice Chair), Gale Sosnick, and Mark Beason

Commissioners Absent: Keren Costanzo (Excused absence)

Staff Present: Ken Hiatt, Eric Lee, Ike Njoku and Nancy Stephenson

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**1. Call to Order.** Chair Herbert called the meeting to order at 7:00 p.m.

**2. Approval of Agenda.**

**Action: Vice Chair Rifkin moved, seconded by Commissioner Sosnick, to approve the agenda. The motion passed by the following vote:**

**AYES:** Beason, Herbert, Rifkin, Sosnick

**NOES:** None

**ABSENT:** Costanzo

**3. Approval of Minutes.**

**Action: Vice Chair Rifkin moved, seconded by Commissioner Beason, to approve the November 24, 2008 minutes. The motion passed by the following vote:**

**AYES:** Beason, Herbert, Rifkin, Sosnick

**NOES:** None

**ABSENT:** Costanzo

**4. Public Communications.** None.

**5. Written Communications.** Referring to discussion in the November 24, 2008 Historical Resources Management Commission (HRMC) meeting regarding Americans with Disabilities Act (ADA) compliance for a restaurant reuse for the Hunt Boyer Mansion, Chair Herbert distributed an article from a newsletter from the National Trust for Historic Preservation. He drew attention to an article about a 9<sup>th</sup> Circuit Court case that takes a more stringent stance towards ADA compliance versus historic preservation, giving precedence to ADA compliance.

**6. Museum Report.** Museum Director Jim Becket shared information about the Museum's annual celebration of an 1898 Christmas, featuring a traditional-style tree (decorated by 32 third-graders from St. James School) and goodie bags for the kids filled with an apple, orange, fruit, nuts and hard candy.

In other news, Becket stated that the Museum had received a memorial fund in the name of Pat Chiles Schlages that will allow for the modernization of some exhibits, among other things.

- 7. Staff and Commissioner Comments.** Staff Liaison Ike Njoku and Deputy City Manager Ken Hiatt reviewed the latest City Council action on the Dresbach-Hunt-Boyer Mansion (hereafter referred to as “Mansion”) reuse, which was to proceed with developing a plan for a visitors center and concurrently issue a Request for Proposal (an RFP) for a restaurant or bed and breakfast reuse.

Njoku stated that the City Council approved the designation of the Mansion orange grove as City Landmark Trees with the understanding that the 10 trees would be removed.

Commissioner Beason indicated that he had left JRP Consulting and is now filling a position in the Project Review Unit in the Office for Historic Preservation (OHP) for the State of California. Chair Herbert noted that the HRMC has had employees of OHP on the Commission in the past, and he believes there is no conflict of interest.

**8. Public Hearing Items.**

**A. Tank House Relocation and Rehabilitation – 604 2<sup>nd</sup> Street.** PA # 31-08 for Demolition Certificate # 01-08, Certificate of Appropriateness # 03-08, and Design Review # 12-08. The Commission is to hold a public hearing and take the following actions:

1. Determine that the project (PA # 31-08) is consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and that any environmental impacts associated with the project are adequately addressed in the certified Final Environmental Impact Report (SCH #2006062052), with Addendum, prepared for the project;
2. Approve Demolition Certificate # 01-08 and Certificate of Appropriateness # 03-08 for the project based on the findings and subject to the conditions of approval; and
3. Provide comments and advisory input to staff on Design Review # 12-08, which addresses the relocation and rehabilitation of the Tank House building, and removes the 10 orange trees surrounding the structure along the brick patio.

**B. Mishka’s Café Certificate of Appropriateness – 604 2<sup>nd</sup> Street.** PA # 30-08 for Certificate of Appropriateness # 02-08 and Design Review # 11-08. The Commission is to hold a public hearing and take the following actions:

1. Determine that the project (PA # 30-08) is consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and that any environmental impacts associated with the project are adequately addressed in the certified Final Environmental Impact Report (SCH #2006062052), with Addendum, prepared for the project;
2. Approve Certificate of Appropriateness # 02-08 for the project based on the findings and subject to the conditions of approval; and
3. Provide comments and advisory input to staff on Design Review # 11-08, which addresses construction of the proposed new Mishka’s Café building.

As it was still early in the evening and there had been a public noticing error indicating that the public hearing items would not be addressed until 7:30 p.m., the Commission addressed this item after Item 9.

Assistant Planner Eric Lee introduced the staff report, which presented both items together. Lee stated that the project proposes the relocation and rehabilitation of the Dresbach-Hunt-Boyer Tank House (hereafter referred to as "Tankhouse") as well as the removal of 10 of the orange trees and the patio. He said that the replacement project is the proposed Mishka's Café building. He noted that the site is a City of Davis Landmark, as well as being listed in the California Register and the National Register. He added that the trees in the orange grove were recently designated by the City Council as Landmark Trees, but that according to the Tree Protection Ordinance they can be removed through a Tree Modification/Removal permit. The City acknowledges that moving the Tankhouse and removing the trees would have a significant impact on the setting of the historic resource, and Lee said that the City Council adopted a Statement of Overriding Considerations for those impacts. Lee stated that the Environmental Impact Report (EIR) had determined that the Mansion itself would still be eligible to remain on the National Register and would retain its integrity.

Architect Bob Lindley gave a brief outline of the proposed procedure for the relocation and rehabilitation of the Tankhouse. He indicated that the building would be jacked up to its original height (approximately 16" higher than at present); dryrot would be removed; new framing and mudsills would be installed; and the building would be squared. Next, the entire building would be lifted off its foundation and rolled in front of the Mansion and placed on a slab to the west of the Mansion. After relocation, restoration work would take place and any salvageable materials would be reused.

Ken Hiatt noted that preservation consultants Lerner and Associates had recommended the method of shoring up the structure and replacing framing members as needed before moving it. He added that a wood technologist would assess the strength and integrity of the original wood, and any unsound members would be removed and replaced in kind. Hiatt stated that the ground floor will be reused as a commercial or semi-public space. He said that an interior skylight will be installed to allow a view of the unique structural members and the framing system of the Tankhouse. He noted further that there will be a historic display on the north side of the structure.

Chair Herbert opened the public hearing at this time.

Community member and botanist Rod Macdonald spoke in defense of the orange grove and strongly urged that the trees, which are a vital and living part of the town's history and contribute to the health and well-being of its citizens, not be destroyed. Macdonald spoke lovingly of the trees as living organisms, and spoke of work that he had personally contributed toward the maintenance of the buildings on the historic site. He spoke with great sadness of the loss of Davis's past, and called for a change of heart that would forestall the destruction of this shared past.

Community member Maura Madsen asserted that the Dresbach-Hunt-Boyer property is a unit. She urged not breaking up the unit and she strongly urged that the trees not be sacrificed for new development in the midst of an economic crisis; she noted that there are various properties in the

downtown area that are vacant because of the downturn, and suggested that a business could relocate in one of these. She concluded her remarks with a quote from folk singer Joni Mitchell: "You don't know what you've got till it's gone."

Community member Jim Becket reiterated preceding comments about the historical importance of the property, which is associated with major historic Davis figure William Dresbach, and the unity of its components. He stated that the piecemeal deconstruction of the resource diminishes the presence of the Mansion and does not make sense from a historic viewpoint. He added that he has nothing against the Mishka's project but he is not happy with the proposed location of the café. In addition, Becket asked why the entrance of the Tankhouse in its proposed new location will face west.

Hiatt responded that the entrance of the Tankhouse, which is a secondary structure, should not visually compete with the door of the Mansion by facing the same direction as the Mansion's front door. In addition, Hiatt said that the Tankhouse would be proximate to the sidewalk on E Street, making an entrance facing E Street more appropriate.

Community member Rhonda Reed stated that it is important that the HRMC's opposition to the project be clear, and that the decision for the project is based on findings made by the City Council, not by the HRMC. She stated that she liked the plan to move the Tankhouse as a whole and that it will retain more of the integral pieces of the Tankhouse.

Community member Allen Miller sought an update on the proposal, asking if the ornaments on the side of the Varsity building would be visible and expressing pleasure at the front setback of the proposed building. Upon being informed that the Tankhouse entrance had originally faced north, Miller suggested that the Tankhouse remain facing north when it is relocated to retain historic integrity. In addition, Miller asked how many orange trees there are in the orange grove, and Macdonald responded that there are 10 trees in the grove. Miller noted that, if that is the case, then *all* the trees in the grove would be removed. Hiatt responded that there are actually 12 orange trees on the property, and that the 10 trees in the grove would be removed and the two behind the Mansion would remain.

Community member Tim Allis expressed regret at the loss of open space around the historical resource site buildings, noting that the maintenance of appropriate space on the property was mitigation for the Mansion Square project. He said that the trees, the courtyard and the Tankhouse capture and maintain the essence of the historical past, and that this will be lost to the downtown. He stated that downtowns in general need non-commercial public gathering spaces, and this is a tremendous loss to the downtown at a time when there is no prospect of creating new open space. Allis expressed disappointment for the short-sightedness of the City in not considering the entire site as a whole for some creative reuse that would simultaneously preserve the integrity of the entire site. Finally, he asked what other trees in addition to the myrtle will be impacted by the proposed project.

Lindley displayed a survey drawing noting every shrub and tree of significance on the site.

The commissioners had the following comments regarding the conclusions of the staff report and the content of the findings:

- It is unclear from the staff report how “The proposed work does not result in substantial adverse change in the significance of the resource or its major exterior character-defining features.” (Staff Report, page 6, heading [A].) Reducing the open space around the Mansion is a significant impact on the Mansion. The trees and the Tankhouse have been found to be character-defining features, and those are afforded protection that goes with National Register status. Any change to the setting around the house affects its integrity, and in this case, the changes that are proposed are substantial adverse effects. The encroachment of the Mansion by the proposed new building is closer to the Mansion than anything else that is there, creating a substantial loss in space around the structure. Moving the Tankhouse is a very large adverse effect, because it moves it to a place that is not only not its original historic location, but it is not a location that is typical for any farm tankhouse in California. The relocation changes the context of the house and will reduce the house’s ability to convey its historic significance as it stands, which is the definition of historic integrity. Putting another building in front of the Mansion blocks it, changes the context, crowds it on either side. The proposed work *does* result in substantial adverse change in the significance of the resource.
- It is ahistorical for us to accept Finding 1 (Attachment 1 of the staff report) as it is written. The Commission has voted time and again that this *would be* a substantial adverse change. The only way that we can accept this would be to reword it to reflect that this was not the HRMC’s position, and that the City Council took this action on appeal and made a Statement of Overriding Considerations. Otherwise, we would be saying that we agree with something that we never agreed to. This project is not something we supported, so it’s hard to agree that it will not result in a substantial adverse change when that has been our consistent position all along.

(Njoku noted that it was not actually appealed to the City Council; it came to the HRMC for input as a recommendation to the City Council, and the City Council then made a final decision.)

- In the case of Finding 2 (Attachment 1 of the staff report), staff is basing their opinion on consultant Carol Roland’s advice in the EIR; in her judgment, it was within the Secretary’s Standards. There is a disagreement on this point between the Commission and the City’s hired expert for the EIR.
- As for the wording in Finding 3, the project does not meet the goals of historic preservation.
- As for Finding 4, we have voted as a commission against the very things we are being asked to agree with. It is difficult to agree with the statements in this finding. The Landmark Mansion does not retain its integrity.
- We do not agree with the following statement on page 6, section (B) of the staff report: “The proposed project generally complies with the Secretary of the Interior’s Standards for the Treatment of Historic Properties” based on a review of the Secretary of the Interior’s Standards for Rehabilitation listed on page 7 of the staff report:
  1. *A property will be . . . given a new use that requires minimal change to its . . . spaces and spatial relationships.*
  2. *. . . The removal of . . . spaces and spatial relationships that characterize a property will be avoided.*

3. . . . *Changes that create a false sense of historical development . . . will not be undertaken.*
9. *New additions, exterior alterations, or related new construction will not destroy historic . . . spatial relationships that characterize the property.*

The commissioners had the following comments regarding corrections to the staff report:

- In the first paragraph on page 4 of the staff report, John Hunt should be the *third* owner of the house, not the eighth owner.
- The last sentence of the second paragraph on page 5 of the staff report is a little misleading; instead of stating “removal of 10 of the trees” it should read “removal of the 10 trees.” The group in that location consists of only 10 trees (although there are two additional orange trees in another location on the site.)

The commissioners had the following questions:

- Where will the “historic brick paving” mentioned on page 12 of the staff report be re-installed?
- Why is there so much paving proposed, especially on the west (warm) side of the Tankhouse?

Hiatt responded that the bricks would be re-installed around the proposed structure. He said that the paving is intended to provide access to Mansion Square as well as to the Tankhouse, and that it would also allow space for seating.

- How does the in-lieu parking fee of \$4,000 compare to the actual cost of construction of a parking space in a parking garage?

Hiatt responded that the cost of a space in a parking garage is approximately \$18,000.

- Regarding Attachment 1, number 9, where would the offsite equivalent replanting be located?

Lee responded that there have been no sites identified yet, and that there would probably be an in-lieu payment.

- Will the rolling of the tankhouse take place after the orange trees have been removed?
- What is the square footage of the Tankhouse?
- Would it be possible to have a Habitat for Humanity-type, volunteer-staffed restoration of the Tankhouse?
- What will the Tankhouse relocation and rehabilitation cost?
- On page 12 of the staff report in reference to the proposed café building: What will the process be for opting out of the copper or cast stone specified for the café exterior? It would be optimal for the HRMC to agree to something that is more clearly defined.

Lindley responded that the rolling would occur after removal of the trees. He said that the Tankhouse is 16' x 16', (256 square feet). Lindley expressed concern over having volunteers

being involved with toxic substances (*e.g.*, lead-based paint) and stated that the moving and the interior renovation needed to be done by professionals. Due to these factors, he concluded that the project does not lend itself to the work of volunteers. Lindley said that the move itself will cost around \$7500, and that there is no firm number for the cost of the actual restoration of the building. Regarding the exterior finish of the building, Lindley explained that there is no cost estimate for the construction as yet, and he wanted to reserve some options (steel with copper plating for the natural copper and brick for the cast stone) in the event that the cost was prohibitive for the applicant. Lindley suggested that the HRMC approve either material. The commissioners were in agreement with the idea.

The commissioners had the following comments:

- In view of the current economic situation, it might have been better for Mishka's to relocate in one of the now-vacant properties in the downtown.
- A City preservation fund would be a good idea to keep historical structures from deteriorating.
- I like the west-facing orientation; having the entrances of both the Mansion and the Tankhouse facing in the same direction would cause confusion. It distinguishes the Tankhouse from the Mansion.
- Any informational sign should indicate that the current location of the Tankhouse is not its original location in the historic period.
- In Attachment 1, numbers 17, 18: In light of the "failed mitigation" related to the Terminal Hotel—the interpretive display—Who is going to do this? When this type of project is assigned to volunteers, it is a huge undertaking and it is likely to fall through. A consultant should be hired to do it.

The commissioners had the following suggestions as to how to proceed:

- Our job is to determine whether or not the Certificate of Appropriateness addresses the substantial adverse impacts that the project has on these two City-owned resources.
- We can reject the findings.
- We need to change the wording to reflect the history of this controversy.
- We should vote to deny the Certificate of Appropriateness.

Chair Herbert stated that the Findings and Conditions of Approval in Attachment 1 and Attachment 2 of the staff report are so similar that the Commission's comments for one will apply to the other.

Lee introduced the Mishka's Café project and concurred that most of the issues concerning the two projects are similar and overlapping. Regarding the Certificate of Appropriateness for the new building and how it relates to the site, Lee stated that staff feels the project complies with the Davis Downtown Traditional Residential Neighborhoods Design Guidelines in terms of siting, location, materials and design. He noted that the proposed structure is setback from the sidewalk to help maintain the integrity of the adjacent Varsity Theatre.

Lindley stated that, while the Mansion expresses a more rural character, a more urban character is being developed in the downtown. He indicated that the Varsity was designed with the intention of its being part of a row of commercial buildings; its west side is a huge blank wall, with the

intention that another building should sit next to it. Lindley asserted that the massing and scale of the proposed project do not obliterate the features of the adjacent building. In addition, Lindley noted that a basement is provided in the proposed plan to provide additional space without necessitating the addition of a third story.

Madsen asked if there would still be a walkway that communicates with Mansion Square and Herbert responded in the affirmative. Rifkin asked about possible archeological and ground water issues. Lindley responded that it is a requirement that everything stops in the event that any remains are found and an archeologist is brought in and there is a survey done. Herbert responded that there will be a monitor present according to the mitigation plan. Regarding groundwater, Lindley responded that the basement will be waterproofed.

The commissioners discussed the Findings in Attachment 1 and changed the wording to reflect the history of the decision-making process. The Commission asked that the changes be carried over to Attachment 2 as well. The changes are in bold font below:

1. COA – Substantial Adverse Change. The proposed project, as conditioned, **will** result in a substantial adverse change in the significance of the resource in that the project will relocate the Tank House and remove the orange grove, **which** would alter the historic setting and lessen the open space on the site. The historic Mansion itself would not be altered; the Mansion **complex will be adversely affected, and that effect was described in the project EIR and accepted by the City Council in a Statement of Overriding Considerations.** The site changes would not result in removal of the Mansion from the National Register. The Tank House is a contributing structure that would be rehabilitated in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties and would be relocated but remain on-site.
2. COA – Secretary of the Interior’s Standards. The proposed project, as conditioned, generally complies with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, in that the project would rehabilitate the historic Tank House in accordance with the Secretary’s Standards and the project is consistent with the Davis Downtown and Traditional Residential Neighborhood Design Guidelines, which are intended to ensure that the project complies with the Secretary of the Interior’s Standards. [No change]
3. COA – District Goals and Policies. The proposed project, as conditioned, is for an individual Landmark located within the boundaries of a designated Historic or Conservation Overlay District, and is consistent with and supportive of the goals and policies of the adopted District Plan, in that the project site is located within a Conservation Overlay District and the project implements the General Plan, Core Area Specific Plan, and City Council’s Goals and Objectives relative to urban design, economic development, and the downtown core area. [the words *historic resources* removed from last sentence]
4. Demolition Certificate. **The City Council, through its Statement of Overriding Considerations, has determined that** the proposed project, as conditioned, meets the necessary criteria for the demolition of a contributing resource to a Landmark Resource as a replacement project that is consistent with and supportive of identified goals and policies of the General Plan or applicable or specific area plans including the adopted District Plan and that the proposed action will not have a significant effect on the goals and purposes of this article or the potential effect is

outweighed by significant benefits of the proposed project. The proposed demolition consists of relocation of the Tank House and removal of 10 orange trees surrounding, which are contributing features to the Landmark Dresbach-Hunt-Boyer Mansion site. **The City Council, through a Statement of Overriding Considerations, allows that** relocation of the Tank House and removal of the orange trees are necessary in order to achieve the City goals and policies for a vibrant, healthy downtown with a mix of uses, the concentration of land uses and economic development, a friendly pedestrian environment with buildings compatible with existing uses and buildings, and reuse of historic resources. **The City Council found that** project benefits outweigh the potential effects on the Landmark Mansion. Although the historic setting would be impacted by the alterations to the contributing resources, the Landmark Mansion would not be touched. The Mansion would continue to be listed on the National Register.

5. CEQA. [No change, but Commission recommended that this Finding be moved to the first on the list]

In addition, in Condition 1 of the Conditions of approval, the Commission requested that the words *disassembled and* be removed from the second sentence. Also, Herbert stated that it is necessary for the City to hire a professional to do the work required by the mitigation measures in Conditions 17 and 18. He suggested that the relocation of the Tankhouse be videotaped, and Madsen suggested that the cutting down of the orange trees be videotaped as well.

**Action: Commissioner Beason moved, seconded by Vice Chair Rifkin, to accept Staff Report Attachments 1 and 2 (Demolition Certificate # 01-08 and Certificate of Appropriateness # 03-08 [Tank House] and Certificate of Appropriateness # 02-08 [Mishka's Café]) based on the amended findings and conditions of approval. The motion passed by the following vote:**

**AYES:** Beason, Herbert, Rifkin, Sosnick  
**NOES:** None  
**ABSENT:** Costanzo

## 9. Business Items.

### A. Updates on Landmark Sign

The Commission addressed Item 9 before Item 8.

Vice Chair Rifkin gave an update on the Landmark signage, discussing issues relating to the descriptive text on the signs and sharing an image of the latest version of the proposed sign. He stated that there is a company in Woodland that can cut the borders with a water jet, and if this can be done with minimum cost, the main part of the sign could be a plain, City-manufactured rectangular sign that would be inexpensive. Commissioner Beason suggested that the name and construction date of the resource be placed at the top of the sign rather than at the bottom. He also suggested that a double-sided sign would allow for a greater quantity of descriptive text. Rifkin stated that he will bring a cost estimate from the Woodland contractor to the next meeting.

- 10. Adjournment.** The next meeting will be **Monday, January 26, 2008** at the Hattie Weber Museum (445 C Street) at 7:00 p.m.

**Action:** Commissioner Beason moved, seconded by Commissioner Sosnick, to adjourn the meeting. The motion passed by the following vote:

**AYES:** Beason, Herbert, Rifkin, Sosnick  
**NOES:** None  
**ABSENT:** Costanzo

The meeting was adjourned at 9:39 p.m.