

PROVENCHER & FLATT, LLP
823 Sonoma Ave. Santa Rosa, CA 95404
Phone: 707-284.2380 Fax: 707-284.2387

ATTORNEYS AT LAW
Douglas B. Provencher
Gail F. Flatt

OF COUNSEL
Rachel Mansfield-Howlett
Roz Bateman Smith

August 11, 2017

City of Davis
Community Development and Sustainability Department
23 Russell Boulevard, Suite 2
Davis, CA 95616
Eric Lee, Project Planner
elee@cityofdavis.org

Via email

Re: Adequacy of environmental review conducted for the
Trackside Center Project

Dear Mr. Lee:

On behalf of the Old East Davis Neighborhood Association (OEDNA), thank you for the opportunity to comment on the adequacy of the environmental review conducted for the Trackside Center Project. The OEDNA Board of Directors have submitted substantive comments on the inadequacies of the analysis done in the Initial Study (IS), incorporated herein by reference. It is my professional opinion that these comments provide substantial evidence sufficient to show that the IS may not be legally approved as proposed, and further, that the record before the City provides the requisite 'fair argument' of environmental impacts such that an EIR is required to be prepared prior to further consideration of the Project. Objections to the environmental review conducted for the Project include the following, *inter alia*:

1. The City's Design Guidelines Compliance Table for Mixed Use Building Mass and Scale is incorrect. (July 19, 2017 Staff Report, Attachment 11, pg. 05A 86-87.) Staff did not perform a complete evaluation utilizing all of the criteria, lettered A-D, against the specific features of the Project. Criteria A and C, in particular, should be evaluated consistent with these quantitative measures. Instead, staff opines that building mass and scale are "generally consistent" with the Design Guidelines for mixed use but fails to perform a complete analysis.

2. Mandatory language in the City of Davis' Municipal Code regarding the applicability of the DDTRN Design Guidelines, as well as mandatory language from the Design Guidelines regarding mixed use mass and scale, *was not included* in the July 19, 2017 Staff Report. The Davis Municipal Code section 40.13A.020 (b) states: "Wherever the guidelines for the DTRN conflict with the existing zoning standards including planned development, *the more restrictive standard shall prevail.*" This ordinance is paraphrased in the July 19, 2017 Staff Report (pg. 05A-2) but not quoted in full. Notably, the phrase "... including planned development...", which applies to the Trackage proposal, is absent from the Staff Report paraphrase. Practically speaking, when a Planning decision involves the DDTRN Design Guidelines, the Guidelines prevail if they set the strictest standard. The Guidelines prevail even over a planned development.

The DDTRN Design Guidelines for Mixed Use Building Mass and Scale display a schematic figure with the caption: "A building *shall* appear to be in scale with traditional single-family houses along the street front." (DDTRN Design Guidelines, pg.58.) The word "shall" is understood to imply a mandatory standard. This standard certainly applies to the Trackage proposal, a mixed-use project located within the boundaries of the DDTRN overlay district. As I showed in figures 2-5 of my July 13, 2017 written comment to the Planning Commission, the proposed building *does not* "... appear to be in scale with traditional single-family houses along the street front."

The City must consider the Project's inconsistency with area plans in light of this mandatory language so that appropriate mitigation measures and alternatives to the Project's configuration can be fairly considered prior to adoption of the Project.

3. The Initial Study fails to analyze the impacts of the foreseeable loss of the leased land claimed by the applicant as part of the Project area.

The use of leased land is discussed in item 5 of the "Old East Davis Neighborhood Association Concerns" June 14, 2017 document signed by the OEDNA board, and submitted as a written comment to the Planning Commission. The use of leased land is also discussed in item 7 of the written July 10, 2017 comment submitted to the Planning Commission by Steve and Lois Sherman. Based on the terms of the lease, the loss of the leased land is a foreseeable event. It is not reasonable to assume that the *status quo* for use of the leased land by the Trackage Partners will continue through the life of the proposed building. The impacts of the foreseeable loss of the leased land, include, among other things: increased floor-area ratio, increased lot coverage and increased density, above the maximums allowed for mixed use. (See, Table in item 1 of the July 13, 2017 comment letter submitted to the Planning Commission by Mark Grote); loss of parking spaces, and; loss of open space. These impacts must be analyzed in an EIR. CEQA requires all foreseeable uses of a project, the 'whole of the action', be analyzed in the same environmental review document in order to preclude impermissible 'piecemealing' of environmental review.

4. The Initial Study (IS) is inadequate and incomplete because it fails to analyze the Project's inconsistencies with area plans and policies, including applicable City of Davis zoning ordinances, General Plan, Core Area Specific Plan and mandatory provisions of the DDTRN Design Guidelines for mixed use mass and scale which require that a project "... appear to be in scale with traditional single-family houses along the street front." (DDTRN Design Guidelines, pg.58; see 6/14/17 letter to City from OEDNA Board; 7/13/17 and 8/11/17 letter to City, from Mark Grote, Secretary, OEDNA; 8/11/17 letter to City from Rhonda Reed, President, OEDNA.)

The Environmental Checklist contained within an IS requires a project's conflicts with area plans and policies be discussed. (Appendix G, Environmental Checklist IX Land Use and Planning.) Evidence of a project's arguable lack of consistency with a plan adopted for environmental protection can trigger the need to prepare an EIR. (*The Pocket Protectors v. City of Sacramento* (2004) 24 Cal.App.4th 903, 934.) Here, the IS broadly claims that the Project is substantially consistent with area plans but does not discuss, as it must, the areas of inconsistency. The whole point of environmental review is to put the public and decision makers on notice of a project's potentially significant effects. The IS is inadequate and incomplete for failing to divulge the Project's inconsistencies with area plans and policies, some of which contain mandatory provisions.

5. Staff incorrectly asserts that the adequacy of the IS is governed by the 'substantial evidence' standard rather than the 'fair argument standard.' (Staff Report, 7-19-17 Planning Commission Hearing, pg. 5A-13.) Pursuant to the Public Resources Code, an EIR must be prepared whenever there is substantial evidence that significant effects "may" occur. (Public Resources Code §§ 21082.2(a), 21100, 21151.) "May" means a reasonable possibility. (*League for Protection v. City of Oakland* (1997) 52 Cal.App.4th 896, 904-05; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309.) The CEQA Guidelines confirm that preparation of an EIR rather than a Negative Declaration is required if there is substantial evidence in the "whole record" of proceedings that supports a "fair argument" that a project "may" have a significant effect on the environment. (CEQA §15064(f)(1.); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 111-112.) Neither of the relevant Public Resources Code sections, applicable to the environmental review conducted for the Project, 21155.2 (concerning transit priority project streamlining) or 21159.28 (concerning sustainable communities' strategies) state that the 'fair argument' does not apply; on the contrary, Public Resources Code section 21155.2 subdivision (b)(1) specifically references the 'fair argument' standard. "An initial study shall be prepared to identify all significant or potentially significant impacts of the transit priority project, other than those which do not need to be reviewed pursuant to Section 21159.28 based on substantial evidence in light of the whole record."

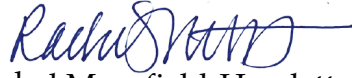
In light of this, the City must review the adequacy of the IS under the 'fair argument' standard. Courts have repeatedly affirmed that the fair argument standard is a 'low threshold test.' Evidence supporting a 'fair argument' of any potentially significant environmental impact triggers preparation of an EIR regardless of whether the record contains contrary evidence. (*League for Protection v. City of Oakland* (1997) 12 Cal.App.4th 896; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 310.) Whether the administrative record contains a 'fair argument' sufficient to trigger preparation of an EIR is a question of law, not a question of fact. Under this unique test "deference to the agency's determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary." (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 151 (citing *Sierra Club* and *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597).)

Furthermore, it is important to note that a conflict in expert opinion over the ***significance of an environmental impact normally requires preparation of an EIR.*** (Guidelines §15064(g); *Sierra Club v. CDF* (2007) 150 Cal.App.4th 370.) Here, the expert opinion of architectural historian Patricia Ambacher (12/12/16 letter to the Planning Commission) found that the Project may result in indirect impacts to historic resources and the City's analysis did not conform to the correct standard for evaluating the historical setting of the site. (*See also* 8/11/17 letter from Rhonda Reed, President, OEDNA, to City, re. cultural resources.)

Opinions based on the expertise of planning commissioners, city councilmembers, ***and other public officials with expertise in land use planning also qualify as substantial evidence supporting a fair argument of potentially significant impacts that requires preparation of an EIR.*** (*Stanislaus Audubon Society v. County of Stanislaus* (1996) 48 Cal.App.4th 182; *The Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 934; *Architectural Heritage Association v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1115; *County Sanitation District No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544.) Here, the testimony given by the HRMC confirms the Project is inconsistent with the mass and scale of its surroundings and may have cumulatively significant impacts to cultural resources.

The IS errs in failing to acknowledge that the City has treated the conservation district as the functional equivalent of a historical district. The Project should be evaluated under the same protections afforded a historic district. The purpose of the adoption of a conservation district is the same as for a historic district, to implement historical preservation policies, objectives and mitigation measures that would prevent impacts to the city's historic resources. (*See also* 8/11/17 letter from Rhonda Reed, President, OEDNA, to City re. cultural resources.)

Sincerely,



Rachel Mansfield-Howlett
Attorney for OEDNA

Rhonda Reed, President
Old East Davis Neighborhood Association
320 I Street Davis, CA
salmonlady@sbcglobal.net

August 11, 2017

City of Davis
Department of Community Development and Sustainability
c/o Eric Lee, Project Planner
elee@cityofdavis.org

Via email

Subject: Comments on Sustainable Communities Environmental Assessment Initial Study (IS) regarding Traskside Center Mixed Use Project: Cultural Resources Impacts.

Dear Mr. Lee and City Planners

I am writing this letter as regarding the CEQA analysis for the Traskside Center Mixed Use Project (TCMUP) proposal, 901-919 Third Street. I am the President of the Old East Davis Neighborhood Association. My spouse and I have owned the Williams-Drummond-Rorvick House at 320 I Street, in Old East Davis since 1980. Professionally, I have prepared and reviewed CEQA and NEPA documents for construction projects and regulations. I am not an historian by training, however, having owned and renovated this designated historic Landmark I have explicit, first-hand knowledge of the city ordinances governing protection of historical resources and how they have been applied to my home, to properties within Old East Davis, and also experience with these processes as relating to particular structures within the Downtown Core.

The key issues below are followed by more detailed explanation.

1. The use of a Sustainable Communities Environmental Assessment IS is inappropriate because the project does not conform to local land use plans and zoning ordinances. (see comments submitted by Mark Grote for further explanation.)
2. Local land use plans evaluated the direct, indirect and cumulative impacts of Davis' plan of development on historical resources in a complete, non-piecemeal manner. The cultural resources analysis in this IS is piecemeal and does not acknowledge or incorporate the General Plan EIR actions adopted to mitigate indirect and cumulative adverse impacts to historical resources.
3. The IS misrepresents zoning ordinances, resulting in a flawed analysis.
4. The Conservation District (CD) zoning overlay is the functional equivalent of an historic district designation. The CD designation protects the traditional character, setting, and feeling of the neighborhood to protect individual designated structures within, but also conserves a functional record of the history of the people and structures they built as the city has matured. The impacts analysis is flawed in that it does not recognize the purpose, under CEQA, of the CD and the Downtown Davis Traditional Residential Neighborhood design guidelines (DTRN) to prevent significant indirect and cumulative impacts to historic resources.
5. The language defining the CD and DTRN Design Guidelines incorporates design, location, setting and feeling in their description. The language in the CD or DDTRN DG applies to all structures within the

zoned area to maintain the setting and feel. In practice, the terms of these overlay districts have, indeed, been applied to all structures, and are not limited to designated historical structures. The IS fails to analyze the impacts in this historical context. The historical analysis disregards the mitigating intent of the DTRN and CD, and incorrectly concludes that impacts to setting and feeling are not factors relevant to the historic structures within the APE.

6. The IS incorrectly asserts that setting was not a consideration for designation of any of the historic structures in the APE.
7. The historical analysis identifies that there are conflicting professional assessments of the impacts of the TCMUP on historical resources. However, the IS fails to fully disclose the assessments and deliberations of the City's own Historical Resources Management Commission (HRMC). The IS does not take a conservative approach to protection of irreplaceable resources in the case of professional disagreements.
8. The HRMC deliberations identified "mass and scale" as critical factors in historical protection and that the TCMUP significantly exceeded design guidelines established for appropriate mass and scale.
9. The IS does not analyze the impact of the proposed change in zoning regarding mass and scale for all the parcels within the Core Transition East area between 3rd and 5th streets.
10. The IS incorrectly asserts that no hazardous materials are known at the site.

Explanatory Detail

1. Sustainable Communities Streamlining is Inappropriate

Please see comments submitted by Mark Grote and Kyriacos Kyriacou for the Planning Commission hearing on the TCMUP for further explanation.

2. Local Plans and CEQA

The EIR for the Davis General Plan evaluated the direct, indirect and cumulative impacts of Davis' plan of development on historical resources in a complete, non-piecemeal manner. The plan included policies and actions to ensure that such impacts would be avoided or mitigated to a non-significant level. The DTRN and Conservation District fulfill a CEQA requirement of the 2001 General Plan EIR. They were developed to avoid piecemeal evaluations of projects that would result in significant direct, indirect, and/or cumulative impacts to historic resources. Resolutions 01-108, series 2001 and 07-139, series 2007 (attachment 1) implements these policies, actions and mitigation measures. The cultural resources analysis in this IS is piecemeal and does not tier off, acknowledge nor incorporate the General Plan EIR actions adopted to mitigate adverse impacts to historical resources.

3. Misrepresentation of Ordinances

The DTRN "Framework" was not intended as mere guidance, but was deemed full standing with other zoning pursuant to Municipal Code 40.13A.020(b): Wherever the guidelines for the DTRN conflict with the existing zoning standards including planned development, the more restrictive standard shall prevail. (Ord. 2066 § 1, 2001). They are explicitly protective, not merely "a useful context in which to review project design..." (IS p. 58, para 5) as suggested in the IS.

The IS also asserts that "However, non-contributing structures would follow these [Secretary of the Interior standards] to a much lesser degree as they relate to scale massing similar to any design review are held to a lesser standard of compliance" (IS p. 50). This assertion is not stated in the zoning ordinances, nor does the narrative of the DTRN design guidelines or design review process state this. The IS must state from where this

assertion is derived, how it has been applied, and how it addresses a project so egregiously out of scale with the surrounding properties and conservation district.

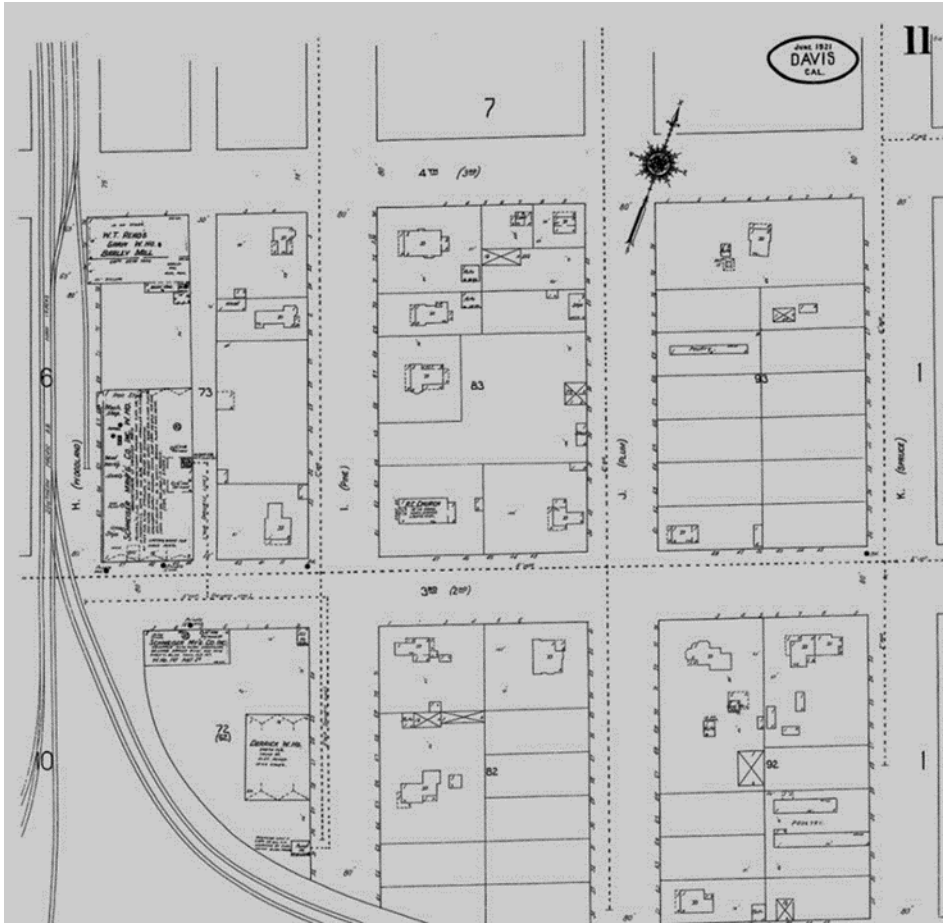
The IS also asserts that the project is not in the Old East Davis neighborhood (IS p 50) , however the Resolutions (attachment 1) and Municipal Code 40.13A.020 designate only 4 neighborhood districts in the zoning overlay as determined by the DTRN map. Pursuant to the map on page 29 of the design guidelines, the project is in the Old East Neighborhood district. As noted above, Municipal Code 40.13A.020(b) states: Wherever the guidelines for the DTRN conflict with the existing zoning standards including planned development, the more restrictive standard shall prevail.

4. The Conservation District (CD) zoning overlay is the functional equivalent of an historic district

The IS states: “A Conservation District was adopted rather than a Historic District in order to allow more flexibility in redevelopment standards while allowing compatible new construction.” This is a partial representation of the purpose and intent of the CD designation. The Conservation District was established as part of the implementation of the DDTRN Design Guidelines which implement historical protection policies and mitigation measures called for in the General Plan EIR (see Resolutions, Attachment 1).

Historical Context and Setting of Old East Davis:

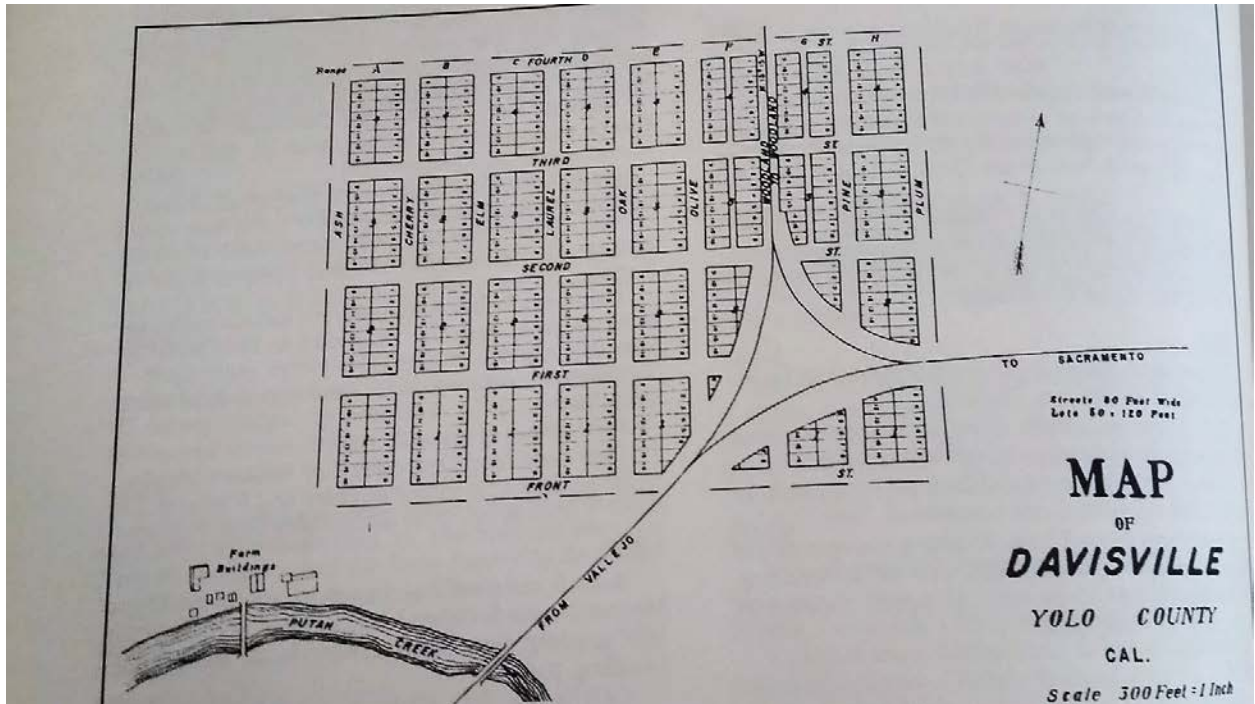
In the late 19th to early 20th century, the homes in Old East Davis were few and far between, although the lots had been subdivided into “city lots” with the original platting of the City of Davis in 1868. The 1921 Sanborn map pictured below shows the pattern of structures in the Old East Davis neighborhood. At that time, the Schmeiser Manufacturing Company occupied the project site with numerous large buildings oriented in an east-west, generally constructed with high pitched roofs that presented a variable western skyline. The only homes in the APE were the three presently designated historic structures and three contributing structures. There was a Catholic church at the corner of Third and I streets. The lands immediately adjacent to the project site were open areas used as stockyards and other staging areas for goods and materials service areas for the railroad related activities.



Sanborn Fire Insurance Map, Davis, CA (Sheet 11), June 1921. From Fig 13 of 2015 Historical Resources Analysis Report

The IS cites the more intensive use of this property as justification for the excessive mass and scale of the TCMUP. However, the context of past uses has been superseded by the present-day zoning and General Plan analysis. The DTRN provides the present-day context for re-development in a manner that mitigates potential adverse impacts on historical resources and incentives for private maintenance of designated historical resources. It does not roll the clock back to earlier conditions

The historical context of Old East Davis has not been altered. The citation and interpretation of IS Paragraph 2, pg 59. is based on an incorrect interpretation in the 2003 *Historic Context and Resource Survey for Central Davis*. This citation assumes that the original setting of Old East Davis was fewer houses on larger lots that were subsequently subdivided for infill (reference Williams-Drummond and Montgomery houses). In fact, the original platting of Davisville was noted for its “modern”



uniformity of city lots. Early occupants of Davis frequently acquired multiple contiguous parcels. The parcels drawn in the era of the Sanborn map (from Historical Resources Analysis (2015) Figure 13) reflect consolidation of multiple original parcels, rather than later subdivision for infill.

Assessors records show that the larger homes were erected over multiple lots and that many of these homeowners acquired multiple lots, conjoined for a larger home and necessary appurtenances of the day, but with additional lots held for later development to house other family members and later generations who would settle in Davis.

A specific example of this practice is captured in the “Old East Davis Historic Homes Sampler” <https://oldeastdna.files.wordpress.com/2015/10/oed-home-tour.pdf> regarding the Roos Home at 402 I Street.

The Roos family, Frederick Carl Roos and Adelia Gertrude Denzler, settled at 402 I Street in the late 1800’s. Their final house on the property was built in 1915. They had nine children. One of their children, Charles Phillip Roos married Myrtle Estelle Fritts on October 3, 1913. They built the house located two doors away, at 418 I Street. Charles P. and Myrtle Estelle Roos had one daughter, Phyllis. Phyllis Estelle married Carl Junior Penn in November 17, 1947. They lived with her parents until the house at 414 I Street was built in 1950. Phyllis Penn lived on this block of Davis for over eighty years, until her death in 2004.

In 2001 when the CD designation was developed, City ordinances prohibited historical designation of structures built after 1945. Hence, local ordinance prohibited consideration of these later structures for historical designation. The CD allowed conservation of the history of the Old East Davis development pattern in conformance with local laws at the time. The ordinance has since been changed to conform with State law that considers structures 50 years or older as potentially historically significant.

The location of these designated homes in their original sites provides the historical setting and context to the conditions relevant to the history of the City’s earliest years. Further, the patterns of infill in Old East Davis are a reflection of the norms and standards of development that have progressed over

time since the original Plat was recorded. The infill patterns capture the historical pattern of family relationships, infill, and progress of early Davis from the late 19th Century to the mid-20th Century. No action has been taken to designate an historic district within Old East Davis because the 19th century structures alone do not tell the history of this area and the CD designation has been sufficient to conserve the setting and feel, and thus the historical context of the district. Further the DTRN and CD have provided a framework and assurances for future conditions that incentivize private investments in historic structures.

The General Plan directs the City to provide incentives to private entities to maintain and preserve Historical resources of the City. All of the designated historic and contributing structures in Old East Davis are privately owned and maintained. In the past 10 years, private investment in the upkeep and restoration of these publicly valued properties is calculated in millions of dollars. These investments have been made in these properties because of where they are, and not just what they are. These investments have been made because, up to this point, the City has honored the DDTRN and CD framework that provide assurances to private citizens that the traditional character of their neighborhood would be protected.

The IS fails to recognize the available evidence and the purpose and mitigative intent of the DTRN and CD in its analysis.

5. CD and DTRN Design Guidelines Address Historical Integrity: Setting and Feeling

The CD addresses multiple categories of integrity as defined in the National Register Bulletin *How to Apply the National Register Criteria for Evaluation* (U.S. National Park Service 1997), as follows (quoted text from IS pp 50-53):

“Location

Location is the place where the historic property was constructed or the place where the historic event occurred. The relationship between the property and its location is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in rare cases, the relationship between a property and its historic associations is destroyed if the property is moved.”

The 1921 Sanborn Map (Figure 13 Historical Resources Analysis Report (2105)) depicts the pattern of development in the early history of Davis. The CD designation preserves the designated historic structures in their original locations and in their original relation to each other.

“Design

Design is the combination of elements that create the form, plan, space, structure, and style of a property... whether they are important primarily for historic association, architectural value, information potential, or a combination thereof. For districts significant primarily for historic association or architectural value, design concerns more than just the individual buildings or structures located within the boundaries. It also applies to the way in which buildings, sites, or structures are related: for example,

spatial relationships between major features; visual rhythms in a streetscape or landscape plantings; the layout and materials of walkways and roads; ...”

The DTRN and CD protect the spatial relationships between major features (designated historic structures); visual rhythms in a streetscape; the layout and materials of walkways and roads. It should be noted that most of the walkways and curbs of Old East Davis were installed by the Works Project Administration in the 1930’s.

“Setting

The physical features that constitute the setting of a historic property can be either natural or manmade, including such elements as: ... Relationships between buildings and other features or open space. These features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its surroundings. This is particularly important for districts.

Feeling

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district retaining original design, materials, workmanship, and setting will relate the feeling of agricultural life in the 19th century. A grouping of prehistoric petroglyphs, unmarred by graffiti and intrusions and located on its original isolated bluff, can evoke a sense of tribal spiritual life. “

Municipal Code 40.23 defines the CD zoning as: (h) **Conservation overlay zoning district.** Conservation overlay districts support planning policy stipulating that new development and renovation of existing buildings should respect the traditional scale and character found within a defined area. Conservation overlay zoning districts are designated under this chapter and are not included in the Davis Register of Historical Resources. However, individual buildings within a conservation overlay district may be designated landmarks or merit resources.

The letter and intent of this ordinance is to address the attributes of setting and feeling based on the language underlined for emphasis. The CD definition clearly intends that designated resources may be included within the district, and the purpose of the district is to conserve such historical resources in a context that maintains the design, setting, and feel of the District.

Further, City of Davis Municipal Code Section 40.13A.010 states that: The purpose of the downtown and traditional residential neighborhood overlay district and design guidelines are as follow:

- (a) Conserve the traditional neighborhood character, fabric and setting while guiding future development, reuse, and reinvestment;
- (b) Discourage the demolition of structures consistent with the district’s historic character by providing incentives for reuse of non-designated contributing structures;
- (c) Plan for new commercial and residential infill construction that is compatible and complementary to the character of existing neighborhood areas within the district;
- (d) Foster reinvestment and economic development in the core that is consistent with historic conservation; and

(e) Provide guidelines to clarify the community's expectations for the type and quality of development within the district.

Further, Municipal Code 40.04A states: The purpose of the residential one and two-family conservation district (R-2 CD) is to stabilize and protect the historic residential characteristics of the Old North Davis and Old East Davis residential neighborhoods within the city's adopted conservation overlay zoning district, and to promote and encourage a suitable environment for residential living. The R-2 CD district is intended for residences and community services appurtenant thereto. (Ord. 2147 § 1, 2004).

The underlined language clearly establishes a relationship between the CD and DTRN, and the existence and intent to protect attributes of historical integrity, including setting and feel, unique to Old East and Old North Davis. The IS analysis is flawed because it disregards this relationship and the available evidence regarding integrity factors.

6. Setting is a Relevant Aspect of Old East Historic Resource Designation

The IS historical analysis asserts that setting is not relevant because it is not mentioned in the "original records" (IS pg 60) designating the Landmark and Merit resources of Old East Davis. The IS does not identify what "original records" were cited to support this assertion. It should be noted that at the time of designation, the Williams-Drummond-Rorvick home was noted to be architecturally altered, but historical accounts note that the structure was noteworthy for its location, as the oldest structure on its original site in the eastern range of the original plat of Davis, as well as for its association with the Drummond family. (<http://davisdowntown.com/historical-properties>).

The IS does not consider that only one attribute of integrity is required for designation at national, state or local level; and that the historical assessments conducted by the City were under limited budgets, hence a thorough analysis of all possible factors for designation was not within budget for consideration. Past historical analyses are adequate but not thorough. The City budget for the 2003 assessment was roughly \$6,000 (Ike Njoku, Pers.comm. 8-8-2017). The 2015 assessment was allocated \$40,000, reimbursed by the State of California, although the scope of this assessment was much larger owing to the change in City ordinance that no longer restricted historical consideration to structures built before 1945, but now included all structures 50 years or older. The individual designations for the historical structures may seem to be limited to the architecture of the structures, however, this one factor is sufficient to meet integrity standards for designation. Also, in some cases the assessment methodology consisted of walking through the neighborhood and visually assessing the structure. This would allow consideration of a most obvious criteria for listing which was the architecture, but little else.

If the criterion of setting and feel, and the relational locations of properties in the neighborhood district were not important then the framework for historic preservation 2001 framework called for in the 2001 General Plan EIR need only have addressed how to protect individual structures. In fact the City adopted a Conservation District strategy as a functional equivalent to an historical district to implement the historical preservation policies, objectives and mitigation. No historic districts have been designated outside the DTRN since its adoption (Ike Njoku, Pers. Comm. August 10, 2017).

The IS is inadequate because it fails to consider relevant evidence.

7. & 8. The IS fails to fully disclose relevant assessments from historic experts

The City of Davis has shown its commitment to preservation by becoming a Certified Local Government (CLG). The HRMC is established as part of that certification to provide technical and professional historical expertise to advise City decision-makers.

The IS fails to disclose the concerns regarding the TCMUP that were voiced by the HRMC at the December 12, 2017 public meeting on this topic. A transcription of some of these concerns is found in Attachment 2. The precedent-setting nature and the cumulative effects of the project in terms of mass and scale and in terms of preservation were noted by commissioners. They unanimously rejected the recommended finding that the project was consistent with the DTRN. They unanimously rejected the recommended finding that the historical analysis was acceptable (HRMC minutes of December 12, 2016

<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CityCouncil/Historical-Resources-Management-Commission/Minutes/20161212/Minutes-2016-12-12-HRMC-Special-Meeting.pdf>). The HRMC has not reviewed the historical analysis presented in the IS. The staff report to the Planning Commission and the IS use language that minimizes the facts of the overwhelming mass and scale of the project and the conflicting professional advice regarding the impacts on the importance of the historic resources in Old East Davis.

9. The IS does not analyze the impact of the proposed change in zoning regarding mass and scale for all the parcels within the Core Transition East area between 3rd and 5th streets.

The staff report to the Planning Commission recommends not only approval of the TCMUP, but a zoning change that would affect all of the parcels in the Core Transition East/Mixed Use area potentially allowing even larger structures on these parcels. The impact of this action is not addressed in this IS.

10. The IS incorrectly asserts that no hazardous materials are known at the site.

As stated in my letter of October 19, 2015 to Mike Webb regarding the December 14, 2015 public meeting on the first proposal at the TCMUP site, hereby incorporated in full by reference, the Phase 1 Environmental Site Assessment report identified abandoned tanks and a variety historical uses that likely would introduce other hazardous chemicals to the soil on the site. The Phase 1 report makes no mention of the potential materials spilled from over 100 years of operation of the adjacent railroad. The Geotechnical Report, however does indicate that some of the material cored from the site had an odor like petroleum products. Excavation of these soils will mobilize these noxious and corrosive chemicals as dust that will settle on all the structures in the neighborhood, including the historic resources. These chemicals will degrade paint that protects the integrity of these historic wood buildings and significantly hasten their aging unless the structures are washed and repainted immediately. Fugitive dust from the site will also foul solar panel function. This is a significant impact.

Additionally, Mitigation Measure 2 – Archaeological resources is inadequate. Given past uses of the site, any excavation is likely to unearth bones or other historical artifacts. The identification of such

items requires that a qualified archaeologist be present during any excavating activities to observe unearthing material and to have full authority to halt construction activities should relevant materials be observed.

On behalf of The Old East Davis Neighborhood Association, I appreciate the opportunity to comment on this project. However, the OEDNA believes that the IS is inadequate and a full Environmental Impact Report is warranted for the TCMUP because of the significant adverse impacts to designated and contributing historical resources based on visual impact, hazardous material corrosion and contamination, degradation of the neighborhood from increased traffic, noise and loss of privacy, and the loss of private investment to maintain local historical resources. The proposed TCMUP will significantly adversely affect the setting and feeling of the designated historic properties at 923 Third Street, 320 I Street, 334 I Street, and 405 J Street, as well as the contributing structures in the neighborhood.

Sincerely,
Rhonda J. Reed
(signed electronically on August 11, 2017)

Attachments

- Resolutions (4 pp.)
- HRMC quotes (2 pp.)

RESOLUTION NO. 01-108, SERIES 2001
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS ADOPTING THE
DOWNTOWN AND TRADITIONAL RESIDENTIAL NEIGHBORHOOD DESIGN
GUIDELINES

WHEREAS, the Downtown and Traditional Residential Neighborhood Design Guidelines were developed as the result of a cooperative community effort to address community concerns about the manner in which new investment in the center of Davis can enhance, rather than erode, it's valued character; and

WHEREAS, Policy HIS 1.4 of the City's General Plan adopted in May, 2001 states that the City should "Preserve historic features of the core area and historic districts" and the related General Plan standard HIS 1.4a states that, "The City shall establish procedures for demolitions and standards and/or guidelines for remodeling and reconstruction in Davis' older neighborhoods within and around the core area, generally bounded by First Street, Seventh Street, A Street and L Street; and

WHEREAS, Goal UD 5 of the General Plan adopted in May, 2001 states that the City should, "Create and enforce clear and reasonable design guidelines that operationalize the relevant goals, policies and actions of this general plan, Policy UD 5.1 states that the City shall, "Develop and implement new design guidelines which are reviewed periodically; and

WHEREAS, the Core Area Specific Plan mitigation measure 4.2-7a requires the development of design standards specific to the Core Area and an accompanying design review process; and

WHEREAS, the Downtown and Traditional Residential Neighborhood Design Guidelines will help conserve the traditional neighborhood character, fabric and setting by guiding future development, reuse and reinvestment through the provision of a set of comprehensive written guidelines and illustrations and through the development of design review process; and

WHEREAS, the Downtown and Traditional Residential Neighborhood Design Guidelines will discourage the demolition of structures consistent with the district's historic character by providing incentives for reuse of non-designated contributing structures; within the guideline boundaries there are 31 individually designated historic resources and 111 structures included in the City's 1996 Cultural Resources Inventory; and

WHEREAS, the Downtown and Traditional Residential Neighborhood Design Guidelines identify four neighborhood districts that comprise Davis' center, Old East Neighborhood, Old North Neighborhood, University Avenue/Rice Lane Neighborhood and the Downtown Core and Mixed Use Neighborhood, and key features and character areas identified for each area; and

WHEREAS, The Planning and Building Director shall be authorized to make changes as directed by the City Council to the Downtown and Traditional Residential Neighborhood Design Guidelines to the photos, exhibits and text, and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Davis hereby adopts the Downtown and Traditional Residential Neighborhood Design Guidelines to ensure the long term viability and evolution of the designated area within the context of the desirable characteristics identified for each of the four neighborhood districts that make up the overlay district.

INTRODUCED on July 25th and PASSED AND ADOPTED on July 25th, 2001 by the following vote:

AYES: FREEMAN, GREENWALD, WAGSTAFF.

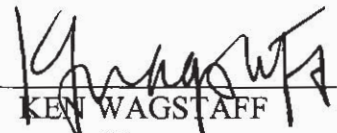
NOES: NONE.

ABSENT: NONE.

ABSTAIN: BOYD, HARRINGTON.

ATTEST


BETTE RACKI
City Clerk


KEN WAGSTAFF
Mayor

RESOLUTION NO. 07-139, SERIES 2007

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS AMENDING THE
DOWNTOWN AND TRADITIONAL RESIDENTIAL NEIGHBORHOOD DESIGN
GUIDELINES**

WHEREAS, the Downtown and Traditional Residential Neighborhood Design Guidelines were developed as the result of a cooperative community effort to address community concerns about the manner in which new investment in the center of Davis can enhance, rather than erode, its valued character; and

WHEREAS, Policy HIS 1.4 of the City's General Plan states that the City should "Preserve historic features of the core area and historic districts" and the related General Plan standard 1.4a states that, "The City shall establish procedures for demolitions and standards and/or guidelines for remodeling and reconstruction in Davis' older neighborhoods within and around the core area, generally bounded by First Street, Seventh Street, A Street and L Street; and

WHEREAS, Urban Design Goal 5 of the General Plan update states that the City should, "Create and enforce clear and reasonable design guidelines that operationalize the relevant goals, policies and actions of this general plan, Policy UD5.1 states that the City shall, "Develop and implement new design guidelines which are reviewed periodically; and

WHEREAS, the Downtown and Traditional Residential Neighborhood Design Guidelines help conserve the traditional neighborhood character, fabric and setting by guiding future development, reuse and reinvestment through the provision of a set of comprehensive written guidelines and illustrations and through the development of design review process; and

WHEREAS, the Downtown and Traditional Residential Neighborhood Design Guidelines discourage the demolition of structures consistent with the district's historic character by providing incentives for reuse of non-designated contributing structures; and

WHEREAS, the Downtown and Traditional Residential Neighborhood Design Guidelines identify four neighborhood districts that comprise Davis' center, Old East Neighborhood, Old North Neighborhood, University Avenue/Rice Lane Neighborhood and the Downtown Core and Mixed Use Neighborhood, and key features and character areas identified for each area; and

WHEREAS, the Historical Resources Management Commission held duly noticed public meetings on May 21, 2007 and June 4, 2007 to receive comments and consider the B and 3rd Streets Visioning Process, including amendments of the General Plan, Core Area Specific Plan, and Design Guidelines; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 30, 2007 to receive comments and consider the B and 3rd Streets Visioning Process; and

WHEREAS, the City Council held a duly noticed public hearing on June 12, 2007 to review the B and 3rd Streets Visioning Process, and based on oral testimony and documentary evidence

reviewed during the public hearing, determined that the Environmental Impact Report prepared for the B and 3rd Street Visioning Project adequately identifies the potential environmental impacts of the project and the appropriate findings were to approve the project.


NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Davis hereby adopts the amendments to the Downtown and Traditional Residential Neighborhood Design Guidelines as shown in Attachment 1 to this Resolution.

PASSED AND ADOPTED by the City Council of the City of Davis this twelfth day of June 2007 by the following votes:

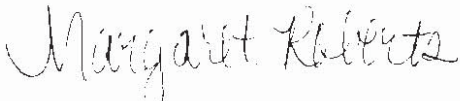
AYES: Asmundson, Saylor, Souza

NOES: Heystek

ABSENT: Greenwald


Ruth Uy Asmundson
Mayor Pro Tem

ATTEST:



Margaret Roberts, CMC
City Clerk

Text of Public comment at Planning Commission meeting on February 8, 2017

Speaker 1 – Rhonda Reed

Good evening. My name is Rhonda Reed, and I am the President of the Old East Davis Neighborhood Association.

On December 12, the Historical Resources Management Commission was asked to review the Traskside Center project. I want to thank the HRMC for their expertise and for exercising due diligence, on behalf of the City, and, to protect the interests of the City.

They were asked to make findings, that the proposal was consistent with the Design Guidelines, and that the proposal would have no adverse impact on historical resources. They did not support those recommended findings. The meeting lasted over 4 hours.

The Old East Davis neighbors are presenting tonight, for the benefit of the Planning Commission, key statements, and quotes from the Commissioners, regarding the importance and purpose of the design guidelines from that long discussion.

Speaker 2 – Mark Grote

Hello, My Name is Mark Grote. These quotes are an interchange between Commission Chair, Rand Herbert, and City Staff on the intent of the Design Guidelines and Conservation District zoning:

Commissioner Herbert: “What was the intent of the Design Guidelines as published and adopted by the City?”

(City Staff): “To conserve the traditional character of the conservation district.”

Commissioner Herbert: “What was the intent of the city establishing these conservation overlay districts in the first place?”

(City Staff), (reading from the city resolution): “They were developed as a result of a cooperative community effort to address community concerns about the manner in which new investment in the City of Davis can enhance rather than erode its valued character. And they also will help conserve the traditional neighborhood character, fabric, and setting by guiding future development.”

Speaker 3 – Doreen Pichotti

Hello, my name is Doreen Pichotti. These quotes are from Commissioners regarding the Traskside project and its Consistency with Guidelines and Historical impacts:

Commissioner Hickman: “There’s a portion of the Guidelines that this does not meet and they are significant. Mass and Scale is one of the biggest issues with a building that’s being added to a neighborhood.”

Commissioner Herbert: “I thought, OK. I live on L St. If I took away the house next door and built this building on the lot two doors down, would I say to myself, ‘It had no effect. It had no effect on my house.’ Would I say that?”

Commissioner Miltenberger: “I do fear, continually, death by a thousand cuts and I understand the pressures the city faces, but we say, OK fine – we move the line, we say OK – fine we move the line. At some point, what are we left with?”

Speaker 4 – Alan Miller

Hello, my name is Alan Miller. This quote recognizes the HRMC concern for the interests of the City:

Commissioner Miltenberger –as a question directed to City Staff: “ One thing that’s a particular concern of mine, and I’ve heard it raised here a couple of times, was the overall CEQA process. And I think you’ve just said this is one step as part of the process. So, can we be assured that what we render here today will in no way compromise, or place the City of Davis in a difficult position, *vis a vis* potential CEQA lawsuits; because that’s a predominant concern of mine.”

Speaker 5 – Mary Kaltenbach

Good evening members of the Council. My name is Mary Kaltenbach. These quotes identify that the Trackside proposal would have a precedent setting impact:

Commissioner Herbert: “When we talk about cumulative effects, we have to think about what will happen next and if, for example, the Ace Hardware yard – if the owners decided to develop that property in the same way, with the same setbacks, same height, same staging of various floors, we’d start to be building a wall between downtown and Old East Davis. And it seems to me that this is a precedent setting development.”

Commissioner Rifkin: “Precedent seems to be a thing here. It doesn’t seem unlikely that all along the railroad tracks you would have this type of development. That does seem like a logical conclusion.”

Speaker 6 – Steve Sherman

Good evening, my name is Steve Sherman. These quotes address Applying the Guidelines Fairly, so as not to favor or disadvantage any property owner:

Commissioner Herbert: “We have projects come to us time and again and we ask that those people – even a contributor to the conservation district, not necessarily a Landmark or Merit resource – we ask them to follow the Design Guidelines. In fact we require it.”

Commissioner Rifkin: “It fails, what I would call, the Spirit of the Design Guidelines Test.”

Speaker 7 Larry Guenther

Hello, My name is Larry Guenther, Vice President of the Old East Davis Neighborhood Association, speaking on behalf of OEDNA. Our position has been, and continues to be, that the residents of Old East Davis welcome a redevelopment of the Trackside Center site as long as it conforms to the Design Guidelines. What we are asking is that the Trackside Partners respect, and the City Council enforce, the existing ordinances, zoning, and Design Guidelines for that site.

Rhonda Reed, President
Old East Davis Neighborhood Association
320 I Street Davis, CA
salmonlady@sbcglobal.net

August 11, 2017

City of Davis
Department of Community Development and Sustainability
c/o Eric Lee, Project Planner
elee@cityofdavis.org

Via email

Subject: Comments on Sustainable Communities Environmental Assessment Initial Study (IS) regarding Trackside Center Mixed Use Project: Cultural Resources Impacts.

Dear Mr. Lee and City Planners

I am writing this letter as regarding the CEQA analysis for the Trackside Center Mixed Use Project (TCMUP) proposal, 901-919 Third Street.

The analysis needs to be updated to consider the following information on the occurrence of sensitive and protected species in immediate and close proximity to the TCMUP site:

At least six species of raptors have been detected nesting in Old East Davis and Downtown Davis, including the Swainson's Hawk, Red-shouldered Hawk, White-tailed Kite, American Kestrel, Barn Owl, and Great Horned Owl (Ed Whisler pers. comm.). Cooper's Hawks have also nested at Davis City Hall (Ed Whisler pers. comm.).

1. During 2016 an active Swainson's Hawk nest was confirmed at 4th and I Streets in the top of a deodar cedar, about 340 feet from the northeast edge of the Trackside Center project site. The nest is active in 2017. This nest is well within the 0.25 mile buffer distance established by the Trackside Center Initial Study (IS). Because the Trackside Center project is proposed to be 4 stories, construction activities would be at nest height level. Therefore, construction initiation described in the IS must be strictly enforced or this nest could be disturbed and cause nest failure. Construction initiation should also be defined to include any change in construction activity level that could result in nesting disturbance.
2. Also in 2016, an active Red-shouldered Hawk nest was detected by myself and by Ed Whisler in a fan palm tree on private property at 3rd Street and the alley. This site is immediately adjacent to the project. The palm tree is next to the elm tree described in the Trackside Center Tree Report and the IS. The tree report recommended that the elm tree should be pruned. Therefore, if the hawk nest is active, it could be disturbed by construction activities and tree pruning. Construction initiation and conditions added above described for the Swainson's Hawk should also apply to the Red-shouldered Hawk and other raptor species nesting in the project area. Buffer zones and nest monitoring should also be established for any raptor nest that could be disturbed by construction activities, tree pruning, or other construction related activities.

The mitigation measures for impacts of night lighting only address exterior lighting fixtures and do not consider the light that will be emitted from higher elevation windows on the third and 4th stories. This light is not addressed by the “Dark Skies” ordinance. This lighting at higher levels will interfere with nocturnal avian predators that are protected by law. Reduced foraging opportunities can result in reproductive failure, increased disease and mortality. The IS does not evaluate this impact.

A possible mitigation measure could include enclosing external balconies with full height walls or screening.

Thank you for the opportunity to comment on this document.

Rhonda Reed
320 I Street
Davis, CA

From: Rhonda Reed [mailto:salmonlady@sbcglobal.net]
Sent: Friday, August 11, 2017 4:21 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Trackside initial study comments

Dear Eric-

I was reminded at 10:40 this morning that the initial study noise analysis significantly underestimates the number of train trips per day that utilize the north-south line owned by Union Pacific and operated by the California Northern rail line that borders the Western edge of the Trackside property. At 10:40 I was traveling west on 3rd Street when the klaxons descended for a train to pass by with horns and all of the appropriate noise generated by this vehicle.

The initial study identifies only three to four trips per day and the noise analysis only addresses that level of impact. However there are no limitations with the number of trips that the railroads can use on this line. In my personal experience, trains can come and do come at any time of the day or night. The noise analysis is incorrect. It should be revised to appropriately assess the level of noise impact that occupants in the Trackside building will experience and propose appropriate mitigation measures. The analysis further does not consider the reflective impact of the building and where the sound will go when it bounces off the proposed new structure. This should be evaluated. Thank you again for the opportunity to comment on this document.

Sincerely,

Rhonda Reed
310 I street
Davis, CA

3

Mark Grote, Secretary
Old East Davis Neighborhood Association
408 J Street Davis, CA
markngrote@gmail.com

August 11, 2017

City of Davis
Department of Community Development and Sustainability
c/o Eric Lee, Project Planner
elee@cityofdavis.org

Via email

Re: Comments on the SCEA Initial Study for the Trackside Center Project

Dear Eric and city planners:

I submit the following comments concerning the Sustainable Communities Environmental Assessment Initial Study (IS) for the Trackside Center Project.

1. The IS fails to analyze the Project's inconsistencies with applicable City of Davis zoning ordinances, sections of the General Plan, Core Area Specific Plan and the Davis Downtown and Traditional Neighborhoods (DDTRN) Design Guidelines.

The Environmental Checklist contained within an IS requires that a project's conflicts with area plans and policies be discussed. Evidence of a project's arguable lack of consistency with a plan adopted for environmental protection can trigger the need to prepare an EIR. (The Pocket Protectors v. City of Sacramento (2004) 24 Cal.App.4th 903, 934.) Here, the IS broadly claims that the Project is substantially consistent with area plans but does not discuss, as it must, the areas of inconsistency. The whole point of environmental review is to put the public and decision makers on notice of a project's potentially significant effects. The IS is inadequate and incomplete for failing to divulge the Project's inconsistencies with area plans and policies, some of which contain mandatory provisions.

The Project's inconsistencies with each of the City of Davis plans and policies are detailed below.

The Project's inconsistencies with the DDTRN Design Guidelines:

The DDTRN Design Guidelines for mixed use mass and scale state: "A building shall appear to be in scale with traditional single-family houses along the street front." (See, DDTRN Design Guidelines, pg. 58.) The word "shall" is understood to imply a mandatory provision which must be followed. The Project is a mixed use building located within the Downtown and Traditional Neighborhood Overlay District (See, IS, pg. 3), and is therefore subject to the DDTRN Design Guidelines. Figure 1 below is a scale drawing of the Project, in context of the adjacent single-family houses along Third Street. The Project's façade is more than three times as tall as the façades of the adjacent houses; and the Project's façade is more than twice as wide as the façades of the adjacent houses. The Project does not "... appear to be in scale with traditional single-family houses along the street front."

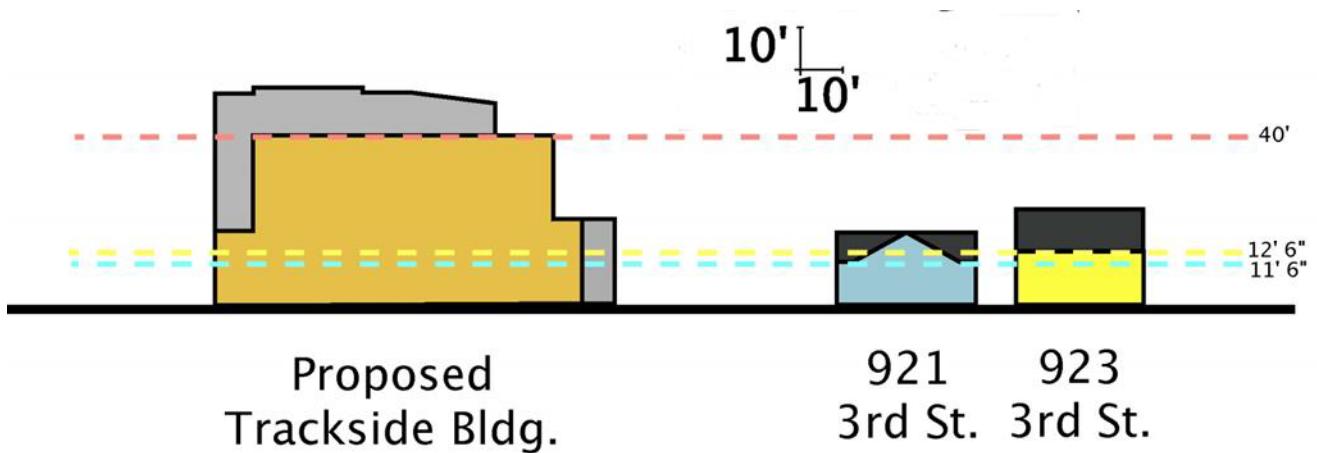


Figure 1. Building outlines of the Project and the existing traditional, single-family houses on Third Street. Front façades of structures are distinguished from other building elements by brighter coloring. Dashed lines compare relative façade heights and are annotated with measurements at right. The figure was made by Larry D. Guenther, a licensed general contractor (CCL #861285), using the following methods: dimensions of existing buildings were taken by direct measurement of the structures. Dimensions of the proposed Project were taken from documents submitted by the applicant, available at the City of Davis' Trackside Center web page. Scale drawings were made using 1 inch = 10 feet. Drawings were scanned and digitized in Adobe Illustrator, maintaining scale. Figures from Adobe Illustrator were exported as bitmap files and inserted into MS Word, maintaining scale.

Other Project inconsistencies with the DDTRN Design Guidelines for mixed use mass and scale are detailed in the Compliance Table below. I have copied the second column of lettered Design Elements from a compliance table produced by City of Davis planning staff. (See, July 19, 2017 Planning Commission Staff Report, Attachment 11, pg. 05A 86-87.) I have used the Project's data from the City of Davis' Traskside Center Project website, as well as measurements of the adjacent homes along Third Street, to complete the third column. (See, Figure 1 above.)

DESIGN GUIDELINES	DESIGN ELEMENTS	PROJECT COMPLIANCE
<p>BUILDING MASS AND SCALE Maintain the scale of a new structure within the context of existing buildings on the block.</p>	<p>A. Design a front elevation to be similar in scale to those seen traditionally on the block.</p> <p>B. Minimize the perceived scale of a building, by stepping down its height toward the street and neighboring smaller structures.</p> <p>C. The primary building face should not exceed the width of a typical single family building in a similar context.</p> <p>D. Break up the perceived mass of a building by dividing the building front into "modules" or into separate structures that are similar in size to buildings seen traditionally in the neighborhood.</p>	<p>Not consistent.</p> <p>A. The front façade of the proposed building is 40' tall, whereas the front façades of the adjacent buildings at 921 and 923 Third Street are respectively 11'6" and 12'6" tall. Thus the project's front elevation is more than three times as tall as the front elevations of the traditional buildings on the block.</p> <p>B. The design is stepped down at higher levels, but the perceived scale of the building dominates neighboring smaller structures.</p> <p>C. The width of the proposed building's primary face, approximately 85 feet, significantly exceeds the width of a typical single family building in Old East Davis.</p> <p>D. The front of the building is not divided into distinct "modules". The building face does not incorporate separate structures that are similar in size to buildings seen traditionally in the neighborhood.</p>

The Project is located within two different special character areas identified in the DDTRN Design Guidelines: the Third Street Special Character Area and the Core Transition

East Mixed-Use Character Area (See, IS, pg. 58). The DDTRN guidelines for the Third Street Special Character Area state: “Careful transition to adjacent single story buildings should be incorporated” (See, DDTRN Design Guidelines, pg. 82). The DDTRN Design Guidelines for the Core Transition East state: “This area should improve the visual and land use transition from the Commercial Core to the Old East residential neighborhood” (See, DDTRN Design Guidelines, pg. 74).

Figure 2 shows the Project in context of the transition from structures in the Davis downtown core (Fit House and ACE Hardware, to the west of the Project), to single-family houses of the Old East Davis neighborhood (923 and 921 Third Street, to the east of the Project).

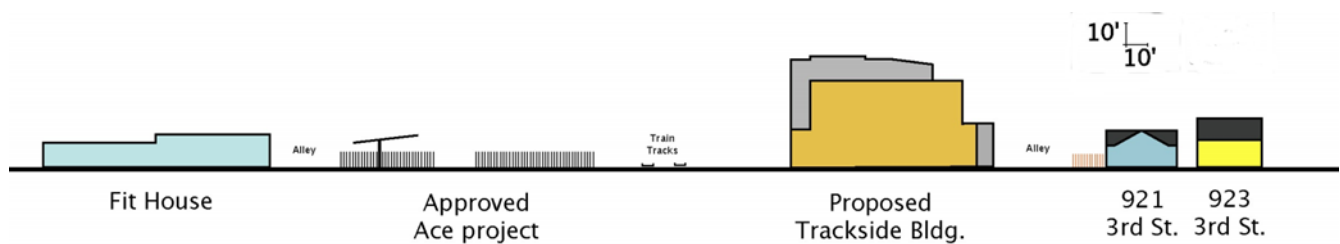


Figure 2. Looking north at Third Street, between G Street (at left margin) and I Street (at right margin). The figure spans the equivalent of two city blocks, as the train tracks located in the center take the place of what would otherwise be H Street. The figure was made by Larry D. Guenther using methods described for Figure 1. Distances along street fronts were measured using a measuring wheel. Dimensions of the approved ACE Hardware project were taken from data included in item 09 of the staff packet for the June 20, 2017 Davis City Council public hearing on the 815 3rd Street Demolition and Replacement Project Appeal.

Based on figure 1, the Project does not incorporate a “...careful transition to adjacent single story buildings”. The Project is therefore inconsistent with the DDTRN Design Guidelines for the Third Street Special Character Area. Based on figures 1 and 2, the Project has noticeably different mass and scale, compared to buildings to the Project’s east and west, and therefore does not “...improve the visual and land use transition from the Commercial

Core to the Old East residential neighborhood". The Project is therefore inconsistent with the DDTRN Design Guidelines for the Core Transition East.

The IS pg. 58 states: "According to the Guidelines, the proposed project may exceed the 'scale' that is recommended, which generally envisions buildings at a maximum of 2-3 stories." This is an incorrect assertion: the DDTRN Design Guidelines do not permit the Project to exceed the recommended scale. The statement on IS pg. 58 appears to be based on text sections in the DDTRN Design Guidelines that apply specifically to properties under the purview of the "B and 3rd Streets Visioning Process." (See, DDTRN Design Guidelines, pg. 7A). The B and 3rd Streets Visioning Process focused specifically on "... the west side of B Street, between 2nd Street and 4th Street, and on the north and south sides of 3rd Street, between University Avenue and B Street." (See, Davis City Council Resolution No. 07-093, Series 2007.) A figure in the DDTRN Design Guidelines for the Third Street Special Character Area demonstrating taller, "Vertical Mixed Use" buildings, refers specifically to the section of Third Street between A and B Streets. (See, DDTRN Design Guidelines, pg. 83.) The design objectives for the Third Street Special Character Area also distinguish the block of Third Street between A and B Streets from other portions of Third Street, referring to: "... the evolution of Third Street between A and B Streets as a unique higher density mixed use urban village." (See, DDTRN Design Guidelines, pg. 82). The guidelines for mixed use mass and scale also use specific language to distinguish what is permitted in the B and 3rd visioning area: "Increased building scale and height may be allowed in portions of mixed use special character areas such as along B and 3rd Streets where new development patterns are allowed." (See, DDTRN Design Guidelines, pg. 58). These text sections referring to properties within the B and 3rd visioning area do not apply to the Project, which is located six blocks to the east of the B and 3rd visioning area. Thus the claim that, under the Guidelines, "...the proposed project may exceed the 'scale' that is recommended..." is incorrect.

The final paragraph of the IS section on zoning compliance (See, IS, pg. 78) states: "The building and site design will also be reviewed for consistency with the Davis Downtown and Traditional Residential Neighborhood Design Guidelines. The guidelines are intended to

ensure that new development is appropriate for the neighborhood and compatible with the intent of the district. The project may deviate from certain design guidelines, but the proposed building respects the mass and scale of the surrounding area and buildings and would be consistent with the applicable standards." The Project has already been reviewed for consistency with the DDTRN Design Guidelines by the City of Davis Historical Resources Management Commission (HRMC; See, July 19, 2017 Planning Commission Staff Report, pg. 05A-11). The HRMC is the City of Davis commission charged with review of projects for compliance with the DDTRN Design Guidelines. The HRMC found unanimously that the Project is not consistent with the Guidelines; thus the IS' claim of consistency is contradicted by the finding of the HRMC.

The Project's inconsistencies with the City of Davis Municipal Code:

The City of Davis Municipal Code section 40.13A.020 (b) states: "Wherever the guidelines for the DTRN conflict with the existing zoning standards including planned development, the more restrictive standard shall prevail." The word "shall" is understood to imply a mandatory provision which must be followed. The Project is a planned development located within the Downtown and Traditional Neighborhood Overlay District (See, IS, pg. 2-3), and is therefore subject to Davis Municipal Code section 40.13A.020 (b). As shown in the previous subsection of this comment (See, The Project's inconsistencies with the DDTRN Design Guidelines), the DDTRN Design Guidelines for mixed use mass and scale are more restrictive than the proposed mass and scale of the Project. According to City of Davis Municipal Code section 40.13A.020 (b), the Project must conform, at minimum, to the DDTRN Design Guidelines for mixed use mass and scale. Because the Project does not conform to these Guidelines, the Project is inconsistent with City of Davis Municipal Code section 40.13A.020 (b).

The IS section on zoning compliance (See, IS, pg. 77-78) omits discussion of the Project's non-compliance with City of Davis Municipal Code section 40.13A.020 (b), and instead, discusses the Project's compliance with City of Davis Municipal Code Article 40.22,

Planned Development District. The IS' analysis of zoning compliance is certainly incomplete, as it fails to state that the DDTRN Design Guidelines prevail, for those Project elements for which the Guidelines set the strictest standards, including planned development. The IS states that "With continued compliance with Article 40.20 through the public hearing and approval process, the project would be consistent with the City's Zoning Code." (See, IS, pg. 78.) Aside from a likely typographical error ("Article 40.20" in this sentence, which refers to Industrial District zoning in the Davis Municipal Code, should apparently be "Article 40.22"), the claim is arguably incorrect: In fact, compliance with Article 40.22, Planned Development District, is not sufficient. The Project must also comply with Municipal Code section 40.13A.020 (b). If the Project does not comply with section 40.13A.020 (b), it is not consistent with the City's Zoning Code.

The Project's inconsistencies with the City of Davis General Plan:

The City of Davis General Plan (2007) Vision 2, item 4 states: "Encourage carefully-planned, sensitively-designed infill and new development to a scale in keeping with the existing city character" (See, General Plan, pg. 41). Land Use Principle 4 states: "Accommodate new buildings with floor area ratios that can support transit use, especially within 1/4 mile from commercial areas and transit stops, but maintain scale transition and retain enough older buildings to retain small-city character" (See, General Plan, pg. 56). Policy UD 2.3, in the chapter titled "Urban Design, Neighborhood Preservation and Urban Forest Management", states: "Require an architectural 'fit' with Davis' existing scale for new development projects" (See, General Plan, pg. 159). And; the subsequent Standard a) states: "There should be a scale transition between intensified land uses and adjoining lower intensity land uses" (See, General Plan, pg. 159).

Figures 3 and 4 show the Project, in context of structures lying to the north and east of the Project.

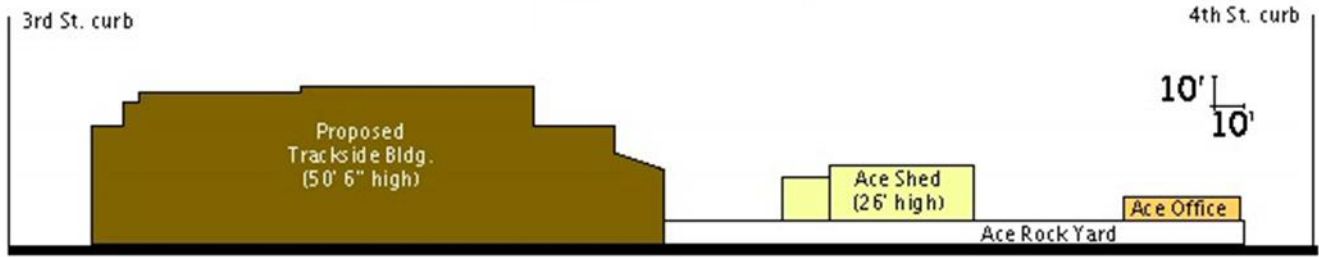


Figure 3. Looking west at the alley, between Third Street (at left margin) and Fourth Street (at right margin). The figure was made by Larry D. Guenther using methods described for Figures 1 and 2.

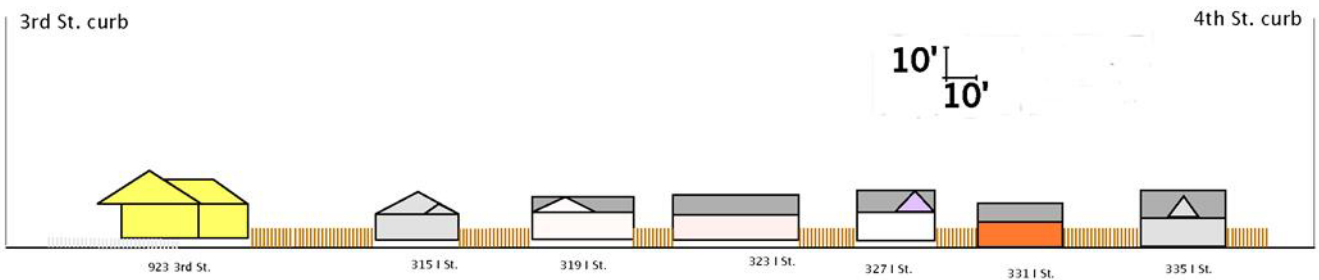


Figure 4. Looking west at I Street, between Third Street (at left margin) and Fourth Street (at right margin). This figure and Figure 3 above are placed in juxtaposition, to illustrate the differences in mass and scale between the single-family homes on I Street and the proposed building along the alley, one-half block behind I Street to the west. The figure was made by Larry D. Guenther using methods described for Figures 1 and 2.

Based on figures 1, 2, 3 and 4, the Project is not of "...a scale in keeping with the existing city character." The Project is therefore inconsistent with General Plan Vision 2, item 4. The Project does not "... maintain [a] scale transition..." and is therefore inconsistent with General Plan Land Use Principle 4. The Project does not exhibit "...an architectural 'fit' with Davis' existing scale..." and is therefore inconsistent with General Plan Policy UD 2.3. Finally, the Project does not make "...a scale transition between intensified land uses and adjoining lower intensity land uses" and is therefore inconsistent with General Plan Policy UD 2.3, Standard a).

The Project's inconsistencies with the Core Area Specific Plan:

The City of Davis General Plan describes the Core Area Specific Plan (CASP) as promoting "... building up the 'downtown core' (the area between First and Third Streets and D Street and the railroad tracks east of G Street) before greatly increasing densities in the remainder of the core area, thereby protecting existing residential neighborhoods and their character" (See, General Plan, pg. 13). The General Plan goes on to state that the CASP encourages "...appropriate scale transitions between buildings" (See, General Plan, pg. 14). The Project proposes a 47,983 sq ft building on assessor's parcel # 070 324 02, including 27 dwelling units (See, IS, pg. 1-2), significantly increasing the building density in an existing residential neighborhood and changing the neighborhood's character. Based on figures 1, 2, 3 and 4, the Project fails to make an "...appropriate scale transition between buildings". The Project is therefore inconsistent with the goals of the CASP as they are described in the City of Davis General Plan.

The current version of the CASP reflects amendments through 2013. The CASP (2013) section titled "New Buildings in Residential Neighborhoods" states: "The single most important issue of infill development is one of compatibility, especially when considering larger developments. When new projects are developed adjacent to older single-family residences, concerns exist that the height and bulk of these infill projects do not have a negative impact on smaller scale buildings" (See, CASP, pg. 84). The CASP section titled "Architectural Considerations" states: "Because infill projects are likely to be taller than one story, their height and bulk can impose on adjacent smaller scale buildings. The height of new projects should be considered within the context of their surroundings. Buildings with greater height should consider setbacks at the second story" (See, CASP, pg. 86).

Based on figures 1, 2, 3 and 4, the Project is not compatible with the adjacent older single-family residences; the height and bulk of the Project do "...have a negative impact on smaller scale buildings". The Project is therefore inconsistent with policies of the CASP section "New Buildings in Residential Neighborhoods". The height and bulk of the Project do "...impose on adjacent smaller scale buildings..." and the height of the Project has not been "...considered within the context of [its] surroundings." The Project does not incorporate

setbacks at the second story. The Project is therefore inconsistent with policies of the CASP section "Architectural Considerations".

2. The IS fails to analyze the impacts of the foreseeable loss of the leased land claimed by the applicant as part of the Project area.

7,307 sq ft of land leased from Union Pacific Railroad are claimed by the applicant as part of the Project area, along with the land owned by the applicant (the latter land is assessor's parcel # 070 324 02, consisting of 22,876 sq ft; See, Planned Development Proposal Summary and Site Plan at the City of Davis' Trackage Center web page). The term of the Lease is 10 years, expiring on April 14, 2026, unless terminated sooner (See, Article 2 of Lease Information with UPRR at the City of Davis' Trackage Center web page). Section 13 of the Lease states that either party may terminate the lease without cause upon thirty days' written notice.

Based on the terms of the Lease, the loss of the leased land during the life of the proposed building is a foreseeable event. The applicant does not have dominion over the leased land; nor can the City of Davis bind Union Pacific Railroad from developing the leased land. Therefore the City has no assurance that the leased land would be available as part of the Project area into the future. Although the IS states that the leased land "...has historically been leased, controlled or utilized by the owners of the project site..." (See, IS pg. 74), it is not reasonable to assume that the status quo for use of the leased land by the applicant will continue, given the current and expected future demand for property in and around Davis' downtown core.

Inclusion of the leased land in the Project area inflates the denominator of the floor-area ratio (FAR) above what the denominator would be, if the Project area contained only the land owned by the applicant. Additionally, leased land is used in the Project's public plaza, which is argued to allow for a FAR bonus for providing outdoor space. Leased land is

additionally used for twelve of the Project's vehicle parking spaces (of which eight are tandem spaces).

The impacts of the foreseeable loss of the leased land, include, at minimum: increased floor-area ratio, increased lot coverage and increased density, above the maximums allowed in the City of Davis' land use policies for mixed use buildings. The Table below shows, in the right-hand column, quantitative Project elements, assuming the Project area contained only the land owned by the applicant. These quantities describe the Project, were the leased land to be lost. Loss of the leased land would also result in loss of parking spaces, and loss of open space currently claimed as part of the Project area. Excluding the open space, the Project would not qualify for a FAR bonus, and the allowable FAR for the Project would be 1.5. These impacts resulting from the loss of the leased land must be analyzed in an EIR. CEQA requires that all foreseeable uses of a project, the 'whole of the action' be analyzed in the same environmental review document in order to preclude impermissible 'piecemealing' of environmental review.

PROJECT ELEMENT	CITY OF DAVIS LAND USE POLICY	PROPOSAL, LAND OWNED BY TRACKSIDE PARTNERS*
Floor Area Ratio	Base FAR 1.5. Maximum FAR 2.0 including bonuses. (Mun. Code 40.15.080: Mixed Use)	FAR 2.1
Lot Coverage	Maximum 50%. (Mun. Code 40.15.080: Mixed Use)	77.5%
Density	30 dwelling units/acre. (Gen. Plan Housing Element, Appendix A, pg. A-31)	51.4 dwelling units/acre.

*assessor's parcel # 070 324 02

3. Based on the property at 901-919 Third Street containing the proposed building's footprint, the Project's density is 51.4 dwelling units/acre. This significantly exceeds the maximum allowable density on the Project site. The environmental effects of this exceedance must be analyzed.

Davis Municipal Code section 40.22.060 (c) (Planned Development District) restricts transfer of density beyond the boundaries of a property: "No transfers of density shall be allowed to or from any property beyond the boundaries of the property subject to the application or contiguous master plan where appropriate." Based on the property at 901-919 Third Street containing the proposed building's footprint, the Project's density is 51.4 du/acre. The maximum allowable density at 901-919 Third Street under the General Plan is 30 du/acre (See, City of Davis General Plan Housing Element, Appendix A, pg. A-31). Thus the Project's density significantly exceeds the allowable maximum. The IS fails to analyze the effects of this exceedance on population and housing, and on City of Davis land use policies.

4. The precedent-setting aspects of the Project, regarding future development along the railroad corridor, are enough by themselves to trigger a finding of potentially significant impacts on Population and Housing.

The Core Specific Area Plan Amendment required for Project approval (See, July 19, 2017 Planning Commission Staff Report, Exhibit A, pg. 05A-27) anticipates development of buildings similar to the Project, on three properties lying directly to the north of the Project. All of these properties are within the boundaries of the DDTRN Overlay District and Old East Davis. Development of these properties using the Project as a precedent would arguably create cumulatively considerable population and housing impacts in Old East Davis. These population and housing impacts must be analyzed.

5. Based on items 1 through 4 of this comment, the checkboxes for Land Use/Planning and Population/Housing on pg. 22 of the IS must be marked.

6. The IS' Project Assumptions, referring to compliance with local codes, are contradicted by the Project's non-compliance with City of Davis land use policies.

The Project Assumptions state that "The SCEA IS assumes compliance with all applicable State, federal, and local codes and regulations." (See, IS, pg. 7.) Indeed, California Government Code Section 65080(K), giving the requirements for Sustainable Communities Strategies under SB 375, states: "...Nothing in a sustainable communities strategy shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region.... Nothing in this section relieves a public or private entity or any person from compliance with any other local, state, or federal law." The Project's inconsistencies with City of Davis land use policies, described in item 1 of this comment, contradict the Project Assumptions of the IS, which include compliance with all applicable local codes and regulations.

7. The application to the Project of FAR standards for the Retail with Offices District in the B and 3rd visioning area is inappropriate. The Project's FAR standards are stated in Davis Municipal Code Section 40.15.080.

The FAR standards applied to the Project in the IS are taken from the "...Retail with Offices District located along 3rd Street between University Avenue and B Streets and on the northwest corner of B and 2nd Streets..." (See, IS, pgs. 3, 75). This District is located within the area studied in the B and 3rd Streets Visioning Process, described in item 1 of this comment. The Project site is located six blocks to the east of the B and 3rd visioning area, and was not included in the B and 3rd Streets Visioning Process. According to the City of Davis Zoning Atlas, the Project site is zoned for mixed use (See, Quadrant P-14, at maps.cityofdavis.org/zoning). The appropriate FAR standards for the Project are therefore given by City of Davis Municipal Code Section 40.15.080.

8. The Project Location, on the signature page titled “Sustainable Communities Environmental Assessment (SCEA)”, inaccurately describes the disposition of the land claimed to be in the Project area.

The Project Location states: “The project site consists of approximately 0.69 acres at 901-919 3rd Street and an adjacent railroad lease area located in the City of Davis, County of Yolo (Assessor’s Parcel Number: 070-324-002).” (See, IS, signature page.) This description is inaccurate. Assessor’s Parcel Number 070-324-002 refers to the property owned by the applicant at 901-919 3rd Street, consisting of approximately 0.53 acres (22,876 sq ft; See, Planned Development Proposal Summary and Site Plan at the City of Davis’ Trackage Center web page). The leased land claimed by the applicant as part of the Project area is a separate property owned by Union Pacific Railroad, consisting of approximately 0.17 acres (7,307 sq ft; See, Planned Development Proposal Summary and Site Plan at the City of Davis’ Trackage Center web page). The inaccurate description of the Project Location must be corrected.

9. Mitigation Measure 8 for Transportation and Circulation Impacts a), d), f) and g) is inadequate, as impact assessments and mitigations are deferred to an indefinite, future review process.

The anticipated impacts to alley transportation and circulation include, but are not limited to: 1) impacts of additional vehicle trips through the alley by Project residents and retail employees; 2) impacts of service vehicle and delivery truck trips through the alley; 3) impacts on vehicle ingress and egress for residents with garages along the east side of the alley; and 4) impacts on the safety of pedestrians traveling through the alley. Notably, the forecasted vehicle trips through the alley (See, IS, pgs. 119-121) do not count service vehicle or delivery truck trips. The number of such trips is expected to be significant, as loading and waste collection for the Project take place in the alley. Mitigation Measure 8 is inadequate to address transportation and circulation impacts, as this Measure lacks detail, definiteness and measurable benchmarks for reduction of impacts to less than significant. Mitigation Measure

8 defers assessment of impacts, as well as mitigations, to an indefinite, future review process. Project impacts on transportation and circulation can be assessed now, given Project data and the proposed alley configuration. Concrete mitigations can be put in place now, as public safety and waste removal officials, as well as City of Davis commissioners with expertise on traffic circulation and safety, are available to provide input on alley design. Mitigations for transportation and circulation impacts may lead to substantive changes in design of the Project area. It is unacceptable to move to approval of the Project before all transportation and circulation impacts have been identified, analyzed and mitigated with an adequate level of detail.

The foregoing comments are submitted with respect, to request that a complete, factually correct and thorough analysis of all Project impacts be included as part of a full EIR.

Sincerely,

A handwritten signature in black ink that reads "Mark Grote". The signature is written in a cursive, slightly slanted style.

Mark Grote, Secretary
Old East Davis Neighborhood Association



Memorandum

To: Planning Department - City of Davis

From: Richard Casias, PG

cc: Mr. Eric Lee – Planner via: elee@cityofdavis.org

Date: August 10, 2017

Subject: Review Comments Regarding Investigative Deficiencies within the Sustainable Communities Environmental Assessment Initial Study - Traskside Center Project

Thank you for the opportunity to provide my comments and professional perspective on the Sustainable Communities Environmental Assessment Initial Study (SCEA/IS) prepared for the Traskside Center Project. In my capacity as an environmental management consultant and hydrogeologist, I am the Principal Scientist and Managing Member of **RCC Group, LLC (RCC)**, a Davis-based environmental management consulting practice.

Professionally, I have been providing these services to the regulated community since 1980 and since 1997 as RCC. I hold a registration in California as a **Professional Geologist No. 7122**. I am also considered a competent **Environmental Professional (EP)** who conducts Phase I environmental site assessments and prepares Phase I ESA Reports as required to adhere to the current **ASTM International Standard E-1527-13 (ASTM-13)**.

Comments and recommendations provided below are those of my own, and based on my professional practice and experience with and knowledge of subsurface environmental conditions on and in close proximity to the **Traskside Center Project location (Site)**.

In preparing these comments, I believe it is my responsibility as an informed Davis resident to bring to light some of the technical deficiencies, which I observed in the **Phase I ESA Report prepared for Davis Commercial Properties by Bole & Associates, dated June 24, 2014 (Phase I Report)**.

- In the Phase I Report "*Section 6.0 SUMMARY AND CONCLUSIONS*" the authors state "*Based on our review of Federal and State environmental records databases; inquiries of local, city and county agency records, investigation of current and historical land usage, and an on-site examination of existing conditions, we found no Recognized Environmental Conditions with the subject property and recommend no further investigations at this time.*"

- In the Phase I Report "Section 6.1 RECOMMENDATIONS" the authors state "Available information indicates that there are no pending regulatory environmental actions against the property at this time and it is our recommendation that no further environmental investigations are indicated."

Based on RCC's direct experience working on the Site and vicinity in the late 1990s and based on our careful review of the Phase I Report, it is our opinion that the Phase I Report **did not properly evaluate** the historical records obtained in accordance with the ASTM-13 protocol, **nor did it properly conduct** a potential vapor intrusion evaluation of the Site and vicinity, in accordance with the updated ASTM-13.

RCC believes the most important substantive change in the 2013 ASTM International Phase I Standard was that vapor intrusion is considered an important contaminant migration pathway - potentially as significant as migration through soil, groundwater and surface water.

In RCC's opinion the Phase I Report Section 5.9 titled "VAPOR INTRUSION" did not adequately address the updated ASTM International Standard as it did not acknowledge the multiple potential sources of known petroleum hydrocarbon releases and TCE contamination in soil vapor and groundwater located between approximately 150 and 1500 feet from the Trackside Center Project property.

- Since the authors are not sufficiently experienced or qualified to conduct and interpret remedial investigations regarding the subsurface migration petroleum hydrocarbons and other hazardous substances such as Volatile Organic Compounds (VOCs), they failed to recognize that the ASTM-13 protocol requires not only potential on-site vapor intrusion conditions, it also calls for qualified professionals to conduct potential migration of petroleum hydrocarbons and VOCs from off-site sources.
- By merely defining "Vapor Intrusion" in the Phase I Report Section 5.9, this in and of itself does not constitute an "appropriate evaluation."

In 1997 through 2000, during the course of conducting important remedial investigation activities for our Cable Car Wash Client, RCC was the principal subcontractor to Cheney Walton & McCall, LLC (CWM) of Oakland, California. CWM conducted required remedial investigation activities for Counsel to Cable Car Wash when it was discovered that petroleum hydrocarbons (gasoline and diesel fuel) had been released from their underground storage tanks (USTs). The discovery occurred during the environmental due diligence and limited remedial investigations conducted by Kennedy Jenks Consultants for the City of Davis during the acquisition of the former Southern Pacific Railroad property (SPRR), which is directly adjoining the Cable Car Wash Site. In addition to the discovery of petroleum hydrocarbons in the subsurface soil vapor and groundwater, the presence of VOCs including TCE and PCE were also found in groundwater monitoring wells installed by the UPRR and Cable Car Wash.

- If the authors of the Trackside Center Project Phase I Report had acquired and reviewed clear resolution historical Sanborn Fire Insurance Maps (SFIMs) from the 1930s through 50s, they possibly would have observed a large capacity rectangular icon between the various manufacturing structures and the UPRR siding. This icon is labeled "fuel tank".

RCC discovered this referenced tank facility while researching potential sources of TCE and other VOCs north and northwest of the Cable Car Wash monitoring wells and the 9/23 Street - I Street Development property. In 1998, RCC surmised that due to the location adjoining the UPRR siding, this tank facility could have served as a point of delivery for heating oil and/or diesel fuel for locomotives or to support the manufacturing operations adjoining the tank facility. It was decided that this location was an unlikely source of VOCs.

- A more likely source of VOCs was identified by RCC - again using clear resolution SFIMs - as the underground storage tank (UST) located in the alley on the east side of the former Davis Drycleaners location (formerly the Davis enterprise printing building). This location potentially represents an off-site source of VOCs migrating over the years in subsurface soil vapor, which is approximately hydraulically upgradient of the Trackside Center Project.

Attached is an excerpt from a 1997 CWM Report prepared for the Cable Car Wash Client. This exhibit is a July 20, 1962 historical aerial photograph that has been annotated with selected data noted on SFIMs obtained and evaluated for the Site and vicinity. The SFIM referenced above, which depicts the fuel tank facility on the west side of the Trackside Center Project location is being reacquired and will be provided at a later date. The approximate location of the referenced field tank facility is approximately north of the tree canopy, between the 1962 manufacturing buildings and the UPRR siding.

In summary, RCC provides the following specific Recommendations for consideration:

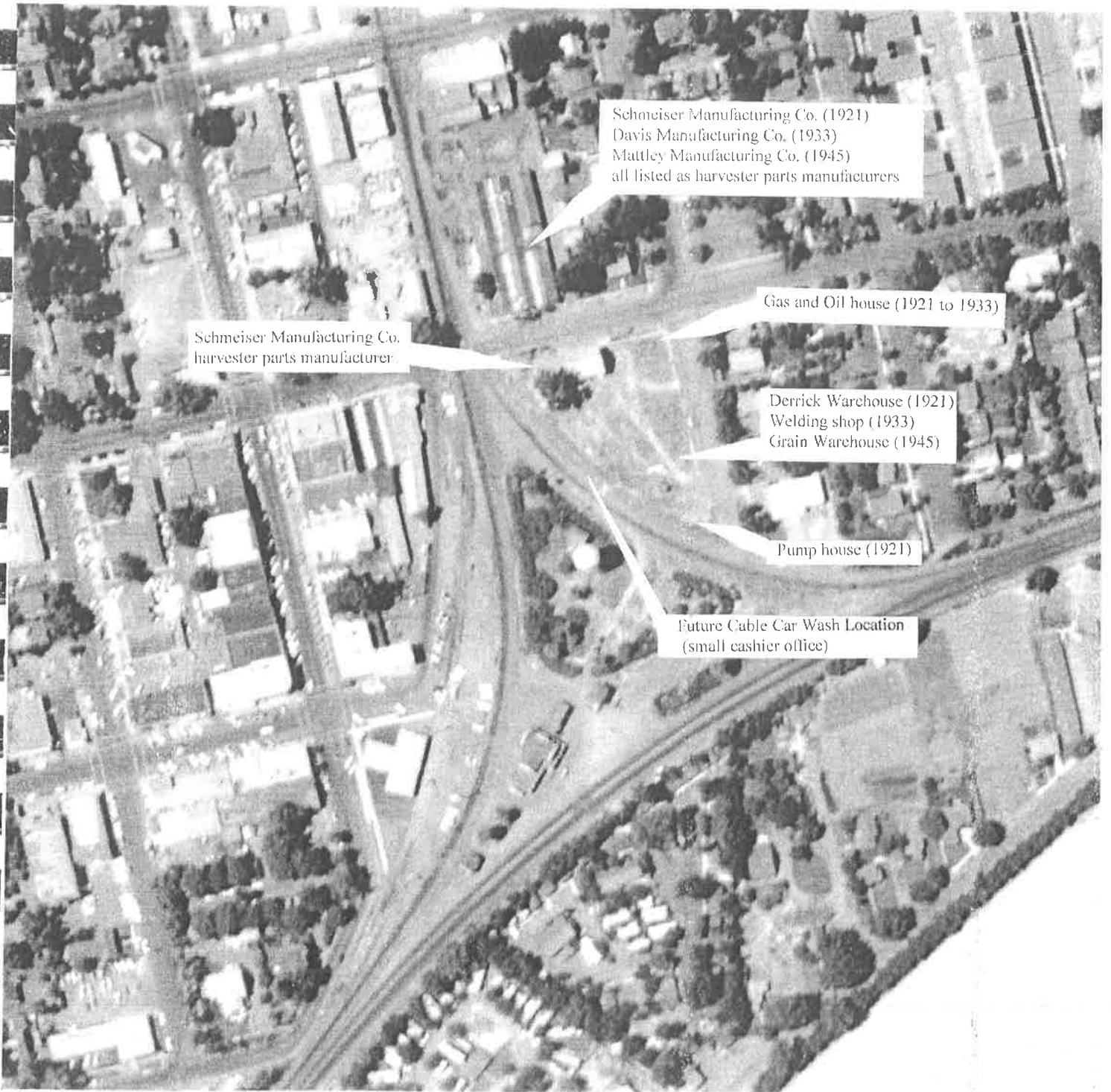
- 1) The potential for human exposure from hazardous substances including VOCs from known and documented sources identified and missed in the Phase I ESA Report has not been properly addressed in the SCEA/IS. It is recommended that experienced environmental professionals be consulted to design and implement appropriate surface and subsurface investigations to identify and evaluate the potential human health hazards from subsurface soil vapor impacted by VOCs.
- 2) No Phase II recommendations to conduct appropriate subsurface investigations were proposed in the Phase I ESA Report to address the potential exposure issues from off-site and on-site vapor migration. It is recommended that experienced risk assessment professionals be consulted if vapor migration potential is confirmed. These professionals should evaluate potential vapor migration to the Trackside Center Project subsurface structures, and recommend appropriate vapor barriers other mitigation measures as required.

Thank you for the opportunity to provide my specific feedback and review comments on selected portions of this important SCEA/IS. Should anyone have any questions regarding my discussion points and recommendations outlined in this memorandum please do not hesitate to contact me at (530) 758-8128 or by email to richard@rccgroupllc.net and I will respond accordingly.



Richard C Casias, Principal Scientist

CA Professional Geologist No. 7122 Expires January 31, 2018



Schmeiser Manufacturing Co. (1921)
 Davis Manufacturing Co. (1933)
 Mattley Manufacturing Co. (1945)
 all listed as harvester parts manufacturers

Schmeiser Manufacturing Co.
 harvester parts manufacturer

Gas and Oil house (1921 to 1933)

Derrick Warehouse (1921)
 Welding shop (1933)
 Grain Warehouse (1945)

Pump house (1921)

Future Cable Car Wash Location
 (small cashier office)

DRAFTED BY: RCC	CHECKED BY: RCC	PHOTOGRAPH A	1 in. = 200 ft. Approximate Scale
DWG. DATE: 7/31/97	REV. DATE:	Project No. CCW00101	Historical Aerial Photograph Dated July 20, 1962 Cable Car Wash Site Davis, California
AIRPHOTO SOURCE : No. Y01.7-100 Date: 07/20/62		Client : Greben & Associates	CHANEY, WALTON & McCALL (LLC)

From: Kemble K. Pope [mailto:kemblekpop@gmail.com]
Sent: Friday, August 11, 2017 3:54 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: 2 Comment/Questions for Traskside SCEA

To: Eric Lee, City of Davis

elee@cityofdavis.org

From: Kemble Pope

Re: Comments & Questions re: Sustainable Communities Environmental Assessment (SCEA) for the Proposed Redevelopment of Traskside Center

1. The last paragraph on Page 69 of the SCEA for the Traskside proposal reads,

“However, the project proposes sustainability measures and will comply with requirements related to site development, building efficiency and transportation that would help to reduce the project's non-residential GHG emissions. . . Additional measures include a graywater system for outdoor landscaping, EV charging facilities, reduced on-site parking and management measures to reduce auto ownership and vehicle use, bicycle and pedestrian facilities to encourage alternative modes.”

As the past Chair of the City of Davis Climate Action Team, I know that transportation counts for a higher than average percentage of our community's carbon footprint (compared to other communities). I believe that the City should be further encouraging the reduction of vehicle use and ownership and be flexible in decisions that could be affected by the ongoing evolution of transportation i.e. automated vehicles, car sharing etc. Will the City include flexibility in their Conditions of Approval to allow for potential project modifications in the future if City parking standards change due to evolving transportation patterns and usage?

2. Mitigation Measure 8 of the SCEA requires that,

“Final alley design and improvements are subject to review and approval of Public Works Department to ensure adequate safety for all transportation modes. Review shall include, but are not limited to, considerations for signage, site distance at 4th Street alley exit, turning radius and access to existing garages, contra-flow bicycle lane, and one-way northbound traffic flow.”

The alley is currently in very poor condition, as are most of the downtown alleys. The proposal for Traskside Center goes to great lengths to improve the adjacent portion of the alley to create a safer configuration. Does the City have a policy for these types of improvements? It seems that we have underutilized alleyways throughout the Core that could be better utilized as part of the transportation network for all modes of travel.

Best regards,
Kemble

Kemble K. Pope

*Davis Homeowner
Managing Member, Trackside Center, LLC*

From: Janis Lott [mailto:newsbeatjanis@aol.com]
Sent: Friday, August 11, 2017 3:09 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Trackside Center SCEA Comment/Question

To: Whom it May Concern regarding Trackside Center SCEA

Via-
Eric Lee, City of Davis
elee@cityofdavis.org

As the owner of a local business in the downtown, I know that there is strong demand for opportunities for local business to own their place of business.

On pg. 75 of the Sustainable Communities Environmental Assessment for the Trackside Center redevelopment project proposal, there is a reference to condos for residential units as an acceptable use:

"Offices include business, professional, government and medical offices. Apartments and owner occupied condominiums and town homes may be included and are encouraged as tenants..."

However, I do not see a reference to ownership of commercial space. If the Trackside Center owners decided to offer condominium-style ownership opportunities of the ground-floor commercial space at a later date, would that be an acceptable use?

Best Regards,

Janis Lott
Davis Resident

From: Brian Morgan [mailto:bjmorgan1026@gmail.com]
Sent: Friday, August 11, 2017 4:30 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Question about the Trackside Center Environmental Review

Mr. Lee,

As an active member of the local arts community, I know that there is a need for affordable studio and housing to encourage more artists to maintain residency in Davis and contribute our local arts scene. Downtown opportunities of this type are increasingly rare. On pages 75-76 of the Sustainable Communities Environmental Assessment (SCEA) for the Trackside Center redevelopment, there seems to be encouragement of uses that would align with this goal,

The intent of the CASP is to support and strengthen the Core Area as the community's social, cultural, and economic hub in a mixed-use, walkable environment. The project would be consistent with CASP policies that include:

- Maintain the Core Area as the City's social/cultural center, including the primary center of retail business, and professional and administrative office district. (Guiding Policy 2.5A)
- Accommodate new buildings with floor area ratio up to three times site area, but maintain scale transition and keep enough old buildings to retain small-city character. (Guiding Policy 2.5D)
- Add apartments to the Core. (Guiding Policy 2.5G)
- A mix of uses - retail stores, restaurants, cultural centers, entertainment, services, upstairs offices and dwelling units - is now and shall remain characteristic of the Core Area. (Land Use 2.6.1)
- The City shall promote development that brings maximum economic life and stability to the Core Area and which enhances the pedestrian and architectural character of the downtown. (Land Use 2.6.1.D)
- The development of dwelling units, including senior housing, shall be encouraged in the Core Area.

What is the potential for Live/Work Artist Lofts along Alley at ground floor? It seems realistic to think that if the City allowed it, the Alley facing storefronts currently proposed could be utilized as Live/Work Artist Lofts that would be market-rate affordable by virtue of size and the double-use. Would these spaces be an acceptable use for 24 hour habitation with limited hours for public access/gallery openings etc.?

Sincerely,

Brian Morgan
213 2nd Street
Davis, CA
(530) 902-1138

8/10/2017

To: Eric Lee, Project Planner

From: Cathy Forkas 336 K St. Davis, CA

Re: Trackside Center: Comments on Initial Study

Dear Eric,

I am writing to comment on the Transportation & Circulation section of the Initial Study (IS).

There are serious inadequacies and errors in the Initial Study's analysis of Transportation and Circulation Effects which I will address more specifically later in this comment. But I would first like to address the claim that Transportation and Circulation Effects a, d, f, and g, are "Less than significant w/ Mitigation Incorporated" (Pg 94-95), as stated in the Initial Study:

IS Pg 123: "...However, the changes to the alley and increased pedestrian and bicycle trips have the potential to increase conflict between the travel modes and create a potentially significant hazard. Implementation of the following mitigation ensures that impacts to pedestrians and bicycles and conflicts between travel modes are **less than significant with mitigation**.

***Mitigation Measure 8 - Alley Design.** Final alley design and improvements are subject to review and approval of Public Works Department to ensure adequate safety for all transportation modes. Review shall include, but are not limited to, considerations for signage, site distance at 4th Street alley exit, turning radius and access to existing garages, contra-flow bicycle lane, and one-way northbound traffic flow."*

In other words, no mitigations are offered. The Initial Study claims less than significant impacts without concretely addressing any of the crucial issues involving the "activated" alley, which may well require significant building redesign to accommodate: 1) the increase in alley vehicle traffic; 2) pedestrian safety; 3) bicycle safety; 4) delivery & service vehicle access; and 5) safe access for the residents of zero lot line properties on the alley's east side. Transportation and Circulation impacts related to these alley uses are *not* mitigated to insignificance by Mitigation Measure 8, and the analysis in the IS is incomplete. The City of Davis cannot defer the mitigations while, at the same time, claim less than significant impacts.

I would point out to City of Davis planners and decision makers that the design of Trackside Center will set the precedent for future projects on the alleyways from 3rd to Fifth Streets. This was noted in commissioner comments during the Historical Resources Management Commission hearing on the Trackside Center proposal. Those future projects will multiply the impacts of whatever good or bad decisions are made during the administrative review process for the Trackside Center proposal.

Please provide a complete analysis of all project impacts and give detailed, measurable mitigations in a full EIR.

Respectfully,

Cathy Forkas Old East Resident

Please see the bulleted items below for additional details about project impacts and suggested mitigations.

From the Checklist, IS Pg 94-95

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

- Alley circulation analysis incomplete and/or inadequately addressed.
- No in-depth consideration of conflicts of bicycle, pedestrian or auto traffic with deliveries & services such as garbage/recycle/greenwaste pickup.
- No specific mitigations for circulation issues cited.
- Mitigations should include: 1) moving Garage/recycle/greenwaste to the west side of the building with circular access for service vehicles (i.e. no backing up); 2) moving deliveries to Third street or the west side of the building; 3) decreasing lot coverage to allow for circulation of delivery and service vehicles on Trackside property, not in the congested, narrow alley.

Would the project:

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- Potentially significant impacts exist.
- Analysis incomplete and/or inadequately addressed.
- Mitigations are unspecified.
- Multiple dangerous intersections exist. In particular, safe access for East side alley residents to Zero Lot Line residences, garages & gates.
- Mitigations should include a sidewalk or minimum 4' dedicated pedestrian walkway on the East side of the alley between Third and Fourth streets. This would provide safer access to gates & garages, an additional sound/safety buffer for Zero Lot line residents, and a walkway to carry pedestrians safely from Trackside to the Fourth street parking garage.
- Mitigation: Decrease overall mass & scale of the building to decrease traffic and accommodate deliveries, service vehicles, better circulation and more parking on the Trackside property.

Would the project:

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

- Analysis incomplete and/or inadequately addressed.
- Mitigations are unspecified.
- There is decreased safety from increased auto traffic.
- There is decreased performance and safety from increased delivery and service vehicle traffic operating in the alleyway.

Would the project:

g) Create hazards or barriers for pedestrians or bicyclists?

- Potentially significant impacts exist.
- Analysis incomplete and/or inadequately addressed.
- Mitigations are unspecified.
- Pedestrians using the alleyway from 3rd to 4th are without a sidewalk or designated walkway of 4' or more, to the north of the project boundary.
- No safe transit area is provided for wheelchairs traveling along the alleyway, to the north of the project's garbage collection area.
- Residents of the alley's east side have no safe entry/exit to their properties.
- No safe passage for pedestrians to the parking structure at Fourth street is provided.

Additional problems with the Initial Study:

- The study states incorrectly that the existing Trackside site is zoned for parking along the west side of the alley (pg 99). No parking is allowed. (This has been ignored until recently).
- The Initial Study has no information or analysis of service vehicle (garbage/recycle/greenwaste) or delivery vehicle trips and impacts. Delivery vehicle traffic would be expected to increase significantly as the project includes a restaurant, and because residences are specifically designed to minimize auto use. Service vehicle trips would increase significantly due to the high residential density and the onsite restaurant.
- The Initial Study assumes that there will be zero trips through the alley created by Trackside retail operations. This is an unreasonable assumption: The alley will be used by retail customers to transit from Third to Fourth Streets when looking for parking or entering/exiting the vicinity of the project.
- Paragraph 2, Pg 123: "additional alley traffic, primarily from the proposed residential use...partially offset by fewer commercial trips on the alley." Presumably, this refers to the decrease in retail square footage in the current project design. This is an incorrect assumption: Traffic along with deliveries & service vehicle trips would increase substantially in the alley due to the addition of a restaurant on the property.
- The applicant has claimed that the Fourth Street parking garage will serve as an additional parking resource for the building, both for residents to lease spaces and for retail clients, but the project design includes no safe pathway for pedestrians to transit the alley.

From: Chris Soderquist [mailto:chris@repowered.us]
Sent: Friday, August 11, 2017 10:32 AM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Comment: Trackside project

Hi Eric,

Long time, no chat ... hope you're well. Below are a few thoughts regarding Trackside vis-a-vis its review. Please contact me with questions.

It is interesting that one of the adjacent garages (on the east side of the alley of the proposed project) has solar panels installed in an inefficient, west-facing orientation. A review of the Shadow Study (Appendix C) indicates the afternoon shade will impact the panels generally in the late afternoon (~4:00+). Based on National Renewable Energy Lab projections (via PV Watts), this will reduce the effective production of the panels by approximately 10% (annual total). However, had the panels been installed on the south-facing roof on the same owners' house (at ~180-degree azimuth; see <https://www.google.com/get/sunroof#p=0> for solar efficacy/potential shading), the panels would produce approximately 10% more electricity — pre-construction of Trackside -- and Trackside's shadow would be significantly less. Net-net, a simple solution would be to reorient the solar panels from west- to south-facing; the system will most likely generate more electricity (with Trackside shading) than it does today (with west orientation). Rightfully so, the City does not review and/or comment on panel orientation when building permits are applied for; homeowners have discretion (within building code) to install solar panels wherever they'd like. Thereby, a question: Is a new project like Trackside responsible for impacts to existing solar system on adjacent properties if/when other (perhaps more efficacious) options existed?

Thanks Eric. Hope you have a terrific weekend - Chris

Chris Soderquist

Director, RepowerYolo
909 Fifth Street, Davis, CA 95616
916/804-6583 (mobile) | 530/564-4292 (office)
chris@repowered.us
www.repoweryolo.com

Dear Eric Lee,

I am writing in opposition to the Trackside Center project as proposed at 311-319 Third Street. The Trackside project is inconsistent with the City of Davis' General Plan, Zoning Codes, and the Davis Downtown and Traditional Residential Neighborhood Design Guidelines. Specific disregard for law, principles and policies include:

1. The Trackside project proposal does not comply with City Zoning for that site. Planning by exception is unethical and establishes precedent to justify future violations of law:
 - a. The project exceeds zoning allowable size for that location by 150%
 - b. The project proposes a non-ADA compliant alley sidewalk that would lead to the parking structure used as an excuse to not meet required parking for the number of residents (bedrooms) and commercial locale customers and employees.
 - i. When private developers have not complied with ADA standards, and these facilities are deeded over to the City of Davis, the City also receives the legal responsibility for ADA compliance. Sidewalks and roads become the responsibility of public entities after they are built by private developers and deeded over to the public entity following construction.
 1. Approval of the Trackside Center's alley sidewalk as proposed conflicts with the City's stated commitment to and eligibility for Title VI Federal Transit Administration funds.
 2. Approval of illegal developments will result in negative fiscal impact and liabilities to the City and taxpayers.
 3. By precedent, the City should provide financial support to small businesses expected to and willingly abiding by laws that impose great costs to them: <http://www.davisenterprise.com/local-news/ada-lawsuits-take-their-toll-in-davis/>
 4. How much will this liability add to the existing City's deficit? The Davis Enterprise shows a "\$350 million deficit for Davis, not including an estimated \$200 million to cover the city's parks and building infrastructure..." <http://www.davisenterprise.com/local-news/project-toto-lifting-the-veil-on-city-finances/>
 5. How much of this deliberate exemption of the law cost us taxpayers? For the Trackside Center and impending projects reasonably expecting the same favors?
 6. Is the City tracking all approved exceptions to zoning laws, which include the Design Guidelines, effectively rendering these laws useless? By precedent, future development projects should expect the same immunities.
2. The City of Davis Historical Resources Commission unanimously voted that the Trackside project was inconsistent with the historical preservation design guidelines in our General Plan. According to the City of Davis' website:

"Commissions provide another important avenue for determining the community's feelings about an issue. The individuals who serve on the City's commissions are among the most respected and appreciated volunteers in the community." I appreciate the role of the Historical and Planning

Commissioners as experts that provide objective analysis and recommendations for the City to consider respectfully.

The CEQA analysis needs to be rejected since Trakside does not comply with local plans: Please reject the inadequate CEQA environmental document. It is an inappropriate use of SB 375, because the project does not comply with existing local plans. This approach to CEQA prevents public involvement in a radical change to our community. Too many mitigation measures in the document are inadequately written to be enforced or to determine what needs to be done.

The Zoning Change demanded by Trakside needs to be rejected: Don't set a precedent without community input! The proposed action would change zoning not just for the Trakside project is but on a half mile section of land next to the railroad tracks from Third Street to Fifth Street. The CEQA analysis omits this!!

Protect neighborhoods, respect historical buildings, and implement our General Plan, Davis' Zoning Codes, and Davis Downtown and Traditional Residential Neighborhood Design Guidelines: The enormous Trakside building, if approved, would loom over single-family residences next door, create unsafe conditions in the I Street alley, and disregard protections of historical properties that are currently cared for by Davis residents who treasure them as an important part of Davis' history.

The City's 100th anniversary calls for the denial of a proposal that will destroy the character of one of Davis most historical neighborhoods. My expectation of Elected Officials and City Staff is that they honor their commitment to abide by laws and protect law-abiding residents from the negative impacts benefitting special interests.

I urge the City to please reject the Trakside project and require that Trakside developers abide by laws.

Sincerely,

To: Mr Eric Lee
Planner
Community Development and Sustainability Department

From: Ezra Beeman
The Schmeiser House
334 I Street

Project Title:
Trackside Centre Mixed Use Project
901-919 Third Street

Reference: Sustainable Communities Environmental Assessment (SCEA)

CC: OEDNA, Robb Davis, Lucas Frerich, Brett Lee, Will Arnold and Rochelle Swanson

11 August 2017

Dear Mr Lee,

It is with disappointment that I write this letter to the City regarding the Trackside SCEA for the following main reasons:

1. **The report is grossly incomplete and therefore unsound.** For example, it omits key information such as the HRMC declaring that the project would exert a material impact on Davis' historical resources.
2. **The findings and conclusions are based on flawed reasoning, and therefore incorrect.** Reasoning related to SB 375 suitability, and noise, privacy and lighting pollution effects and mitigation effectiveness are flawed.
3. **The City of Davis rubber stamping one of the most controversial projects, based on community involvement to date.** This erodes trust between the City and its communities.
4. **The project, in its current form, is likely to be subject to legal appeals, increasing costs to the community, the developers and the City.** This could be avoided through more effective City management of developers and the development process.

The following sections describe the key errors of fact, flawed reasoning and information gaps that undermine the document's fitness-for-purpose, and the findings and conclusions based upon it.

In its present form, the document fails to identify significant environmental effects that could be avoided or significantly reduced, mainly by simply *meeting the community's Design Guidelines*.

Document Defects

- On page 2, under the project description, it states that project improvements include a plaza, among other things, however, these are already at the site.
- On page 3, top para, the project FAR is not reconciled to what it is claiming in terms of bonuses, etc. so not possible to evaluate it. I note the plaza bonus, however, it is not clear whether this is for adding a plaza, or for keeping the plaza already there. The project will be keeping an existing plaza, which does not seem to be in the spirit of the bonus.
- On page 3, the document states that the project is consistent with the M-U purposes:
 - Implement policies of the core area plan = yes, I guess, not clear
 - Preserve architectural styles = no, based on HRMC finding
 - Provide increase variety and intermixture of uses = yes
 - Enhance tree-shaded ambience = no
 - Pedestrian usage = no
 - Character of the district = no (mass and scale)

However, each of the criteria are not analysed, and the above analysis suggests that the conclusion should have been that the project is not consistent with the M-U purposes.

- Linkages between previous environmental analysis and the project is implied, and not specifically spelled out. It is therefore inadequate for the purpose intended.
- The previously conducted environmental analyses were general in nature, and may not be appropriate for a specific project, particularly one that is a planned development, and by definition outside of the rules/expectations of the previous environmental analyses. Since the document and the project relies heavily on this particular, flawed, assumption (that general analyses applies to its specifics), the document and project must be revised to address the project's specific effects:
 - City of Davis Program EIR for General Plan Updates
 - Housing Element Update
 - Core Area Specific Plan EIR (1996)
 - Sustainable Communities and Transit Priority Projects
- On page 5, the SCEA criteria includes building intensity, but this criterion is not addressed in the rest of the section. It is not clear that this criterion has been met.
- On page 5, it states that the project is consistent with the SCEA criteria, after only 3 paragraphs of analysis, which ignores the Design Guidelines. This appears to be unsound and unreasonable, especially in light of the significant community resistance to the project due to its impact on historical resources and its excessive mass and scale.
- On page 7, the document states that the SCEA IS assumes compliances with all applicable local codes and regulations. However, it violates the Design Guidelines, and the HRMC's finding that it will damage the City's historic resources.

- Page 7 summary table claims that AES-6 results in a visually compatible design. The HRMC finding contradicts this conclusion.
- Page 7 summary table claims that AES-12 results in minimisation of contrasts between the project and the surrounding areas. Again, the HRMC finding contradicts this conclusion.
- On page 15 (actually throughout document), the project is described as an “in-fill project, this is inconsistent with it being described as a fully developed parcel on page 1.
- On page 102, the AM and PM trips in table 16.3 do not add up to total daily trips. Data may be wrong, and could undermine transportation section analysis and/or conclusions.
- On page 122, the document claims that there would be less commercial trips in the alley, but this is not supported by Table 16.3 on page 102.

Significant Environmental Effects and Effectiveness of Mitigations

The project as proposed represents a (51.4 vs. 20 du/ac) unit density 2.5 times higher¹ than current standard and a FAR 1.5 times higher², which are in turn higher than the historical residential patterns of the neighbouring historical resources.

It will double the commercial activity, from around 5,500 square feet to 8,950.³ This will result in double the associated commercial activity, including traffic, noise and City services, and prima facie, any time something is doubled, it may reasonably be assumed to be a material effect.

The project is incorrectly described

SB 375 Eligibility

The report describes the existing parcel as “fully developed”. It is therefore not an “infill project”, as envisioned by the authors of SB 375.

Because it is not SB 375 eligible, then it is subject to CEQA, including traffic, GHGs, etc.

Noise Pollution

The document claims that because noise will be subject to City codes, that it will not represent a significant effect. This logic is flawed, as breaching a code may not represent a significant effect, if the premise was already breaching the code. When the site emits almost no night time noise, and will generate 2.5 times more than the average, this is a significant effect. No significant effort has been made to minimise this effect, beyond minimum compliance.

Visual Pollution

The document claims that because lighting will be subject to City codes, that it will not represent a significant effect. This logic is flawed, as breaching a code may not represent a significant effect, if the premise was already breaching the code. When the site emits almost no night time light, and will generate 2.5 times more than the average, this is a significant effect. No significant effort has been made to minimise this effect, beyond minimum compliance.

¹ Pg 6.

² Pg 3.

³ Pg 1.

Transportation Effects - Public Safety

The project proposes to turn an alley, which was designed with alley traffic levels in mind, into a one-way street to service the ~5 times higher population density it is proposing. This rule of thumb is supported by the logged trips on page 101 compared to the forecast trips on page 102. Trying to use something well outside its design specifications, e.g. spacing for traffic, precautions for pedestrians, precautions for turning into it from 3rd street, etc. is irresponsible.

If a bridge was designed for 100 cars per day, and someone proposed 500 cars, a reasonable person would question the wisdom and safety of this proposal. Traffic safety may be less obvious, but should be taken no less seriously. This safety effect is significant and proposed mitigation is review by the City department, which is deferred into the future. I do not see why this review could not be completed, and the resulting design, agreed to as part of this document and review process. I do not think this is an effective mitigation under CEQA as it is pushed into the future (without public scrutiny) when it could have been included in the document.

GHG Emissions

As the proposed building is 2.5 times more dense than current standards under existing planning rules, it is, without specific mitigations, expected to generate 2.5 times more GHG than a premise that met the Design Guidelines (e.g. the FAR, units/area, etc.). Any reasonable person would find that a five-fold increase in anything represents a significant effect. In the context of CEQA, it represents a significant environmental effect, and it has not been reasonably mitigated by the project.

Traffic

As the proposed building is 5 times more dense than current standards under existing planning rules, it is, without specific mitigations, expected to generate 5 times more traffic. The traffic study found a material change in the LOS, which has not been mitigated by the project, in part because under SB 375 it does not need to. If it is not eligible for SB 375, then the traffic impacts need to be mitigated.

The traffic report does not correspond to key congestion periods, such as when the car wash opens for business, which leads to large numbers of cars blocking the area directly in front of the project. This issue has not been raised before to my knowledge, and has not been addressed. This is more a safety issue than a congestion issue, as the issue lasts only about 30 mins each day.

The analysis of the 'B' and 'E' effects on page 121 argues that the reduced LOS is within the City's range of acceptable LOS, and that the effect is therefore not significant. This logic is flawed. The effect is a significant degradation in the environment. That the level of degradation (from LOS X to Y) is above the minimum standard is true, but only relevant if the City's threshold sets what is significant, and what is not. The test for CEQA is a significant environmental effect, which the project's own analysis has identified as a change in LOS, not that the effect breaches (one of a range of significance levels). This effect could be mitigated by following the Design Guidelines and density rules.

Under transportation, we note that the document scores the project as no effect (response 'C'). However, the project is right by the railroad, where the signals fail routinely, and there is a greater chance of a fatality there due to much larger number of people that would be living in the area. There is no analysis of the potential increase in railway fatalities due to the project proximity and faulty signalling equipment at the very nearby crossing.

Feasibility of Meeting the Design Guidelines

Neither the document nor the project have examined the costs of meeting the design guidelines or FAR standards, and there is therefor no basis for claiming that these cannot be reasonably met. This analysis should be included in the project documentation and in this document so that it can be publicly scrutinized.

Appendix – 12 December 2015 Letter to HRMC

This letter is an addendum to my previous letter sent to the Historical Resources Management Committee dated 20 October 2015. The meeting was ultimately deferred and a shadowing study was commissioned, providing additional information which this letter also comments upon.

In addition, I wish to raise two additional issues with the original report, namely that the proposed site may contain buried historical artefacts of significance to the history of Davis, and early agricultural innovations, which would be lost forever if the excavation were conducted without due care, and that the excavation itself would release the Geo Technical report identified odorous chemicals into the air, which could damage the three historical buildings within 300 feet, including our house at 334 I Street, which is a registered Landmark Resource.

Physical Damages

The historical report stated that the historical significance of the person who constructed the house was related to his setting up of the water utility, founding the largest manufacturing plant in Yolo County at the time, and inventing or improving widely used farm equipment. Historical artefacts would be buried at the site, and their discovery and safekeeping would enhance Davis' historical resources around this formative stage in its early development. If historical resources have value, and there is a reasonably likelihood of their discovery, care should be taken to secure them.

Chemical Damages

The Phase 1 Environmental Site Assessment report identified abandoned tanks and historical uses at the site that would be reasonably likely to leave hazardous chemicals on the site, especially given the differences in environmental protection standards at the time. Their reasonable likelihood of being concentrated and chemically reactive (as a solvent) was evidenced by the Geo Technical Report, which found soil samples taken from the site gave off petroleum product like odours. If these chemicals are corrosive or otherwise damaging to the historical resources within 300 feet of the site, they would directly damage these registered Landmark Resources.

Even though the potential damage would impact our house directly (as well as all the others within the area of the air born chemicals), I cannot commission proper testing of the site as it is on private property. My understanding is that only the City of Davis, or a court order, would be able to require a proper environmental assessment of the potential for caustic, historical resource and community health degrading chemicals to be released from excavation of the site, before any damage is done. While not within the scope of the historical resources consideration, a proper environmental assessment of what lies buried in the former heavy industrial area would have the beneficial impact of identifying and preventing the release of any cancer causing solvents into the air. This is of great interest to Davis families in the area that would be breathing this air, particularly those like us with young children.

Shadowing Damages

My review of the shadowing report has found a number of incorrect statements and assumptions, gaps in the description of the appropriate assessment framework and test criteria, and gaps in the substantiation of conclusions.

The report claims that although it is an impact assessment criteria, there are no deep recesses or voids, or elaborate carvings that will be impacted by the shadow of the proposed project:

The historic properties in the project APE are private residences and the duration of sunlight on each house will have no adverse consequences to the general public. The duration of diminished sunlight by the proposed project is countered by the shade already in existence from mature trees. The functional use and enjoyment of all three historic properties will remain largely the same, since the use of each property is not determined by the amount of sunlight each property receives.

Neither assertions is correct and both are contracted by shading 'facts' in the report itself and provided below, which prove the proposed building will have a significant impact on the availability of sunlight on to our front porch during the late afternoon and early evening hours. The study claims that these areas are already shaded by the veranda or trees, but this is not true in the 1-2 hours (depending on the year) before sundown, when the sun dips below the tree line and the sun comes lights up the front porch, which provides most of this house's distinguishing architectural features.

The picture below was taken in the front of our house on the 7th of November at 3:38pm(!) when I first realised the extent of the impact of the proposed building the light coming on to the property. While the expert report suggests that the impact will be minimal, it is pretty clear here that it will be impacting sunlight hitting one of Davis' best registered Landmark Resources quite early in the day. The building will essentially be hidden in shadow from this point onwards, significantly dulling the appearance of the resource compared to its appearance with relatively good, lateral sunlight.



The picture below shows the front of the house, in all its curved, Queen Anne Revival / Craftsman glory. It also shows the aspect of the house, including its elaborate carvings, etc. which currently

enjoy direct sunlight in the late afternoon that would be subject to significant additional shadowing from the proposed building due to its violation of the neighbourhood's design guidelines.



The report goes on to assert that the historical resources do not require sunlight to be enjoyed:⁴

Because the three historic properties are significant largely for their architecture, and not their landscape or other non-architectural features, the fluctuation of sunlight created by shadowing as a result of the proposed project is fairly negligible. In essence, having direct sunlight for each property is not a major enhancement for each property in relationship to its architectural significance. Figures 2 and 3 below illustrate the greatest reduction in sunlight as a result of the proposed project.

To the degree that the enjoyment is visual in nature or at least there is a need to see the historical resource in person to benefit from it (or we can all just look at old pictures), and that the quality of vision is a function of lighting (which older people need more of than young people), then the removal of sunlight during later afternoon hours for much of the year would be a significant loss to the community who is currently able to walk by the house and see it well lit up by the sun.

The report does go on to say that our house will experience the greatest shadow impact.⁵

We also note that all the trees between us and the proposed project are deciduous and have for the most part already lost their leaves. We believe the original impact study should be updated to take the included pictures now, which is how the community will experience the impacts for around a third of the year, rather than how the project is presented at full foliage levels.

⁴ Historic Resources Associated, *Historical Resource Shadow Effects Analysis Study for the Traskside Center Project, 901-919 3rd Street, Davis, Yolo County, California, Page 6.*

⁵ *Ibid.* page 6.

Given one of Davis' very few remaining historical districts and resources are under threat of losing their distinctive historical character; one of Davis' best, registered Landmark Resources will lose its stunning late afternoon perspective entirely and could become damaged by the release of corrosive solvents in the air, and that the community at large could lose significant historical artefacts from its formative years to the dump, I respectfully ask the committee to:

1. Reject the conclusion of the Analysis Report that the properties do not meet the criteria for designation as a historical resource at local, state or federal levels, and that they have no historical significance to warrant a full Environmental CEQA. They may contain historical artefacts that would be unearthed during excavation.
2. Ask that a full Environmental CEQA be undertaken in order to ensure a complete and unselective review against all the required Landmark, Merit Resource and Historic District criteria, and particularly the criteria of whether the proposed project will impact on the historic district, and the direct effects of the project on the area's historical resources, especially due to the release of corrosive chemicals into the air and shadowing.
3. Provide advisory input that the proposed project, and any variation that does not conform with the design guidelines, and in particular its most important aspects of scale, mass and sympathy with its historical heritage, would also be deemed to be incompatible with the designated historical resources within 300 feet.

From: Jason Taormino [mailto:jtaormino@me.com]
Sent: Friday, August 11, 2017 12:31 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Trackside

Hi Eric,

I wanted to provide some positive feedback regarding the environmental document released recently.

First, they are improving the existing conditions in the alley substantially. They are adding back eight parking spaces recently removed and effectively widening the lane for traffic and the garages that are located on the East side of the alley. I think this is an improvement over the current situation and should be noted.

Second, as someone who has worked hard to save trees when possible I believe the developer deserves credit for saving several trees along the railroad. This effort is likely expensive and non-standard and they should be lauded for making such efforts.

In general, adding 27 homes to downtown will be a net positive for the entire community. The building is aesthetically pleasing and these new residents will shop downtown and add to the general vibrancy as well as bring needed shoppers to our downtown. Too boot - they will be walking which is a good thing.

Kind regards,

Jason

Jason Taormino

Aileron Land & Development
260 Russell Blvd
Davis, CA 95616

Jason@Taormino.org
530.400.8854

Contractor's License 1024228
Real Estate License 1752022

August 11, 2017

To: City of Davis Department of Community Development and Sustainability

From: Kyriacos Kyriacou, home owner on J Street, Old East Davis

Subject: Comments on the Sustainable Communities Environmental Assessment (SCEA) Initial Study (IS) regarding Trackage Center Mixed Use Project:

Air Quality Impacts and Transportation and Circulation Impacts.

Dear Mr. Lee and City Planners

I am writing this letter as regarding the CEQA analysis for the Trackage Center Mixed Use Project (Trackage Project). I am a resident of the Old East Davis and a member of the Neighborhood Association since 2002.

Professionally, as an engineer for the California Air Resources Board I worked on the initial implementation and target setting for Sustainable Communities under Senate Bill 375 (SB375) and I reviewed the first Sustainable Community Strategy Plan by the Association of Bay Area Governments. I have also prepared and reviewed CEQA documents for environmental remediation and water rights projects.

Overall, the SCEA for the Trackage Project fails to recognize several localized impacts that are under the jurisdiction of the City of Davis as the lead agency and are subject to applicable City of Davis land use requirements. Instead, the SCEA for the Trackage Project inappropriately relieves or ignores potentially significant impacts of the proposed project under the claim that they are exempt or have been addressed by the Sacramento Area Council of Government (SACOG) documents in support of SACOG's Sustainable Community Strategy.

The SCEA for the Trackage Project fails to address the gross incompatibility of the proposed project with the applicable and mandatory City of Davis planning and zoning and provisions, including the Davis Downtown and Traditional Residential Neighborhood (DDTRN) Design Guidelines. A consistency determination with the Sustainable Community Strategy (SCS) plan by SACOG in order to pursue CEQA streamlining does not relieve the SCEA from analyzing the potentially significant impacts of the proposed project that are in violation of the local, current and applicable City of Davis planning requirements for the proposed project.

The validity and overarching exercise of the land use authority of the City of Davis over the proposed Trackage project is referenced in the text of SB375, quoted and emphasized in bold below. This exercise of the land use authority by the City of Davis requires a complete assessment of all potential impacts of the

proposed Trackside Project not explicitly exempted under the applicable streamlined CEQA provisions of SB375. SB375 as can be found in the text of the bill states that:

(J) Neither a sustainable communities strategy nor an alternative planning strategy regulates the use of land, nor, except as provided by subparagraph (I), shall either one be subject to any state approval. Nothing in a sustainable communities strategy shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region. Nothing in this section shall be interpreted to limit the state board's authority under any other provision of law. Nothing in this section shall be interpreted to authorize the abrogation of any vested right whether created by statute or by common law. Nothing in this section shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy. Nothing in this section requires a metropolitan planning organization to approve a sustainable communities strategy that would be inconsistent with Part 450 of Title 23 of, or Part 93 of Title 40 of, the Code of Federal Regulations and any administrative guidance under those regulations. Nothing in this section relieves a public or private entity or any person from compliance with any other local, state, or federal law.

Air Quality Impacts

On page 22 of the SCEA for the Trackside Project, Air Quality is not checked as Potentially Significant Impact. Air Quality should be checked as Potentially Significant Impact.

Starting on page 34 of the SCEA for the Trackside Project, potential Air Quality impacts are listed. A Potential Air Quality impact [d) Expose sensitive receptors

to substantial pollutant concentrations?] is checked as Less than Significant. The discussion that follows the assessment of this impact, on page 37 of the SCEA references among other supporting sources the Traffic Impact Analysis prepared by KD Anderson and Associates, Inc. and a conclusion that existing intersections and road segments in the project area will continue to operate at acceptable levels of service (LOS). Also on page 37 the SCEA states that “the project is an infill development that is anticipated in the build-out envisioned under the Core area Specific Plan” and “the project would be consistent with city policies for land use”. These statements are not supported by the inconsistency of the proposed project’s density of 51.4 dwelling units per acre as opposed to the density of 30 dwelling units per acre called for this site by the Housing Element of the General Plan. These statements are also not supported by the inconsistency of the proposed project’s mass and scale and height of 4 stories with the 2 units or maximum of 3 units with a setback called for this site in the Davis Downtown and Traditional Residential Neighborhood (DDTRN) Design Guidelines.

On page 38 the SCEA analysis of Air Quality concludes that “The proposed project is mixed use residential and commercial project and does not result in air pollutants that would impact any potential sensitive receptors nearby. The major pollutants of concern to nearby existing sensitive receptors are localized CO emissions and toxic air contaminant (TACs) emissions.” This conclusion is unsubstantiated. The Traffic Impact Analysis prepared by KD Anderson and Associates, Inc. did not include any roadway level of service analysis for the alley. The proposed mixed use project would include 27 apartment units above 9,100 sq. ft. of commercial space. The applicants propose to reconfigure the alley running parallel to, and lying between, I Street and the railroad tracks, for pedestrian, bicycle and one-way vehicle access to the proposed building. The alley currently serves single-family homes of Old East Davis to the east, and provides parking and access for the small businesses occupying the Trackside Center (in its present configuration) on the west. The residences lying on the alley to the east have accessory buildings and garages bordering the alley with permitted zero lot-line accessory buildings.

According to Table 16-13 on page 124 of the SCEA, the project, if built, is expected to generate an additional 181 new passenger vehicle trips per day through the alley above current conditions. These 181 additional passenger vehicle trips do not include a potentially significant number of trips by service and delivery trucks for the proposed project. Vehicles and trucks using the alley would pass directly behind, and within a few feet of, traditional single-family homes and backyards. Alley traffic generated by the additional 181 daily passenger vehicle trips plus a non-estimated additional number of service and delivery truck trips will result in a potentially significant increase in exhaust emissions that will acutely affect the neighbors at the adjacent residences along the alley. In addition to the project’s impact of an additional 181 passenger vehicle trips and a non-estimated number of truck daily trips through the alley,

there is a potentially significant impact from emissions due to idling in the alley from drop-off passenger vehicle traffic and more significantly from service and delivery trucks. It is important to note that currently there are no use conditions associated with the commercial property at the ground floor of the proposed project.

The SCEA analysis conclusion that “The proposed project is mixed use residential and commercial project and does not result in air pollutants that would impact any potential sensitive receptors nearby” needs to be supported by a localized air quality analysis and modeling and a risk assessment of the anticipated impacts of an additional 181 daily passenger vehicle trips plus a non-estimated number of truck daily trips through the alley, and the idling emissions that are expected to occur. A conclusion that Air Quality impacts of the proposed project are less than significant can only be supported if localized air quality impacts are modeled and analyzed along with a risk assessment of impacts on the residents of traditional single-family homes along the alley.

The discussion on Alley Traffic starting on page 119 of the SCEA, concludes with **Mitigation Measure 8 – Alley Design**. This mitigation measure is equivalent to a deferred impact assessment and a deferred mitigation of potential alley traffic impacts. The proposed project is well defined to allow a complete assessment of all potential impacts from alley traffic, including air quality and safety impacts for all transportation modes prior to approval of the project.

Transportation and Circulation

Starting on page 95 of the SCEA for the Trackside Project, potential Transportation and Circulation impacts are listed. The analysis of Transportation and Circulation in the SCEA is based on the Traffic Impact Analysis prepared by KD Anderson and Associates, Inc.

1. Transportation Policy Requirements

The proposed project’s transportation impacts, their assessment and mitigation are defined by the following:

Transportation Element Policy TRANS 1.8, Standard a. (p.20) reads: “New development areas shall reduce vehicle trips generated by their developments. Developers shall mitigate significant adverse traffic impacts upon existing development to reduce the impacts to less-than-significant levels, unless the city finds that full mitigations are incompatible with the surrounding environment.”

Transportation Element Policy TRANS 4.6 (p.42) reads: “Provide safe and convenient pedestrian access to all areas of the city.”

2. The Proposed Project including the Alley Reconfiguration

The Trackside Center is within the boundaries of Old East Davis, a historic neighborhood subject to the Downtown and Traditional Residential Neighborhood Design Guidelines (see Davis Municipal Code Chap. 40.13A).

The proposed mixed use project would include 27 apartment units above 9,100 sq. ft. of commercial space. The applicants propose to reconfigure the alley running parallel to, and lying between, I Street and the railroad tracks, for pedestrian, bicycle and one-way vehicle access to the proposed building. The alley currently serves single-family homes of Old East Davis to the east, and provides parking and access for the small businesses occupying the Trackside Center (in its present configuration) on the west. The residences lying on the alley to the east have accessory buildings and garages bordering the alley with permitted zero lot-line accessory buildings.

3. The proposed project will have significant adverse traffic impacts on the alley and I Street in Old East Davis.

The project, if built, is expected to generate 711 daily trips (see p.10 of staff report, Appendix 6A: Traffic Impact/Parking Analysis). Vehicles using the alley would pass directly behind, and within a few feet of, traditional single-family homes and backyards. Alley traffic generated by the 711 expected trips will:

- impede Old East residents' access to their garages and homes
- increase security risks for permitted zero lot line accessory units along the alley
- create 24-hour noise disturbances, and
- significantly increase exhaust emissions from passenger vehicles
- significantly increase toxic emissions of particulate matter from truck and equipment exhaust emissions associated with the commercial property at the ground floor of the proposed project that will acutely affect the neighbors at the adjacent residences along the alley

The Traffic Impact study fails to address secondary impacts on I Street of increased alley traffic. I Street is residential, having intended traffic volumes below the level of a "collector" street (see Map 3 in the Transportation Element). Reconfiguring the alley to one-way northbound will introduce new south-bound trips along I Street, as drivers seeking to enter the Trackside property will circulate in a clockwise direction, turning west onto 3rd Street from I Street and subsequently turning north into the alley. I Street would, in effect, be converted into a "collector". This is not an appropriate use, or traffic volume, for I Street.

Residential street traffic in Old East Davis has already noticeably increased since the 5th Street "road diet", with 44 percent more trips on I Street since the

redesign (see Davis Enterprise, reported by Felicia Alvarez, September 18, 2016).

4. The proposed project converts a residential alley into a thoroughfare without meeting the appropriate safety requirements.

The Trackside Center proposal would, in effect, convert the alley into a city thoroughfare. The residents of Trackside's 27 apartment units would enter and exit the property in automobiles via the alley. Delivery trucks and other equipment would use the alley to serve the proposed 9,100 sq. ft. of commercial space. Dumpsters and recycling bins on the Trackside property would be served by waste removal trucks making trips through the alley. These uses would be intensive for a proposal of this size, and are not suitable for a residential alley in close proximity to traditional single family homes and existing permitted zero lot-line units along the alley.

The alley is not fit for the purposes intended by the current proposal, nor can it be made to fit the purposes of the current proposal by redesign or reconfiguration. The reconfiguration of the alley needs to cover the entire length of the alley and be considered in anticipation of the redevelopment of the Ace Hardware Rock Yard.

The proposed project includes the creation of additional parking spots along the alley greater than the number of parking spots that currently exist in the alley. This would create additional restrictions and safety risks for residential property owners along the opposite side of the alley.

5. The proposed reconfiguration of the alley will not be safe for north-bound pedestrian travel beyond the Trackside property.

The proposed alley configuration does not address pedestrian access and safety to the north of the Trackside property. The proposed pedestrian walkway ends approximately at Trackside's northern property boundary, yet there are no provisions for continued pedestrian travel north along the alley. The alley is unimproved, lacking designated pedestrian space or markings, as it continues north between Old East residences and the ACE Hardware Rock Yard. Vehicle traffic in the alley would likely increase significantly, due to the 711 daily trips the proposed project is expected to generate. Yet, pedestrians traveling north in the alley would apparently have to fend for themselves beyond the Trackside property boundary.

6. The size and housing density of the proposed project need to be reduced to mitigate the significant adverse traffic impacts.

The adverse impacts described above are, primarily, consequences of the size of the proposed project. A smaller project would generate fewer vehicle trips, place

fewer demands on the alley and fit better in a traditional residential neighborhood. The Old East neighbors have consistently stated that they would support a project of an appropriately smaller size, consistent with the Downtown Davis and Traditional Neighborhood Design Guidelines and other applicable zoning ordinances.

7. The Traffic Impact Study is incomplete and inadequate.

Traffic impacts of a new project expected to generate 711 daily trips should be presented in significant detail. The Traffic Impact Study excerpt gives little information about how project-generated traffic will affect the residents in closest proximity, noting only a predicted queuing problem at 3rd and F streets in the downtown core area. The excerpt envisions the likely increase in clockwise circulation southbound on I Street to 3rd Street resulting from a one-way alley reconfiguration, but considers only this effect for bicycles, not automobiles. (see p.11, para. 2 of staff report, Appendix 6A).

The assessment of conditions of cumulative impacts of the proposed project includes scenarios with other projects such as the defunct Nishi project, indicating the Traffic Impact Study is outdated. Most alarmingly though, the Traffic Impact Study fails to consider the cumulative conditions for a most likely scenario: the redevelopment of the adjacent Davis Ace Rock Yard. The Tracksider Center proposal includes a reconfiguration of the alley that is shared in half of its length by the Davis Ace Rock Yard. The proposed alley reconfiguration should be assessed in terms of the cumulative impacts an equivalent redevelopment of the Davis Ace Rock Yard would impose on the alley and on I Street.

Alley reconfiguration option schematics should be included that take into consideration vehicles, trucks and equipment other than vehicle passengers. The types of commercial use of the ground floor need to be defined and when that is done the types of non-passenger vehicles and equipment associated with these commercial uses need to be taken into consideration in assessing traffic and bicyclist and pedestrian safety in the alley and access and safety for existing properties with zero lot clearance on the alley.

8. The Traffic Impact Study misrepresents the physical layout of the alley.

Walking down the alley in person clarifies issues of physical layout and distances that are relevant to assessing the traffic impacts of the proposed project. I urge the BTSSC and other city commissioners to visit the site, to appraise the consequences of building a project of the proposed size at this location before making a decision on the proposed project.

9. The Traffic Impact Study and Staff Report do not realistically address the proposed project impact on parking in Old East Davis

The parking inventory and occupancy survey presented in Table 5 of the Traffic Impact Study is not representative of actual parking conditions in Old East Davis. In particular, as a resident of J Street and a daily commuter walking along J Street to and from the Amtrak Train Station on weekdays I provide empirical evidence that the segment of J Street between 3rd and 5th Streets is regularly at a much higher occupancy before 10:00 am and up to 5:00 pm than what is indicated in Table 5. In particular, the length of J Street between 3rd and 4th Streets experiences nearly 100% parking occupancy on weekdays before 10:00 am and remains heavily utilized throughout the day. Often the pedestrian crosswalks at the intersection of 4th and J Streets are blocked by cars due to the scarcity of available parking.

Residential parking in Old East Davis is already heavily impacted by the proximity to the downtown and the Amtrak Train Station. The last ad hoc reconfiguration of parking zones by the City of Davis has segregated Old East Davis parking into two zones: restricted parking exists in the segment of Old East Davis bordering the Amtrak Train Station and the downtown, while unrestricted parking exists in the segment defined by J and K streets between Third Street and Fifth Street. The spillover effect of the last City of Davis ad hoc reconfiguration of parking zones in Old East Davis would be exacerbated by visitor, employee and customer parking from the proposed Trackage Center. The City of Davis must conduct a reassessment and reconfiguration of parking in Old East Davis as part of the review of the proposed project.

The proposed 27 apartment units nominally consist of 2 studios, 5 one-bedroom apartments with a den and 20 two-bedroom apartments with a den. However, the den in these units appears to be equipped with a closet, thereby practically rendering the units into 2-bedroom and 3-bedroom apartments. Therefore, the estimation of required parking spaces for the proposed project is premised on a misrepresentation and is an underestimation of the required parking spaces.

In conclusion, I believe that the localized Air Quality impacts of the proposed Trackage Project, as well as Land Use/Planning, Transportation and Circulation, Cultural Resources and Noise Impacts, are inadequately assessed in the SCEA Initial Study and therefore warrant a full Environmental Impact Report analysis and assessment.

Planning Commissioners and members of the City Council,

I am writing to bring to your attention significant flaws and omissions in the Sustainable Communities Environmental Assessment/Initial Study (SCEA) submitted by the Trackside Partners regarding their proposed development at 901-919 Third Street. Though there are several examples of factual errors and significant omissions throughout the SCEA, I will focus my comments on section VIII (Hazards and Hazardous Materials). It may be assumed that 'cap and seal' will mitigate any hazardous waste issues that occur at the Trackside site, but it should be noted that the Geotechnical Investigation submitted to the Trackside Partners by GeoCon states that, "If below-grade parking is not incorporated into the project, remedial grading in the form of removal and re-compaction would be required from... 10-15 feet below grade." (Geotechnical investigation, pg. 7, sec. 6.1.2) The three sections of this letter show that:

(A) known activities and evidence from the site are not addressed in the SCEA;

(B) the Geotechnical Report and Phase I Environmental Site Assessment are incomplete; and

(C) the Geotechnical Report and Phase I Environmental Site Assessment contain factual errors that erode or negate the conclusions drawn from these reports.

Given the concerns presented in this letter, and others submitted by other members of the community, the Trackside Partners and their consultants have not shown due diligence in investigating the environmental impact of the proposed project. The submitted reports are cursory, vague, erroneous, and incomplete. I therefore respectfully request that you find the SCEA insufficient and inadequate.

A) Known historical activities and evidence from the site not addressed in the SCEA.

There is currently and has been in the past, known activity at or near the site that implies the possible presence of significant hazardous materials whose presence would need to be mitigated during construction, yet no mitigating measures are discussed in the report. The Trackside Center is located on what was formerly the Schmeiser Manufacturing facility, which existed at a time before any laws regarding hazardous materials handling existed. The site also post-dates the railroad tracks of the Union Pacific Railroad and has therefore been exposed to the unmitigated activities of the railroad operation before passage of the EPA (1970). These activities and the results thereof are not discussed in any of the reports submitted by the Trackside Partners. The Geotechnical Report submitted by GeoCon to the Trackside Partners dated January, 2015 and submitted for the current proposal states that "rail tie remnants" were encountered during drilling and that, "The fill in boring B5 exhibited a slight petroleum hydrocarbon odor." No further analysis or mitigation is described in the report even though there is direct evidence of hazardous materials at the site.

B) Geotechnical report and Phase I Environmental Site Assessment are incomplete.

While the Geotechnical report and Phase I Environmental Site Assessment mention the 3rd St. site (SL185822944) and the Olive Street LUST (Leaking Underground Storage Tank, T0611318306), they fail to mention any other sites surrounding the Trackage Center. In addition to the two sites mentioned, there are seven cleanup sites, two LUST's (Leaking Underground Storage Tank), and three DTSC clean-up sites within 1 mile of the trackage Center site (Figure 1). There is no mention of any of these sites, nor any mitigation description or effects of these sites. Even of the two sites mentioned, there is no mitigation of possible effects at the Trackage site inferred, stated, or implied.

C) The Geotechnical Report and Phase I Environmental Site Assessment contain factual errors that erode or negate the conclusions drawn from these reports. Section VIII (Hazards and Hazardous Materials) states that there are two sites of concern: a Leaking Underground Storage Tank (LUST) on Olive Drive and a site at 920 Third Street. Section VIII (Hazards and Hazardous Materials), item (a) states that there would be less than significant impact from these sites. There is no corroborating evidence for this statement. In addition to the Leaking Underground Storage Tank on Olive Drive and the site at 920 Third Street, there are at least three other sites of concern less than 700 feet from the Trackage Center (Appendix). While groundwater flow is stated to be generally to the south and southeast, groundwater flow has been observed in all directions (Figure 3). Well data from the Enterprise site (Table 2, First semi-annual 2015 Ground-Water Monitoring Report, Davis Enterprise Facility) shows that the flow direction is highly variable and was measured at different times as flowing north, west, southeast, northeast, south, northwest, southwest, and east; i.e. in all directions. Additionally all four of these sites are currently active, have affected soils, soil vapor, and groundwater, and are at distances far less than one mile. It should also be noted that analysis from the Davis Center site shows increases in PCE and TCE in several wells from 2006 to 2017 (figure 2).

The Phase I report, pages 19-20, states that:

- "Several sites within a one-mile radius of the subject property are identified as having documented releases of hazardous materials. ...it is not anticipated that any of the listed sites present a significant environmental concern to the subject property due to one or more of the following reasons:
- (1) the site in [sic] located down-gradient or cross-gradient from the subject property with respect to the regional groundwater flow direction;
 - (2) the release at the site is reported as having only affected soils, with no impacts to groundwater noted;
 - (3) the release at the site has been investigated and remediated under regulatory oversight and received case closure; and

(4) the site is situated at a distance too great to pose a significant environmental concern."

The appendix and other arguments show that all four of these points are false. Figure 1 shows three sites located within 700 feet of the Trackside Center site in addition to the two mentioned in the Phase I report (from the GeoTracker website). These additional sites are not mentioned in the report and no evidence is given that the sites mentioned, or those not mentioned, will not affect the Trackside site. It is noted that the four closest sites completely surround the Trackside Center. 'The Enterprise' site (SL185832945) is located to the west, the 'Davis Center Project' (SL0611328818) is located to the northwest, the 'I Street Development Co.' (SL185822944) is located to the east, and 'Union Pacific Railroad – Davis Amtrak Station' (SL185452916) is located to the south.

Therefore known Hazardous Materials sites:

- (1) are located up-gradient from the Trackside Center site with respect to regional groundwater flow;
- (2) affect soils, soil vapor, and groundwater;
- (3) are not closed;
- (4) are situated at a distances that would affect the Trackside site.

The above discussion shows that the SCEA is incomplete and inaccurate. I therefore request that you find the SCEA insufficient and inadequate.

Sincerely,

Larry D. Guenther

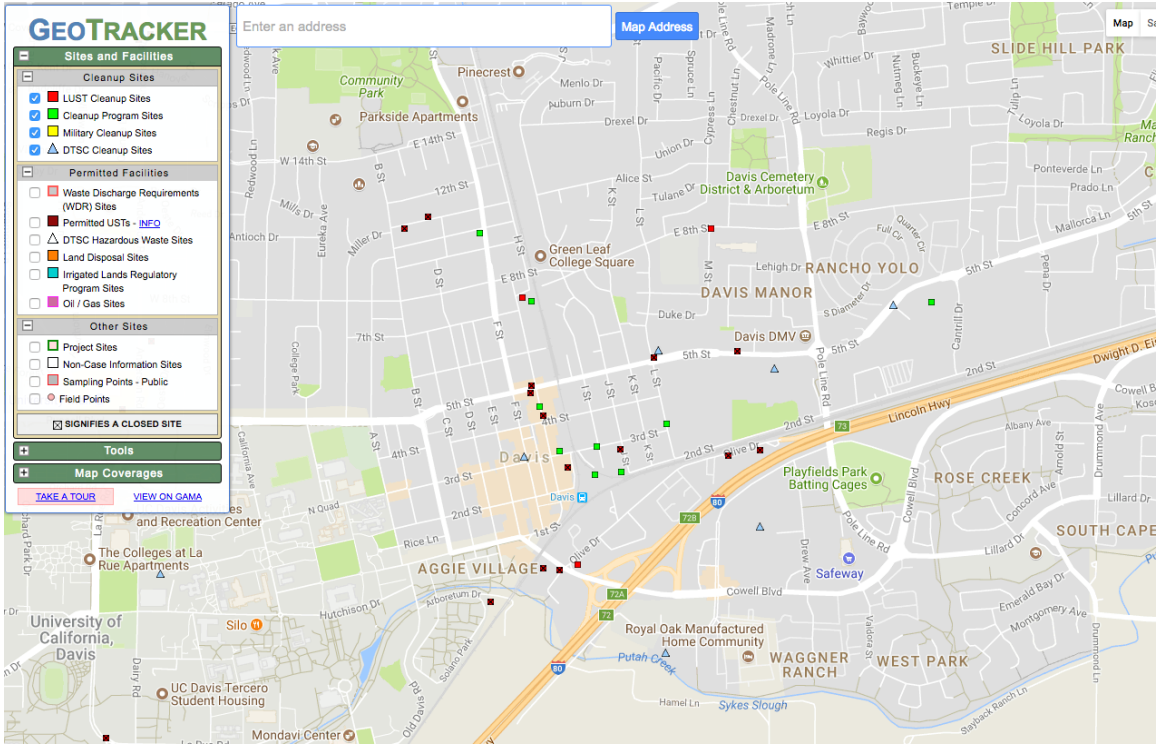


Figure 1 from the GeoTracker website showing Hazardous Materials sites within one mile of the Trackside Center site..

Table 1 City of Davis 5th and G Street Analytical Results for March 15, 2017					
DATE	WELL	2006 PCE (ppb)	2017 PCE (ppb)	2006 TCE (ppb)	2017 TCE (ppb)
03/15/2017	MW-1R	ND	ND	ND	ND
03/15/2017	MW-2R	ND	ND	ND	ND
03/15/2017	MW-3R	2.2	2.1	ND	ND
03/15/2017	MW-5	15.1	38.0	ND	1.0
03/15/2017	MW-6	ND	2.4	ND	2.5
03/15/2017	MW-8	5.0	4.2	ND	ND
03/15/2017	MW-9R	ND	ND	ND	ND
03/15/2017	MW-10	ND	ND	ND	ND
03/15/2017	MW-11	16	6.3	ND	ND
03/15/2017	MW-12R	ND	ND	ND	ND
03/15/2017	MW-13	ND	ND	ND	ND
03/15/2017	MW-14	ND	ND	ND	ND
03/15/2017	DMW-1	ND	ND	ND	ND
03/15/2017	DMW-2	ND	4.0	ND	0.61

Figure 2 showing well-log data from the Davis Center Site. Table 1 from the quarterly groundwater monitoring report showing that contamination levels of PCE and TCE have increased in some wells from 2006 to 2017

TABLE 2 (cont.)

Well Number	Top-of-Casing Elevation (feet MSL)	Date Measured	Depth to Water (feet)	Water Elevation (feet MSL)	Change in Elevation (feet)	Ground-Water Flow Direction	Calculated Horizontal Gradient (ft/ft)	Calculated Vertical Gradient (ft/ft)
MW-1 (cont.)	46.99	12/28/2002	38.90	8.16	0.63	northeast	0.017	--
		3/20/2003	32.22	14.84	6.68	east	0.005	--
		6/12/2003	32.87	14.19	-0.65	southwest	0.020	--
		9/23/2003	37.22	9.84	-4.35	northeast	0.005	--
		12/2/2003	36.71	10.35	0.51	southeast	0.001	--
		1/12/2004	34.77	12.29	1.94	--	--	--
		3/23/2004	30.97	16.09	3.80	southwest	0.0004	--
		9/14/2004	38.55	8.51	-7.58	northeast	0.002	--
		12/14/2004	36.70	10.36	1.85	southwest	0.005	--
		3/17/2005	31.12	15.94	5.58	southwest	0.0009	--
		6/22/2005	31.53	15.53	-0.41	east-northeast	0.001	--
		9/15/2005	35.97	11.09	-4.44	northeast	0.002	--
		12/7/2005	34.86	12.20	1.11	southeast	0.001	--
		3/8/2006	26.11	20.95	8.75	northeast	0.04	--
		6/13/2006	24.48	22.58	1.63	west	0.0002	--
		9/11/2006	31.65	15.41	-7.17	northeast	0.002	--
		12/5/2006	30.64	16.42	1.01	southwest	0.018	--
		3/2/2007	27.82	19.24	2.82	southeast	0.0001	--
		5/25/2007	30.58	16.48	-2.76	east	0.001	--
		9/21/2007	37.74	9.32	-7.16	northeast	0.0007	--
		12/4/2007	36.26	10.80	1.48	north-northeast	0.0008	--
		3/26/2008	29.59	17.47	6.67	southwest	0.0014	--
		6/27/2008	34.07	12.99	-4.48	east	0.0017	--
		9/24/2008	38.85	8.21	-4.78	northeast	0.0009	--
		12/17/2008	37.46	9.60	1.39	southeast	0.0009	--
		2/18/2009	35.50	11.56	1.96	southeast	0.0007	--
		6/11/2009	36.51	10.55	-1.01	north-northeast	0.0005	--
		9/9/2009	39.56	7.50	-3.05	southeast	0.006	--
		12/23/2009	Dry	--	--	--	--	--
		3/8/2010	37.71	9.35	--	southwest	0.004	--
		6/14/2010	35.39	11.67	2.32	west	0.0005	--
		8/24/2010	39.55	7.51	-4.16	north-northeast	0.0006	--
		12/16/2010	38.27	8.79	1.28	north	0.003	--
		3/30/2011	32.72	14.34	5.55	west	0.002	--
		6/29/2011	33.03	14.03	-0.31	southeast	0.0009	--
8/26/2011	36.69	10.37	-3.66	northeast	0.0006	--		
12/16/2011	35.87	11.19	0.82	southeast	0.0009	--		
3/21/2012	33.61	13.45	2.26	south	0.001	--		
6/21/2012	35.21	11.85	-1.60	southeast	0.0007	--		
8/16/2012	38.90	8.16	-3.69	northwest	0.0005	--		
12/12/2012	39.11	7.95	-0.21	southwest	0.0007	--		
6/13/2013	37.91	9.15	1.20	south	0.0006	--		
12/5/2013	39.53	7.53	-1.62	southeast	0.007	--		
6/10/2014	Dry	--	--	--	--	--		
12/9/2014	Dry	--	--	--	--	--		
4/9/2015	Dry	--	--	--	--	--		
MW-2	46.99	4/17/2000	29.76	17.23	--	--	--	--
		4/18/2000	29.69	17.30	0.07	--	--	--
		10/11/2000	38.11	8.88	-8.42	north-northeast	0.002	--
		12/15/2000	36.34	10.65	1.77	northeast	0.0005	--
		3/23/2001	32.37	14.62	3.97	west	0.001	--
		5/22/2001	34.42	12.57	-2.05	northwest	0.0005	--
		9/21/2001	39.57	7.42	-5.15	southeast	0.005	--
		12/18/2001	38.90	8.09	0.67	northeast	0.001	--
		3/20/2002	33.81	13.18	5.09	south-southeast	0.0008	--
		6/6/2002	35.20	11.79	-1.39	east	0.0002	--
		9/23/2002	39.48	7.51	-4.28	southeast	0.005	--
		12/28/2002	39.89	7.10	-0.41	northeast	0.017	--

Figure 3 showing page from First Semi-Annual 2015 Ground-Water Monitoring Report for the Davis Enterprise Facility, 302 G St., July 31 2015. This excerpt from the well log clearly shows that groundwater flow is highly variable and occurs in all directions.

Appendix

From the GeoTracker Website (distances measured with a measuring wheel):

I Street Development Co. (SL185822944)

Status: open

Contaminants of concern: tetrachloroethylene (PCE), trichloroethylene (TCE), vinyl chloride

Potential media of concern: groundwater, soil

Distance to Tracksides: 225 feet

The Enterprise site (SL185832945)

Status: open

Contaminants of concern: tetrachloroethylene (PCE)

Potential media of concern: groundwater, soil

Distance to Tracksides: 348 feet

Union Pacific Railroad – Davis Amtrak Station (SL185452916)

Status: open

Contaminants of concern: tetrachloroethylene (PCE)

Potential media of concern: groundwater, soil vapor

Distance to Tracksides: 575 feet

Davis Center Project (SL0611328818)

Status: open

Contaminants of concern: tetrachloroethylene (PCE),

Potential media of concern: groundwater, soil vapor

Distance to Tracksides: 687 feet

From: raymond burdick [mailto:burdickray@gmail.com]
Sent: Friday, August 11, 2017 9:53 AM
To: Eric Lee <ELee@cityofdavis.org>
Cc: Rhonda Reed <Salmonlady@sbcglobal.net>; mark grote <Markngrote@gmail.com>;
Burdickray@gmail.com; Marijeanburdick@gmail.com
Subject: Trackside SCEA

August 11, 2017

SUBJECT: Trackside's Sustainable Community Environmental Assessment Document

Dear Eric Lee, Ash Feeney, Planning Commissioners, and City of Davis City Council Members,

PLANNED DEVELOPMENT projects are sent through the city process without fair consideration to the community, neighborhoods, or people that have worked very hard for many years to own a home or small business in Davis. If Trackside is built as proposed it would have detrimental and irreversible impacts.

The July 2017 Sustainable Community Environmental Assessment (SCEA) leaves hanging mitigation. The City of Davis does not adequately identify current and cumulative impacts that adversely effect the adjacent homes, neighborhood and community. We find that the July 2017 SCEA simply mirrors the developers weak reports. Furthermore; the SCEA enables Trackside to bypass having to further mitigate many very serious community environmental health and safety concerns as the SCEA claims to have closed the loop in the earlier EIR. At this time, it my understanding that the City of Davis is accepting EIR reports from 1997, 2000 and 2007 as a basis of their current SCEA report. A decade or two ago Davis had very few buildings over two stories. For that reason the EIR analysis used to say mitigation is "complete" or "less than significant" is not sufficient and leaves potentially serious matters unanswered. The EIR analysis used in the current SCEA could not accurately depicted the intensity of the environmental impacts potentially generated from the much larger buildings being planned and built today.

For more than two years the City and Trackside developers ignore the valid concerns and burdens they have created as they move forward on Trackside project to densify Davis near Downtown while paying little attention to the substantial public outcry voicing objection to this massive infill project that benefits primarily the developers. The intrusive mass and scale being pushed into neighborhoods all around our community is not an acceptable way to grow Davis.

What's is happening here in Davis? Developers are investing in Davis but, why these mixed signals from our City officials? We've taken notice and do not support this developer's

tactic. Tracside's proposed project unequivocally does not comply with our current zoning laws and guidelines. Somehow thought, they plan to get around it. They have not been made to adhere and abide by requirements that many others are held responsible to demonstrate early on in the planning processes. Why invest in a property within a neighborhood that is zoned M/U, Transitional yet fully expect that the current, established zoning laws and guidelines that apply to that property do not matter? Although the zoning laws are meant to protect and provide a fairness in the community Tracside is still full-steam-ahead with this overwhelming, problematic project in this inappropriate location. We believe Tracside is wrong and the city is also wrong for supporting it as proposed. The City of Davis gives Tracside a green light and in effect ignores the Transition Zone, as if the neighborhood does not exist!

It is not too late. Even if Tracside wants to cross boundaries, the City unbiasedly should listen to the community. The community is alarmed about what is currently happening to Davis. The polished marketing attempts to try to persuade people that the City and Developers are listening to public concerns has been disingenuous. Definitely we have been ignored and reality is looming just like the massive structures. We can see blatant inequalities. Time and again a those who are well connected move forward with astonishing reports that our City is supporting all the way through and miraculously the proposed project has "No Significant Impacts!" This troublesome policy of "planing by exception" is currently navigating us in a foreseeable direction. Oversized developments will permanently change the settings, feel, and future of our unique and quaint town, negatively effecting the livability and quality of life here in Davis.

Planning the future of Davis is a very important matter and it deserves careful, considerations, in a democratic and balanced way. We believe in infill that honestly goes about accomplishing it in a way whereas new developments represent a TRUE balance of community and achieves positive progress. Beforehand, it is the City's duty to help the developer and community to remedy serious issues. Especially important HEALTH AND SAFETY impacts; like concentrations of GHG from an increased volume of vehicles, waste removal, and delivery traffic emissions; all of must be strongly mitigated. We must not accept watered down methods to pass a project without a good look at proper mitigation to solve potentially hazardous soil and known groundwater contaminations. We must diligently mitigate matters related to GHG, odors and other pollutions like lighting and glare from the building and headlights, traffic congestion, noise related matters due to significantly more traffic, people, music, and building utilities. Parking problems cause the effects of increased emissions. Additionally mitigation must answer to our loss of our sunlight/shadowing effects, solar rights, right to privacy matters, as-well-as private property use and access BEFORE SUPPORT OF THE PROJECT is recommended by the City.

We support thoughtful, respectful planning and wish to accomplish it without handing our town to developers and investors. Infill that reflects the fabric, spirit and character of this place we call home and makes us uniquely Davis is what we will continue to strive for! Downtown, Old East, Old North, and other adjacent districts have significant concentrations of historical settings which provides a distinctly rich sense of time and place. To be "Davis Like" we must honor the past by preserving our very valuable historic settings. Our city has a chance to do this so well, before another Planned Development is approved.

The SCEA regrettably downplayed the historical significance which again mirrors the Trackside's reports instead of honoring the valuable opinions of our esteemed HMRC members. This is wrong! Personally we believe that the City could accomplish so much more if not for this avoidable atmosphere which encourages developers to take it all based on questionable manipulating. The city is responsible for accepting or rejecting reports that do not include accurate or complete impacts of a project. Valid benefits, valid impacts, not trickery; that is what's expected! Do Not pass it on with the standard rubber stamp approach! Do not give endorsements of four, five, and six story structures where they clearly do not belong. With eminent and significant consequences developers must not be allowed the loopholes to claim that it is okay to squeeze large developments onto otherwise inadequate or inappropriate land sites. This truly cheats Davis!

It is inherently obvious that Trackside is a very extensive project that doesn't even fit well within their own land footprint. This project is not Downtown. On the fringe, as Trackside submitted a proposal for a four story, modern style massive structure it absolutely does not compliment or fit the historic character, building design or feel of our neighborhood here in Old East. For that matter it doesn't work well with any nearby commercial buildings along 3rd Street looking west or east, not the rock yard looking north through the I Street alley or facing south toward 3rd Street. We ask for mitigation measures for AES-6. Design the project to be visually compatible with the surrounding area. Also we ask for Mitigation measure for AES-8. Reduce the visibility of construction activities. The developer plans to continue to cut down almost every old growth trees on the Trackside site. Mitigation for AES-11 would reduce exposed earth as it relates to unnecessary removal of old growth trees. Trackside should reduce the size of the building to save more trees. Their proposed building is too big and the proposed replacement trees are too small.

It is the developer's choice and responsibility having purchased property, knowing full well it's proper use according to the current zoning laws and guidelines. It is not anyone else's business or duty to make it fit so it can "pencil out". The building should be reduced and designed to accommodate Trackside's lot size. Trackside should reduce the project in turn this would reduce impacts for traffic congestion and parking. Trackside should provide an in depth study to identify and mitigate the toxic plume known to be TCE in an near the site. Trackside should mitigate lead base paint and asbestos potentially in the current structure. If the project is approved as designed, without providing proper mitigation it will be at a high price. The City of Davis, and our citizens will have to face difficult issues because the City again did not require the developer to solve them.

This highly impactful project would hazardously impede the functionality, flow, and safe movement of bike, pedestrian, railway, and vehicle traffic. Additionally, there would be a need to remedy increases for maintenances, needs for fire safety lanes, police and fire support, accessible sidewalks for handicapped individuals, mitigation of road hazards, traffic modifications, traffic impacts, and remedy unhealthy levels GHG emissions! There are many foreseeable and significant impacts related to the proposed Trackside project that have not been properly mitigated. Some are critical impacts yet stakeholders and the city downplay the inadequate reports and analysis. We want answers to Health and Safety concerns, pollution from cars and trucks circling repeatedly to try and find a rare chance to park near their destination. Of course that would mean significant increases involving noise and light pollution; all harmful

results of concentrating buildings, trains, bikes, vehicles, delivery trucks, pets and people into a confined area. Set the building back to accommodate parking on Trackside's property. Parking in the alley along Trackside property is currently prohibited which gives homeowners room to safely use their garages and ADU parking on private property. If you look at the I Street alley between 4th and 5th you see an example of apartment buildings and businesses that notched in their structures to provide parking without compromising the safe use of the alleyway. The proposed Trackside delivery zone would prohibit the safe function and flow of the alley traffic. I requested trash pickups could continue to be on the west side of the property, closer to the restaurant kitchen.

Since the announcement of Trackside communications with the developers have unfortunately been frustrating and at times truly infuriating because we have completely different ideas and values than the investors/developers. We have been willing to have reasonable conversations but, Trackside has not been a good neighbor. We have very valid concerns about the livability of our property for all the reasons previously named here in and expressed in many letters sent to the City of Davis Commissions as-well-as to our City Council members. We have attended facilitated meetings with Trackside and our concerns are not being addressed. As it is proposed Trackside would turn the quiet little I Street alleyway into a very busy street which would limit homeowners ability to access garages, ADU parking space and yards from the shared alley directly located right behind our homes. The alley is too narrow to accommodate the increased use on the alley safely as it is proposed. Please carefully consider the loss of personal privacy, the taking away our individual solar rights, the right to quiet enjoyment; these are just to name a few of the issues that will significantly impact the neighbors closest to the proposed site and permeate through the surrounding homes in our neighborhood.

The Bicycle Safety Commission was given a very narrow view of the Trackside proposal and did not have the information to adequately consider the hazards connected with the density impacts and heavy use related to the mass and scale of the proposed Trackside project and the effects on the I Street alley. For that reason we protest their determination and assessment. As proposed there would be significant adverse impacts. The SCEA fails to identify and mitigate the true safety concerns.

Presently, we are a vibrantly healthy, cohesive neighborhood. There are so many people living in Davis with a deeply rooted sense of preservation and community. Old East Davis will continue to stay strong in opposition to the mass and scale of this four story Trackside project which eminently would bring with it, as designed, tremendous negative outcomes. We implore our city decision makers to pay careful attention to these important negative impacts. It is not acceptable to take rights from others in order to generate revenue for the city and money for the investors. It is to the detriment of Davis to continue to allow the minimalistic impact reports submitted and paid for by the developers.

Lately projects move forward with or without commission support. In any case it would appear as though the the fall back plan is readymade for our City Council to vote to approve. "Sustainability, densification, gold and platinum building standards, just plant a redwood tree, you'll need to make some sacrifices, it's four, five, six stories but, you will barely notice it," these are some of the self serving answers and insults we have heard over and over. One of the most

disturbing strategies is that, Trakside is using the (FAR) Floor Area Ratio for their proposed project to shamefully try to justify the mass and scale of their building. They would gain concessions by taking and including the area calculations for the adjacent land that they do not own but, only leases from the railroad.

We ask our City Officials to help us create and strive for careful planning. We strongly support the protection and revitalization of our historic architecture, buildings, sidewalks, roadways, rail station, homes, old growth trees, historic gardens and signs. The city should also standup for our town's invaluable conservation districts too! We must enhance our community by thoughtfully incorporating these important attributes into amazing plans so we all may take pride in the future of Davis. There is a lot to be said about the feel, settings, spirit, charm, structures, sites, and rareness of gardens from our town's past that contribute enormously to the appeal, economic, and the social well-being of Davis. It is vitally important to stay connected to our past as we look to the future. We have one chance to get it right. Together we should respectfully promote well throughout projects. City Officials should, with wisdom and respect use their awesome power and responsibility to serve and protect the environment and unique character of of Davis! Once a building goes in it stays for many generation to come to either be enjoyed or criticized. Old East Davis residents will continue to support infill to revitalize our community, historic districts, and Downtown whenever it is done without sacrificing our community's treasured historical resources. Please respond to our concerns. Thank you.

Sincerely,

Marijean and Ray Burdick
315 I Street Davis, CA 95616-4214

August 11, 2017

To: Department of Community Development and Sustainability c/o Eric Lee

From: Mary Kaltenbach (327 I St, Davis) OEDNA resident

Re: Comments for the SCEA study for the proposed Trackside Project

Dear Eric Lee,

I am writing in regards to the mitigation measures for aesthetic impacts that Trackside will have on the Old East Davis Neighborhood and other surrounding areas. The Initial Study implies that compliance with Davis Municipal Code 40.31.020 is adequate to address the aesthetic impacts this project will have. I disagree with this conclusion. Davis Municipal Code 40.31.020 is not an adequate mitigation; it is too general. It lacks specific and measurable standards of the type required to adequately ensure that aesthetic impacts are reduced to less than significant.

Mitigation Measure AES-6:

New construction should not be out of scale comparable to other nearby buildings. The proposed Trackside project is not designed to be visually compatible with the surrounding areas and conflicts with the City of Davis land use policies regarding mass, scale, and compatibility with a traditional residential neighborhood.

The City of Davis General Plan Vision 2, Item 4 states: "Encourage carefully planned, sensitively designed infill & new development to a scale in keeping with the existing city character." The Core Area Specific Plan section, "New Buildings in Residential Neighborhoods (p. 84) states: "The single more important issue of infill development is one of compatibility, especially when considering larger developments. When new projects are developed adjacent to older single-family residences, concerns exist that the height and bulk of these infill projects do not have a negative impact on smaller scale buildings."

The Trackside building as currently proposed would have a negative impact on the smaller scale buildings in the Old East Davis neighborhood. A comparison of the mass a scale of the proposed Trackside building with adjacent single family home of the OEDN shows that the proposal violates all of the standards above. The setbacks in the proposed design are inadequate to mitigate for the structures overwhelming mass. The main point here is that a new structure should preserve the look and feel of other nearby buildings and the context and setting of the neighborhood.

Mitigation Measure AES-12:

This measure states: "Minimize contrasts between the project and surrounding areas." The project fails to minimize contrasts between the project and surrounding areas. Its location is in a transition area between the Core Area and the Old East Davis Neighborhood. However the proposal fails to make appropriate transition in any direction.

How do we minimize contrast? I argue that minimizing contrast is a matter of making sure appropriate transitions are in place. The objective of making a transition is not stated anywhere in the Municipal

Code 40.31.020. Therefore Municipal Code 40.31.020 is inadequate as a mitigation measure for AES-12. The DDTRN design objectives for the Core Transition East state: "This area should improve the visual and land use transition from the Commercial Core to the Old East residential neighborhood" (DDTRN Design Guidelines, p. 74). The Trackside proposal would place one of the largest buildings in Davis next door to one of the smallest: 921 3rd St.

Conclusion:

The project should be required to comply with the Design Guidelines. If the project were to comply with the guidelines the aesthetic impacts would be mitigated.

Thank you for your thoughtful consideration,

Mary Kaltenbach

From: Michele Ranns [mailto:mnranns@yahoo.com]
Sent: Friday, August 11, 2017 1:57 PM
To: Eric Lee <ELee@cityofdavis.org>; salmonlady@sbcglobal.net; markngrote@gmail.com
Subject: Trackside Proposal Opposition

Dear Eric Lee,

I am writing in opposition to the Trackside Center project as proposed at 311-319 Third Street. The Trackside project needs to be denied for many reasons including the fact that it is inconsistent with our General Plan, Davis' Zoning Codes, and the Davis Downtown and Traditional Residential Neighborhood Design Guidelines

These planning principles and policies were all worked through years ago with many hours of Davis citizen participation with the City to have agreement on a good planning framework to implement new development if and when new project proposals came forward. However, the Trackside Project is violating many of these principles and policies including:

- 1) The Trackside project proposal does not comply with City zoning for that site. Planning by exception is bad planning.
- 2) The City of Davis Historical Resources Commission unanimously voted that the Trackside project was inconsistent with the historical preservation design guidelines in our General Plan.
- 3) The Trackside project is enormous and is far too big for that location which should transition from the neighborhood to the denser downtown.
- 4) The Trackside proposed project is twice the size of the Chen building which is adjacent to the downtown Train Station. Imagine such an enormous project with all of the impacts next to single-family homes?
- 5) The Trackside Project proposal covers 77% of the property which the zoning does not allow but the developers are trying to change. The Trackside proposal would be 150% of what the zoning allows.
- 6) The current zoning in this area *meets* the densification objectives of the transportation oriented projects called for in SACOG's Sustainable Communities Plan. No change in zoning on the site is necessary to achieve these goals. Yet, Trackside is demanding to over-densify bringing far more impacts.
- 7) New uses, loading, and traffic patterns in the I Street alley will create dangerous conditions for pedestrians, bicycles, and cars.

The CEQA analysis needs to be rejected since Trackside does not comply with local plans: Please reject the inadequate CEQA environmental document. It is an inappropriate use of SB 375, because the project does not comply with existing local plans. This approach to CEQA prevents public involvement in a radical change to our community. Too many mitigation

measures in the document are inadequately written to be enforced or to determine what needs to be done.

The Zoning Change demanded by Trackage needs to be rejected:

Don't set a precedent without community input! The proposed action would change zoning not just for the Trackage project is but on a half mile section of land next to the railroad tracks from Third Street to Fifth Street. The CEQA analysis omits this!!

Protect neighborhoods, respect historical buildings, and implement our General Plan, Davis' Zoning Codes, and Davis Downtown and Traditional Residential Neighborhood Design Guidelines:

The enormous Trackage building, if approved, would loom over single-family residences next door, create unsafe conditions in the I Street alley, and lead to absentee landlordism or abandonment of restored historical properties that are currently cared for by Davis residents who treasure them since they are an important part of Davis' history.

I urge the City to please reject this enormous Trackage project and have the developers to come back with a project that fits with existing, citizen-developed plans and zoning.

The homes just behind the trackage project are asked to adhere to historical rules. As a resident of the Old East Davis Community, I find it frustrating that this project does not appear to take any of these rules into account. I believe some version of this project could be great for the area, however this proposal creates a building that is too large and out of place for the neighborhood.

Sincerely,

Michele Guerrieri

Ramona Swenson
1642 Joshua Tree St
Davis, CA 95616

August 11, 2017

Eric Lee
elee@cityofdavis.org

Dear Eric Lee,

My family are long-time residents of Davis. Our kids were born here and go to Davis schools. We shop and stroll downtown, commute from the Davis Train Station, and cherish the remaining historic Davis neighborhoods. I have usually been proud of the City's General Plan and Davis citizens' commitment to reasonable and consistent planning for our community's growth. But I have followed the progress of the Trackside Center project with dismay. The project is preposterously out of scale for the surrounding area. A simple projection of the footprint and height (which my GIS-skilled colleagues did for me) amidst the existing neighborhood shows this clearly. More concerning is the City's apparent willingness to set aside zoning policies to make ad hoc decisions that will have substantial and permanent effects on the neighborhood. It appears the developers have pushed their inappropriate project and failed to honor commitments for meaningful community involvement. It is the responsibility of the City to enforce their zoning policies and consider the long-term and wide-scale consequences of projects. If the CEQA document did not sufficiently address this, either due to an inappropriately scaled area of project effect, or with inadequate cumulative effects analysis, then that document is inadequate and should be rejected. The CEQA document cannot represent this project as consistent with local plans.

I add my voice to those **opposed to the Trackside Center project as proposed at 311-319 Third Street**. The Trackside project needs to be denied for many reasons including the fact that it is inconsistent with our General Plan, Davis' Zoning Codes, and the Davis Downtown and Traditional Residential Neighborhood Design Guidelines

These planning principles and policies were all worked through years ago with many hours of Davis citizen participation with the City to have agreement on a good planning framework to implement new development if and when new project proposals came forward. However, the Trackside Project is violating many of these principles and policies including:

- 1) The Trackside project proposal does not comply with City zoning for that site. Planning by exception is bad planning.
- 2) The City of Davis Historical Resources Commission unanimously voted that the Trackside project was inconsistent with the historical preservation design guidelines in our General Plan.
- 3) The Trackside project is enormous and is far too big for that location which should transition from the neighborhood to the denser downtown.
- 4) The Trackside proposed project is twice the size of the Chen building which is adjacent to the downtown Train Station. Imagine such an enormous project with all of the impacts next to single-family homes?
- 5) The Trackside Project proposal covers 77% of the property which the zoning does not allow but the developers are trying to change. The Trackside proposal would be 150% of what the zoning allows.

- 6) The current zoning in this area *meets* the densification objectives of the transportation-oriented projects called for in SACOG's Sustainable Communities Plan. No change in zoning on the site is necessary to achieve these goals. Yet, Trackside is demanding to over-densify bringing far more impacts.
- 7) New uses, loading, and traffic patterns in the I Street alley will create dangerous conditions for pedestrians, bicycles, and cars.

The CEQA analysis needs to be rejected since Trackside does not comply with local plans:

Please reject the inadequate CEQA environmental document. *It is an inappropriate use of SB 375, because the project does not comply with existing local plans.* This approach to CEQA prevents public involvement in a radical change to our community. Too many mitigation measures in the document are inadequately written to be enforced or to determine what needs to be done.

The Zoning Change demanded by Trackside needs to be rejected:

Don't set a precedent without community input! The proposed action would change zoning not just for the Trackside project is but on a half mile section of land next to the railroad tracks from Third Street to Fifth Street. The CEQA analysis omits this.

Protect neighborhoods, respect historical buildings, and implement our General Plan, Davis' Zoning Codes, and Davis Downtown and Traditional Residential Neighborhood Design Guidelines:

The enormous Trackside building, if approved, would loom over single-family residences next door, create unsafe conditions in the I Street alley, and destroy the character of one of Davis most historical neighborhoods. It is important that the City keeps its commitments of its zoning and local planning principles and policies. The Old East Davis neighborhoods, as all neighborhoods deserve to have City honor its promises and implement good planning.

I urge the City to please reject this enormous Trackside project and have the developers to come back with a project that fits with existing, citizen-developed plans and zoning.

Sincerely,



Ramona Swenson, Ph.D.

From: raymond burdick [mailto:burdickray@gmail.com]
Sent: Thursday, August 10, 2017 11:22 AM
To: Eric Lee <ELee@cityofdavis.org>
Cc: Burdickray@gmail.com
Subject: Trackside SCEA Report

Eric,

I have read the applicants reports for the Trackside proposal and have identified some omissions that need to be identified in the SCEA report and mitigated.

1. The Trackside Geotechnical investigation report identifies ground borings with rail tie remnants contaminated with creosote and petroleum odor. See borings #3, 4 and 5.
2. The Trackside phase #1 environmental site assessment report identifies ground water contamination known to be hazardous to the State Of California. The California regional water quality control board has been monitoring the Trackside site for Trichloroethylene and other volatile organic compounds that have contaminated the soil and groundwater.
3. The historical use of the Trackside property include the railroad, farm machinery manufacturing building and automobile repair shop. In addition to the contaminants, the managing partner of the previous owners have disclosed that there are underground tanks on the property. As the report states, (the only absolute way of determining presence, or lack of presence of contamination at the Trackside property, is to conduct a phase #2 investigation by laboratory analysis of soil and groundwater). Reports should also include full asbestos and lead based paint surveys on the existing buildings.

In conclusion, the city should request a full environmental report to identify any hazardous material that could be released into the environment do to the construction of the Trackside building that could affect the health and safety of the neighborhood.

Thank you,
Ray Burdick

From: raymond burdick [mailto:burdickray@gmail.com]
Sent: Thursday, August 10, 2017 2:04 PM
To: Eric Lee <ELee@cityofdavis.org>; Rhonda Reed <Salmonlady@sbcglobal.net>; mark grote <Markngrote@gmail.com>
Subject: Trackside Proposal/SCEA Report

Eric,

The current SCEA report does not address the negative effects that the trackside proposal will have on my historic setting at 923 3rd st. Davis. Also known as the Montgomery house, a historic merit house. The report does not mitigate the following areas of concern.

A. My privacy will be adversely effected by the seemingly unending rows of balconies and windows overlooking my private property.

B. The Trackside project is a 50ft building from which residence and guests will broadcast excessive noise during social events etc. into the neighborhood.

C. Reflection and glare from the morning sun and artificial light in the evening from the building will degrade the ambience and natural setting of the Montgomery property.

D. The 50ft high building will significantly reduce my view of the skyscape looking towards the west from my backyard.

E. The size of the building will reduce the effectiveness of the delta breezes to cool my house, raising the temperature and reducing air quality in the neighborhood.

The SCEA report does not adequately address all the effects that the Trackside building will have on my property in old east Davis. My historic merit house should be protected and all the adverse conditions should be identified by a complete ceqa report.

Thank you,
Rodney krueger

Eric Lee, City Planner

Sherman Initial Study Comments

August 10, 2017

We own property at 319 and 321 I Street. Our property backs to the alley. It includes a permitted granny flat, accessed from the alley. The granny flat, converted from a preexisting zero lot line garage, was completed a year ago. The granny flat is 30 feet directly across the alley from Trackside's proposed parking entry and exit and its trash collection facility. (Not clear is whether the wall separating the trash collection from the alley extends into the alley. If so, the granny flat is less than 30 feet away.) The granny flat is less than 30 feet across the alley from Trackside's proposed loading and unloading zone which does extend into the alley.

The granny flat is not shown on several Trackside schematics. On many documents, only a tree canopy appears to be directly across from Trackside proposed parking, trash collection, and loading and unloading.

Increased traffic, lights from parking traffic shining directly into the granny flat, smells and noise from trash collection and pick up several times a week, and fumes and noise from loading and unloading vehicles and idling motors are significant adverse impacts on the granny flat. These impacts are not properly considered in the Initial Study.

The City has opted to use an expedited review procedure to conduct the assessment of the environmental impacts of the Trackside project. The following comments highlight our concerns with the Initial Study (SCEA).

- I. Traffic safety is inadequately addressed. No evidence supports a finding that the auto, bicycle, and pedestrian traffic system is adequately designed to meet anticipated traffic. No evidence supports a finding that traffic circulation is designed to provide the minimum amount of interference with bikes and pedestrians and especially with the existing zero lot line structures which line the alley in Old East Davis. Impact assessment and mitigation are improperly deferred to an indefinite future review. Accordingly, the City cannot certify the environmental document.
- II. The granny flat is a sensitive receptor for pollutants from vehicle traffic, and especially from pollutants produced by idling service vehicles and delivery trucks of large sizes in the loading and unloading zone. The traffic study is silent regarding pollutants from vehicle trips through the alley by other service vehicles such as Uber, Lyft, UPS, or FedEx. There is no analysis of the impact of large delivery vehicles servicing the retail establishments. Analyzing only passenger vehicle trips by project residents and retail employees and

- visitors is not sufficient because it does not consider traffic and pollutants from service vehicles using the alley and using the loading and unloading zone.
- III. Insufficient mitigation measures are identified to protect the “sensitive receptor” granny flat during construction. Mitigation measures are improperly deferred.
 - IV. The Project does not comply with the General Plan and Applicable Specific Plans, including the Davis Downtown and Traditional Neighborhood Guidelines. The city Historical Resources Management Commission unanimously found that the project does not comply with the Neighborhood Guidelines.
 - V. The finding that the project is in harmony with the character of the Old East Davis neighborhood is unsupported. Moreover, Trackside has not demonstrated the appropriate standards for open space.
 - VI. There is insufficient evidence to make mandatory findings regarding cumulative considerable impacts on adjacent property and on the whole of Old East Davis.

I. TRAFFIC SAFETY

The auto, bicycle, and pedestrian traffic system is not adequately designed to meet anticipated traffic and provide the minimum amount of interference with each other. See p. 77, Initial Study. Both impact assessment and mitigation are improperly deferred. The City cannot certify the environmental document and approve the project before impacts have been identified, analyzed, and mitigated.

1. Moving vehicle traffic through the alley would be a mere 2 ½ feet from existing zero lot line structures. The safety of this traffic lane has not been evaluated. See Option 3 presented to the Traffic Safety Commission showing a 10’ shared vehicle and Bike lane 2.5 feet from Old East structures. (OPTIONAL ALLEY CONFIGURATIONS TRACKSIDE CENTER prepared by Cunningham Engineering.) Without proper analysis of safety issues, Option 3 was presented to and adopted by the Traffic Safety Commission. The 10’ shared vehicle and Bike lane for vehicle traffic traveling north in the alley 2.5 feet from Old East structures and the granny flat needs to be analyzed and mitigated.

Likewise, the impact of service and delivery vehicles needs to be considered. The traffic study which analyzes passenger vehicle trips by residents and retail employees and shoppers needs a more comprehensive study of the impact of service and delivery vehicles on traffic as well as on air pollution.

2. How moving vehicle traffic will navigate around the Trackside trash enclosure, its loading and unloading zone with service and delivery vehicles, and the entrance and exit to covered Trackside parking, as well as keep an appropriate distance from the granny flat, is not and was not considered.

3. No consideration has been given to pollution problems caused by service vehicles using the loading and unloading zone or the problems resulting from idling delivery vehicles. See, for example, the following article regarding pollution from idling. <http://www.mercurynews.com/2017/06/15/from-uber-drivers-to-zuckerbergs-security-officers-palo-alto-has-an-idling-problem/>.

4. Whether the alley plan allows adequate turning radius to get into existing garages and parking spots is likewise unaddressed.

5. No mitigation is offered for these safety problems. Instead, mitigation is deferred. See Mitigation Measure 8—Alley Design, p. 123. Nothing, (p. 123), is offered to insure safety for adjoining properties.

Mitigation Measure 8 defers mitigation of alley safety to an indefinite future date.

Deferring mitigation is not acceptable in a streamlined procedure.

II. POLLUTION FROM SERVICE VEHICLES IN THE LOADING AND UNLOADING ZONE

The granny flat is a sensitive receptor for pollutants from vehicle traffic, and especially from pollutants produced by idling service vehicles and delivery trucks in the loading and unloading zone. The traffic study is silent regarding pollutants from vehicle trips through the alley by service vehicles such as Uber, Lyft, UPS, or FedEx, as well as pollution from larger trucks commonly seen throughout Davis making deliveries to retail establishments.

The traffic study has no analysis of the impact of large delivery vehicles servicing the retail establishments.

Analyzing only passenger vehicle trips by project residents and retail employees and visitors is not sufficient because it does not consider traffic impacts and pollutants from service vehicles and delivery trucks using the alley and the loading and unloading zone and idling there as well.

A new traffic study should be done to consider these problems. See <http://www.mercurynews.com/2017/06/15/from-uber-drivers-to-zuckerbergs-security-officers-palo-alto-has-an-idling-problem/>.

III. SPECIFIC MITIGATION MEASURES ARE REQUIRED TO PROTECT THE GRANNY FLAT DURING CONSTRUCTION.

Insufficient mitigation measures are identified to protect the granny flat during construction.

On page 89, the SCEA makes passing reference to the effect of construction related vibration on the granny flat. The granny flat is identified as a “sensitive receptor.” P. 89

Mitigation measures are deferred. P. 90-91. No specific mitigation is identified—instead “one or more” measures might be required. This deferred mitigation is too vague to comply with the requirements of an expedited environmental procedure.

IV. THE MUNICIPAL CODE REQUIRES PLANNED DEVELOPMENTS TO COMPLY WITH THE GENERAL PLAN AND APPLICABLE SPECIFIC PLANS

Davis Muni Code Article 40.22.010 provides in part:

... "A planned development district shall comply with the regulations and provisions of the general plan and any applicable specific plan and shall provide adequate standards to promote the public health, safety and general welfare without unduly inhibiting the advantages of modern building techniques and planning for residential, commercial or industrial purposes." ...

40.22.020 provides:

... "Any such proposed development shall be in conformity with the general plan and any applicable specific plan and the requirements of this chapter as they relate to land use designated in the general plan. (Ord. 716 § 1)"

A. Trackside exceeds the density allowed by the CASP.

Approval of this project requires amendment of the CASP. For multifamily uses, the CASP presently allows density of 10-15 units per gross acre. SCEA at 75. This project has a proposed density of 51.4 units per gross acre, computed without the adjacent property which is subject to a month to month lease. SCEA at 75.

Trackside cannot use the leased property to compute density.

The municipal code provides at 40.22.060 (11) (c):

"No transfers of density shall be allowed to or from any property beyond the boundaries of the property subject to the application or contiguous master plan where appropriate."

Using leased property to transfer density to the owned Trackside parcel, increasing its parcel size by nearly 1/3 in order to compute density, violates the municipal code because it is a prohibited transfer of density.

In any event, the wisdom of computing density by using leased property subject to termination for any reason on 30 days notice is highly questionable.

The density of the Trackside project is not comparable to the McCormick Building, the Chen building or the Roe building, used as comparable projects by the Initial Study. SCEA at 74. None of these mixed use developments in the downtown core has anything close to the density of 51 units per acre proposed by Trackside. For example, the Chen building, approximately half the size of Trackside, has only six units for dwellings. The McCormick Building, used as a comparable project, has 8 dwelling units.

The Initial Study has identified nothing currently in the Downtown Core (of which the Trackside project is not a part) which has anything close to 51 dwelling units per acre as proposed by Trackside.

The Initial Study provides insufficient support for the surprising conclusion that Trackside complies with the CASP. Initial Study at 129.

B. Trackside does not comply with the neighborhood design guidelines.

The building and site design are not compatible with the neighborhood design guidelines, contrary to the conclusion of the Initial Study and the conclusion of the HRMC. See SCEA at 78. No evidence is provided for the contrary conclusion in the Initial Study.

The site is located in a transition area between the core downtown and the adjacent “Old East Davis” residential neighborhood.” SCEA at 74.

The initial study fails specifically to provide any evidence whatsoever to support the surprising conclusion that Trackside “is appropriate for the neighborhood and compatible with the intent of the district.” P. 78. Likewise unsupported is the conclusion that “The proposed building respects the mass and scale of the surrounding area and buildings” or that it meets “the intent of the applicable land use plans and policies.” To the contrary, the HRMC specifically found that Trackside does not meet the Neighborhood Design Guidelines. The city Historical Resources Management Commission unanimously found that the project does not comply with the neighborhood guidelines. See July 19, 2017 Planning Commission Staff Report, p. 05A-11. The Initial Study’s conclusory assertions concerning the neighborhood design guidelines do not meet the standard of evidence required to support the expedited review procedure.

Accordingly, the Initial Study cannot make this required finding.

V. TRACKSIDE DOES NOT CONSTITUTE “A RESIDENTIAL ENVIRONMENT . . . IN HARMONY WITH THE CHARACTER OF THE SURROUNDING ENVIRONMENT.” SCEA at 77.

Contrary to the Initial Study finding, the project is not in harmony with the character of the Old East Davis neighborhood. The project has failed to demonstrate harmony with the character of Old East Davis. No evidence has been provided to support a conclusion that Trackside comports with the character of Old East Davis.

Moreover, Trackside has not demonstrated the appropriate standards for open space. SCEA at 77. Trackside is using leased property subject to 30 days notice of termination to fulfill its open space obligations and to obtain a density bonus for a plaza. This is contrary to the municipal code precluding transfers of density. Muni Code 40.22.060 (11) (c):

“No transfers of density shall be allowed to or from any property beyond the boundaries of the property subject to the application or contiguous master plan where appropriate.”

Using leased property to transfer density to the property owned by Trackside is specifically precluded by the City code. It also defeats the purpose of the other applicable requirements of the municipal code.

VI. THE INITIAL STUDY HAS INSUFFICIENT EVIDENCE TO MAKE THE MANDATORY FINDING REGARDING CUMULATIVE IMPACTS.

Insufficient evidence exists to make mandatory findings regarding “impacts that may be individually limited, but cumulatively considerable.” P. 128.

“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. P. 128

The SCEA has no evidence concerning the these effects, including the effects of probable future projects. If Trakside is approved, it will set a precedent for development of adjacent alley property to the North which is currently the Ace Hardware rockyard. The rockyard is a similarly situated area between Third and Fourth Streets and between the railroad and the alley. What will be the cumulative effects on the alley and on Old East Davis neighbors of a similarly dense development on the rockyard property? The SCEA has no discussion of the cumulative effects caused by probable future projects, such as the increased alley traffic impacts on the adjacent residential properties or a resulting “wall” between Old East Davis and the downtown. The SCEA is devoid of any factual explanation of how such future development’s cumulative impact meets the requirements of a transition between Old East Davis residential areas and the Downtown Core, as required by the Neighborhood Guidelines.

We hope these problems with the Initial Study will be corrected.

Thank you for your consideration,

Steve and Lois Sherman

From: Todd Galles [mailto:todd.galles@gmail.com]
Sent: Friday, August 11, 2017 7:16 PM
To: Eric Lee <ELee@cityofdavis.org>; Rhonda Reed <salmonlady@sbcglobal.net>;
markngrote@gmail.com
Subject: Neighbor comment on trackside center

Dear Eric Lee,

We are writing in opposition to the Trackside Center project as proposed at 311-319 Third Street. We recently purchased the home at 331 I street because of the quaintness of the neighborhood and are excited about the having a lazy access alley. Well, if this center goes through, the alley will become a commercial accessway with no transition space between it and residences. How will I get in and out of my garage? Ugh. Plus it will tower over the neighborhood. Will people be peering down into my yard?

The Trackside project needs to be denied for many reasons including the fact that it is inconsistent with our General Plan, Davis' Zoning Codes, and the Davis Downtown and Traditional Residential Neighborhood Design Guidelines.

These planning principles and policies were all worked through years ago with many hours of Davis citizen participation with the City to have agreement on a good planning framework to implement new development if and when new project proposals came forward. However, the Trackside Project is violating many of these principles and policies including:

1. The Trackside project proposal *does not* comply with City zoning for that site. Planning by exception is bad planning.
2. The City of Davis Historical Resources Commission *unanimously* voted that the Trackside project was inconsistent with the historical preservation design guidelines in our General Plan.
3. *The Trackside project is enormous and is far too big for that location* which should transition from the neighborhood to the denser downtown.
4. *The Trackside proposed project is twice the size of the Chen building* which is adjacent to the downtown Train Station. Imagine such an enormous project with all of the impacts next to single-family homes?
5. The Trackside Project proposal covers 77% of the property which the zoning does not allow but the developers are trying to change. *The Trackside proposal would be 150% of what the zoning allows.*
6. The current zoning in this area *meets* the densification objectives of the transportation oriented projects called for in SACOG's Sustainable Communities Plan. No change in zoning on the site is necessary to achieve these goals. Yet, Trackside is demanding to over-densify bringing far more impacts.
7. New uses, loading, and traffic patterns in the I Street alley will create dangerous conditions for pedestrians, bicycles, and cars.

The CEQA analysis needs to be rejected since Trackside does not comply with local plans:

Please reject the inadequate CEQA environmental document. *It is an inappropriate use of SB 375, because the project does not comply with existing local plans.* This approach to CEQA prevents public involvement in a radical change to our community. Too many mitigation measures in the document are inadequately written to be enforced or to determine what needs to be done.

The Zoning Change demanded by Trackside needs to be rejected:

Don't set a precedent without community input! The proposed action would change zoning not just for the Trackside project is but on a half mile section of land next to the railroad tracks from Third Street to Fifth Street. The CEQA analysis omits this!!

Protect neighborhoods, respect historical buildings, and implement our General Plan, Davis' Zoning Codes, and Davis Downtown and Traditional Residential Neighborhood Design Guidelines:

The enormous Trackside building, if approved, would loom over single-family residences next door, create unsafe conditions in the I Street alley, and lead to absentee landlordism or abandonment of restored historical properties that are currently cared for by Davis residents who treasure them since they are an important part of Davis' history.

It is important that the City keeps its commitments of its zoning and local planning principles and policies. The Old East Davis neighborhoods, as all neighborhoods deserve to have City honor its promises and implement good planning. It is ironic that while the City is celebrating its 100th anniversary, yet the City is proposing to adopt a "transformational" building that will destroy the character of one of Davis most historical neighborhoods.

I urge the City to please reject this enormous Trackside project and have the developers to come back with a project that fits with existing, citizen-developed plans and zoning.

Sincerely, Todd and Jeanine Galles

Todd & Jeanine Galles

331 I Street

todd.galles@gmail.com

707.812.2667