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RE: Public Comment regarding the Downtown Specific Plan EIR

The Board of Preservation Sacramento wishes to identify the following items as potential areas of concern regarding the Environmental Impact Report for the Downtown Specific Plan. Each item is addressed in detail on the following pages, including recommended strategies for mitigation, providing further analysis, or otherwise addressing potential negative impacts on historic properties and districts.

1. The EIR lacks mitigation measures for historic properties and districts, despite identified potential impacts to historic properties.

2. Evaluation of potential additional contributors to R Street historic district is flawed due to consultant’s misinterpretation of Criterion A and Sacramento Register historic contexts.

3. Evaluation of eligible “opportunity site” historic properties is limited and incomplete, including multiple potentially eligible properties that are mislabeled or ignored.

4. Evaluation of eastern portion of R Street fails to evaluate the properties in context of the eastern R Street corridor; a separate R Street historic district appears to exist in this area but was not analyzed by consultant, presumably due to city instructions to only evaluate as individual properties.

5. Historic landmarks and districts in commercial corridors: Many individually listed historic landmarks and historic districts are located in the “corridor” areas identified in the Downtown Specific Plan, and no map showing the location of individual landmarks was provided in the Downtown Specific Plan materials.

6. Devolution of historic preservation decisions from Preservation Commission to director or staff level limits public opportunity for notification, comment, and appeal. Inappropriate assignment of final authority for decisions affecting historic properties to Planning & Design Commission means decisions are made by a city board without subject matter expertise.

7. Proposed language to limit maximum deviation of Floor Area Ratio to 20% in cases of significant community benefit is not part of the Plan, despite its earlier inclusion, and frequent mention in the EIR and public presentations. Without maximum deviation limit, it is impossible to calculate cumulative impact of multiple projects or conform to required policy elements regarding clear and consistent development standards, including required density and intensity standards.

8. Changes to height limits in C2 zones are moderated by required setbacks where C2 zones meet R1/R1A or R2/R2A zones, but not where C2 zones meet R3/R3A or R4 zones. Many historic districts, and most of Midtown, are zoned R3/R3A, because they are adjacent to C2 zones.
1. **Lack of mitigation measures for historic properties and districts, despite identified potential impacts to historic properties.** *(EIR, Page S-39, 4.4-3):* The EIR mentions potential negative and unavoidable effects to historic districts, but includes no recommended mitigation measures for those effects. The proposed DSP could cause a substantial adverse change in the significance of a historical resource *(per Page S-40, 4.4-5: New construction in proposed DSP area, in combination with other cumulative development within Sacramento County and the City downtown core, could contribute to the cumulative loss or alteration of historic built resources.)* We consider both of these impacts potentially significant and thus require mitigation measures. Below are a list of mitigation measures we recommend for adoption in these areas, adapted from the *Preservation Toolkit* document sent to city staff in August 2017:

* Comprehensively survey the eastern portion of R Street (20th Street to 29th Street) for potential eligibility as a historic district, separate from the existing R Street historic district context, in order to proactively identify eligible historic resources along the R Street corridor. The EIR evaluation did not include assessment for a potential district.

* As part of the 20 year span of the General Plan, continue to update historic district surveys within the Plan area and survey areas within the Plan area for potential historic resources and historic districts. The long-term result will be clearer identification of historic resources and reduced need for evaluation of potentially historic sites, as updated surveys proactively identify ineligible properties.

* Implement the 2007 agreement between Code Enforcement department and Preservation Director diverting 50% of code enforcement lien monies collected to the Historic Places Grant program, a matching grant intended to provide funds to restore and repair eligible historic buildings.

* Create a special mitigation fund for historic resources based on fines and fees collected when unavoidable impacts to historic resources occur, such as those that resulted when excavation of underground sidewalk structures on K Street were required in 2010. These funds can be used to repair and restore historic properties and historic features in the plan area, via existing programs like the Historic Places Grant.

* Adopt the Preservation Commission’s interim guidelines regarding infill in historic districts as part of the city’s Planning and Development Code, as an interim means to address alley infill until subsequent guidelines specific to historic districts can be implemented.

* Reevaluate the survey of R Street for a potential new historic district east of 20th Street, and reevaluate and expand the historic context of the R Street corridor to include a later period of significance, recognizing use of the R Street corridor via railroads and trucks through the 1960s.

* Add required setbacks/height limits in C2 zones adjacent to R3/R3A zoned properties within the Downtown Specific Plan boundaries.
2. **Evaluation of potential additional contributors to R Street historic district is flawed due to consultant’s misinterpretation of National Register Criterion A, California Register Criterion 1, Sacramento Register Criterion I, and Sacramento Register historic contexts.** Consultant’s analysis suggests that city is ignoring industrial historic context despite R Street’s historic role as an industrial corridor. (EIR Appendix E, Cultural Resources Data, Cultural Resources Survey and Inventory Report. DPR 523 Forms)

*The overly strict evaluation criteria, due to the project’s constrained scope of work, resulted in a report that found no new properties eligible for inclusion in the Sacramento Register or the R Street Historic District that were not already listed historic properties, including the finding that the eastern half of the Perfection Bakery building (a listed Sacramento landmark) is not eligible to be part of the R Street historic district, while the western half of the same building (also an individual landmark and physically attached to each other) is eligible for inclusion in the R Street historic district, with no explanation given for the discrepancy.*

* The consultant incorrectly cites National Register Criterion A. According to National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation*, Page 12, Criterion A, Events, reads: “A property can be associated with either (or both) of two types of events: A specific event marking an important moment in American pre-history or history, and, a pattern of events or a historic trend that made a significant contribution of a community, a State, or the nation.” The evaluator incorrectly describes this criterion on DPR forms (e.g., Page 2 of 3 of evaluation of 1800 24th Street) as: “Criterion 1/A recognizes properties associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States. The property must also (emphasis added) have an important association with the event or historic trends—mere association with historic events or historic events or trends is not enough to qualify.” This implication that a property must be significant with broad patterns and specific events, rather than being associated with broad patterns or specific events, is an overly strict interpretation of Criterion A.

* Similarly, California Register Criterion 1 does not require association with specific events at all: per California Code of Regulations 4852(b)(1), Criterion 1 is defined as a property that “is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.”

* The City of Sacramento’s landmark eligibility criteria also does not require association with both broad patterns and specific events; Landmark Eligibility Criteria 17.604.210(A) lists Sacramento Register Criterion I as “It is associated with events that have made a significant contribution to the broad patterns of the history of the city, the region, the state or the nation.” Per the consultant’s admission of their instructions regarding this survey, properties were not surveyed for eligibility as contributors to a historic district.
* In testimony to the Preservation Commission on October 18, 2017, consultant Amber Grady of ESA reported that they were given a very detailed scope by City of Sacramento staff, and directed strictly to use the existing context statements. This restriction led the consultant to use an unnecessarily narrow period of significance and criteria for evaluation, excluding potentially eligible resources. Consultant also reported that they believe there is a larger industrial district on R Street, but it did not fit within the narrow parameters provided by the City of Sacramento. This recommendation is located in the cultural resources survey provided by ESA but not included in the EIR appendices. This suggests that the evaluation of potential historic properties that may be affected by this project on R Street is incomplete and requires reevaluation for eligibility as resources under CEQA without the restriction on examining other contexts.

*This concern could be addressed by adding a mitigation measure requiring a redone survey of the properties in the R Street historic district without limiting the analysis to currently listed historic contexts. It is not necessary to write an entire citywide historic context to evaluate potential historic properties on R Street in order to carry out this measure.
3. Evaluation of eligible “opportunity site” historic properties is limited and incomplete, including multiple potentially eligible properties that are mislabeled or ignored. (EIR Appendix E, Cultural Resources Data, Opportunity Sites Table.) The examples below demonstrate errors in procedure and evaluation resulting from incorrect interpretation of National Register criteria, exclusion from consideration due to instructions to ignore properties not eligible under 2035 General Plan historic contexts, or otherwise incorrectly evaluated by the consultant team. It is not a comprehensive list.

* Consolidated Electrical Distributors, 1800 24th Street, had a railroad spur located along R Street serving the building directly, and its occupant in the mid-1950s (Valley Paper Co.) was listed as a railroad customer served by team track in Western Pacific Railroad’s Circular No. 167-E (a document listing industries served by Western Pacific, Southern Pacific, Sacramento Northern, and Central California Traction railroads, via direct spur or team track in Sacramento, circa 1955)—document attached.

* Fischer Tile & Marble, 1800 23rd Street: As with CED above, this property utilizes the incorrect interpretation of National Register Criterion A and California Register Criterion 1 mentioned above.

* 1730 14th Street is identified as having a railroad spur on Quill Alley, disconnected from the R Street railroad line. However, the DPR form does not explain that Western Pacific Railroad’s railroad line ran along Quill Alley, and as an industry directly served by rail, is eligible within the historic context of railroading in Sacramento.

* 915 R Street is identified as associated with “Goodwill Tire & Rubber”; incorrectly labeled, the name of the company is Goodyear. See comments below re Goodyear Tire & Rubber.

* Goodyear Tire & Rubber, 925 R Street/1724 10th Street was served by the adjacent railroad and built within the R Street Historic District’s period of significance. The consultant considered it ineligible because the property was not directly associated with product development or manufacturing, which took place elsewhere, but does not evaluate the property within its local context on R Street, specifically within the R Street Historic District’s established historic context, which considers the transition from railroads to trucks, running on rubber wheels such as those supplied by this warehouse, to be a significant event ending the district’s initial period of significance.

* This concern could be addressed via mitigation measures re-surveying the properties along the eastern portion of R Street and other industrial properties between Q and S Streets as potential contributors to either the R Street historic district or a new eastern R Street historic district with a separate context.

* Other eligible Mid-century Modern resources on opportunity sites should be compared to the pending Mid-century Modern Survey of Sacramento for evaluation as historic resources within the established Mid-century Modern historic context generated as part of that survey document, and other eligible criteria.
4. **Evaluation of eastern portion of R Street fails to evaluate the properties in context of the eastern R Street corridor;** a separate R Street historic district appears to exist in this area but was not analyzed by consultant, presumably due to city instructions to only evaluate as individual properties.

* The consultant did not evaluate R Street for potential historic districts, despite the fact that the regulatory framework of the Environmental Impact Report considers properties potentially eligible for inclusion as historic districts to be historic properties. Thus, the evaluation of cultural resources, limited (per consultant’s scope of work) to evaluation as individually eligible properties, is legally insufficient.

*This concern could be addressed by adding a mitigation measure re-surveying the properties in the eastern portion of R Street for potential eligibility as a historic district with a period of significance extending through the 1960s and the end of freight railroad service, adding the context of distribution by truck and team track (in addition to direct railroad service) as part of the industrial district’s statement of significance.*

5. **Historic landmarks and districts in commercial corridors:** Many individually listed historic landmarks and historic districts are located in the “corridor” areas identified in the Downtown Specific Plan, and no map showing the location of individual landmarks was provided in the Downtown Specific Plan materials.

* This concern could be addressed by adding a mitigation measure requiring updating and revision of central city historic property surveys as a DSP goal in the area of historic preservation.

6. **Devolution of historic preservation decisions from Preservation Commission to director or staff level** limits public opportunity for notification, comment, and appeal. Inappropriate assignment of final authority for decisions affecting historic properties to Planning & Design Commission, with Preservation Commission providing only an advisory role, means decisions are made by a city board without subject matter expertise.

*This issue could be addressed via a mitigation measure requiring the adoption of interim historic district design guidelines immediately, and adopting the Preservation Commission’s recommendations regarding their concerns about revisions to the Planning and Development Code as presented to the Preservation Commission and Planning & Design Commission in October 2017.*

**Attachment:** Preservation Commission Ad-Hoc Committee Letter regarding Amending Section 145.156.020 and Various Provisions of Title 17 of the Sacramento City Code Relating to Planning and Development (M17-016)
7. Proposed language to limit maximum deviation of Floor Area Ratio to 20% in cases of significant community benefit was removed from the Plan at some point between October 12 and 19, 2017, despite its mention in EIR (Page 3-27) and public presentations (October 9, 2017 at City Hall, Station 5, Urban Design, Land Use & Preservation.) Without maximum deviation limit, it is impossible to calculate cumulative impact of multiple projects or conform to required policy elements regarding clear and consistent development standards. Without this limit, it is impossible to determine if a property is substantially consistent with its land use and urban form designation.

The Draft EIR specifies an amendment to 2035 General Plan land use policy 1.1.10, Exceeding Floor Area Ratio (FAR), clarifying the policy regarding FAR to allow permitted FAR to be exceeded by 20 percent if the project provides a significant community benefit, replacing the current policy as interpreted, which has no maximum limit for FAR. This item was also presented at the October 9, 2017 community meeting at City Hall, as an element of the Downtown Specific Plan, as part of Station 5. It was also presented to the City’s Planning and Design Commission on October 12 as part of the staff report in which this 20% limit on exceeding FAR was described as a General Plan FAR clarification and benefit of the Downtown Specific Plan. On October 18, city planner Greg Sandlund informed the Preservation Commission that this was being removed from the Downtown Specific Plan objectives and would be deferred until the city’s 2040 General Plan update, a process that could take several years.

If there is no maximum limit on FAR deviation, and thus no upper limit on potential development, it is impossible to calculate cumulative impact of multiple projects within the Downtown Specific Plan. The DSP’s policy element, LU 5.1, specifies “Maintain clear and consistent development standards and design guidelines.” If there is no numeric limit on FAR deviation, this standard is impossible to implement, and the EIR cannot achieve one of its required purposes, to calculate and estimate cumulative impacts of projects within the Downtown Specific Plan area. It is thus also inconsistent with the City of Sacramento’s 2035 General Plan EIR. Policy Element LU 5.1 is internally inconsistent; the city cannot provide clear and consistent development standards that are also unlimited in their flexibility.

**LU.5.1 Consistent Standards and Guidelines:** Maintain clear and consistent development standards and design guidelines that are user friendly, remove barriers for Downtown projects, and provide adequate flexibility to react to changing market opportunities. *(Downtown Specific Plan, Page 39)*

Standard conditions of approval for projects in the DSP area, which the draft EIR states addresses all potential impacts, does not include the maximum FAR if there is no way to ensure a maximum FAR for projects within the DSP boundary, so there are no consistent standards for cumulative impact of downtown projects. This means the EIR is out of compliance with government code regarding density and intensity standards.

* This issue could be addressed by including the maximum Floor Area Ratio deviation bonus of 20% in the Downtown Specific Plan, amending the 2035 General Plan to reflect this maximum FAR deviation, instead of deferring revision until the 2040 General Plan update, and adding this language to the ordinance that will be adopted by the City Council regarding the Downtown Specific Plan.
8. Changes to height limits in C2 zones are moderated by reduced height limits where C2 zones meet R1/R1A or R2/R2A zones, but not where C2 zones meet R3/R3A zones. Many historic districts, and in fact most of Midtown, are zoned R3A.

* Given the proposed increase of height in C2 zoned areas from 65 to 85 feet, or higher with deviations, the issue of interface between residential neighborhoods is important. The city clearly prioritizes this by proposing the reduced heights for R1 and R2 zones adjacent to commercial zones, but R3 zones are excluded.

* Sacramento’s residential districts and historic districts include a mixture of R1, R2 and R3 land use categories, with R3 being the most predominant. In most cases the built environment in all three zones includes a mixture of single-family homes, duplexes and multiplexes, and small apartment buildings, generally ranging from 1-3 stories. Some areas zoned R1 (single family or duplexes) include multi-story, multi-unit apartment complexes, while some areas zoned R3 (multi-family) include solely single-family, one-story homes (such as the Bungalow Row historic district.) Based on past central city plans, zoning decisions between R1, R2 and R3 were based on proximity to commercially zoned areas, not intensity of built environment. Thus, the R3 zones are generally closest to commercial zones. They at greatest risk when adjacent to commercial zones, but would lack the protections of R1 and R2 zones, which are generally farther from commercially zoned areas.

* Historic districts mostly or entirely R3A zoned within the DSP boundary include all three Alkali Flat historic districts, Mansion Flat, Capitol Avenue, Capitol Mansions, Winn Park, Bungalow Row, 1200-1300 Q Street, 20th & N Street, Fremont Park, Marshall Park, Washington and Washington School, and portions of Boulevard Park, Southside Park, Poverty Ridge, and Newton Booth historic districts. Hundreds of individual landmarks are also located in R3A zones. While restricting these height limits to R3A zoned properties in historic districts, there is so much overlap that applying the same rules to R3 as R1/R2 is logistically much simpler—see map on next page to see historic districts overlaid with zoning.

*This issue can be addressed by providing the same transition zones in R3/R3A properties as provided for R1 and R2 zones. Adding this change also meets the DSP’s LU 8.2 regarding transitional heights.

We appreciate this opportunity to provide review and comment, and wish to thank City of Sacramento planner Greg Sandlund for providing prompt feedback regarding the Downtown Specific Plan.

Garret Root, president, Preservation Sacramento Board of Directors
Attachment: Diagram showing overlay of historic district boundaries (green lines) with R-1/R-2 zones (yellow) and R-3A zones (brown) adjacent to C-2 zones (red) within Downtown Specific Plan boundary. Many of Sacramento’s historic districts contain R-3A zoned properties.