

Old East Davis Neighborhood Association Concerns with the Current Trackside Proposal

“The Downtown and Traditional Residential Neighborhood Design Guidelines 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. ...they will help conserve the traditional neighborhood character, fabric, and setting by guiding future development.” (City Resolution 01-108, adopting the DDTRN Design Guidelines)

1. Old East Davis neighbors would support a re-designed project that is consistent with the DDTRN Design Guidelines. Infill in Old East Davis is progressing well under the Design Guidelines.
2. The proposed building conflicts with City of Davis land use policies regarding mass, scale and compatibility with a traditional residential neighborhood.
3. A project of the proposed scope expands the downtown out, not up. It sets a precedent for ‘downtown creep’.
4. The proposed project could be scaled down to conform to land use policies, yet still generate significant income to the City of Davis.
5. The Trackside proposal inappropriately includes land leased from the Union Pacific Railroad, in order to claim exceptions to City of Davis ordinances for floor/area ratio, outdoor gathering space, and parking.
6. The project location is in a transition area between the Core Area and the Old East neighborhood, but the proposed building fails to make an appropriate transition in any direction.
7. The narrow alley abutting single-family homes in Old East Davis is not fit for the purposes intended in the Trackside proposal: vehicle volumes and uses of the alley would be similar to a busy street, but without adequate right-of-way.
8. The proposed project would create significant and permanent adverse effects on the historical setting and feeling of Old East Davis.
9. The proposed project would be precedent-setting, leading to similar inappropriate development in the traditional residential neighborhoods bordering the Core Area.
10. The DDTRN Design Guidelines were developed through a public process, and represent a consensus view of stakeholders, including downtown business owners, city staff, and neighborhood residents. The Guidelines are part of city land-use law.

OEDNA's Concerns with the Trackside Proposal

1. Old East Davis neighbors would support a re-designed project that is consistent with the DDTRN Design Guidelines. Infill in Old East Davis is progressing well under the Design Guidelines.

Our message has not varied since the Trackside Center project was first announced (see the June 24, 2015 open letter in [The Davis Enterprise](#)). We oppose a project with mass and scale that are out of proportion for a traditional residential neighborhood. We support development at the Trackside site that is consistent with the Design Guidelines.

Residents of Old East Davis-- especially those living along the alley adjacent to the Trackside site-- recognize that the neighborhood will change as infill occurs. We will lose valued businesses, and viewsheds will be altered. Residents also understand that the DDTRN Design Guidelines were put in place to guide compatible development in the Old East neighborhood. Viewed in this context, the Guidelines are a contract between property owners and the City of Davis. Old East residents will forcefully object to the erosion of this agreement that the current Trackside proposal represents.

At the Historical Resources Management Commission hearing on the Trackside Center proposal (December 12, 2016) commissioner Rand Herbert stated: "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."

The Design Guidelines have been a success. Since the adoption of the Guidelines, there have been more than twelve building projects initiated in Old East Davis, including planned developments, new homes and accessory dwelling units. Most have been infill projects and all have increased density, yet they have not negatively impacted the neighborhood.

Old East neighbors have worked hard to effect a re-design of the Trackside Center project consistent with the Design Guidelines, but as yet we lack willing partners among the Trackside proponents. In multiple meetings involving Old East neighbors and Trackside Center representatives, including discussions in 2016 facilitated by the Yolo Conflict Resolution Center, the Trackside proponents have never presented a design consistent with the DDTRN Design Guidelines.

2. The proposed building conflicts with City of Davis land use policies regarding mass, scale and compatibility with a traditional residential neighborhood.

The DDTRN Design Guidelines section on mixed-use mass and scale opens with the text: "Maintain the scale of a new structure within the context of existing buildings on the block" (p.58). Adjacent to the text is a schematic drawing illustrating the appropriate scale for a mixed-use building. The figure caption states: "A building shall appear to be in scale with traditional single-family houses along the street front".

The City of Davis General Plan Vision 2, item 4 states: "Encourage carefully-planned, sensitively-designed infill and new development to a scale in keeping with

the existing city character” (p.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” (p.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” (p.159). And; the subsequent Standard a) states: “There should be a scale transition between intensified land uses and adjoining lower intensity land uses” (p.159).

The Core Area Specific Plan section “New Buildings in Residential Neighborhoods” (p.84) 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”. The CASP section “Architectural Considerations” (p.86) 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.”

A comparison of the mass and scale of the proposed Trackside Project with the adjacent single-family homes of Old East Davis shows that the proposed project violates all of the standards above. The setbacks in the proposed design are inadequate to mitigate for the structure’s overwhelming mass.

3. A project of the proposed scope expands the downtown out, not up. It sets a precedent for ‘downtown creep’.

The General Plan describes the Core Area Specific Plan 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” (p.13). It goes on to say that the CASP encourages “...appropriate scale transitions between buildings” (p.14).

At 50’ 6” tall, the proposed Trackside project is as tall as the Chen Building but twice as large in square footage. A building this large would require special scrutiny even in the downtown core, where the Chen Building is sited. The Trackside Center project is not in the downtown core, but rather within the boundaries of Old East Davis, a traditional residential neighborhood and City of Davis Historical Conservation District.

Old East Davis contains a large proportion of the city’s Landmark, Merit and Contributing historical structures: five of these buildings are within 300 feet of the Trackside Center project. These buildings still exist in good condition because they are cared for as single-family homes-- mostly owner-occupied. The value of these structures as homes would be significantly degraded if a project as physically overwhelming as the Trackside Center were built. These homes would likely become rentals, suffer neglect, fall into disrepair and possibly be torn down, with new buildings taking their places. As a case in point, the Landmark Resource at 320 I Street was a rental from 1982 to 2002. Although it was managed by a well-known, local property management entity, the “recommended” level of maintenance actually

resulted in this historic resource being listed as an example of blight in the Davis Redevelopment Agency's 2001 report for the City Council.

There is no need to expand downtown into a traditional neighborhood, putting the city's historical resources at risk. The Design Guidelines and other city land-use policies are in place to prevent this.

4. The proposed project could be scaled down to conform to land use policies, yet still generate significant income to the City of Davis.

Sales taxes generated by commercial and retail activities would be the primary income benefit to the city over the life of the building. The existing building at the site contains approximately 11,000 sq ft of commercial space, while the proposed project contains approximately 9,000 sq ft. The proposed commercial space area is compatible with Mixed Use zoning and is generally acceptable to Old East neighbors, provided the commercial uses are appropriate for a residential neighborhood.

A conforming building would likely have a scaled-down residential component, compared to the current proposal. However, the difference in terms of assessed value would be relatively minor, as the relationship between building size and assessed value is less-than linear. The city receives no recurring financial benefit from apartment rentals because, unlike owner-occupied condos, no tax revenue is generated through occupant turnover. A reduction in the number of rental units resulting from a scaled-down proposal would therefore have little long-term impact on city revenues. The overall difference in income to the city, both for construction of a scaled-down building and future taxes, would be small.

5. The Trackside proposal inappropriately includes land leased from the Union Pacific Railroad, in order to claim exceptions to City of Davis ordinances for floor/area ratio, outdoor gathering space, and parking.

The City of Davis Municipal Code Section 40.15.060 b) states: "Mixed use and residential structures shall not exceed three stories in height except as provided in Section 40.15.080. A building of more than two stories should be carefully designed to avoid appearance of excessive bulk." Section 40.15.080 c) subsequently gives a Base FAR of 1.5 for mixed use structures combined with residential uses, with a bonus of up to 0.2 FAR for buildings providing outdoor gathering space. The Trackside proposal is for a four-story building with FAR = 1.59 (see City of Davis project web page).

7,307 sq ft of land leased from Union Pacific Railroad are incorporated in the proposal, along with the parcel actually owned by Trackside Partners LLC, for a total lot area claimed to be 30,183 sq ft (see Planned Development Proposal Summary and Site Plan at the City of Davis project web page). Inclusion of the leased land inflates the denominator of the FAR and is argued to allow for a more massive building. Additionally, leased land is used as a public plaza, argued to allow for the outdoor-space FAR bonus. Leased land is additionally used for twelve of the proposal's vehicle parking spaces (of which eight are tandem spaces).

Trackside Partners LLC do not have dominion over the leased land and should not be permitted to include it for FAR calculations, a plaza, or parking spaces. The Union Pacific Railroad will own this land for the foreseeable future and can terminate or choose not to renew the lease. The City of Davis cannot bind Union Pacific Railroad from developing the land; therefore the City has no assurance that

the land would be available to balance the project's FAR into the future. Were the City of Davis to grant the requested exceptions, it would in effect cede control of land-use policy to Union Pacific Railroad. Furthermore, in July, 2016, the City Council accepted an economic analysis recommending that this railroad right-of-way be redeveloped for purposes other than those intended in the Trackside Center proposal.

6. The project location is in a transition area between the Core Area and the Old East neighborhood, but the proposed building fails to make an appropriate transition in any direction.

The tallest current structure in the block containing the Trackside parcel is the 26' tall ACE Rockyard shed. All other buildings within a 1-block radius are single- or two-story. There are no current plans to increase the height of any of these buildings.

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 guidelines for the Third Street Special Character Area state: "Careful transition to adjacent single story buildings should be incorporated" (Design Guidelines, p.82).

In a presentation for a special session of the Davis City Council on September 13, 2016, Daniel Parolek of Opticos Design emphasized that appropriate transitions between residential areas and the downtown commercial core are critical. At the same presentation, Tony Perez, also of Opticos Design, described an undesirable hypothetical scenario in which a single large building is massed against three adjacent lots. The Trackside proposal fits this scenario. Furthermore, the proposal would place one of the largest buildings in Davis next door to one of the smallest (at 921 3rd St.).

7. The narrow alley abutting single-family homes in Old East Davis is not fit for the purposes intended in the Trackside proposal: vehicle volumes and uses of the alley would be similar to a busy street, but without adequate right-of-way.

The project will generate new residential and commercial vehicle trips through the alley (running from 3rd Street to 4th Street, between the north/south railroad tracks and I Street), as well as generate new trips by suppliers and service vehicles. The Supplemental Trip Generation Memo prepared by K.D. Anderson and Associates (January 12, 2017) projects 181 additional trips through the alley due to the project (161 residential trips and 20 employee trips; p.4 and Table 5). The memo projects a reduction in commercial-related trips through the alley due to reduction of commercial parking spaces accessed through the alley, but this claim is overly optimistic. Simply reducing commercial parking spaces will not discourage customers from looking for parking in the alley. The total commercial area in the proposal is comparable to current conditions (approximately 9,000 sq ft proposed - vs- 11,000 sq ft currently). A significant reduction in commercial-related trips through the alley compared to current conditions seems doubtful.

Most existing residences on the east side of the alley have zero-lot-line garages. Visibility, vehicle clearance and turning radii are currently difficult, and will be further degraded by increased traffic and a reduced scope of movement. There is at least one zero-lot-line accessory dwelling unit on the alley, which will be significantly impacted by traffic noise, headlights, exhaust and the presence of idling

vehicles in the planned garbage collection area. Because of the increase in residential traffic through the alley, these impacts will not be restricted to business hours.

The project has not yet been properly vetted by city planners and commissioners for potential traffic impacts. The October 13, 2016 hearing by the Bicycle, Transportation and Street Safety Commission focused narrowly on options for the direction of bicycle traffic flow and configuration of bike lanes in the alley. City planning staff did not provide adequate direction to BTSSC for full review of the proposal. The BTSSC was not asked for review of potential increases in alley traffic volumes and impacts on existing residences, or for review of general vehicle and pedestrian safety related to the proposed changes to the alley. Nor was BTSSC asked to analyze alternative automobile traffic patterns-- e.g. southbound one-way, alternative resident-traffic ingress and egress-- all of which are in the Commission's purview.

It should be noted that the Planning Commission deliberations on June 8, 2016, regarding an accessory dwelling unit along the alley at 437 I Street, questioned the adequacy of the alley width for an added parking space and vehicle access to the garage. These concerns were alleviated by the information that the property on the west side of the alley behind 437 I Street has additional setbacks for its parking, which provide a net expansion of the alley width. The Trackside proposal does not include such setbacks on the west side of the alley.

8. The proposed project would create significant and permanent adverse effects on the historical setting and feeling of Old East Davis.

At the December 12, 2016 hearing on the Trackside proposal, the Historical Resources Management Commission found unanimously that the current proposal is not consistent with the DDTRN Design Guidelines. And, the HRMC found unanimously that the historical resources consultant report provided by Trackside Partners LLC as part of the proposal is not acceptable. The consultant claims that the impacts of the proposed project on the historical resources and setting of Old East Davis would be less than significant. The HRMC found the consultant's analysis of impacts on setting to be flawed.

"Setting" is defined by the National Register of Historic Places as the physical environment of a historic property, and is an aspect of a property's integrity. Old East Davis is the setting of three City of Davis Registered Historic Resources in close proximity to the proposed Trackside project: the Montgomery House, the William-Drummond-Rorvick House and the Schmeiser House. The City of Davis Municipal Code recognizes that Old East Davis has a setting. A stated purpose for the Downtown and Traditional Residential Neighborhood Overlay District and Design Guidelines is to "Conserve the traditional neighborhood character, fabric and setting while guiding future development, reuse, and reinvestment" (Municipal Code section 40.13A.010a).

New development can have both direct and indirect impacts on nearby historical resources (San Diego Land Development Manual - Historical Resources Guidelines, available at: www.sandiego.gov/sites/default/files/legacy/development-services/industry/pdf/ldmhistorical.pdf). Indirect impacts include: "the introduction of visual, audible or atmospheric effects that are out of character with the historic property or alter its setting, when the setting contributes to the property's significance. Examples include, but are not limited to, the construction of a large

scale building, structure, object, or public works project that has the potential to cast shadow patterns on the historic property, intrude into its viewshed, generate substantial noise, or substantially increase air pollution or wind patterns” (p.10).

The Trackside Center building is out of character with nearby traditional homes. If built, the Trackside Center would visually impose on the viewsheds of the Montgomery House and the William-Drummond-Rorvick House. The height and bulk of the proposed building would inappropriately dominate the traditional one- and two-story houses, as well as the open views to the west and south, that together make up the setting of Old East Davis. These indirect impacts on the setting of Old East Davis, taken together, would be significant and adverse.

9. The proposed project would be precedent-setting, leading to similar inappropriate development in the traditional residential neighborhoods bordering the Core Area.

Approval of the Trackside proposal would likely lead to eventual approval of projects of a similar mass and scale along the railroad tracks in Old East Davis, at the Davis ACE rock-yard and former Cal Naturals site. An October 11, 2016 letter in support of the Trackside proposal by Jennifer Anderson, the owner of these properties, is included in the packet prepared by city staff for the December 12, 2016 HRMC hearing. Old East neighbors understand the letter to lend credence to concerns about precedent-setting.

At the December 12, 2016 HRMC hearing on the Trackside proposal, commissioner Rich Rifkin stated: “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.”

Approval of the Trackside Center would also set a precedent for development in Old North Davis and University/Rice Lane, where mixed-use projects of a similar mass and scale would significantly and permanently harm the settings of these neighborhoods.

10. The DDTRN Design Guidelines were developed through a public process, and represent a consensus view of stakeholders, including downtown business owners, city staff, and neighborhood residents. The Guidelines are part of city land-use law.

The opening Credits of the DDTRN Design Guidelines state: “The Traditional Davis Downtown and Residential Design Guidelines were developed through a community-based process. The Historical Resources Management Commission sponsored six public workshops and worked with city staff and consultants to capture the community’s vision.” The Introduction to the Design Guidelines states “...the community engaged in an extensive public process to discuss how the traditional center of Davis can accommodate housing and economic development objectives in a way that is sensitive to the area’s traditional scale and character” (p.1). Simply put, the Design Guidelines are in place to show how infill and densification can be compatible with Davis’ historic neighborhoods.

Davis Municipal Code Section 40.13A.020 states: “Wherever the guidelines for the DTRN conflict with the existing zoning standards including planned development, the more restrictive standard shall prevail.” Practically speaking, when a planning decision involves the DDTRN Design Guidelines, the guidelines prevail if they set the strictest standard.

The Design Guidelines contain mandatory language applicable to the Trackside proposal. The section on mixed use mass and scale contains the text: “A

building shall appear to be in scale with traditional single-family houses along the street front” (DDTRN Design Guidelines, p.58). The word “shall” is legally binding, indicating a standard that must be followed.

It is a mistake to claim that the DDTRN Design Guidelines are only advisory: where the Guidelines contain mandatory language, they are obligatory. The Trackside partners have asserted that the Design Guidelines are confusing and contradictory. They are not, if read and interpreted in good faith.

Respectfully submitted,

The Old East Davis Neighborhood Association Board: Rhonda Reed, Larry Guenther, Robert Canning, Mark Grote, Cathy Forkas
June 14, 2017

To: City of Davis Planning Commission

Date: July 13, 2017

From: Rhonda Reed

Re: Early Comments on Traskside Center Proposal for Hearing July 19, 2017

Honorable Planning Commissioners:

My name is Rhonda Reed and I reside at 320 I Street, a City designated Landmark Historical Resource. For full disclosure, I am currently President of the Old East Davis Neighborhood Association, however this letter represents my independent comments.

I strongly urge you to uphold the City's zoning ordinances and Design Guidelines and to reject the Traskside Center Project, as proposed.

Let The Design Guidelines Work!

The Design Guidelines are written to encourage densification at an appropriate scale in Old East Davis, through the Core Transition East (including the Traskside Center parcel), and into the Downtown Core area. Numerous densification projects consistent with the DG have been completed in Old East Davis. Some of them also have facilitated densification in the Core Area while also conserving historic resources designated by the City.

The Design Guidelines, as written, support the objectives of the SACOG Sustainable Communities objectives. It is my understanding that the Sustainable Communities Plan does not supplant locally developed and adopted plans and ordinances.

Zoning and associated ordinances are a contract between the City and the landowner. It is a promise of allowed activities and creates a clear understanding of the entitlements you, and your neighbors, own when you invest in a property and allows for development to proceed without conflict. The Traskside Center proposal requests significantly greater entitlements than their zoning allows and adversely impacts neighboring landowners and residents.

It's Too Big!

The Traskside Center proposal is as tall as the Chen Building and twice as big. It is inappropriately large for its location immediately next to one and two story homes. There is a reason why Mass and Scale considerations are important considerations in good city planning.

	Chen Building	Traskside Center 2016
Square footage	23,600 sq. FT	47,983 sq ft
Height	48 ft	50 ft

Peek-A-Boo!

The project setbacks in the upper stories are minimal at the second and third story levels. These walls are only 38 feet from the neighbor's back yards. Balconies and windows situated on the east side of the building will allow easy viewing these yards, and even into the second story windows of my home.

Dangerous Streets

Changes in alley use have not been adequately vetted to avoid dangerous and impractical situations. For example, the proposed south to north one way traffic pattern will make parking in the X permit spots impractical for parking legally and still being able to open the driver-side vehicle door. These photos were taken this week, looking south down the I Street alley.



Precedent Setting

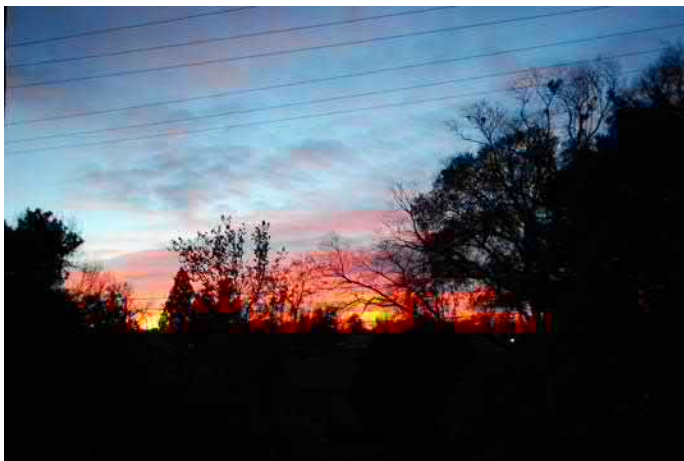
Approval of this project would set a precedent for at least 3 additional parcels in this Core Transition East area. The initial study does not appear to adequately address this.

Historical and Cultural impacts

The Initial Study does not provide adequate background on the rationale to conclude insignificant impacts. See attached letter from GEI.

Panorama Views Are Affected

The initial Study states there are no impacts to panoramic views. All of the sunset colors in this photograph will no longer be viewable by pedestrians and residents if this project is built.



This letter was prepared for inclusion in the Staff report information that will be sent to you for your hearing on July 19, 2017 regarding the Trackside Center project, thus I can only surmise that the staff recommendation to your Commission will be and hope that this letter addresses what staff will ask you to do. Further, 2 days is not sufficient time to thoroughly review the SCS, and I will submit complete comments on that document before August 11, 2017.

Thank you for the opportunity to comment.



December 12, 2016

Consulting
Engineers and
Scientists

Rhonda Reed
Sent Via Email

Dear Ms. Reed:

Thank you for the opportunity to review the *Historical Resource Effects Analysis Study of the Revised Traskside Center Project 901-919 3rd Street, Davis Yolo County, California 95616* (Revised September 2016) and the *Addendum to the Historical Resource Effects Analysis Study of the Revised Traskside Center Project, 901-919 3rd Street, Davis, Yolo County, California 95616* (Revised September 2016).

Introduction

GEI Consultants, Inc. (GEI) was hired to conduct a peer review of the above-named documents, both prepared by Historic Resource Associates (HRA). It was requested that GEI's analysis focus on a discussion of setting and feeling and whether the proposed project causes an impact to designated historic resources, but also to the Old East Davis Conservation District.

Methodology

In addition to the two documents prepared by HRA, GEI's architectural historian, who meets the Secretary of the Interior's Professional Qualifications Standards for architectural history and history, reviewed the following documents:

- *Central Davis Historic Conservation District, City of Davis Historical Resources Survey* (August 2003);
- *Davis Downtown and Traditional Residential Neighborhoods Design Guidelines* (July 2001; Updated June 2007) (Design Guidelines);
- *Historical Resource Analysis Study of the Traskside Center Project 901-919 3rd Street, Davis Yolo County, California 95616* with a *Memorandum Attachment to HRA Report* (January 2016); and
- Staff Report from Eric Lee to the Historic Resources Management Commission, and attachments (December 12, 2016).

The 2003 survey documentation was reviewed to verify which historical resources in Davis are located in the Old East Davis neighborhood and assess whether outstanding questions remain. The Design Guidelines were used to assess statements in the staff report and the historic resources analysis by HRA. The January 2016 memorandum attachment was used to consider possible questions or comments.

Analysis

Old East Davis, while not a designated historic district as noted by HRA, is situated within the boundaries of the Central Davis Historic Conservation District (Conservation District) and is identified as a sub area of the Conservation District and has a set of design guidelines. The fact that Old East Davis is not listed in the California Register of Historical Resources (CRHR) or one

of Davis' local registration programs, does not preclude the City of Davis, as the lead agency under the California Environmental Quality Act (CEQA), from determining that Old East Davis may be a historical resource as defined in Public Resources Code Section 5024.1. Pursuant to Public Resources Code Section 21084.1, when a resource is presumed to be historically significant, a lead agency may still find that the resource is not historical if that decision is supported by "the preponderance of the evidence." The intent of the design guidelines is to allow for development within certain areas of Davis, but also to preserve the character of Davis' neighborhoods, including Old East Davis. The fact that there are Design Guidelines that govern development could be considered as part of the evidence to determine that Old East Davis is a historical resource for the purposes of the proposed project.

It would appear that the establishment of the Conservation District and corresponding Design Guidelines, suggests the need to protect a collection of resources through a wide geographic area of Old East Davis. On December 14, 2015, the Historic Resources Management Commission determined that it was appropriate to assess impacts to the Conservation District as a whole and on the Old East Davis neighborhood as noted in Attachment 2 of the December 12, 2016, staff report. HRA does not make a determination on the existence of a historic district but rather cites to previous surveys conducted in the surrounding area. It is not clear if these previous surveys were tasked with specifically answering the question of whether a historic district exists in Old East Davis or had a broader goal. Surveys conducted more than 10 years ago seem to acknowledge the potential for some type of district; Roland-Nawi Associates reported in 2003 that: "However, the aforementioned I and J street corridor does contain a concentration of historic residences representing several decades of development, as well as some individually significant buildings. It along with some other, scattered buildings, does contribute to the historic character of the Old East neighborhood" (Roland-Nawi Associates 2003:30-31). More recently, surveyors apparently noted the adjacent area as portraying a "remnant of what appears to be a 19th century landscape" in relation to the Montgomery House (HRA 2016:3).

GEI agrees with HRA's conclusions that there would not be a direct impact to the designated historic resources in that the Montgomery House (Merit Resource), Williams-Drummond House (Landmark Resource), and the Schmeiser House (Landmark Resource) would not be physically altered. However, it is GEI's opinion that the proposed project would result in an indirect impact to the designated historic resources, particularly the Montgomery House because of its close proximity to the project and the larger Old East Davis neighborhood, a Conservation District. Conservation districts and their design guidelines are intended to protect buildings and conserve the traditional neighborhood character and setting of the area.

HRA uses the definition of setting as what is cited in the Secretary of the Interior of Standards for Rehabilitation as codified in 36 CFR 67 (HRA 2016:5). That section cited is used for rehabilitation projects that are seeking federal historic tax credits and is not an appropriate definition of setting for this proposed project. Under CEQA Guidelines Section 15064.5(b)(3), a proposed project can be considered as mitigated to a level of less-than-significant impact if it meets those standards stated. The HRA analysis does not demonstrate how the proposed project would meet the Secretary of the Interior's Standards. To use that definition of setting, which is a technical guideline for a rehabilitation project, is not appropriate. The appropriate definition of setting that should be used is the one defined by the National Park Service in the bulletin *How to Apply the National Register Criteria for Evaluation* (U.S. National Park Service 1997). Setting is one of the seven aspects of integrity and those aspects of integrity are needed for historical resources to convey their significance. The CRHR uses the same aspects of integrity that are used

for the National Register of Historic Places (NRHP). The bulletin defines setting as:

“Setting is the physical environment of a historic property...setting refers to the *character* (emphasis original) of the place in which the property played its historical role. It involves *how* (emphasis original), not just where, the property is situated and its relationship to surrounding features and open space...”

That same bulletin defines integrity of feeling as 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.”

As was previously determined by the Historic Resources Management Commission, the analysis in the revised documentation by HRA does not adequately account for the impact the proposed project would have on the Conservation District, a defined area that needs to be considered during planning process for proposed projects, and designated historic resources. Currently, the location of the proposed project contains single-story buildings. Construction of a 4-story building would result in an indirect impact to the setting and feeling of the designated historic resources and the larger neighborhood. HRA’s revised analysis notes that the setting is not specifically discussed in the original documentation designating these properties as historic resources. However, HRA’s analysis did not identify which aspects of integrity are important. It is the opinion of GEI that setting and feeling are important aspects of integrity that assist in conveying the historical significance of the three houses and Old East Davis. Setting and feeling are not necessarily limited to parcel boundaries, but also the surrounding area, which in this instance includes the Old East Davis neighborhood. The neighborhood where the historic resources are located helps to convey the property’s character and while there have been intrusions on the neighborhood, there is still a strong sense of place and time in Old East Davis. This neighborhood is characterized with predominately single-story residences. There are post World War II two-story apartments within the neighborhood, and commercial buildings that are smaller in scale and massing in proximity to the neighborhood. But those do not introduce a stark visual element the same way the proposed project does. It is GEI’s opinion that the proposed project introduces a visual element that if allowed would diminish the setting and feeling of the area. Old East Davis was part of the original city grid and contains some of the earliest residences in the city. And while it is noted that the neighborhood was separated from its industrial neighbors by an alley, the industrial buildings were not of the mass and scale that are being proposed.

Conclusion

It is GEI’s opinion that given the implementation of the Old East Davis Conservation District and previous survey information, questions surrounding a potential historic district remain present. For clarification, GEI recommends that it may be in the City’s best interest to specifically assess the existence, or not, of an Old East Davis Historic District for the purposes of evaluating the proposed project and potential future planning needs.

It is GEI’s opinion that the proposed project would result in an indirect impact, particularly to the Montgomery House, a Davis Landmark and a historical resource. It would also impact the setting and feeling of the Old East Davis neighborhood which is part of a conservation district.

References

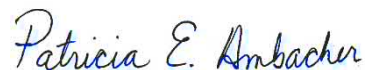
- Historic Resource Associates (HRA). 2016. *Addendum to the Historical Resource Effects Analysis Study for the Revised Trackside Center Project, 901-919 3rd Street, Davis, Yolo County, California 95616*.
- Roland-Nawi Associates. 2003. *Central Davis Historic Conservation District. City of Davis Historical Resources Survey, Davis, California*.
- U.S. National Park Service. 1997. *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*. U.S. Department of the Interior, Washington, D.C.

Qualifications

Patricia Ambacher is an architectural historian and historian who meets the Secretary of the Interior's professional qualifications for both disciplines. She holds a Master of Arts degree in History. She has 13 years of cultural resources and historic preservation experience inventorying and evaluating a variety of properties including: residences, commercial corridors, historic districts, cultural landscapes, Mid-Century Modern resources, and levees and bridges for the NRHP, CRHR, and local registration criteria. Ms. Ambacher has prepared a range of technical documents including Historic Resources Evaluation Reports, Cultural Landscape Reports, Historic American Building Surveys, Historic American Engineering Records, Historic American Landscape Surveys, Built Environment Treatment Plans, Findings of Effect, and NRHP nominations. She is well versed in CEQA and has written cultural resources sections for Initial Studies/Mitigated Negative Declarations and Environmental Impact Reports. Prior to working in the private sector, Ms. Ambacher was a historian with the California Office of Historic Preservation. In 2016, Ms. Ambacher was awarded a *Preservation Design Award* from the California Preservation Foundation, an organization of which she is a member.

If you have questions, please feel free to contact me at 916.631.4535 (office), 916.213.3464 (mobile) or pambacher@geiconsultants.com.

Sincerely,



Patricia E. Ambacher, MA
Architectural Historian

July 13, 2017

To: Planning Commission

From: Mark Grote (408 J Street, Davis), Secretary of the Old East Davis Neighborhood Association

Re: Written comments for the hearing on the Trackside Center proposal

Dear commissioners: I submit the following comments for the public record, as part of the City of Davis review and planning process for the Trackside Center proposal. Numbered items below give brief summaries. Supporting details are in the following pages.

1. The proposed Trackside Center project is inconsistent with the applicable City of Davis zoning ordinances and sections of the General Plan, Core Area Specific Plan and Davis Downtown and Traditional Residential Neighborhoods (DDTRN) Design Guidelines.
2. The Planning Commission should decline to certify the Initial Study. The Initial Study is based on a discretionary review process that bypasses City of Davis land use policies. The proposal would not be acceptable under a review based on City of Davis land use policies.
3. The proposed Trackside building is taller than the Chen Building (located in the core area), but twice as large in square footage. It would be very poor city planning to place a building of this size in a traditional residential neighborhood such as Old East Davis.
4. Old East Davis neighbors would support a mixed use project at the site that is consistent with the DDTRN Design Guidelines. We have presented sketches and concepts for mixed-use projects we would support to the applicants. Up to now, we have not had willing partners for collaboration among the applicants.

Thank you for your time, consideration and diligence as planning commissioners.

Sincerely,



Mark Grote

1. The proposed project is inconsistent with the applicable City of Davis zoning ordinances and sections of the General Plan, Core Area Specific Plan and DDTRN Design Guidelines.

The following table, with accompanying figures, summarizes the project’s main inconsistencies. I have filled in the middle column using applicable sections of the City of Davis Municipal Code and land use documents mentioned above. I have used project data from the city staff report, Notice of Public Hearing and the City of Davis Traskside Center Project website to fill in the third column. The third column is based only on the lot owned by, and therefore under control of, the Traskside Partners (assessor’s parcel # 070 324 02, consisting of 22,876 sq. ft. (0.53 acre)). I do not count the land under 10-year lease from Union Pacific Railroad as part of the lot, for reasons described in item 5 of the document “Old East Davis Neighborhood Association Concerns with the Current Traskside Proposal”, submitted separately as a written comment for this hearing.

PROJECT ELEMENT	CITY OF DAVIS LAND USE POLICY	PROPOSAL, LAND OWNED BY TRACKSIDE PARTNERS
Mass and Scale	“A building shall appear to be in scale with traditional single-family houses along the street front.” (DDTRN Design Guidelines, p.58: Mixed Use Mass and Scale)	See Figs. 1-2 and accompanying text below.
Fit Within Context	“Require an architectural ‘fit’ with Davis’ existing scale for new development projects. There should be a scale transition between intensified land uses and adjoining lower intensity land uses.” (Gen. Plan p.159)	See Figs. 3-5 and accompanying text below.
Building Height	Not to exceed three stories (but see FAR alternative). Design carefully to avoid appearance of excessive bulk if over two stories. (Mun. Code 40.15.060: Mixed Use)	Four stories
Floor Area Ratio	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)	51.4 dwelling units/acre.

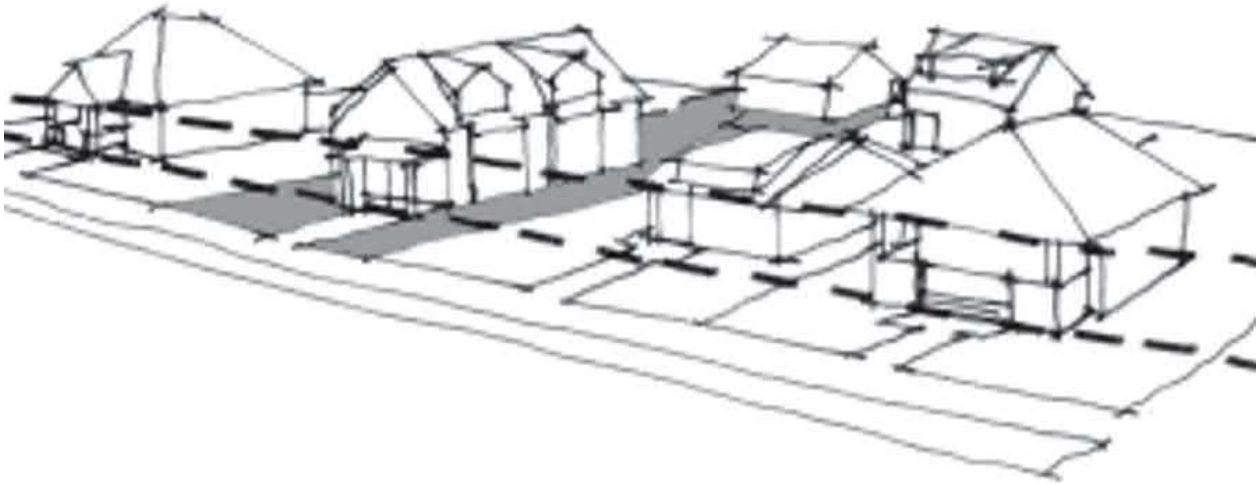


Figure 1. Illustration from the DDTRN Design Guidelines showing appropriate mass and scale for a mixed use building (on gray background) in neighborhood context: "A building shall appear to be in scale with traditional single-family houses along the street front." (DDTRN Design Guidelines p.58)

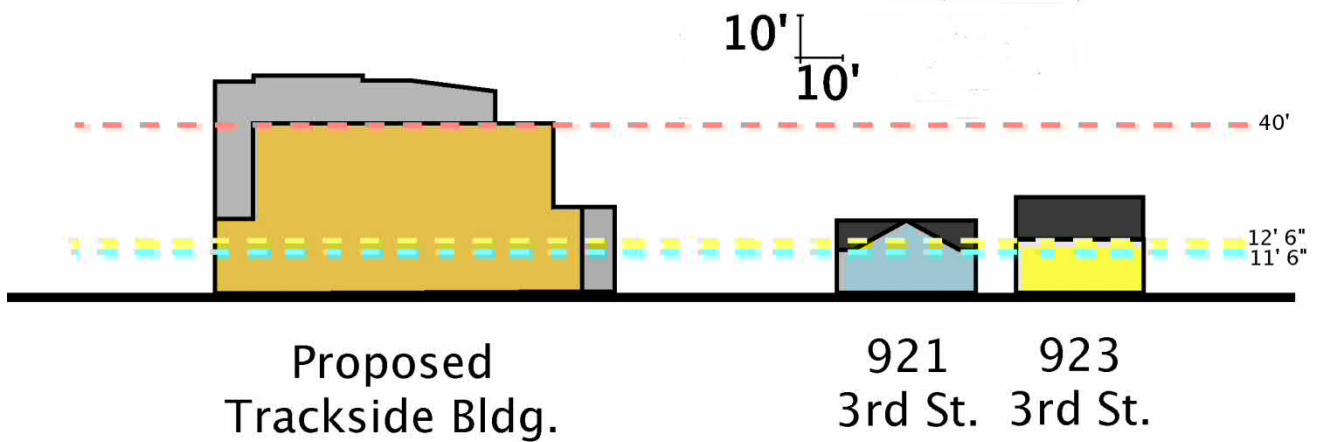


Figure 2. Relative heights of the existing traditional, single-family homes and the proposed Trackside building. Note that while the façades of the two traditional homes are very near the same height, approximately 12 feet, the Trackside façade, at 40 feet, is more than three times as tall. The proposed building does not "...appear to be in scale with traditional single-family houses along the street front." 923 3rd Street is the Montgomery House, a City of Davis designated Merit Historic Resource. The figure was made by Larry D. Guenther, a licensed general contractor, using the following methods: dimensions of existing buildings were taken directly from the structures. Dimensions of the proposed building were taken from documents submitted by the appli-

cants and posted on-line by the City of Davis. 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 JPEG files and inserted into MS Word, maintaining scale.

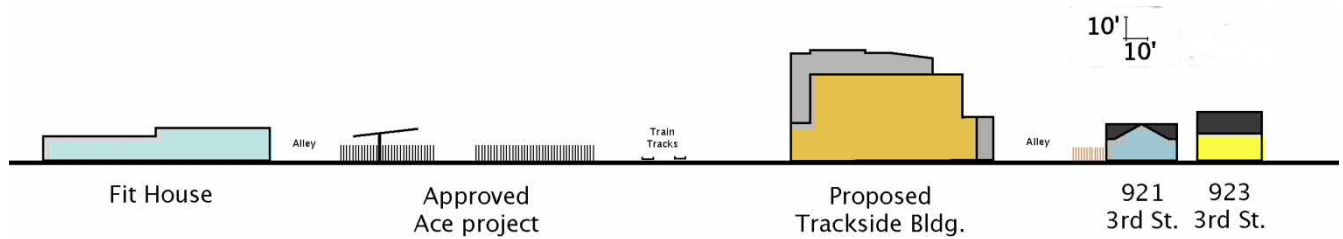


Figure 3. Looking north at Third Street, between G Street (at left margin) and I Street (at right margin). The proposed Trackside building does not display "...an architectural 'fit' with Davis' existing scale...", nor does it make a "...scale transition between intensified land uses and adjoining lower intensity land uses" (Gen. Plan p.159). The figure was made by Larry D. Guenther using the methods described above. Distances along Third Street were measured using a measuring wheel.

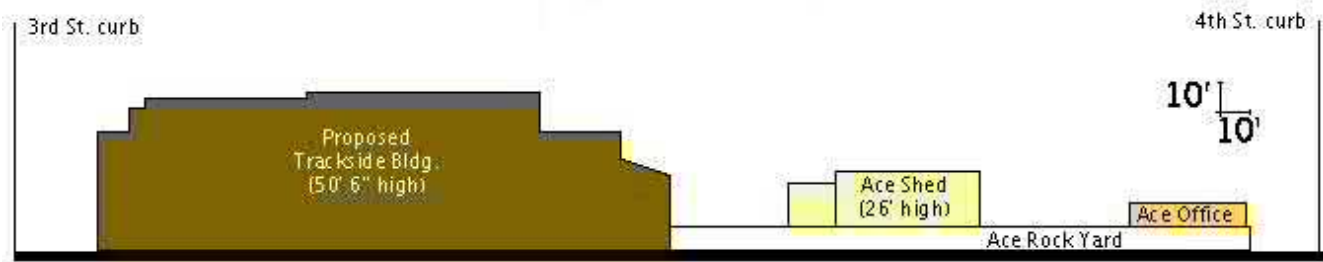


Figure 4. Looking west at the alley, between Third Street (at left margin) and Fourth Street (at right margin). The figure was made by Larry D. Guenther using methods described above.

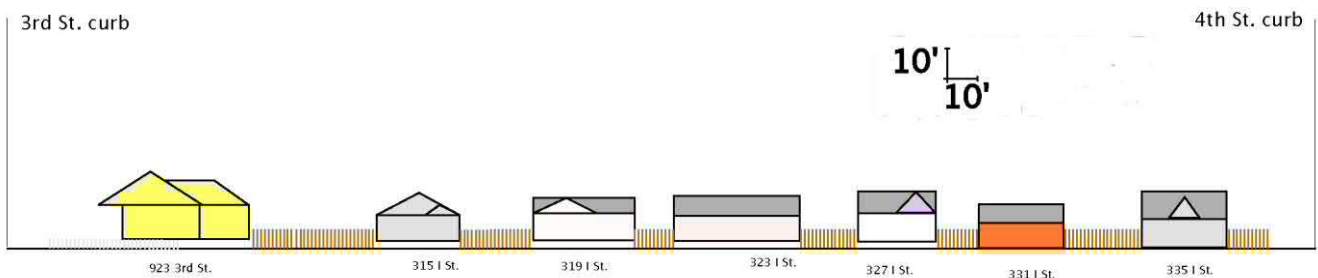


Figure 5. Looking west at I Street, between Third Street (at left margin) and Fourth Street (at right margin). This figure and Figure 4 above are placed in juxtaposition, to illustrate the differences in mass and scale between the single-family homes on I Street and the proposed building along the alley, directly behind I Street to the west. The height and bulk of the proposed building would overwhelm and dominate the single-family homes on I Street. The figure was made by Larry D. Guenther using methods described above.

2. The Planning Commission should decline to certify the Initial Study. The Initial Study is based on a discretionary review process that bypasses City of Davis land use policies. The proposal would not be acceptable under a review based on city land use policies.

The Initial Study was prepared under a discretionary “streamlined” CEQA review made available for public transit-oriented projects by SB 375. Streamlined review for Transit Priority Projects (as applied to the Trackside Proposal) provides the following benefits, among others, to project applicants (see <https://www.sacog.org/sb-375-ceqa-streamlining>):

a) Applicants are not required to consider reduced-density alternatives to the project, to address growth-inducing impacts, or to address a set of impacts from car and light-duty trucks.

b) Applicants are granted a “Deferential review standard—the burden of proof for legal challenge is on the petitioner/plaintiff”.

c) Cumulative impacts are “not considerable” where the lead agency determines that these impacts have been addressed and mitigated in a Sustainable Communities Strategy (under the purview of the Sacramento Area Council of Governments (SACOG)).

City staff had two options for determining whether or not the Trackside project qualifies for streamlined review (see options A and B, for Center and Corridor or Established Communities, on p.5 of the MTP/SCS Consistency Worksheet, Appendix A of the Trackside Center SCEA/IS). The proposal **would not qualify** for streamlined review under option A, because it is **not** “...consistent with the allowed uses of the applicable adopted local land use plan as it existed in 2012...” (*local land use plan* refers to local general plans, community plans, specific plans and other local policies and regulations; see top of p.5 of the MTP/SCS Consistency Worksheet). City staff chose option B, where qualification for streamlined review is granted by SACOG planning documents (Appendix E-3 of the MTP/SCS, as noted at option B). This choice adopts project-review standards set by SACOG, a regional planning body without statutory authority, instead of standards set by City of Davis land use policies.

The choice to review the proposal under SACOG standards is entirely discretionary (per the remarks of Assistant City Manager Mike Webb and guest speakers Greg Chew (SACOG) and Melinda Coy (State HCD) at the City Council/Planning Commission Joint Discussion on Housing, July 11, 2017). The Planning Commission has statutory authority regarding City of Davis zoning regulations, and is responsible for developing and maintaining General and Specific plans. The commission’s course of action on the Initial Study for the Trackside proposal should therefore be straightforward. I urge the commission not to certify the Initial Study, which cedes authority for standards of environmental review to SACOG. The commission should require that City of Davis land use policies provide the authoritative standards for review.

3. The proposed Trackside building is taller than the Chen Building (located in the core area), but twice as large in square footage. It would be very poor city planning to place a building of this size in a traditional residential neighborhood such as Old East Davis.

The Chen Building is 48'8" tall, with 23,703 sq. ft. building area (City of Davis Planning Division data), while the Trackside proposal is 50'6" tall with 47,983 sq. ft. building area (City of Davis Trackside Center website). Though it seems obvious, I will state it: a project equivalent to two Chen Buildings attached to each other should not be built adjacent to single-story, traditional homes.

A photo simulation, showing distances from the Chen Building equal to distances between the Trackside project and neighboring properties, is below (Figure 6).

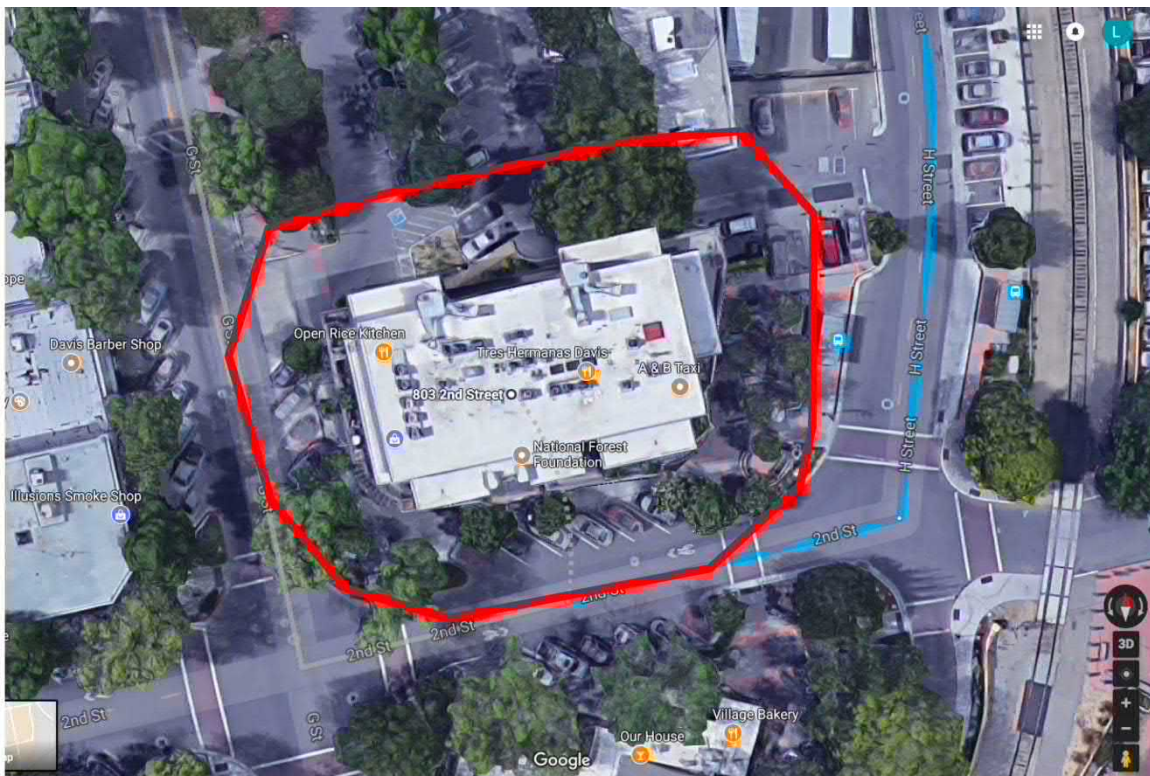


Figure 6. Photo simulation of distances to Chen Building, equal to distances between the proposed Trackside project and neighboring residential properties of Old East Davis. The photo above is oriented so that north is above; the entrance to the AMTRAK station can be seen at the right margin. The east building façade of the Trackside project is 38' from the boundaries of three residential properties on the alley. The bold red line in the

photo marks a 38' distance to the Chen Building. The view from a red line depicted above to the Chen building simulates the view from the back fence of an Old East residence to the proposed Trackside project.

4. Old East Davis neighbors would support a mixed use project at the site that is consistent with the DDTRN Design Guidelines. We have presented sketches and concepts for mixed-use projects we would support to the applicants. Up to now, we have not had willing partners for collaboration among the applicants.

In early summer, 2016, a small group representing the Old East Davis Neighborhood Association (OEDNA) participated in facilitated discussions with Trackside representatives. The discussions were led by staff of the Yolo Conflict Resolution Center, with facilitation costs shared by OEDNA and the Trackside Partners. Facilitated discussion was suggested by Mayor Robb Davis and council member Rochelle Swanson as perhaps a way for the project applicants and neighbors to arrive at a mutually acceptable design. As part of the facilitation process, Old East representatives presented concepts and sketches for designs that the neighbors would support. I include these as Figures 7-10 below.

I also attach to this comment a letter I sent on behalf of the OEDNA board to Mayor Davis and the council members, summarizing our facilitation experience. Despite our best efforts to collaborate with the Trackside Partners on a project consistent with the DDTRN Design Guidelines, as yet the Partners have not shown a willingness to work within the Guidelines. We remain committed to supporting a project consistent with the Guidelines, and are still willing and able to work with the applicants to achieve this goal.

Case Study: Mixed-Use Character Areas

CORE TRANSITION NORTH

This case study illustrates a manner in which the design guidelines, when combined, would result in a development that meets the community's objectives for mixed-use areas. The graphic illustrations are intended to exemplify specific architectural elements and not a "preferred" architectural style.

G STREET NORTH TRANSITION

CORE TRANSITION WEST

Private open space

CORE TRANSITION EAST

Adaptive reuse of bungalow

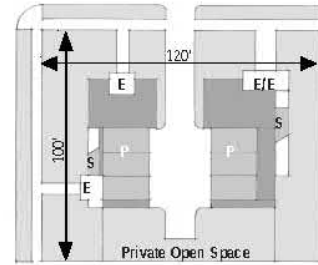
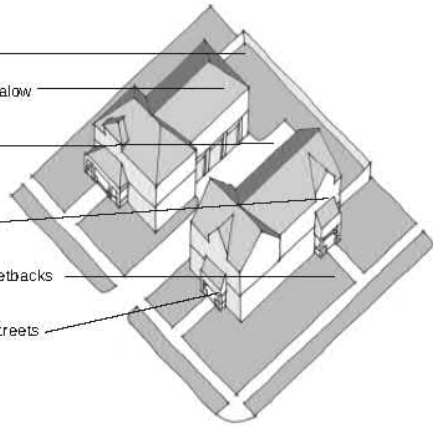
CASE STUDY

Shared parking court

Two-story building, office below, two units above

Traditional front yard setbacks

Entry porches facing streets



P Parking
E Porch Entry
S Stairs

Features:

- Double Lot, Two Buildings
- Four 1,000 Sq. Ft. Units
- Over 1,000 Sq. Ft. Office
- Shared Parking Court, Six Parking Spaces

Setbacks:

- Aligned front yard with traditional structures on the block
- 1,000 Sq. Ft. Rear Yard
- Private Open Space

Massing:

- Massing Expressed as Two Houses
- Street-facing Porches

Page 76

Downtown and Traditional Residential Design Guidelines

Figure 7. Case Study for a Mixed Use project from the DDTRN Design Guidelines (p.76).



MissingMiddleHousing.com is powered by Opticos Design. Illustration © 2015 Opticos Design, Inc. OPTICOS

Figure 8. Schematic showing examples of Missing Middle Housing, produced by Opticos Design. Daniel Parolek of Opticos Design is a proponent of "Form-Based" planning code, and gave a presentation to the Davis City Council in September, 2016. Parolek emphasizes proper transitions from lower-density residential areas to the

commercial core. Missing Middle housing is a key element of a proper transition, according to Parolek. Missing Middle housing provides examples for projects that would be suitable at the Trackage site.

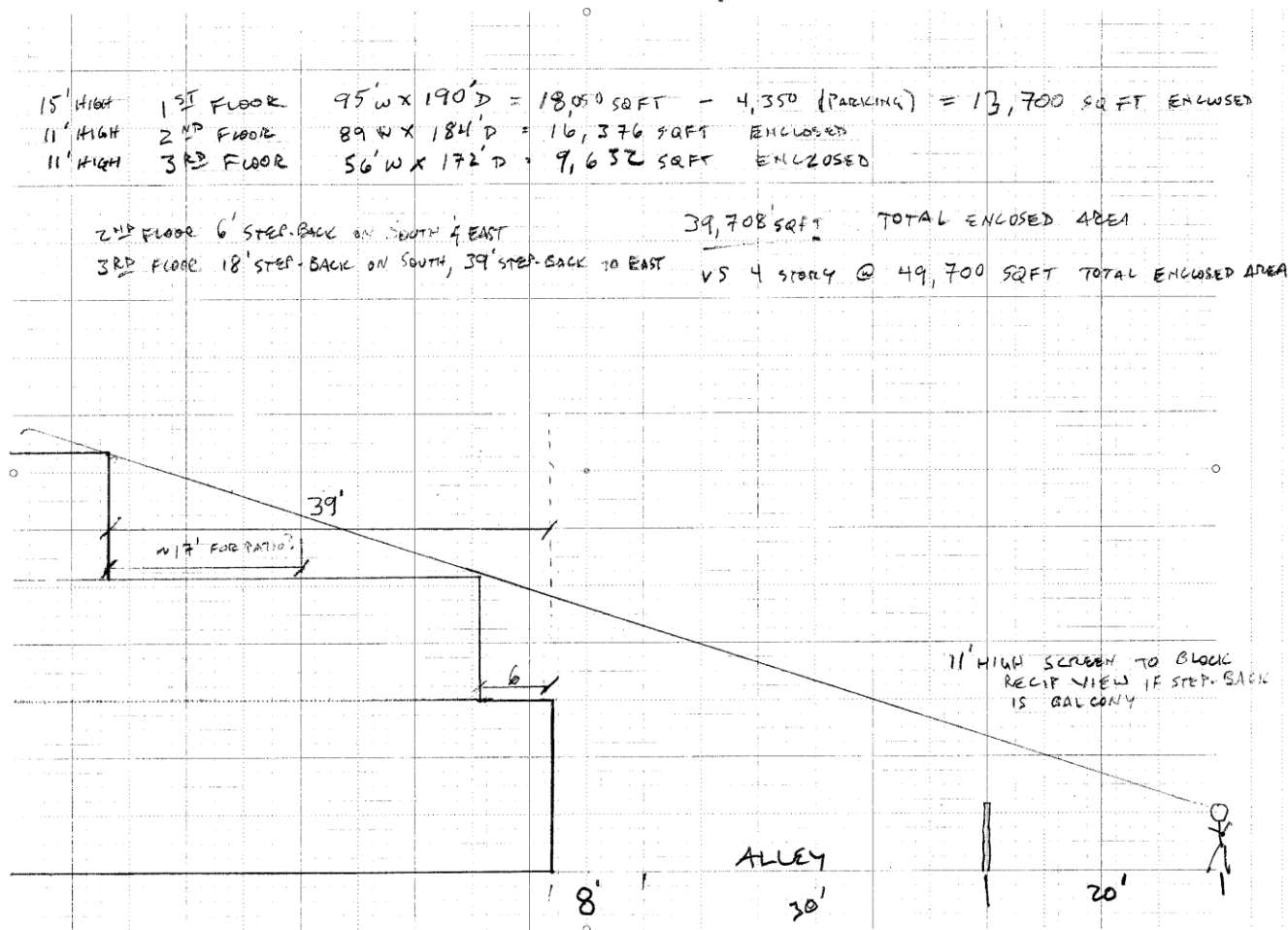


Figure 9. Schematic for a three-story project having appropriate elevation changes, drawn by licensed General Contractor Larry D. Guenther.



Figure 10. Sketch of a three-story, rail-station themed mixed use project, by Old East Davis neighbor Marijean Burdick.

February 17, 2017

To: Mayor Robb Davis and City Council Members

From: Mark Grote, Old East Davis Neighborhood Association Secretary, on behalf of the OEDNA Board

Re: Facilitated Discussions between OEDNA and Trackside Center representatives

Dear Robb and Council Members: I'm writing in order to brief you on discussions between OEDNA and Trackside Center representatives that took place in early summer, 2016. The discussions were facilitated by Yolo Conflict Resolution Center (YCRC), with facilitation fees shared by OEDNA and Trackside Partners, LLC.

Although the discussions showed that OEDNA and the Trackside Partners can interact without hostility, OEDNA participants believe that the Partners had already committed to a building of a particular mass and scale before discussions began. Facilitation did not bring the two parties meaningfully closer on the project's mass and scale, which have been OEDNA's consistent and overriding concerns.

Altogether, the facilitation process included two lengthy design presentations by the Trackside Partners, along with a presentation by the Partners of the anticipated city planning process. Perhaps one hour during the entire facilitation process was allotted for the presentation of new design ideas from Old East neighbors, although OEDNA identified this activity as a priority early in facilitation. The third of three meetings was, in its entirety, a design presentation for Trackside investors and Old East neighbors, given the imprimatur of facilitation by the participation of YCRC. OEDNA believes that YCRC's integrity as a neutral third party was compromised by their involvement in the third meeting.

OEDNA is aware of the value the City Council places on respectful discussion between project applicants and affected neighbors. We affirm this value; however it is our experience that participants may come to facilitation with significantly different intentions, motivations and constraints. Facilitation may not succeed where the costs and benefits of reaching agreement are highly asymmetric for the parties. In such cases it is ultimately up to responsible decision-makers to uphold community norms and expectations.

OEDNA is available to talk with you about our facilitation experience in more detail, as well as about neighborhood ideas for a mixed-use building at the Trackside Center site. Thank you for your time, attention and service as council members.



Mark Grote
Secretary, Old East Davis Neighborhood Association
530 753 0771 (home), markngrote@gmail.com

October 20, 2016

To: Eric Lee, Planner, City of Davis
From: Mark Grote, Secretary, Old East Davis Neighborhood Association
Re: BTSSC hearing on the Traskside Center proposal, October 13, 2016

Dear Eric: The Old East Davis Neighborhood Association met on October 16, 2016, in part to discuss the October 13 Bicycling, Transportation and Street Safety Commission hearing on the Traskside Center proposal. The neighbors asked me to write the following, to be included in the public record.

To my knowledge, ten Old East Davis neighbors submitted written comments to the commission, and approximately the same number made public comments at the hearing. The comments focused on potentially significant adverse traffic impacts of the proposed project on the I Street alley and nearby streets, potential impacts to the residential properties bordering the alley, the adequacy of parking for the project and other concerns.

OEDNA wishes to raise the following objections, concerning the planning materials made available for commission deliberations, the conduct of the hearing and its outcome:

1. The Traffic Impact Study omits forecasts of traffic volumes in the alley that would result from the proposed project.

The intended uses of the north-south alley lying between I Street and the railroad tracks are central to the project proposal. The alley would be the main access route for project residents' vehicle trips, for loading and unloading vehicles serving the commercial tenants, for emergency vehicle service, and for garbage and recycling pickup.

The project is expected to generate 711 daily trips (Executive Summary, page i of Traffic Impact Study); the alley is likely to be used for many of these trips. Traffic volumes for six road segments near the proposed project were estimated as part of the Traffic Impact Study (see *e.g.* Tables 9, 11 on pages 27, 32), but traffic volume estimates for the alley were omitted. This is an egregious oversight.

2. The Parking Inventory and Occupancy Survey reported on pages 16-18 of the Traffic Impact Study does not reflect current conditions.

The Traffic Impact Study parking survey was conducted on a single day, October 13, 2015 (see page 16). However, parking occupancy in the Old East Davis neighborhood is increasingly affected by the growing ridership of Capitol Corridor trains, as well as by spillover effects from vehicle trips to downtown. Parking is unrestricted along portions of J and K Streets in Old East Davis, making these spaces attractive to downtown shoppers who would otherwise pay for parking. J and K Streets are also close to the Davis AMTRAK station, making parking on these streets attractive to Capitol Corridor passengers, who then walk to the station to board trains for Sacramento and the Bay Area.

Written comments and photographs submitted to the BTSSC by J Street resident Kyriacos Kyriacou document that J Street parking during weekdays is routinely so saturated that cars block sidewalk street-crossings.

Potential exposure to vehicular emissions created while drivers "cruise" for limited parking spaces is arguably subject to CEQA regulation.

3. The scope of the BTSSC hearing was excessively narrow, in comparison to tasks legitimately in the purview of the BTSSC.

Tasks in the purview of the BTSSC are to “...monitor and facilitate implementation of the General Plan Transportation Element, Transportation Plan, Beyond Platinum - Bicycle Action Plan, and Downtown Parking Management Plan among others...” (BTSSC website).

City of Davis 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.”

In written comments submitted to the BTSSC, Old East Davis neighbors listed potential impacts of the project, including impacts on alley and street traffic and on properties bordering the alley, that could be significant and adverse. Consideration of the proposal’s compliance with the Transportation Element, in particular Policy TRANS 1.8, Standard a., should have been within the scope of the BTSSC hearing.

City of Davis planning staff did not place findings of the Traffic Impact Study relevant to the proposal’s Transportation Element compliance in the scope of the hearing. The hearing focused on two narrow technical matters: reconfiguration of the alley to one-way traffic and the direction of bike-traffic flow in a reconfigured alley.

4. After public comment was closed and the hearing turned to commission questions and comments, the commission chair gave the project applicants, but not Old East Davis neighbors, an opportunity to engage in back-and-forth discussion with commissioners. Thus the applicants may have been unduly advantaged in affecting the outcome of committee deliberations.

Old East Davis neighbors were not given an opportunity to correct any mis-statements or bring forth additional factual material that may have been relevant to the commission’s deliberations. This arguably compromised the quality of recommendations and findings from the hearing, as commissioners may have made decisions with incorrect or incomplete information.

5. The BTSSC chair made unsubstantiated statements of opinion about traffic impacts.

The chair made statements to the effect that he believed traffic impacts resulting from the proposed project would be small. The commission’s deliberations are supposed to be based on matters of fact, and/or forecasts based on documented methodology, such as in the Traffic Impact Study. The chair’s comments were statements of personal beliefs. Because commission motions are entertained at the chair’s discretion, the chair’s personal beliefs may have unduly influenced the hearing outcome.

6. By failing to consider a motion on traffic impacts, the BTSSC did not exercise due diligence.

Old East Davis neighbors raised issues about potentially significant adverse traffic impacts in the public comment period that should have triggered communication of concerns to city planners and decision-makers, and/or a formal recommendation from the BTSSC. Such a recommendation would have been consistent with the stated duties of the BTSSC. The failure to issue a finding about traffic impacts may compromise the planning process, as information about potentially significant adverse traffic impacts may not be subsequently communicated to planners and decision-makers.

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

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

July 21, 2017

City of Davis
Planning Commission
PlanningCommission@cityofdavis.org

Via email

Re: Additional comments on the Traskside Center Project

Dear Chair Hofmann and Commissioners:

I submit the following comments concerning the environmental review and planning process being conducted for the Traskside Center Project. These comments are in addition to my July 13, 2017 written comments.

1. The Staff Report'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.)

City 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 gave a general and discursive rationale for the claim that building mass and scale are "generally consistent" with the Design Guidelines for mixed use. The failure to adequately evaluate criteria for mass and scale is particularly significant, as the mass and scale of the proposed project are of central concern to residents of Old East Davis.

I submit the following Compliance Table for Mixed Use Building Mass and Scale. I have copied the second column of lettered Design Elements from the compliance table produced by planning staff. (July 19, 2017 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 and I Street, to complete the third column. (See, Figures 2-5 and accompanying text in my July 13, 2017 written comment.)

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>

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 Trakside 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 Trakside 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 Staff Report's omission of the mandatory language, quoted above, is significant; this omission significantly hampers the ability of the Planning Commissioners to exercise due diligence in evaluating the Project and its impacts, and to evaluate appropriate mitigation and alternatives prior to making a recommendation to the City Council.

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 Trackside 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 my written July 13, 2017 comment letter submitted to the Planning Commission); loss of parking spaces, and; loss of open space. These impacts 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.

4. The Initial Study (IS) is not adequate or complete in its current form due to its failure to analyze the Project's inconsistencies with applicable City of Davis zoning ordinances, sections of the General Plan, Core Area Specific Plan and mandatory provisions of the DDTRN Design Guidelines for mixed use mass and scale (see item 2 of this comment), which require that a project "...appear to be in scale with traditional single-family houses along the street front." (DDTRN Design Guidelines, pg.58.)

Item one of my written July 13, 2017 comment letter, submitted to the Planning Commission, details the Project's inconsistencies with the land use documents and area plans listed above. Items 2, 3, 5, 6 and 10 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, further elaborate the concerns on this issue.

The Environmental Checklist contained within an IS requires that 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 Planning Commission 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).)

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 (letter dated December 12, 2016 and submitted as a written comment for the Planning Commission), found that the Project may result in indirect impacts to historic resources, and that the City’s analysis did not conform to the correct standard for evaluating the historical setting of the site. Furthermore, 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 instead of a negative declaration. (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.)

Thank you again for your diligence and service on the Planning Commission.

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

Mark Grote, Secretary
Old East Davis Neighborhood Association

Dear City Staff, Council Members and Planning Commissioners,

I am writing this letter in support of the Trackside Center in Davis. The Sacramento region is suffering from a shortage of new units, particularly those in close proximity to job centers. As a past resident of Davis and UCD alumni, I personally understand the unique and acute housing challenges present in the community. This project represents a great opportunity to add infill housing in the most logical and sensible place: the Downtown Davis core. Adding residents Downtown has been a vision of local businesses and city leadership for decades; now is the time to follow through.

Many residents, understandably, fear change in their community - they tend to like where they live and the way it already is. This culture of exclusion, however, benefits existing wealthy homeowners at the expense of those with the least means. Community pressures and public policy are contributing to the current housing crisis by limiting supply. This is driving rents and home prices to an unaffordable level for many households. **Davis and the Greater Sacramento Region is far from full, but only if we create an inclusive vision for our community and allow projects like the Trackside Center to move forward.**

As a result of the housing crisis, community groups such as House Sacramento are forming across the country to support infill development. Increasing supply will decrease the competition and demand for existing units. We support housing and infill development because it will make us a healthier and more sustainable city. The Trackside Center will increase the livability and vitality of the existing neighborhood. Future residents will be valuable members of the community.

This project represents exactly what we need as region to combat our housing crisis: infill development that is compatible with surrounding land uses in a walkable and bikeable environment. It will also enable more residents to call this great city home and give more residents an opportunity to grow and succeed alongside us.

Kevin Dumler
Co-Chair of House Sacramento
Housesac.org



From: Carson Wilcox [mailto:carsonwilcox@gmail.com]
Sent: Tuesday, July 11, 2017 11:04 AM
To: Planning Commission <PlanningCommission@cityofdavis.org>; City Council Members <CityCouncilMembers@cityofdavis.org>; Mike Webb <MWebb@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>; Zoe Mirabile <ZMirabile@cityofdavis.org>; Kemble K. Pope <kemblekpoppe@gmail.com>; Steve Greenfield <steve@cecwest.com>; Krista Wilcox <wilcox.krista@gmail.com>
Subject: Trackside Center

Good Morning.

My name is Carson Wilcox. I am a Davis Native, small business owner, father, softball and swim parent, occasional soccer referee, and my wife Krista and I are proud to be personally invested in the Trackside Center Redevelopment.

I support the trackside center now even more than I did when we dug deep and cut a check to be a part of the project. I have learned SO much during the long, long process of this project. I have learned how deep our housing hole is in this town, I have learned how skewed towards auto dealerships our tax base is. I have learned of the flight to the perimeter for housing, retail and services crushes small downtowns. I have learned about car trips per capita, and how downtown living can cut those drastically.

I have also learned that this town has a web of often contradictory zoning, planning and design guidelines that are arrayed in front of every project as a barrier to any of the downtown densification and infill that the city supposedly so desperately wants. Literally no project could be approved if we are to read to the letter at threat of lawsuit each and every one of the city's umpteen different conflicting documents. Trackside is a good project, it checks so many boxes of what this town supposedly wants in a downtown redevelopment. Is it perfect in every way, to every person, every neighbor? Of course not.

But it is a private, davis based, environmentally friendly, commercially viable project looking to inject life and funds into our downtown.

Speaking for myself, and my family, I urge you to swiftly and finally approve the Trackside redevelopment.

Thank you, Carson Wilcox

From: Catherine Brinkley [mailto:brinkley.kat@gmail.com]
Sent: Monday, July 17, 2017 10:38 AM
To: Eric Lee <ELee@cityofdavis.org>
Subject: In Support of Trackside Center

Dear Mr. Lee,

Enclosed is a letter in support of the Trackside Center project meant for City Staff, the Planning Commissioners and City Council. Thank you for your help in distributing this, and please let me know if you need anything from me.

Sincerely,
Catherine

To whom it may concern in the City Staff, Planning Commissioners and City Council,

As a resident, I am excited to see development like Trackside Center. The site is downtown, precisely where mixed-use infill will do best. The project would repurpose an existing single-story strip mall between the railroad tracks, the Cable Car Wash, SPCA thrift and the Ace rock yard. With a beautiful architectural design, sensibly revitalizes a long-overdue edge of downtown. The projected energy savings from the new building will mean that many current tenants can afford to stay because their lower energy bills will offset the increase in rent from new construction. The proposed project is financed by Davisites, a wonderful example of community-based development. The investors care. After discussions with neighbors, they have reduced the height of the building and number of units.

The City of Davis has requested this type development. Our General Plan calls for infill and sustainable growth. Trackside is all of that and more. Your approval sends the message that this particular development, and more like it, are welcome in Davis.

As for the larger picture, Davis *really* needs this development. Right now, 50% of our housing stock is rentals, largely catering to college students. The 20-24 year old demographic makes up a quarter of our population. The City just made a step in the right direction approving the Sterling student housing project, but without new housing units enticing to non-students, we run the risk of turning into San Jose. Demand for housing far outstrips supply. Would-be homeowners struggle to compete against the rental market. And the core of what makes Davis a family-friendly city will be eroded. The Trackside development helps fill this need by providing units designed for the working professional, empty nesters, and retirees in the perfect location where we should be promoting more residents: downtown.

Thank you for your time and consideration,

Dr. Catherine Brinkley

7/13/2017

To: City of Davis Planning Commission

From: Cathy Forkas 336 K St Davis

Re: Comments on Trackage Proposal

Dear Commissioners,

I am submitting these comments on the proposed Trackage Development and asking the Planning Commission to deny approval of this project in its current form.

I am a 35 year resident of Old East Davis living at my current address. Over the years, the neighborhood has worked hard to create and protect our vibrant, diverse and historic neighborhood. My family was actively involved in the visioning process that brought together city staff, business owners, neighborhood residents and community members to produce the Neighborhood Design Guidelines in 2001. Since that time, many infill projects have successfully densified our neighborhood using existing zoning and the DDTRN Guidelines.

I enthusiastically support the redevelopment of the Trackage property into a multistory mixed use building using the same Zoning & Guidelines.

We are at a very pivotal moment in Davis's history. Many properties are becoming available for development that will determine the future design and function of our town. Trackage is one of these properties-- one that will set a precedent for what is built all along the edge of Old East Davis-- a border that will define how our Traditional Neighborhood with its historic residences relates to a taller, denser downtown.

Trackage conflicts with the Zoning and Guidelines in multiple ways:

Mass & Scale

The Trackage exceeds the height of three stories - with a carefully set back third story- allowed by the DGLs*. The proposed building is the height of the Chen building, but with twice the overall footprint. This mass and scale was arrived at by ignoring multiple planning requirements and using leased railroad land—a 10 year lease, revocable at any time— to determine the FAR, open space and parking.

Multiple documents set forth the importance of mass and scale:

GP* pg 57 : "maintain scale transition"

GP pg 41: : "scale in keeping with the existing city character"

GP pg159 : "scale transition between intensified land uses & adjoining lower intensity land uses"

DGL* pg 58 illustration: "maintain the scale of a new structure within the context of existing buildings on the block"

CASP p.86: "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"

Transitions:

The Trackside project ignores the DGLs for the Core Transition East (p74) and for the Third Street Special Character Area (p82) that state: "improve the ...transition for the Commercial Core to the Old East residential neighborhood" and "careful transition to adjacent single story buildings should be incorporated".

The Trackside site needs a carefully planned, gradual transition from the single story bungalows in Old East to a taller denser downtown. This would be accomplished by stepping up the building from one to three stories on its east side, and breaking up the building along third street into separate facades that are 2 stories with the third story set back. The DGLs give examples of this.

Historic Preservation:

The mass and scale of the Proposed Trackside project would directly impact the historic residences and their contributing structures along 3rd and I streets. The HRMC unanimously agreed that the Historic Resources report provided by Trackside partners was flawed and that the project would have significant impacts on the historic structures nearby.

Traffic and Safety:

The Proposed project and it's "activation" of the alleyway would have very significant impacts on traffic and safety. According to the Trackside traffic study, the 30 foot alley would carry up to 100 car trips per hour at peak times. Within this 30 foot wide alleyway is an auto traffic lane, a bicycle traffic lane and a parking lane. They provide a 30 *inch* buffer(!) and no sidewalk for the zero lot line residences and garages along the east side of the alley. Their alley sidewalk along the Trackside building narrows to two feet wide in some places before dead-ending into the rockyard wall at the property line. This is clearly a untenable, dangerous design, especially for pedestrians and bicyclists and the people accessing the zero-lot line residences and garages. Consider also that the additional parking they propose is in the 4th street parking garage --straight up the "activated" alley with no sidewalk!

In conclusion, all of the above problems can be solved by building a mixed use project that follows the existing zoning and Guidelines. We can have appropriate mass and scale while densifying, providing mixed use, new retail spaces and additional housing adjacent to downtown. We can have a transitional building that esthetically joins our historic traditional Old East neighborhood to the taller, denser downtown that the future portends. It need not overwhelm and devalue the nearby historic structures and it can have a density of housing and retail that has manageable traffic, safety, privacy and noise concerns.

Let's set precedent for the future of Davis we can all be proud of.

Respectfully,

Cathy Forkas

Note: *DGLs = Design Guideline *GP= General Plan

From: Charles Roe [<mailto:chuckr@davispyramid.com>]
Sent: Friday, July 14, 2017 1:42 PM
To: Mike Webb <MWebb@cityofdavis.org>
Subject: For planning commission

Hi Mike,

Hopefully this can reach them in some form.

I'd also like it to go to the City Council when appropriate.

Thanks.

Dear Planning Commission and City Council,

I'm writing to you in support of the Trackside project.

I am an investor in the project and a Davis resident and property owner in our downtown.

Besides adequate parking, the crucial missing element in the downtown is housing. It has been proven in cities and towns across the country that the first step to downtown revitalization, and ensuring it's economic and social health, is providing housing opportunities. Over the past few decades our residential growth has mainly been a suburban type with almost none dedicated to a more walkable urban lifestyle. Our city planning documents detail the reasons we should densify at the core. We have embraced a new urbanism in theory, and touted the benefits including enhanced safety, retail support, public transportation and overall vitality. Even though we've had some changes, very little has changed for those who would like to live in downtown Davis.

I have been part of several downtown projects. Each one attracted opponents and there was always controversy. The projects were portrayed as too big, the wrong color, not in the right place, looked out of place and were going to cause a myriad of problems. This citizen input comes with the approval process; it is valuable and serves a purpose. Trackside has been in this process for years, and the management team has reacted with significant changes. I was sad to see the project become too small to support underground parking. Using valuable and limited downtown land for ground level parking always seems a waste.

We all know the benefits of densifying the core and we have many planning documents that say we should encourage a more dense and varied downtown. Currently, we aren't doing a very good job of this. I hope that as our decision makers you can see this project as a unique opportunity for our town and move Trackside toward reality.

Chuck Roe

July 12, 2017

To: Davis Planning Commission

From: Daniel Kaltenbach (327 I Street, Davis) OEDNA resident

Re: Comments for the Wednesday, July 19 2017 hearing on the Trackside Center Proposal

Dear Commissioners,

I would pose to you a simple question: Is the Trackside project as currently proposed consistent with the Davis Design Guidelines and Land Use Policies that have been successfully guiding the growth of Davis?

No. The current proposal encourages the downtown to expand out, instead of up, and sets a bad precedent for 'downtown creep' by putting large commercial buildings right up against single family homes in clear violation of the Davis Design Guidelines and Land Use Policy.

The General Plan describes the Core Area Specific Plan 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" (p.13). It goes on to say that the CASP encourages "...appropriate scale transitions between buildings" (p.14).

At 50' 6" tall, the proposed Trackside project is as tall as the Chen Building but twice as large in square footage. A building this large would require special scrutiny even in the downtown core, where the Chen Building is sited. The Trackside Center project is not in the downtown core, but rather within the boundaries of Old East Davis, a traditional residential neighborhood and City of Davis Historical Conservation District.

Old East Davis contains a large proportion of the city's Landmark, Merit and Contributing historical structures: five of these buildings are within 300 feet of the Trackside Center project. These buildings still exist in good condition because they are cared for as single-family homes-- mostly owner-occupied. The value of these structures as homes would be significantly degraded if a project as physically overwhelming as the Trackside Center were built. These homes would likely become rentals, suffer neglect, fall into disrepair and possibly be torn down, with new buildings taking their places. As a case in point, the Landmark Resource at 320 I Street was a rental from 1982 to 2002. Although it was managed by a well-known, local property management entity, the "recommended" level of maintenance actually resulted in this historic resource being listed as an example of blight in the Davis Redevelopment Agency's 2001 report for the City Council.

There is no need to expand downtown into a traditional neighborhood, putting the city's historical resources at risk. The Design Guidelines and other city land-use policies are in place to prevent projects like Trackside from being approved.

Thank you for your time,
Daniel Kaltenbach
327 I Street

From: David Krueger [mailto:dk@ghac.com]
Sent: Thursday, July 13, 2017 9:43 AM
To: Eric Lee <ELee@cityofdavis.org>; Ashley Feeney <AFeeney@cityofdavis.org>
Cc: salmonlady@sbcglobal.net; markngrote@gmail.com
Subject: Trackside Proposal Concerns

To: City Planners
RE: Trackside Proposal Concerns
From: David and Patricia Krueger, owners of Montgomery House 923 3rd street and a residence at 224 I St.

We're local residents of Davis and own the negatively affected Montgomery house at 923 3rd Street. Together with other residents of the Old East Davis neighborhood we have followed this project from the original six-story building all the way to the present non-conforming 4-story proposal.

- During this whole process the common point of disagreement is simply the lack of compliance with the promises made to homeowners described in the Davis Downtown and Traditional Residential Neighborhood Design Guidelines.
- From the beginning, Trackside developers have shown little regard to our opinions, concerns and the negative affects to our neighborhood caused by the project's mass and scale.
- The developers of Trackside have continually pushed to gain exceptions to promises made to residents of Old East Davis, putting their financial priorities ahead of the existing homeowner's rights to live in a residential setting.

"The Downtown and Traditional Residential Neighborhood Design Guidelines 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. ...they will help conserve the traditional neighborhood character, fabric, and setting by guiding future development." (City Resolution 01-108, adopting the DDTRN Design Guidelines)

- The DDTRN Design Guidelines were put in place to guide compatible development in the Old East neighborhood. Viewed in this context, the Guidelines are a promise between property owners and the City of Davis.
- We forcefully object to the erosion of this agreement that the current Trackside proposal represents and instead challenge the developers to propose a conforming plan. If that's not going to "pencil out" for Trackside, then like all the rest of us non-developers, they then must follow the process to change the guidelines through a collaborative process with input from all those effected.

Specifically, our concerns for maintaining a viable historic home in a wonderful neighborhood setting revolve around the promises made (see quote above) and that were in effect when we purchased two homes in the Old East Davis neighborhood in good faith.

- Three-story (not four or more) building to protect views of the open sky and sunset from our home
- As proposed, the building conflicts with City of Davis land use policies regarding mass, scale and compatibility with a traditional residential neighborhood
- The project includes an Amendment to the Core Area Specific Plan (CASP) for text changes allowing increased density and floor area ratio in a limited area and a Rezone of the site to a new Planned Development. This is a maneuver to break promises made to the residents and bypass existing code/regulations/guidelines
- A project of the proposed scope expands the downtown out, not up. It sets a precedent for 'downtown creep'
- The project location is in a transition area between the Core Area and the Old East neighborhood, but the proposed building fails to make an appropriate transition
- Trackside proposal substantially degrades the existing visual character or quality of the surroundings and creates a new source of substantial light or glare which would adversely affect day and nighttime views in the area
- We have worked hard to effect a re-design of the Trackside Center project consistent with the Design Guidelines, but as yet we lack willing partners among the Trackside proponents. In multiple meetings involving Old East neighbors and Trackside Center representatives, including discussions in 2016 facilitated by the Yolo Conflict Resolution Center, the Trackside proponents have never presented a design consistent with the DDTRN Design Guidelines

The Core Area Specific Plan section "New Buildings in Residential Neighborhoods" (p.84) 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."

The CASP section "Architectural Considerations" (p.86) 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."

- When the mass and scale of the proposed Trackside Project is compared with the adjacent single-family homes of Old East Davis the proposed

- project violates all of the standards above. The setbacks in the proposed design are inadequate to mitigate for the structure's overwhelming mass
- At 50' 6" tall, the proposed Trakside project is as tall as the Chen Building but twice as large in square footage. A building this large would require special scrutiny even in the downtown core, where the Chen Building is sited. The Trakside Center project is not in the downtown core, but rather within the boundaries of Old East Davis, a traditional residential neighborhood and City of Davis Historical Conservation District.
 - There is no need to expand downtown into a traditional neighborhood, putting the city's historical resources at risk. The Design Guidelines and other city land-use policies are in place to prevent this
 - The current Trakside proposal would place one of the largest buildings in Davis next door to one of the smallest (home at 921 3rd St.)

In conclusion, after reading recent reports stating Trakside poses a "Less Than Significant w/ Mitigation Incorporated" or "Less Than Significant Impact" or "No Impact" we're very afraid the city will let us down, signifying their disregard for us regular folks who have already "invested" in Davis both financially and emotionally. We are not "anti-development" or making the case for "not in my backyard." Instead, we're for developing the site with a conforming project that doesn't destroy the setting of our neighborhood.

Sincerely,

David and Patricia Krueger

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Provider of comfort and joy for over 20 years!

From: David Krueger [mailto:dk@ghac.com]
Sent: Monday, July 17, 2017 12:19 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Please include written comments for Planning Commission

Hi Eric,

Please use my letter to the editor below as written comment for the Planning Commission. Thank you.

As part of the Davis community and owner of a home in Old East Davis I take exception to Eric Lovell's letter published 7/12/17 in the Davis Enterprise. I'm writing from a first-person perspective from actually dealing with the Trackside investors and developer from the very beginning of their pitch to forever negatively alter my neighborhood. (50.5 ft. Tall Trackside is proposed for replacing the 3rd Street Jewelry store and Candy House of Davis, stretching all the way back to the Ace Rock Yard, on the east side of the tracks, an alley-width away from some of the oldest homes in Davis.)

I believe in responsible infill, adding much-needed dwelling units, and alleviating our housing shortage... but Trackside is not a responsible project for a residential setting. When first proposed, Trackside was a six-story monster. After failing to slip this into the neighborhood without as much as a courtesy conversation about their massive project, they then had to confront the "Downtown and Traditional Residential Design Guidelines" and realize that we small-home owners knew all about this promise already made by the city to us Davis residents in the guidelines.

The neighborhood was rightfully shocked that local investors would have such little regard for their fellow citizens by proposing a building twice as big as what the guidelines actually clearly spell out; "two to three stories." Oops. Well, they had to scale back and maybe cajole the city into allowing a four-story building.

The investors/developer didn't really listen to the neighbors but instead realized going big meant going home without a project. Of course I and many other neighbors worked with them to express our opinions, but the latest four-story giant is still out of compliance and is totally unresponsive to our concerns.

Plus, this massive structure is not in the downtown core. It's in a transition area designated as such, less than 100 feet from the smallest house in the area and many other single-story residential homes.

Even the Core Area Specific Plan section "New Buildings in Residential Neighborhoods" (p. 84) 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." The CASP section on (p. 86) 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 buildings should consider setbacks at the second story."

The fluff of Eric's letter that implies Trackside investors/developer listened carefully and incorporated changes in order to alleviate concerns, is not accurate. Anything built that does not comply with the documented, collaboratively developed and adopted by the actual City of Davis guidelines is a smack at the neighborhood and sets a dangerous precedent.

Scale it to the surroundings by following the CASP and Guidelines. Trackside may be environmentally responsible, but they are missing the good-neighbor social part.

I encourage anyone who can spare the time to come to the Planning Commission meeting on 7/19 and watch and listen as the Trakside team attempts to coerce the well-meaning city officials into believing that $4 = 2$ and size doesn't matter.

Or spend a cool evening in any of the backyards along the west side of I street, between 3rd and 4th and it will all be clear.

Visit www.iTrustGreiner.com

Provider of comfort and joy for over 20 years!

From: Doreen Pichotti [mailto:dapichotti@ucdavis.edu]
Sent: Thursday, July 13, 2017 3:38 PM
To: Eric Lee <ELee@cityofdavis.org>; Ashley Feeney <AFeeney@cityofdavis.org>
Cc: salmonlady@sbcglobal.net; markngrote@gmail.com
Subject: RE: Trackside Center - Planning Commission Meeting and Initial Study

Hi Eric,

Thanks for sharing the notice of the PC meeting to review the Trackside proposal. I would like to submit the following comments to the commissioners for that meeting.

Specifically, I am asking that the commissioners find that the Trackside project is not consistent with the Downtown and Traditional Residential Neighborhood Design Guidelines and therefore should not be recommended for completion as is. The statements below further support this position.

1. Old East Davis neighbors would support a re-designed project that is consistent with the DDTRN Design Guidelines. Infill in Old East Davis is progressing well under the Design Guidelines.
2. The proposed building conflicts with City of Davis land use policies regarding mass, scale and compatibility with a traditional residential neighborhood.
3. A project of the proposed scope expands the downtown out, not up. It sets a precedent for 'downtown creep'.
4. The proposed project could be scaled down to conform to land use policies, yet still generate significant income to the City of Davis.
5. The Trackside proposal inappropriately includes land leased from the Union Pacific Railroad, in order to claim exceptions to City of Davis ordinances for floor/area ratio, outdoor gathering space, and parking.
6. The project location is in a transition area between the Core Area and the Old East neighborhood, but the proposed building fails to make an appropriate transition in any direction.
7. The narrow alley abutting single-family homes in Old East Davis is not fit for the purposes intended in the Trackside proposal: vehicle volumes and uses of the alley would be similar to a busy street, but without adequate right-of-way.
8. The proposed project would create significant and permanent adverse effects on the historical setting and feeling of Old East Davis.
9. The proposed project would be precedent-setting, leading to similar inappropriate development in the traditional residential neighborhoods bordering the Core Area.
10. The DDTRN Design Guidelines were developed through a public process, and represent a consensus view of stakeholders, including downtown business owners, city staff, and neighborhood residents. The Guidelines are part of city land-use law.

Sincerely,
Doreen Pichotti
Owner, 407 J St
Davis, CA

Dear Planning Commissioners,

I hope that you can help me to understand and reconcile with two – in my opinion – insurmountable issues (in bold) pertaining to the Trackside Center proposal. The bullets under each issue help to inform the reason for my concerns:

Issue No. 1: The developer confirmed that the alley sidewalk is not ADA compliant because: (1) it doesn't lead to anywhere; (2) their sidewalk is better than the existing one; and (3) people can do as they do now, and use the alley to access Fourth Street.

- a. The Trackside Center developer was exempt from providing adequate parking for the project residents and exempt from providing parking for the 9K square foot commercial retail patrons or employees. An argument in favor of this deviation from law was that the parking structure on 4th and G was underutilized and would provide a parking solution. Therefore, the alley sidewalk would be used by residents, employees and patrons to access the parking structure.
- b. 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. 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.
- c. The ADA requires state and local governments to make pedestrian crossings and sidewalks accessible to people with disabilities, including pedestrians who are blind or have low vision, and those that require walker, scooter or wheelchair access. The City of Davis website states, pertaining to "TITLE VI NOTICE: **City of Davis, as a recipient of Federal Transit Administration funds, is committed to providing quality transit service to all customers and follows all federal non-discrimination rules and regulations,** including Title VI of the Civil Rights Act, the Americans with Disabilities Act, and Equal Employment Opportunity program. **No person in the United States shall, on the grounds of race, color, religion, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity...**" Approval of the Trackside Center's alley sidewalk as proposed appears to conflict with the City's stated commitment to and eligibility for Federal Transit Administration funds.
- d. The Davis Enterprise wrote about the toll that ADA compliance lawsuits have had on small businesses in the City of Davis: <http://www.davisenterprise.com/local-news/ada-lawsuits-take-their-toll-in-davis/>. An excerpt of this article states: "Don Shor of Redwood Barn Nursery...can attest to the expenses associated with meeting standards. Shor...had to redo parking layout and signage, along with the entrance to his nursery on East Fifth Street." "I'm actually happy to comply, and pleased with the results..." "We were lucky. Some businesses simply won't be able to fully comply at a reasonable cost." It's unfair for small businesses to be expected to willingly abide by laws that impose great costs to them and without financial support from the City.

Issue No. 2: The proposed Trackside Center project would be precedent-setting, leading to similar inappropriate developments with negative fiscal impact and liabilities to the City and taxpayers.

1. Is the City prepared to assume the financial liability for:
 - a. Knowingly approving a project that poses a danger to the disabled population?
 - b. Fixing the sidewalk for ADA compliance after it is deeded over by the Trackside Center owners?
2. 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/>
 - a. How much of this deliberate exemption of the law cost us taxpayers? For the Trackside Center and impending projects reasonably expecting the same favors?
 - b. Is the City prepared to help fund small businesses that may have to close as a result of overwhelming costs associated with bringing their businesses to ADA standards (see example in Davis Enterprise article in bullet 1.e)? This would only be fair as the law exemption deck is grossly stacked in favor of large developers.
 - c. The City contacted me several times over the last ten years to discuss bungalow conservation projects that if moved to my property, would have been saved from demolition for big developments. The City did not provide any discounts for zoning deviations and instead presented me with exorbitant permit costs, rendering the projects unaffordable. It was more cost effective to build a new Accessory Dwelling Unit in full compliance with Design Guidelines.
3. 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.

Why the City allows large developers to not be bound to obey its own laws is a grave concern. Why not do the right thing and either follow or change them?

Respectfully submitted,

Elsa Ruiz-Duran
420 K Street

From: Jeremy Brooks [mailto:jeremy@brookspainting.com]
Sent: Tuesday, July 11, 2017 3:15 PM
To: Eric Lee <ELee@cityofdavis.org>; Planning Commission <PlanningCommission@cityofdavis.org>; City Council Members <CityCouncilMembers@cityofdavis.org>; Zoe Mirabile <ZMirabile@cityofdavis.org>
Subject: Trackside

Dear Planning Commission,

I am writing to you asking for your support of the Trackside project. As a Davis resident, small business owner, and local commercial property owner, I chose to invest in this project. I chose to put my hard earned money into this project for numerous reasons. First, I feel like this property is greatly underutilized and needs to be redone to maximize its potential. Second, I think this project can benefit and add significant value to our downtown by providing housing for more residents that can walk or bike to shopping, dining, and/or jobs downtown or at the university. Third, I believe in the group of investors and that they have a clear vision of what is best for the future of our city. Many of us have invested numerous years giving back to our city in many ways, and feel that this revitalization project is one more way that we can give back. We have worked with the neighbors and based on their input have made significant modifications to the the project in order to try and make this project work with their desires and now it is time for the city to act. Please support this project as submitted.

Jeremy Brooks

Owner of Brooks Painting Inc.

530-753-5074 | 1-888-COLOR-08 | Connect: | [Sign up for our Email Newsletter](#)

From: Joshua Reese [mailto:p22.reese@gmail.com]
Sent: Monday, July 17, 2017 9:35 PM
To: Planning Commission <PlanningCommission@cityofdavis.org>; City Council Members <CityCouncilMembers@cityofdavis.org>; Mike Webb <MWebb@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>; Zoe Mirabile <ZMirabile@cityofdavis.org>; kemblekpoppe@gmail.com; Steve Greenfield <steve@cecwest.com>
Subject: Support Downtown Infill and Revitalization

Hello,

I am reaching out on behalf of the Trackside Center project. I am 20 year resident of Davis and four year business owner downtown. I believe that housing availability has become a great problem making it difficult for people to stay in Davis. I believe that this project would bring a greater clientele into downtown business including my own, which will allow our city to continue to thrive with the true locals!

Thank you,

--

Joshua Reese
Owner/ C-F L-1
Performance 22
p22.reese@gmail.com
530-219-7335

July 13, 2017

To: City of Davis Planning Commission (HRMC)

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



Re: Comments for the Planning Commission hearing on the Trackside Center

Dear commissioners: I submit the following comments for the public record, as part of the City of Davis review and planning process for the Trackside Center proposal.

In the following pages, I respectfully provide to you my detailed comments regarding the Trackside Center proposal. In summary, I appeal to the Planning commission to **Deny Certification of the streamlined CEQA documents under SB375**, because:

- The City of Davis Department of Community and Sustainable Development exercised the discretionary option of proceeding with the streamlined CEQA provisions under Senate Bill 375 (SB375) in order to bypass the standard CEQA process. This deliberate discretionary option was exercised in order to avoid addressing 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.
- The City of Davis Department of Community and Sustainable Development instead of upholding the applicable and mandatory City of Davis planning and zoning and provisions, opted to file and receive from the Sacramento Area Council of Governments (SACOG) a consistency determination with the Sustainable Community Strategy (SCS) plan by SACOG in order to pursue CEQA streamlining. (**Attachment 1, emphasis on Section 3.C.1. Option B**)

- The City of Davis Department of Community and Sustainable Development instead of informing and engaging the Old East Davis Neighborhood Association (OEDNA) on its pursuit of a streamlined CEQA for the project, in a series of meetings and communications with OEDNA over the course of two years never shared any information about the fact that they applied and secured from SACOG a Transit Priority Project (TPP) Sustainable Communities Strategy (SCS) consistency finding for the Trackside project since October 20, 2016. (**Attachment 2**, from the SACOG website on July 11, 2017).
- At a meeting with OEDNA Board members as recently as March 9, 2017, City of Davis Department of Community and Sustainable Development managers Ashley Feeney and Mike Webb stated that it was too early to know what form of an Initial Study would be pursued. Mike Webb agreed to give OEDNA advance notice of document production, in order to know what type of CEQA document to expect.
- OEDNA residents only found out on July 11, 2017 through an email that the City of Davis Department of Community and Sustainable Development opted to pursue a Sustainable Communities Environmental Assessment (SCEA) Initial Study under the streamlined CEQA provisions of SB375.
- On October 20, 2016 SACOG CEO Mike McKeever issued a finding of consistency for the Trackside project with SACOG's SCS that allowed the bypassing of the applicable and mandatory City of Davis planning and zoning and provisions. (**Attachment 2, note the earlier emphasis on Section 3.C.1. Option A**)
- Nearly a year before the City of Davis Department of Community and Sustainable Development received the finding of consistency for the Trackside project with SACOG's SCS, OEDNA requested a meeting with SACOG CEO Mike McKeever to discuss the Trackside project. OEDNA's request for a meeting was never honored by SACOG CEO Mike McKeever. (**Attachment 3**)

- The discretionary nature of 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.

Source: http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0351-0400/sb_375_bill_20080930_chaptered.html

- The Davis Historic Resources Management Commission determined that the Trackside Center proposal is inconsistent with the mandatory provisions of the DDTRN Design Guidelines and determined that the Trackside Center proposal will have a significant negative impact on the setting of designated historic houses in the vicinity of the project. This finding by the HRMC conflicts the text of SB375 shown below:

21155.1.

(a) The transit priority project complies with all of the following environmental criteria:

(5) The transit priority project does not have a significant effect on historical resources pursuant to Section 21084.1.

ATTACHMENT 1

APPENDIX A

MTP/SCS Consistency Worksheet

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET
For Qualifying Transit Priority Projects and Residential/Mixed-Use
Residential Projects

As of July 31, 2012ⁱ

Background: Pursuant to SB 375, streamlined CEQA review and analysis is available to Transit Priority Projects (TPPs) and residential or mixed-use residential projects that are consistent with the SCS. The SCS was adopted by the Sacramento Area Council of Governments (SACOG) Board as part of the Metropolitan Transportation Plan/Sustainable Communities Strategy for 2035 on April 19, 2012. The California Air Resources Board issued an Acceptance of GHG Quantification Determination for the SACOG SCS on June 12, 2012.

Streamlined CEQA review available to TPPs consists of one of the following: 1) a Sustainable Communities Environmental Assessment (SCEA) pursuant to Public Resources Code (PRC) § 21155.2(b) or 2) an EIR pursuant to PRC § 21155.2(c).ⁱⁱ

Streamlined CEQA review available to residential or mixed-use residential projects consists of an EIR pursuant to PRC § 21159.28(a).

Purpose: The purpose of this worksheet is to provide lead agencies with assistance on three issues:

1. Whether a proposed project qualifies as a TPP;
2. Whether a proposed project qualifies as a residential or mixed-use residential project (at least 75 percent of the total building square footage is residential);
3. Whether the TPP or residential/mixed-use residential project is consistent with the general land use designation, density, intensity and applicable policies of the MTP/SCS for 2035 adopted by the Sacramento Area Council of Governments (SACOG).

The lead agency has responsibility to make the final determination on these matters and to determine the applicable and appropriate CEQA streamlining, if any.

Directions: This worksheet should be completed by the lead agency, relying on the project description of the proposed project, MTP/SCS Chapters 3 and 4, and MTP/SCS Appendix E-3. Regardless of whether this worksheet is used, pursuant to PRC § 21155(a) and PRC § 21159.28(a), a project can only be consistent with the MTP/SCS if it is consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the adopted SCS. This worksheet only applies to the MTP/SCS for 2035 (adopted April 19, 2012); subsequent MTP/SCS adoptions may require updates to this form.

Lead agencies are welcome to contact SACOG for assistance in completing this worksheet. For assistance, contact Kacey Lizon at klizon@sacog.org or 916-340-6265.

Project Title: _____ Trackside Center Mixed-Use Project

Proposed project is located in (city/county name): _____ Davis, Yolo County

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

As of July 31, 2012

1. Transit Priority Project Designation (PRC § 21155(b))

A project must meet the requirements of items 1.A, 1.B, 1.C, and 1.D, below, to qualify as a Transit Priority Project. For items 1.C and 1.D, the definition of an MTP/SCS Transit Priority Area is: the area within one-half mile of a rail station stop or a high-quality transit corridor included in the MTP/SCS. A high-quality transit corridor has fixed route bus service with service intervals of 15 minutes or less during peak commute hours. See MTP/SCS Chapter 3 for the map of Transit Priority Areas.

- 1.A. The Project has a minimum net densityⁱⁱⁱ of 20 dwelling units per acre.

Calculation:

$$\begin{aligned} & \text{Total housing units proposed in Project } 27 \div \text{Total Project parcel area (in net}^{\text{ii}} \text{ acres)} 0.69 \\ & = 39 \text{ (Should be } \geq 20 \text{ du/ac)} \end{aligned}$$

(The 0.69 acres includes 0.525 acres of the subject property and 0.167 of railroad lease area which is part of the project area. Without the lease area, project density would be greater and still exceed 20 du/ac.)

- 1.B. At least 50 percent of the Project's total building square footage is in residential use, AND,

- The total building square footage of the Project has 25 percent or less non-residential use, or, if it has between 26 and 50 percent in non-residential use, has a minimum FAR of 0.75.

Calculations:

$$\begin{aligned} & \text{Total Project residential square footage } 39,033 \div \text{Total Project building square footage } 47,983 \\ & = 81\% \text{ (Should be } \geq 50\%) \end{aligned}$$

$$\begin{aligned} & \text{Total Project building square footage } 47,983 \div \text{Total Project parcel(s) area square footage } 30,183 \\ & = 1.59 \text{ (Should be } \geq 0.75) \end{aligned}$$

(These square footage calculations do not include 5,475 sf of covered parking area or balconies.)

- 1.C. The Project is located within an MTP/SCS Transit Priority Area and the qualifying transit service is (transit route name/applicable street name/number or light rail stop name as identified in the adopted MTP/SCS): Regional Rail; Parcel 0.1 miles from Amtrak Station DAV at 840 2nd St.

- 1.D. No more than 25 percent of the area of the Project parcels are farther than one-half mile from the TPA transit stop/corridor and no more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the TPA transit stop/corridor.

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

As of July 31, 2012

Calculations:

Project area outside of ½ mile TPA 0 SF ÷ Total Project area 30,183 SF
= 0% (Should be ≤ 25%)

Project residential units outside of ½ mile TPA 0 ÷ Total Project units 27
= 0% (Should be ≤ 10% or less than 100 units)

SECTION 1 CONCLUSION:

- The proposed project meets the requirements of 1.A, 1.B, 1.C, and 1.D and therefore qualifies as a Transit Priority Project.
- The proposed project does not meet all the requirements of 1.A, 1.B, 1.C, and 1.D and therefore does not qualify as a Transit Priority Project.

2. Residential or Mixed-Use Residential Project Designation for Projects Located Outside of an MTP/SCS TPA 21159.28(a)

A residential or mixed-use residential project using the streamlined CEQA review to complete an EIR pursuant to PRC § 21159.28(a) must meet the following requirement:

- 2.A. At least 75 percent of the total building square footage of the project consists of residential use.

Calculation:

Total Project residential square footage 39,033 ÷ Total Project building square footage 47,983
= 81% (Should be ≥ 75%)

SECTION 2 CONCLUSION:

- The proposed project meets the requirements of 2.A and therefore qualifies as a residential or mixed-use residential project.
- The proposed project does not meet the requirements of 2.A and therefore does not qualify as a residential or mixed-use residential project.

IF A PROJECT DOES NOT QUALIFY AS EITHER A TRANSIT PRIORITY PROJECT (UNDER SECTION 1) OR A RESIDENTIAL OR MIXED-USE RESIDENTIAL PROJECT (UNDER SECTION

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

As of July 31, 2012

2), THE PROJECT DOES NOT QUALIFY FOR SB 375 CEQA STREAMLINING. DO NOT PROCEED TO SECTION 3.

3. Required Consistency with the SCS: General Use Designation, Density and Intensity, and Applicable MTP/SCS Policies (PRC § 21155(a) and PRC § 21159.28(a))

3.A. Applicable MTP/SCS Policies. For the purposes of determining SCS consistency, the policies of the MTP/SCS are embedded in the metrics and growth forecast assumptions of the MTP/SCS. Projects consistent with the growth forecast assumptions of the MTP/SCS, as determined by application of items 3.B. and 3.C, are consistent with the MTP/SCS and its policies.

3.B. Applicable Community Type. The MTP/SCS land use forecast is illustrated using Community Types. In order to determine the general use designation, density and intensity of the Project area within the MTP/SCS, the Project must be located within a Community Type designated in the MTP/SCS. The MTP/SCS defines density/building intensity in terms of the amount of growth (residential and non-residential) forecasted and the amount of build out potential within each Community Type area. SACOG monitors development activity on an annual basis to check that the amount of development is consistent with the growth forecast of the MTP/SCS.

For the purposes of the lead agency's determination of SCS consistency, use MTP/SCS Appendix E-3 to identify the Community Type for the Project and fill in the applicable information, below for 3.B.1 and 3.B.2.

3.B.1. The Project is located in the following Community Type:

- Center and Corridor Community
- Established Community
- Developing Community (*list the specific name of the Developing Community as identified in the jurisdiction narrative in Appendix E-3*): _____
- Rural Residential Community

3.B.2 Development from the project when added to other entitled projects will not exceed the MTP/SCS build out assumptions for the area within this Community Type, which is 1,016 new housing units and 2,067 new employees^{iv}.

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

As of July 31, 2012

3.C. General Use Designation, Density and Building Intensity. The foundation of the land use designations for the MTP/SCS is adopted and proposed local general plans, community plans, specific plans and other local policies and regulations. A project is consistent with the MTP/SCS if its uses are identified in the applicable MTP/SCS Community Type and its uses meet the general density and building intensity assumptions for the Community Type. The proposed project does not have to include all allowed uses in the MTP/SCS.

3.C.1. Determine consistency of the Project using one of the methods below:

Option A:

The Project is located in a **Center and Corridor Community or an Established Community** and the Project uses are consistent with the allowed uses of the applicable adopted local land use plan as it existed in 2012 and are at least 80 percent of the allowed density or intensity of the allowed uses. Therefore, the Project is consistent with the MTP/SCS.^y

OR

Option B:

The Project is located in a **Center and Corridor Community or an Established Community** and the Project uses have been reviewed in the context of, and are found to be consistent with, the general land use, density, and intensity information provided for this Community Type in Appendix E-3 of the MTP/SCS. Therefore, the Project is consistent with the MTP/SCS.

OR

Option C:

The Project is located in a **Rural Residential Community** and the Project residential density does not exceed the maximum density of one unit per acre as specified in the MTP/SCS, and employment development in the Project is at least 80 percent of the allowed intensity of the land use designations of the adopted general plan. Therefore, the Project is consistent with the MTP/SCS.

OR

Option D:

The Project is located in a **Developing Community** and the Project's average net density meets or exceed the average net density described for this specific Developing Community (as referenced by name of applicable specific plan,

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

As of July 31, 2012

master plan, or special plan in MTP/SCS Appendix E-3) and employment development in the Project is consistent with the general employment land uses described for this specific Developing Community.^{vi} Therefore, the Project is consistent with the MTP/SCS.

SECTION 3 CONCLUSION:

The proposed project is consistent with the General Use Designation, Density and Intensity, and Applicable MTP/SCS Policies for the following reasons (*summarize findings on use designation, density and intensity for the Project evaluation completed in Section 3*):

Trackside Center is located at 901-919 3rd Street in Davis, CA. This project will redevelop the existing 0.69 acre site, currently containing a low-density office/retail park, into an 47,983 SF mixed-use building consisting of 27 new residential units and 8,950 SF of retail space with approximately 30 employees (approximately 15 net new). It meets the required consistency criteria. It is located within a Center and Corridor Community (CCC) Type as identified on MTP/SCS Figure 3.2. It does not result in development that exceeds the 1,016 total new units or the 2,067 total new employees estimated for the area in SACOG's most recent MTP/SCS adopted on February 18, 2016 and which contemplates development in the CCC over the next 20 years. Specific information for this community type in the City of Davis is provided in SCS Appendix E-3 (page 147).

It does not include specific policies related to the project site, but the project would be consistent with the infill focus of the SCS. The goal of the SCS is to increase residential density in Center and Corridors Communities to about 15 units per acre by 2036 (SCS Table 5A.3). The Trackside Center project proposes 39 units per acre which is well above the goal.

Based on the project location, number of units proposed, and project density, the project would be consistent with the general use designation, density and intensity and applicable MTP/SCS policies.

ⁱ This document may be updated as users provide feedback on its utility.

ⁱⁱ If a TPP complies with an additional series of requirements set forth in PRC § 21155.1, it qualifies as a Sustainable Communities Project and becomes eligible for a complete exemption from CEQA. This worksheet does not address Sustainable Communities Projects.

ⁱⁱⁱ *Net density* is not defined in PRC § 2115(b). In the MTP/SCS, net density is defined as follows: Housing units divided by the acres on which housing is built, exclusive of public rights-of-ways, parks, schools and public areas (MTP/SCS Appendix E-3, pg. 34).

^{iv} The MTP/SCS build out for each Community Type assumes development that is entitled as of January 1, 2008. SACOG monitors housing permits on an annual basis and will ensure that housing and employment projects relying on the SB 375 CEQA benefits will not exceed the capacity assumed in the MTP/SCS.

^v The MTP/SCS general land use, density and intensity in Center and Corridor Communities and Established Communities is based on 80 percent of the allowed density or intensity of the land use designations in adopted general plans as they existed in 2012, unless otherwise noted in Appendix E-3.

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October 20, 2016

Eric Lee
Department of Community Development & Sustainability
City of Davis
23 Russell Blvd.
Davis, CA 95616

Re: Trackside Center project consistency with the 2016 Metropolitan
Transportation Plan/Sustainable Communities Strategy

Dear Mr. Lee:

You requested SACOG's confirmation that the proposed Trackside Center project is consistent with the 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy. SACOG provides a consistency determination at the request of the lead agency. However, it is the responsibility of the lead agency to make the final determination on a project's consistency with the MTP/SCS. This letter concurs with the City's determination that the Trackside Center project is consistent with the MTP/SCS. SACOG reviewed the project description and SCS consistency analysis in the Trackside Center project documents and Determination of MTP/SCS Consistency Worksheet that you provided to us (included as an attachment to this letter) compared to the MTP/SCS assumptions for the project area in order to make our determination.

The Trackside Center project is located on 0.69 acres on 3rd Street in Davis. The Trackside Center project, as defined in the project documents provided to us, consists of a total of 27 apartment units and approximately 9,100 square feet of retail in a mixed-use building. The gross residential density of the project is 39 dwelling units per acre and approximately 84 percent of the total building square footage consists of residential use (47,786 residential square feet ÷ 56,881 total building square feet).

The project is also located within a Transit Priority Area. Transit Priority Areas are areas of the region within one-half mile of a major transit stop (existing or planned light rail, street car, train station, or the intersection of two or more major bus routes) or an existing or planned high-quality transit corridor included in the MTP/SCS. The project is entirely within one-half mile of two streets identified as high-quality transit corridors in the MTP/SCS (Richards Boulevard and 1st Street) and is within a 1/2 mile of the Davis Amtrak Station.

- Auburn
- Citrus Heights
- Colfax
- Davis
- El Dorado County
- Elk Grove
- Folsom
- Galt
- Isleton
- Lincoln
- Live Oak
- Loomis
- Marysville
- Placer County
- Placerville
- Rancho Cordova
- Rocklin
- Roseville
- Sacramento
- Sacramento County
- Sutter County
- West Sacramento
- Wheatland
- Winters
- Woodland
- Yolo County
- Yuba City
- Yuba County

The Trackside Center project, is an infill project within the Center/Corridor Community designation of the MTP/SCS for the City of Davis (see attached Map 1). Within the Center/Corridor Community, the MTP/SCS forecasts a range of low to high density residential, commercial, office, and industrial uses (MTP/SCS Appendix E-3, Land Use Forecast Background Documentation, pp. 148, February 19, 2016). The project's land uses fall within this range of general uses, densities, and building intensities. Therefore, development at the proposed densities is consistent with the build out assumptions for the area within this community type of the MTP/SCS. With respect to consistency with the MTP/SCS policies, the applicable policies are embedded in the metrics and growth forecast assumptions of the MTP/SCS. For the purposes of determining SCS consistency, projects consistent with the growth forecast assumptions of the MTP/SCS are consistent with these policies. The MTP/SCS housing forecast for the Center/Corridor Communities was based not only on the City's land use plans and policies, but also on the following: an assessment of past building activity, current project entitlement activity, and consideration of changing demographic and housing market demand. Infill development and redevelopment is a strategy essential to the success of the Blueprint Preferred Scenario and the MTP/SCS. The Blueprint Preferred Scenario, the adopted MTP/SCS, and the draft MTP/SCS achieve transportation, air quality, and other quality of life benefits by relying in part on infill and redevelopment projects such as this one. The proposed Trackside Center project is consistent with MTP/SCS growth forecast assumptions.

Given the project's mix and density of land uses (over 20 dwelling units per acre and over 50 percent of square footage in residential use), the project's location within the Yolo Transit Priority Area, and its consistency with the use, density/intensity and applicable policies of the MTP/SCS, the Trackside Center project is considered a Transit Priority Project, as defined by SB 375 (PRC § 21155(b)). Our confirmation of the project's consistency with the MTP/SCS is not intended to express any opinion on the site design or the appropriate conditions of approval of the project.

Thank you for inviting SACOG's input as to the consistency of the Trackside Center project with the 2016 MTP/SCS. If you have further questions or need further assistance, please don't hesitate to contact Kacey Lizon at klizon@sacog.org or (916) 340-6265.

Sincerely,



Mike McKeever
Chief Executive Officer

MM:JH:pm

Attachments

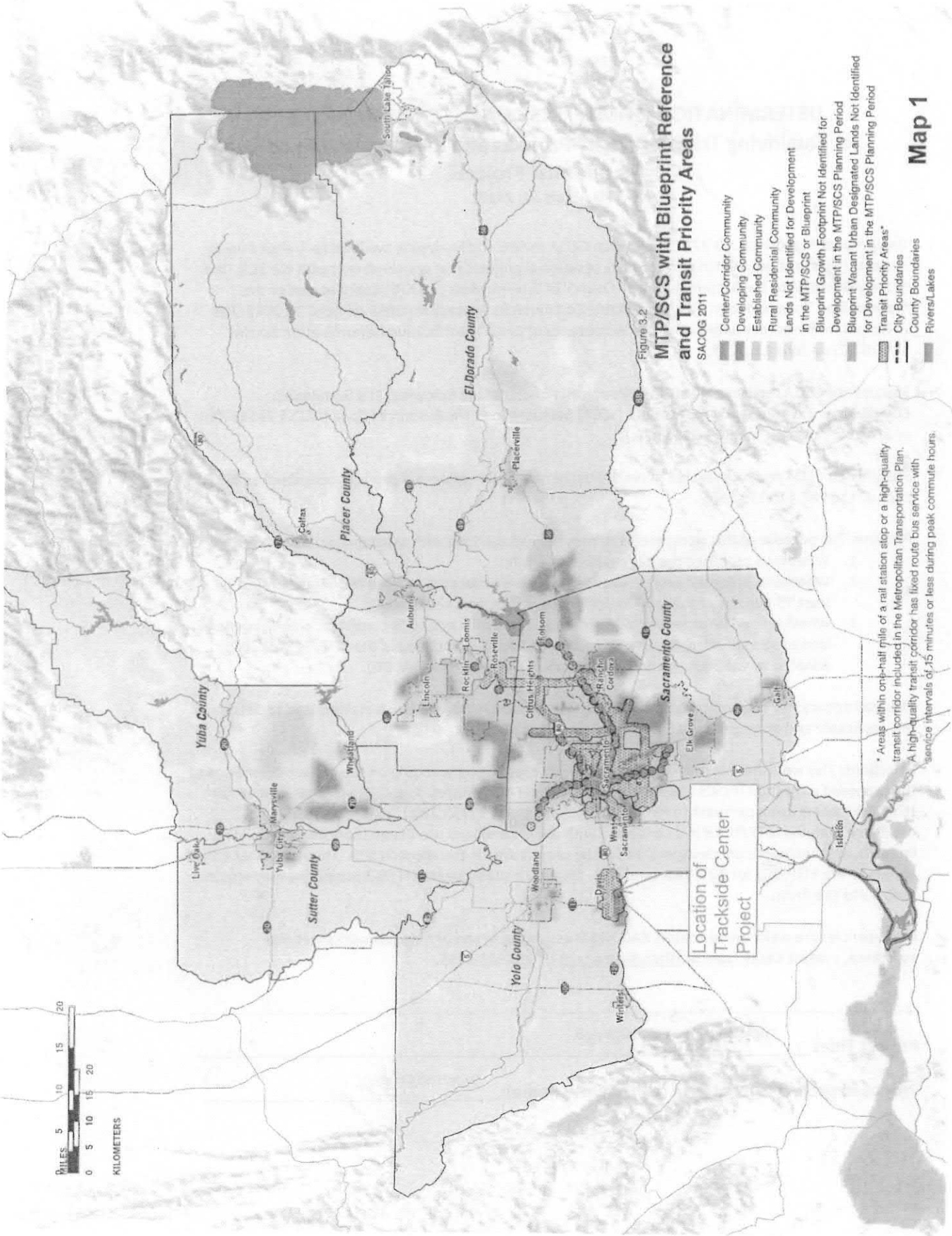
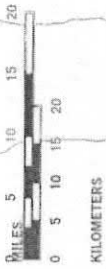


Figure 3.2
MTP/SCS with Blueprint Reference and Transit Priority Areas
 SACOG 2011

- Center/Corridor Community
- Developing Community
- Established Community
- Rural Residential Community
- Lands Not Identified for Development
- in the MTP/SCS or Blueprint
- Blueprint Growth Footprint Not Identified for Development in the MTP/SCS Planning Period
- Blueprint Vacant Urban Designated Lands Not Identified for Development in the MTP/SCS Planning Period
- Transit Priority Areas*
- City Boundaries
- County Boundaries
- Rivers/Lakes

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET
For Qualifying Transit Priority Projects and Residential/Mixed-Use
Residential Projects
As of July 31, 2012ⁱ

Background: Pursuant to SB 375, streamlined CEQA review and analysis is available to Transit Priority Projects (TPPs) and residential or mixed-use residential projects that are consistent with the SCS. The SCS was adopted by the Sacramento Area Council of Governments (SACOG) Board as part of the Metropolitan Transportation Plan/Sustainable Communities Strategy for 2035 on April 19, 2012. The California Air Resources Board issued an Acceptance of GHG Quantification Determination for the SACOG SCS on June 12, 2012.

Streamlined CEQA review available to TPPs consists of one of the following: 1) a Sustainable Communities Environmental Assessment (SCEA) pursuant to Public Resources Code (PRC) § 21155.2(b) or 2) an EIR pursuant to PRC § 21155.2(c).ⁱⁱ

Streamlined CEQA review available to residential or mixed-use residential projects consists of an EIR pursuant to PRC § 21159.28(a).

Purpose: The purpose of this worksheet is to provide lead agencies with assistance on three issues:

1. Whether a proposed project qualifies as a TPP;
2. Whether a proposed project qualifies as a residential or mixed-use residential project (at least 75 percent of the total building square footage is residential);
3. Whether the TPP or residential/mixed-use residential project is consistent with the general land use designation, density, intensity and applicable policies of the MTP/SCS for 2035 adopted by the Sacramento Area Council of Governments (SACOG).

The lead agency has responsibility to make the final determination on these matters and to determine the applicable and appropriate CEQA streamlining, if any.

Directions: This worksheet should be completed by the lead agency, relying on the project description of the proposed project, MTP/SCS Chapters 3 and 4, and MTP/SCS Appendix E-3. Regardless of whether this worksheet is used, pursuant to PRC § 21155(a) and PRC § 21159.28(a), a project can only be consistent with the MTP/SCS if it is consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the adopted SCS. This worksheet only applies to the MTP/SCS for 2035 (adopted April 19, 2012); subsequent MTP/SCS adoptions may require updates to this form.

Lead agencies are welcome to contact SACOG for assistance in completing this worksheet. For assistance, contact Kacey Lizon at klizon@sacog.org or 916-340-6265.

Project Title: _____ Trackside Center Mixed-Use Project

Proposed project is located in (city/county name): _____ Davis, Yolo County

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

As of July 31, 2012

1. Transit Priority Project Designation (PRC § 21155(b))

A project must meet the requirements of items 1.A, 1.B, 1.C, and 1.D, below, to qualify as a Transit Priority Project. For items 1.C and 1.D, the definition of an MTP/SCS Transit Priority Area is: the area within one-half mile of a rail station stop or a high-quality transit corridor included in the MTP/SCS. A high-quality transit corridor has fixed route bus service with service intervals of 15 minutes or less during peak commute hours. See MTP/SCS Chapter 3 for the map of Transit Priority Areas.

- 1.A. The Project has a minimum net densityⁱⁱⁱ of 20 dwelling units per acre.

Calculation:

$$\begin{aligned} & \text{Total housing units proposed in Project } 27 \div \text{Total Project parcel area (in net}^{\text{ii}} \text{ acres)} 0.69 \\ & = 39 \text{ (Should be } \geq 20 \text{ du/ac)} \end{aligned}$$

- 1.B. At least 50 percent of the Project's total building square footage is in residential use, **AND**,

- The total building square footage of the Project has 25 percent or less non-residential use, or, if it has between 26 and 50 percent in non-residential use, has a minimum FAR of 0.75.

Calculations:

$$\begin{aligned} & \text{Total Project residential square footage } 47,786 \div \text{Total Project building square footage } 56,881 \\ & = 84\% \text{ (Should be } \geq 50\%) \end{aligned}$$

$$\begin{aligned} & \text{Total Project building square footage } 56,881 \div \text{Total Project parcel(s) area square footage } 30,231 \\ & = 1.88 \text{ (Should be } \geq 0.75) \end{aligned}$$

- 1.C. The Project is located within an MTP/SCS Transit Priority Area and the qualifying transit service is *{transit route name/applicable street name/number or light rail stop name as identified in the adopted MTP/SCS}*: Regional Rail; Parcel 0.1 miles from Amtrak Station DAV at 840 2nd St.

- 1.D. No more than 25 percent of the area of the Project parcels are farther than one-half mile from the TPA transit stop/corridor and no more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the TPA transit stop/corridor.

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

As of July 31, 2012

Calculations:

$$\text{Project area outside of } \frac{1}{2} \text{ mile TPA } \frac{0 \text{ SF}}{\text{_____}} \div \text{ Total Project area } \frac{30,231 \text{ SF}}{\text{_____}}$$

= 0% _____ (Should be \leq 25%)

$$\text{Project residential units outside of } \frac{1}{2} \text{ mile TPA } \frac{0}{\text{_____}} \div \text{ Total Project units } \frac{27}{\text{_____}}$$

= 0% _____ (Should be \leq 10% or less than 100 units)

SECTION 1 CONCLUSION:

- The proposed project meets the requirements of 1.A, 1.B, 1.C, and 1.D and therefore qualifies as a Transit Priority Project.
- The proposed project does not meet all the requirements of 1.A, 1.B, 1.C, and 1.D and therefore does not qualify as a Transit Priority Project.

2. Residential or Mixed-Use Residential Project Designation for Projects Located Outside of an MTP/SCS TPA 21159.28(a)

A residential or mixed-use residential project using the streamlined CEQA review to complete an EIR pursuant to PRC § 21159.28(a) must meet the following requirement:

- 2.A. At least 75 percent of the total building square footage of the project consists of residential use.

Calculation:

$$\text{Total Project residential square footage } \frac{47,786}{\text{_____}} \div \text{ Total Project building square footage } \frac{56,881}{\text{_____}}$$

= 84% _____ (Should be \geq 75%)

SECTION 2 CONCLUSION:

- The proposed project meets the requirements of 2.A and therefore qualifies as a residential or mixed-use residential project.
- The proposed project does not meet the requirements of 2.A and therefore does not qualify as a residential or mixed-use residential project.

IF A PROJECT DOES NOT QUALIFY AS EITHER A TRANSIT PRIORITY PROJECT (UNDER SECTION 1) OR A RESIDENTIAL OR MIXED-USE RESIDENTIAL PROJECT (UNDER SECTION

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

As of July 31, 2012

2), THE PROJECT DOES NOT QUALIFY FOR SB 375 CEQA STREAMLINING. DO NOT PROCEED TO SECTION 3.

3. Required Consistency with the SCS: General Use Designation, Density and Intensity, and Applicable MTP/SCS Policies (PRC § 21155(a) and PRC § 21159.28(a))

3.A. Applicable MTP/SCS Policies. For the purposes of determining SCS consistency, the policies of the MTP/SCS are embedded in the metrics and growth forecast assumptions of the MTP/SCS. Projects consistent with the growth forecast assumptions of the MTP/SCS, as determined by application of items 3.B. and 3.C, are consistent with the MTP/SCS and its policies.

3.B. Applicable Community Type. The MTP/SCS land use forecast is illustrated using Community Types. In order to determine the general use designation, density and intensity of the Project area within the MTP/SCS, the Project must be located within a Community Type designated in the MTP/SCS. The MTP/SCS defines density/building intensity in terms of the amount of growth (residential and non-residential) forecasted and the amount of build out potential within each Community Type area. SACOG monitors development activity on an annual basis to check that the amount of development is consistent with the growth forecast of the MTP/SCS.

For the purposes of the lead agency's determination of SCS consistency, use MTP/SCS Appendix E-3 to identify the Community Type for the Project and fill in the applicable information, below for 3.B.1 and 3.B.2.

3.B.1. The Project is located in the following Community Type:

- Center and Corridor Community
- Established Community
- Developing Community (*list the specific name of the Developing Community as identified in the jurisdiction narrative in Appendix E-3*): _____
- Rural Residential Community

3.B.2 Development from the project when added to other entitled projects will not exceed the MTP/SCS build out assumptions for the area within this Community Type, which is 1,016 new housing units and 2,067 new employees^{iv}.

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

As of July 31, 2012

3.C. General Use Designation, Density and Building Intensity. The foundation of the land use designations for the MTP/SCS is adopted and proposed local general plans, community plans, specific plans and other local policies and regulations. A project is consistent with the MTP/SCS if its uses are identified in the applicable MTP/SCS Community Type **and** its uses meet the general density and building intensity assumptions for the Community Type. The proposed project does not have to include all allowed uses in the MTP/SCS.

3.C.1. Determine consistency of the Project using one of the methods below:

Option A:

The Project is located in a **Center and Corridor Community or an Established Community** and the Project uses are consistent with the allowed uses of the applicable adopted local land use plan as it existed in 2012 and are at least 80 percent of the allowed density or intensity of the allowed uses. Therefore, the Project is consistent with the MTP/SCS.^v

OR

Option B:

The Project is located in a **Center and Corridor Community or an Established Community** and the Project uses have been reviewed in the context of, and are found to be consistent with, the general land use, density, and intensity information provided for this Community Type in Appendix E-3 of the MTP/SCS. Therefore, the Project is consistent with the MTP/SCS.

OR

Option C:

The Project is located in a **Rural Residential Community** and the Project residential density does not exceed the maximum density of one unit per acre as specified in the MTP/SCS, and employment development in the Project is at least 80 percent of the allowed intensity of the land use designations of the adopted general plan. Therefore, the Project is consistent with the MTP/SCS.

OR

Option D:

The Project is located in a **Developing Community** and the Project's average net density meets or exceed the average net density described for this specific Developing Community (as referenced by name of applicable specific plan,

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

As of July 31, 2012

master plan, or special plan in MTP/SCS Appendix E-3) and employment development in the Project is consistent with the general employment land uses described for this specific Developing Community.^{vi} Therefore, the Project is consistent with the MTP/SCS.

SECTION 3 CONCLUSION:

The proposed project is consistent with the General Use Designation, Density and Intensity, and Applicable MTP/SCS Policies for the following reasons (*summarize findings on use designation, density and intensity for the Project evaluation completed in Section 3*):

Trackside Center is located at 901-919 3rd Street in Davis, CA. This project will redevelop the existing 0.69 acre site, currently containing a low-density office/retail park, into an 86,052 SF mixed-use building consisting of 27 new residential units and 9,100 SF of retail space with approximately 30 employees (approximately 15 net new). It meets the required consistency criteria. It is located within a Center and Corridor Community Type as identified on MTP/SCS Figure 3.2. It does not result in development that exceeds the 1,016 total new units or the 2,067 total new employees estimated for the area in SACOG's most recent MTP/SCS adopted on February 18, 2016 and which contemplates development in the CCC over the next 20 years. Additionally, the project includes more than 80% of the density allowed within the site's existing Retail with Offices designation which allows mixed-use and multi-family use. 80% of the Retail with Offices Multi-family density would be 24 units per acre. Consistent with the requirements of a Transit Priority Project, the proposed project provides a density of 39 units per acre.

ⁱ This document may be updated as users provide feedback on its utility.

ⁱⁱ If a TPP complies with an additional series of requirements set forth in PRC § 21155.1, it qualifies as a Sustainable Communities Project and becomes eligible for a complete exemption from CEQA. This worksheet does not address Sustainable Communities Projects.

ⁱⁱⁱ *Net density* is not defined in PRC §2115(b). In the MTP/SCS, net density is defined as follows: Housing units divided by the acres on which housing is built, exclusive of public rights-of-ways, parks, schools and public areas (MTP/SCS Appendix E-3, pg. 34).

^{iv} The MTP/SCS build out for each Community Type assumes development that is entitled as of January 1, 2008. SACOG monitors housing permits on an annual basis and will ensure that housing and employment projects relying on the SB 375 CEQA benefits will not exceed the capacity assumed in the MTP/SCS.

^v The MTP/SCS general land use, density and intensity in Center and Corridor Communities and Established Communities is based on 80 percent of the allowed density or intensity of the land use designations in adopted general plans as they existed in 2012, unless otherwise noted in Appendix E-3.

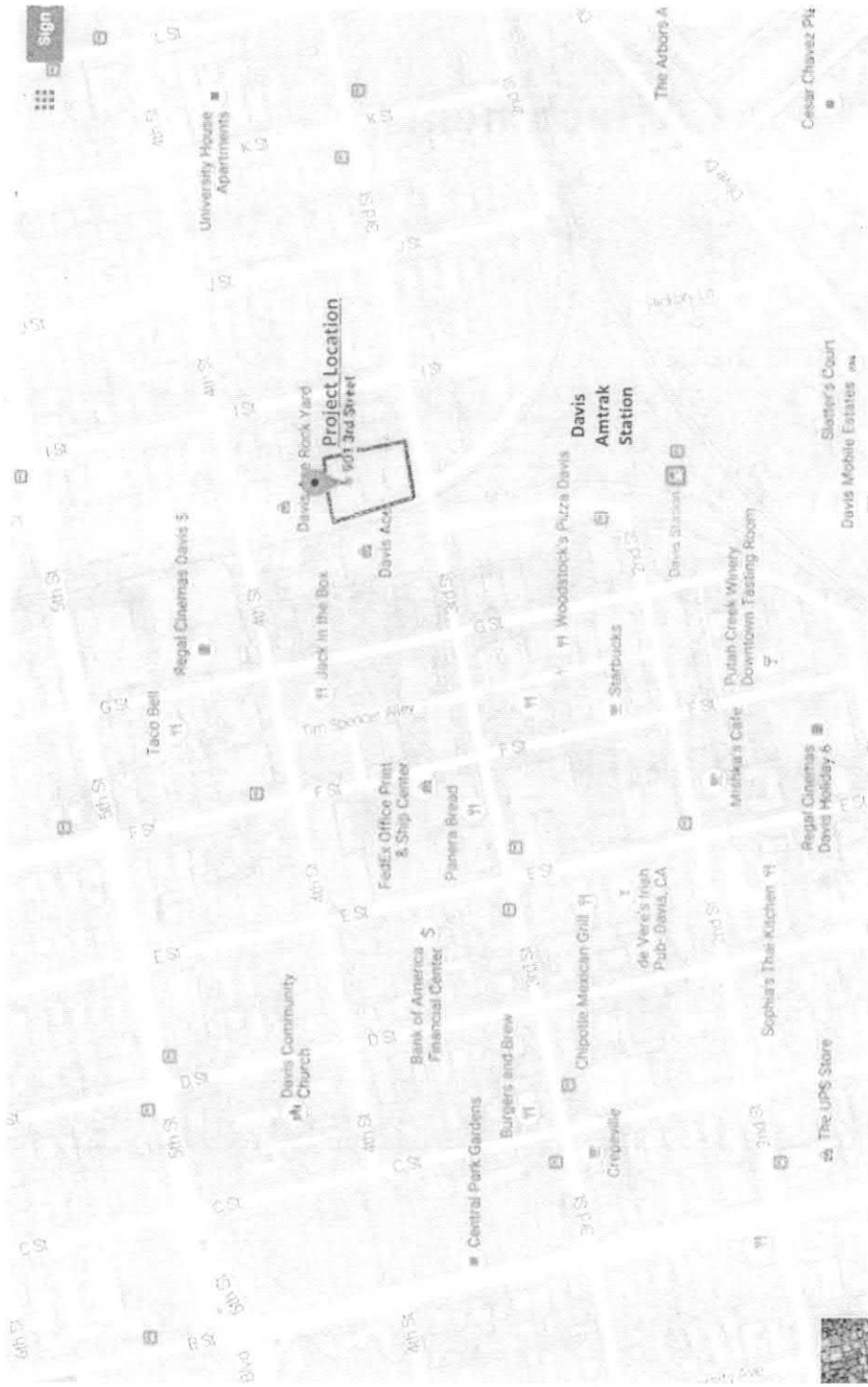
DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

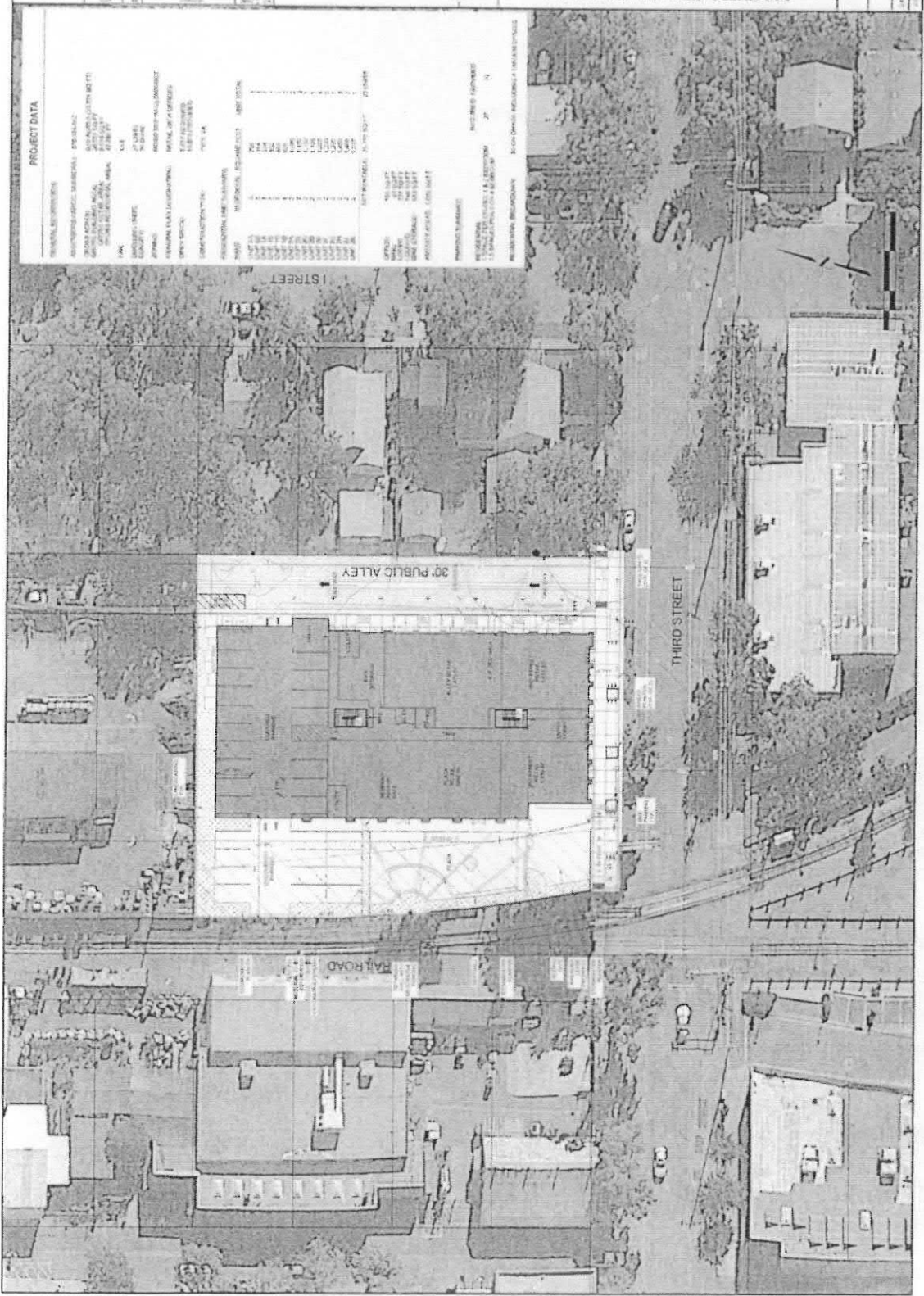
As of July 31, 2012

^{vi} The MTP/SCS land use forecast in Developing Communities was modeled according to adopted and proposed specific plans, master plans, and special plans as they existed in 2012, and is based on the housing and employment totals and the average net density of these plans, as outlined in Appendix E-3.

Attachments

Project Vicinity Map
Trackside Center (901-919 3rd Street)





PROJECT DATA

PROJECT NO: 10/15/10
 PROJECT NAME: 901 THIRD STREET MIXED USE
 PROJECT ADDRESS: 901 THIRD STREET, ST. LOUIS, MO 63101
 CLIENT: [REDACTED]
 ARCHITECT: [REDACTED]
 ENGINEER: [REDACTED]
 DATE: 10/15/10

GENERAL NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ST. LOUIS PLUMBING CODE AND THE NATIONAL PLUMBING CODE.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. LOUIS.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
 5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
 6. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY RECORDS AND AS-BUILT DRAWINGS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL ADJACENT PROPERTIES.
 8. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY RECORDS AND AS-BUILT DRAWINGS.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL ADJACENT PROPERTIES.
 10. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY RECORDS AND AS-BUILT DRAWINGS.

PROJECT DATA

GENERAL INFORMATION:

ASSESSORS PARCEL NUMBERS : 070-324-002

GROSS ACRES: 0.69 ACRES (30,231 SQ FT)
 GROSS BUILDING AREA: 56,881 SQ FT
 GROSS RETAIL AREA: 9,095 SQ FT
 GROSS RESIDENTIAL AREA: 47,786 SQ FT
 COVERED PARKING AREA: 5,475 SQ FT
 FAR GROSS BUILDING AREA: 51,099 SQ FT

FAR (51,099 / 30,231 SQ FT) = 1.69

DWELLING UNITS: 27 UNITS
 DENSITY: 39 DU/AC

ZONING: MIXED USE (M-U) DISTRICT

GENERAL PLAN DESIGNATION: RETAIL WITH OFFICES

OPEN SPACE: 7,937 REQUIRED
 10,079 PROVIDED

CONSTRUCTION TYPE: TYPE VA

RESIDENTIAL UNIT SUMMARY:

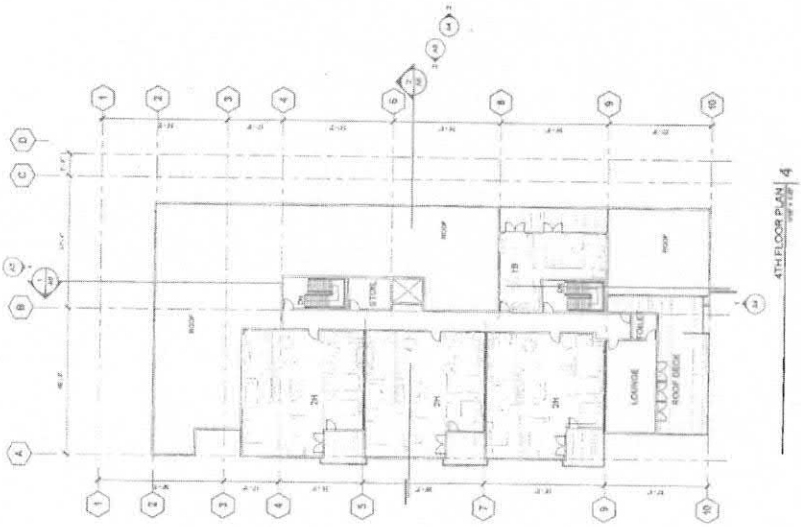
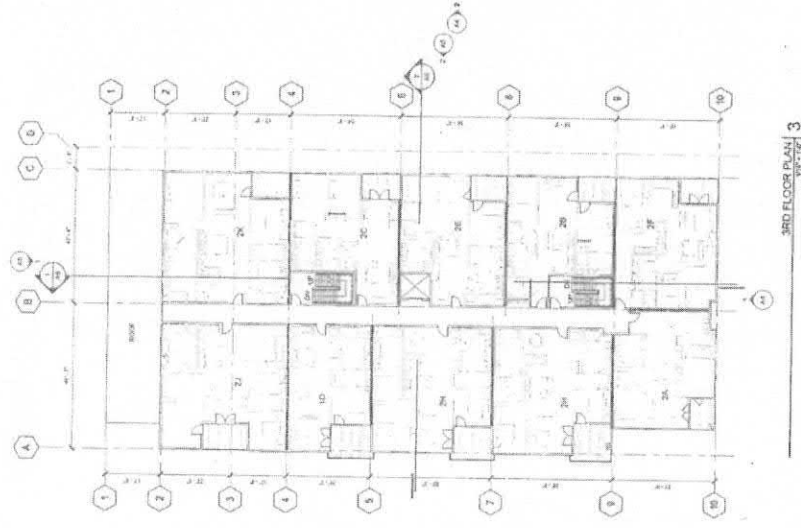
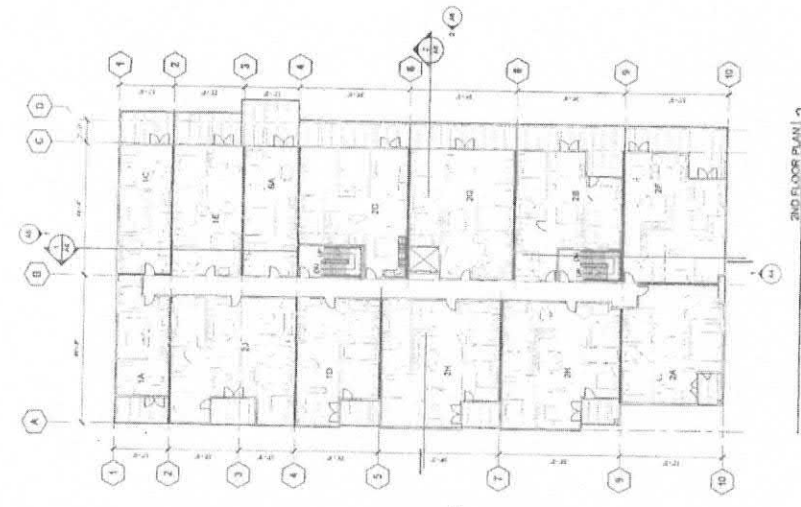
NAME	BEDROOMS	SQUARE FEET	UNIT TOTAL
UNIT SA	0	705	1
UNIT SB	0	914	1
UNIT 1A	1	614	1
UNIT 1B	1	652	1
UNIT 1C	1	689	1
UNIT 1D	1	955	2
UNIT 2A	2	1,090	2
UNIT 2B	2	1,102	2
UNIT 2C	2	1,102	1
UNIT 2D	2	1,196	1
UNIT 2E	2	1,203	1
UNIT 2F	2	1,230	2
UNIT 2G	2	1,295	1
UNIT 2H	2	1,450	7
UNIT 2J	2	1,469	2
UNIT 2K	2	1,537	1
NET RENTABLE:		35,799 SQ FT	27 UNITS

OFFICE: 106 SQ FT
 MAIL: 20 SQ FT
 LOBBY: 337 SQ FT
 LOUNGE: 540 SQ FT
 BIKE STORAGE: 683 SQ FT

AMENITY AREAS: 1,686 SQ FT

PARKING SUMMARY:

	REQUIRED	PROVIDED
RESIDENTIAL		
1 SPACE PER STUDIO, 1 & 2 BEDROOM	27	30
1.5 SPACES PER 3 OR 4 BEDROOM		



SCALE: 1/8" = 1'-0"



FLOOR PLANS

DATE: 08/02/16
PROJECT NO: 1210-0001
SCALE: 1/8" = 1'-0"
SHEET: 42

TRACKSIDE CENTER
DAVIS, CA

50-511 3RD STREET
DAVIS, CA 95616

OLD EAST DAVIS NEIGHBORHOOD ASSOCIATION

PO Box 72972

DAVIS CA 95617

2 November 2015

Mike McKeever, CEO
Sacramento Area Council of Governments
1415 L Street, Sacramento, CA, 95814

Dear Mr. McKeever,

I am writing on behalf of the Old East Davis Neighborhood Association (OEDNA), a neighborhood association registered with the City of Davis, to inform the Sacramento Area Council of Governments (SACOG) of a recently proposed redevelopment project at a site bordering the Old East neighborhood, and to request a meeting to discuss the project.

The proposal by the Trackside Partners LLC is for mixed use redevelopment of an existing commercial site. The proposal calls for the construction of a six story building, the tallest building within the City of Davis, that would include 48 residential units along with commercial space at ground level. The project also calls for the creation of an underground garage for 52 vehicles.

The proposed project has numerous inconsistencies with the current City of Davis General Plan, Core Area Specific Plan, Infill Guidelines, and the Davis Downtown and Traditional Residential Neighborhoods Design Guidelines.

OEDNA wishes to bring the proposal to your attention because the Trackside Center applicants made explicit statements, during a meeting on August 2, 2015, with OEDNA residents, that the four City of Davis documents named above are outdated and "out of sync" with the SB375 Sustainable Communities Strategy (SSC), adopted by SACOG and approved by the California Air Resources Board in May 2012. A rationale stated by the Trackside Center applicants for circumventing City of Davis planning documents is that the proposed project will help the City of Davis meet infill and densification targets contained in the 2012 SSC.

We understand that SACOG is currently in the process of updating the SCS and plans to adopt the update in 2016. The 2012 SCS included growth targets for Corridor/Center Communities in Davis. The 2012 SCS stated that the area within a half mile of the existing Amtrak Station is part of Davis' Corridor/Center Communities and recognizes that infill opportunities do not yet have specific plans adopted by the Davis City Council. The Old East Davis neighborhood is adjacent to the Amtrak Station, and significant portions of the neighborhood are contained within the half mile radius referred to in the 2012 SCS. The 2016 SCS Update Preferred Scenario has apportioned targets for three Corridor/Center Communities in Davis: 1. The Core Specific Plan area (sic), 2. The Amtrak station area, and 3. The 44 acre Nishi property.

The OEDNA requests a meeting with you to discuss the following:

1. The Trackside partners' claim that the four City of Davis planning documents violated by the proposed project are outdated and out of sync with SACOG's SCS.

2. The process and input received by SACOG from the City of Davis for the 2012 SCS targets and the 2016 SCS Update for the Corridor/Center Communities in Davis.

3. The potential use of the SACOG SCS to circumvent current planning documents, which were adopted through a transparent public process involving stakeholder input and volunteer time and resources. In particular, we would like to discuss ways that OEDNA can be an integral part of the 2016 SCS Update in order to safeguard the historic resources, the physical, cultural and social environment of our neighborhood while pursuing infill and densification in Davis.

You can reach me at the above address, at OEDNA@omsoft.com, or (530) 902-4946.

Looking forward to your response,

Original signed by

Rhonda Reed,
President, OEDNA board

From: Larry Guenther [mailto:larrydguenther@gmail.com]
Sent: Sunday, July 16, 2017 9:42 PM
To: Robb Davis <RDavis@cityofdavis.org>; Brett Lee <BLee@cityofdavis.org>; Will Arnold <WArnold@cityofdavis.org>; Lucas Frerichs <lucasf@cityofdavis.org>; Rochelle Swanson <RSwanson@cityofdavis.org>
Cc: Eric Lee <ELee@cityofdavis.org>; Rhonda Reed <salmonlady@sbcglobal.net>
Subject: CC mtg. 18 July: 820-822 B St.

Dear Mayor Davis and City Council Members,

I am out of the country and will not be able to attend the City Council meeting of Tuesday, July 18th. I am therefore submitting these comments via e-mail instead of in person during public comment.

I am writing as an individual to respectfully request that you deny appeal #3-17 and affirm the Planning Commission decision of 14 June, 2017 regarding the proposed re-development of 820 and 822 B St. Supporting the decision of the Planning Commission does not mean, "no project," it means, "not this project." It means the City is telling the developer to comply with City law. The neighbors and the neighborhood most affected by this project have expressed their views that they support a project that conforms to existing zoning and fits the neighborhood. I support them in this view.

All speakers on city planning invited by the City in recent months have stressed the need for transitions in good city planning and the need for broad community support in the form of new development. The current proposal is not a transition, but an abrupt change. It is not an embellishment to a neighborhood, it is a transformation.

This is not a "small, reasonable" exception to existing zoning, it is the erosion of smart planning doctrine. It overturns good city planning developed by the community, downtown businesses, city staff, and modern planning principals. Exceeding the limits set by these ordinances is not a compromise, but a ratchet that inexorably moves in only one direction.

I feel that much of the struggle of many current and recent development proposals comes from differing expectations. On one hand citizens expect city staff, the Planning Commission, and the City Council to uphold and enforce city zoning. On the other hand, developers have come to expect "anything goes." Proposals that exceed zoning maxima is a symptom of expectations that zoning will not be enforced. If developers have the expectation that existing zoning will be enforced, they will propose projects that conform to existing zoning. If, however, the expectation is that zoning will not be enforced, developers will propose projects that maximize profit potential without regard to existing zoning or the wishes of the City and its citizens. These expectations are set by the Planning Commission and the City Council.

The neighbors and the neighborhood have expressed that a project conforming to existing zoning and that fits with the neighborhood would be perfectly acceptable. They have given examples of projects whose mass, scale, and form would be acceptable. The developers, however, have made

no good faith effort to work with the community members most affected by this redevelopment in designing their project.

The current proposal does not conform to the letter of the existing zoning and, more importantly, it does not conform to the spirit of the existing zoning; zoning developed by the community at large and adopted by the City.

I therefore respectfully request that you deny appeal #3-17, confirm the decision of the Planning Commission regarding this project, and comply with the wishes of the neighborhood and neighbors most affected by this proposal.

Sincerely,

Larry D. Guenther

--

grow you own food - make your own fun - play your own music

From: Lori schilling-davis [mailto:82skygirl@gmail.com]
Sent: Tuesday, July 11, 2017 1:19 PM
To: Planning Commission <PlanningCommission@cityofdavis.org>; City Council Members <CityCouncilMembers@cityofdavis.org>; Mike Webb <MWebb@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>; Zoe Mirabile <ZMirabile@cityofdavis.org>; Kemble K. Pope <kemblekpoppe@gmail.com>; Steve Greenfield <steve@cecwest.com>
Subject: Trackside Redevelopment

Dear Commissioners,

I am one of many local Trackside investors. I have lived in Davis for the past 21 years and have watched the core area develop. It is logical infill to provide more housing and commercial space as our city grows. I invested because I believe in mixed use properties and I want our city to move forward growing the core area so folks can live, work, and walk/bike contributing to downtown vitality.

Let's stay true to our values of environmental preservation and develop in a sustainable way. Our community has a housing crisis and this project would provide additional units.

Kind regards,
Lori Schilling-Davis
Trackside Investor and 21 year Davis Resident

From: Michael Beckman [mailto:davisbeckmans@comcast.net]
Sent: Sunday, July 16, 2017 4:36 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Trackside Support

Eric,

I have been a Davis resident for almost twenty years. Recently I have been hearing a lot of rumors regarding the new Trackside development. There seems to me an extremely positive(maybe the most critical) attribute which is being overlooked.

I have learned the Developer is a long time Davis resident and plans to continue to live in Davis. As a long time resident myself one of my biggest concerns is for someone(or multiple investors) who do NOT live in Davis to develop within the City. There is know way for an outsider to understand the history and beautiful aspects of our unique City. This seems like the exact type of planned, smart and slow growth Davis should be welcoming. This block of the city currently is somewhat of an eyesore and doesn't blend in to anything. We should be making it easier for this type of development to be built, not harder.

Please forward this email to ALL Planning Commissioners and City Council Members. Thank you for your support of this great City.

Michael Beckman
Davis, CA
530 902 4895

From: Marijean Burdick [mailto:marijeanburdick@gmail.com]
Sent: Wednesday, July 12, 2017 12:52 AM
To: Eric Lee <ELee@cityofdavis.org>; Ashley Feeney <AFeeney@cityofdavis.org>
Cc: Marijean Burdick <marijeanburdick@gmail.com>; raymond burdick <burdickray@gmail.com>; mark <markngrote@gmail.com>; Rhonda Reed <salmonlady@sbcglobal.net>
Subject: Trackside Planning Commission Letter

Date: Tuesday, July 11, 2017
Subject: Trackside Planning Commission Letter 7/11/17

Dear Commissioners,

For the better part of the past two years we've listened intently and watched City of Davis officials and developers collaborate. Together they push hard to move forward on big projects to densify Davis, near Downtown while paying little attention to the substantial public outcry voicing objection to some of these massive infill projects. The intrusive mass and scale being pushed into neighborhoods all around our community is not an acceptable way to grow Davis.

It has been difficult to understand why our city officials seem to place minimal emphasis on requiring select developers to follow our established rules, zoning laws and guidelines!" By majority, citizens of Davis have said repeatedly by vote and letters to City hall that we do not support this climate of "all or nothing" planning style and development that is time and again being forced upon us!

What's is happening here in Davis? Developers are certainly investing in Davis but, why these mixed signals from our City officials? We take notice and strongly oppose that some developers are given the green light to move forward in the planning process even though a proposed project unequivocally does not comply with our current zoning laws and guidelines. While on the other hand the policy to adhere and abide are requirements that many others are held responsible to demonstrate early on in the process. At this point in time, the community has spoken and are paying close attention to a deeply mired process.

It will not work to simply add a dose of polished marketing in attempts to try and persuade the people that the City and developers are listening to public concerns! Reality is looming just like the massive structures. We can see clearly blatant inequalities. Time and again the Trackside developer pushes forward with claims their project located at 901- 919 3rd Street has "No Significant Impacts!" This troublesome policy of "planning by exception" is currently navigating us in a foreseeable direction. Oversized developments like Trackside will set a dangerous precedence, permanently changing 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 must have confidence and depend upon decisions that are fair and follow the current zoning laws and guidelines. We do believe in infill, with the stipulation that most people would except and support thoughtful, respectful planning. Nevertheless we must 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 and support.

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 stay "Davis Like" we must honor the past by preserving our very valuable historic settings. We must have enforcement of our established laws and guidelines to protect and revitalize the architecture, buildings, sidewalks, roadways, rail station, homes, old growth trees, historic gardens and signs. 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. In fact it is the feel, settings, spirit, charm, structures, sites, and rareness of these gardens and other things from our 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.

Together we should respectfully promote well throughout projects and send those proposals that would be detrimental back to the drawing board early in the process. Any proposal that clearly and grossly deviates or does not follow, comply or fit our established zoning laws should **not be encouraged**. Laws are not made to be broken or manipulated. They are to be followed and enforced! City Officials should, with wisdom and respect use their awesome power and responsibility to serve and protect the sole of our town! 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. Personally we believe that the City could accomplish so much more if not for this avoidable atmosphere which encourages developers to take all that they can. Just because the proposed developers (Trackside) say their project fits doesn't make it so! And because they found a way does not mean they should!

Davis City officials are responsible for accepting or rejecting plans and reports identifying those that do not include the true 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 by again giving ultimate endorsements from our City staff for four, five and six stories where they clearly do not belong. With realistically eminent and drastic consequences developers (Trackside) must not be allowed the loopholes to claim that it is okay to squeeze large developments onto otherwise inadequate or inappropriate land sites. This practice truly cheats Davis!

It is inherently obvious that Trackside is a very extensive project that in no way fits in any direction! It doesn't even fit within the footprint of their own land. As it is currently proposed, this four story, modern style, massive structure 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 buildings along 3rd Street looking south, west, and east. Trackside is horribly intrusive especially along the I Street alley. From 3rd Street to 4th Street this masive structure is about as high as the Chen Building but, has approximately twice the footprint. It would obnoxiously block skyline, sun, and rob the residents of the pleasure of living here in our single family homes on the other side of this 30 foot wide alley. As proposed, Trackside takes our rights to privacy, solar, and ability to live peacefully in our own homes.

It is the developer's risk and responsibility having purchased property knowing full well it's proper land 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". If the project is approved as designed it will be at a high price to the City of Davis and the citizens of Davis; especially taxpayers. We would all ultimately be made to pay. We know very well that poorly planned development brings with it, cost increases involving a multitude of negative issues. There will be noise and pollution issues that will highly impact the neighborhood and impedes the functionality, flow, and safe movement of bike, pedestrian, railway, and vehicle traffic. Additionally we will have to remedy increases for maintenances needs, for fire Safety lanes, accessible sidewalks for handicapped individuals, road hazards, traffic modifications, traffic impacts, and unhealthy levels of vehicle emissions! All these impact are foreseeable. Realistically these are undeniably critical impacts but, somehow in the developer's reports they have been downplayed.

We have serious concerns with the proposed alley use relating to Trackside's plan. Safety concerns, pollution from cars and trucks, drivers frustrated while circling the blocks around I Street and the alley repeatedly attempting to find a rare chance to park near their destination; that would become our reality. Trackside as proposed would create significant increases involving noise and light pollution; all symptom from concentrating buildings, trains, bikes, vehicles, people, etc. into a confined area. Less than adequate parking, constant in and outs of Trackside residents, of restaurant customers and supply trucks, incessant deliveries to residents for personal and household (online) orders, the disturbing smell and noise created by trash pick up, building and people noise all day and all night. Is it right to redevelop by encroaching on neighborhoods with little regard to the outcome or the realistic infringements on others rights?

In June 2015 we learn of Trackside project from a local business. We missed an announcement in the Davis Enterprise when many of our neighbors found out about Trackside's six story proposal. Now it's been two long years all the while Old East Davis neighbors genuinely tried to come to the table with a clear concise message asking Trackside to follow the current laws and zoning guidelines so we could support a redevelopment plan on this site. We did not feel Trackside had any neighborly intentions. From the start, there were slick manipulations to propose a six story building so they could appear to offer us a compromise with the now four story version. Early on it became obvious Trackside would conform to the established laws only if they were made to do so. Unfortunately it has been frustrating and at times, infuriating because we are faced with trying to reason with people that have completely different ideas and values. "Sustainability, densification, gold and platinum building standards" these should be honest goals to better our future!

We shall not accept rudeness and nonsolutions in living with these monuments of the four, five and six stories high! "Just plant a redwood tree," " you'll need to make sacrifices," it's five stories but, you will barely notice it," these are some of the self serving answers and insults we have heard over and over again. Projects that claim to be environmentally sensitive but, really I think it is the money that is "Green". This reckless campaign has an objective to market and ultimately approve oversized development proposals; regardless of problems with inappropriate locations and public opposition. One of the most manipulatable and unacceptable moves we experienced (there are several) in dealing with the most recent Trackside plan is that the (FAR) Floor Area Ratio for their proposed project shamefully tries to justify the mass and scale of their building by

taking and including the area calculations for the adjacent land that they do not own but, only lease from the railroad.

Regrettably, Trackside has not been a good neighbor. On several occasions I had to complain because routinely several bands play live music in a studio located on the Trackside property. It was when they open the studio door that faces the alley and when they were blasting the music until 2:00 in the morning. Unfortunately, we've also experienced a few all nighters when both my daughter and I had to go out in our pajamas to demand they stop because my grandchildren were sleeping. That is crossing the line! Our neighbor wrote a letter describing the noise situation to Trackside's Management company. Also, we've asked the bands to keep the door closed and requested their band members and guests stay inside so the families on the other side of the alley can sleep. With all this said, it really amazes me that "Music Only Makes Sense" live concert events were approved and booked to play amplified music this June, 2017. Trackside and the Davis Police Department were absolutely made aware that our neighborhood was very bothered by this type of inappropriate venue. We have very valid concerns about the livability of our property for all the reasons previously named herein and expressed in all the letters sent to the City of Davis Commissions as-well-as to our City Council members.

Furthermore; as it is proposed Trackside would turn our now quiet little I Street alleyway into a very busy street which would limit homeowners the ability to safely access our own garages, dwelling and yards, to and from this shared alley directly located right behind our homes because of an extreme increase in use. This proposed change in use of the alley is a safety problem because the alley is not wide enough to allow for a traffic lane, bike lane and parallel parking and also movement of vehicles in and out of residential garages along the east side. In recent weeks, the City of Davis has moved to enforce prohibitions against parallel parking on the west side of the alley. It has been very difficult to safely pull our car in and out of our garage because cars were parking in a hazardous way, less than 20 feet behind our garage inhibiting a reasonable turning radius. Yet the proposed Trackside intends to use these prohibited spaces for commercial parking.

Please carefully consider the loss of personal privacy, the taking away our individual solar rights, the right to quiet enjoyment; which just name a few of the issues that will significantly impact the neighbors closest to the propose site and permeate though the surrounding homes in our neighborhood.

Presently, we are a vibrantly healthy, cohesive neighborhood. Thankfully there are many people living here 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 it is currently 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 accept minimalistic impact reports submitted and paid for by the developers.

The developer plans to continue to cut down almost every old growth trees on the Trackside site! That is yet another reason our city staff and officials; whether hired, appointed or elected, should

diligently protect the city by challenging impact reports that could be severely inadequate. Please help pave the way for transparent and truly environmentally sound developments. Let us move forward on projects with well documented and vetted reports and people who follow rules. It would be best for the City and community to work hard to carefully safeguard against questionable, inaccurate, bias report whereas polished information and marketing tactics really just spin the facts.

We ask our City Officials to help us create and strive for careful planning that honors the will of the community. Let's grow with progressive, well planned moderation that first answers impact issues, following laws that are designed to be fair, which helps also to prevent confusion and conflicts in our community. Finally we can set aside the need to spend so much time trying to resolve huge differences in opposing values and opinions. Cooperatively let's work together with community input to preserve the history and plan a bright future for our town. Honest dialogue and actions is a reasonable step to encourage moving forward with positive results. Re-establish a balanced, fair atmosphere of growth and in turn this shall create revenues to help support our town as-well-as new and current businesses. We look to our city officials and the community to proceed responsibly and equitably in planning the future of Davis!

Thank you for your careful consideration.

Respectfully,

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

RECEIVED

JUL 13 2017

City of Davis

May 16, 2016 Community Development

Kemble Pope

Kemble - Please be advised that on several recent occasions there has been excessive noise coming from 919 3rd st, an alley unit currently occupied by one of your tenants. On at least 2 recent Saturday evenings, the band(s) has engaged in loud playing and partying in the alley until 3 or 4 am Sunday morning. This has caused the neighbors on I street to be disturbed, lose sleep, and in the case of those living adjacent to the alley, to have their right to privacy invaded as the party goers spilled into the alley, drinking and partying loudly.

Before filing a formal complaint with the police and the city code enforcement officer we are asking that you have your tenant refrain from any further acts in violation of the noise ordinance. Perhaps they could move to a space more to the west of the building.

sincerely,

Your I street neighbors

Sue Stevan
[Signature]
MARC BOSTON
K. KYRIACOU
[Signature]
[Signature]
[Signature]
[Signature]
[Signature] I street only?
marjorie Burdick!
D. B.
Kenna Gethers
Rhonda J. Beed

July 12, 2017

To: Davis Planning Commission

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

Re: Comments for the Wednesday, July 19 2017 hearing on the Trackside Center Proposal

Dear Commissioners,

Is the Trackside Proposal consistent with the City of Davis Design Guidelines and Land Use Policies?

No. The proposed building conflicts with City of Davis land use policies regarding mass, scale and compatibility with a traditional residential neighborhood.

Trackside violates the land use and design guidelines in the 3 following ways:

- 1.) The Design Guidelines state "Maintain the scale of a new structure within the context of existing buildings on the block...A building shall appear to be in scale with traditional single-family houses along the street front". No rational observer could conclude that the Trackside proposal's current size meets this standard.
- 2.) The City of Davis General Plan Vision 2, item 4 states: "Encourage carefully-planned, sensitively-designed infill and new development to a scale in keeping with the existing city character" and the Land use states: "There should be a scale transition between intensified land uses and adjoining lower intensity land uses". In no way can it be argued that Trackside's proposal is 'carefully planned' nor that the transition is 'in scale'.
- 3.) The Core Area Specific Plan 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". To argue that Trackside would not have a negative impact on smaller scale buildings would be ignoring all facts and realities around this project.

The DDTRN Design Guidelines were developed through a public process, and represent a consensus view of stakeholders, including downtown business owners, city staff, and neighborhood residents. The Guidelines are part of city land-use law. Trackside cannot ignore the Guidelines or Land Use policies for the following reasons:

- 1.) The opening Credits of the DDTRN Design Guidelines state: "The Traditional Davis Downtown and Residential Design Guidelines were developed through a community-based process. The Historical Resources Management Commission sponsored six public workshops and worked with city staff and consultants to capture the community's vision." The Design Guidelines were created by the community

and are in place to show how infill densification can be compatible with the Davis Historic neighborhoods.

2.) Davis Municipal Code states: "Wherever the guidelines for the DTRN conflict with the existing zoning standards including planned development, the more restrictive standard shall prevail." In other words, Trackside cannot ignore the more strict guidelines found within the Design Guidelines and Land Use Policies.

3.) The Design Guidelines contain mandatory language applicable to the Trackside proposal: "A building shall appear to be in scale with traditional single-family houses along the street front". The word "shall" is legally binding, indicating a standard that must be followed. It is a mistake to claim that the DDTRN Design Guidelines are only advisory: where the Guidelines contain mandatory language, they are obligatory. The Trackside partners have asserted that the Design Guidelines are confusing and contradictory. They are not, if read and interpreted in good faith.

In conclusion, I ask you, the City of Davis City Planning Commission to carefully consider the critical issues that are before you and to make a decision based on the law and the realities of the Trackside Proposal.

Thank you for your time,
Mary K. Kaltenbach

From: helmusoptometry@gmail.com [mailto:helmusoptometry@gmail.com] On Behalf Of Dr. Joann Helmus
Sent: Friday, July 14, 2017 12:47 PM
To: Eric Lee <ELee@cityofdavis.org>; Planning Commission <PlanningCommission@cityofdavis.org>
Subject: Support Trackside Project

A major reason we love Davis is its vibrant downtown. That's why we need Trackside. This development of 27 units would house about 50 residents who will support our downtown stores and restaurants. Trackside will also feature retail and service businesses on its first floor which will pay taxes to the city. Our city budget needs all revenue it can generate.

Trackside has been scaled back in height and density to a reasonable scale. The investment group behind Trackside can't build a project unless there is some profit involved; banks and common sense won't allow it. The project size is at a tipping point at which it is just worth doing for the developers and of benefit to the city. It will be a quality building that will add quality to the downtown. It would be a shame and against our self-interest to reject this project.

There are other communities nearby whose downtowns feature empty storefronts and dated, rundown buildings. Let us be forward-thinking and prevent this from ever happening in Davis. Please join us in supporting Trackside.

Sincerely,

Mark and Joann Helmus

--

Joann Helmus, OD

530-758-2122

www.HelmusOptometry.com

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From: Mitchell Heller [mailto:mitchell@customfireside.com]
Sent: Friday, July 14, 2017 4:29 PM
To: Planning Commission <PlanningCommission@cityofdavis.org>; City Council Members <CityCouncilMembers@cityofdavis.org>; Mike Webb <MWebb@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>; Zoe Mirabile <ZMirabile@cityofdavis.org>; kemblekpope@gmail.com; steve@cecwest.com
Subject: Support for Traskside Center

Dear Commission and City Council Members:

I have been living in Davis for 25 years and I appreciate the care the council and planning commission take to help to ensure that the town maintains it basic character as it inevitably changes over time.

Traskside development fits our town, our needs and should be approved.

- It provides needed housing and retail space
- It updates an area that is a bit rundown
- It accommodates many of the original complaints by neighbors in terms of height and design.

Please support it.

Thanks,

Mitchell Heller
Resident & owner of business that serves Davis (Custom Fireside Shops, Inc.)

Mitchell Heller
Custom Fireside Shops
5545 Auburn Blvd.
Sacramento CA 95841
www.customfireside.com
Phone: 916-331-2423

(2nd location)
9097 Elk Grove Blvd
Elk Grove, CA

From: neil dhanowa [mailto:nsdhanowa@hotmail.com]
Sent: Wednesday, July 19, 2017 5:47 PM
To: Eric Lee <ELee@cityofdavis.org>; Darryl Rutherford <darryl.rutherford@gmail.com>
Subject: Trackside Center Support

Hi Eric,

I hope this email find you well.

I was hoping you could pass this email on to the planning commission's members whom I do not know, and Daryl apologies for sending to your personal email as I'm traveling for work.

Dear Planning Commissioners,

I wanted to take a moment to write a letter in support of the Trackside center that you will be reviewing on this evening's agenda.

I would like to preface this note with the fact that I am/was a community leader for the Rosecreek neighborhood who was most recently dealing with the Hyatt House proposal. This letter and my thoughts in NO way reflect those of my neighbors and are solely my own opinions. Please know this is an individual letter of support as I have not discussed with my neighbors.

I know you are all tremendously busy, so I will keep this as brief as possible.

The reason I felt it necessary to reach out to you today is mainly due to the fact that new developments in Davis have been compared to the opposition our neighborhood faced while working with the city and Hyatt house to find a resolution to that project.

The trackside development does hold some of the same concerns by the neighbors in terms of neighborhood aesthetics and size of structure, which are tremendously emotional issues to deal with and can be quite jarring to digest when looking at 2 dimensional plans for a project. However, unlike the concerns we evaluated for the Hyatt House project, this project appears to fit in with current zoning guidelines for height, floors, and overall intelligent usage of the property. I also believe it has a smart solution for parking which we did not have an option for.

While I empathize with the neighbors that are most closely impacted, I am also supportive of individuals and organizations that want to develop our downtown as well as supporting a free market. We're currently lacking affordable storefronts centrally located to downtown along with modern and affordable housing. It's actually sad to see the state of our downtown with empty storefronts and lack of modern improvements that complement our old town charm.

I've taken the time to meet with both a representative of the developers as well as a few of the neighbors that have been tabling at the farmers market. After digesting both sides of the spectrum I do feel that the project offers a wonderful middle ground for the neighborhood as well as much needed enhancements to the downtown area. It seems as if there has been a

substantial amount of discussion around this project even before it is hitting your commission between both parties involved, and I hope that process showcases the compromises already achieved.

In closing I want to restate that I support this development and think it can really add to our community. The state of the current Trakside structures is old and worn out and is very much overdue for an overhaul. As a community we have to start moving forward with plans to develop and support projects that are within current zoning and guidelines. If my understanding of the current zoning is incorrect my thoughts would be different, but given this development is not trying to change what is allowed in that location I think it's an easy approval.

Good luck with your meeting tonight and thanks again for what you do for our community.

Neil

From: Patricia Krueger [mailto:pattyhmo@yahoo.ca]
Sent: Thursday, July 13, 2017 2:49 PM
To: Eric Lee <ELee@cityofdavis.org>; Ashley Feeney <AFeeney@cityofdavis.org>
Cc: salmonlady@sbcglobal.net; markngrote@gmail.com
Subject: Trackside

My husband and I have lived in Davis for the past 13 years. Nine years ago we moved my father-in-law, now 86, up from Fresno to a safer place nearby. After much searching we fell in love with the old east Davis neighborhood and purchased 2 homes. The Montgomery House, 923 Third St., built in 1890 and 224 I St., built in 1924.

For the past 2 years we have spent countless time and money trying to stop the construction of Trackside as it is currently proposed. I will list here a few of the more important reasons for our position on this project.

1. Mass and Scale : The proposed structure is only 100' from the small historic Montgomery House. A 4 story building will cause many problems for our house and any occupant. It will drastically reduce sunshine, airflow, and backyard privacy. The appearance of a modern 4 story building 100' away from this historic home will have a drastic negative effect as also confirmed by the Historic Resource Committee. We will be blocked from the evening sunset and delta breeze, all while folks are peering down into our backyard from the apartment balconies. The brightness of outside lights on the Trackside building along with headlights will make this house practically unlivable. I am sure the beautiful big old trees that live close by, if not removed will perish from the disturbance of such massive construction.

2. Traffic and Parking: There are already significant traffic and related parking issues with the visitors to the SPCA thrift store, and other businesses nearby. On Wednesday and Saturday folks even park there to attend the farmer's market. I can't fathom the impact of 27 apartments and several more retail businesses with not nearly enough parking. There will be delivery trucks, visitors, and occupants with nowhere to park. These apartments are being touted as more expensive and therefore attractive to non-students. Frankly, I don't know a single person that does not own a car and few working and retired couples that don't own 2 cars. It is unrealistic to think that parking and traffic won't be an absolute nightmare for the occupants, neighbors, and businesses. Ultimately, trying to make a narrow alley into a street will create a safety/liability issue for the city.

We have tried desperately to protect my father-in-law from all that has come his way since he moved into this beautiful little house. It is a close knit

community with amazing neighbors that have helped out numerous times. His picket fence has been vandalized several times and rebuilt with now a resultant gate and just recently we installed a security system after a swat team drug bust took place at the apartment complex directly across from him on I St.

After the fatal stabbing in restaurant turned nightclub a few hundred feet away we are very worried about more alcohol serving establishments even closer to this little house. Already there have been many instances of vomit and urination in front of the house, I don't see how this will be an improvement.

I attended the recent joint meeting of the city council and the planning commission regarding the housing needs and requirements of the City of Davis. Forgive if my interpretation of what was said and documented is wrong, but what I heard was the city needs more single family homes, more condos, perhaps more student housing. The city does not need more apartments and in fact the projection is that we are on track for exceeding the recommended amount of non-student apartments.

Clearly the Trackside site is in need of redevelopment but, for the life of me, I don't understand why the neighboring investors (homeowners) are completely ignored and out-trumped by the needs of a few well connected wealthy investors.

How can any of you feel right about breaking the promises that were made in the design guidelines for this transition neighborhood. It seems all this antagonism, resentment, and potential liability could come to an end by reducing the building to a 2 story with a third story setback. What a simple solution! But, oh yes, we have been told over and over, it does not pencil out for the investors! Please don't let greed and power set a precedence and change the charm that is Davis. These little transition area neighborhoods close to the core are what drew many of us here. Read last Sunday's letter to the editor, written by a person that moved here from Santa Clara. They spoke of that very reason for settling here and how they hope that our city is not destroyed like Santa Clara was by the high tech silicon valley folks.

Thanks for listening!

Kindest Regards,
Patricia Krueger

From: Rick Yaver [mailto:ryaver@crousef.com]

Sent: Monday, July 17, 2017 10:30 AM

To: Planning Commission <PlanningCommission@cityofdavis.org>; City Council Members <CityCouncilMembers@cityofdavis.org>; Mike Webb <MWebb@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>; Zoe Mirabile <ZMirabile@cityofdavis.org>; kemblekpop@gmail.com; steve@cecwest.com

Subject: Trackside Center

I want to write and tell you why I am supporting the Trackside Center project:

- 1) Brings more housing downtown. I recently was looking to downsize and move downtown and the closest I could get to was by the High School! Davis will start to lose people to Sacramento as more people go looking for a downtown experience.
- 2) This project will bring in more business to downtown business. Seems to be a lot more Goings and not Coming in Wendy Wetzel's article these days. We need to do what we can to help the downtown stay the vibrant and safe place that it is today.
- 3) Project leaders have shown a willingness to work with their neighbors by reducing the scale of the project.
- 4) Project leaders and investors are LOCAL people. No Bay Area people coming in looking at return on investment only. The Trackside people are good people looking to bring a great project to a great city!

Rick Yaver
916-798-2261 (cell)

From: Robert Stevenson [mailto:robert.j.stevenson44@gmail.com]
Sent: Wednesday, July 19, 2017 1:15 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Support of Trackside Project

I'm writing to urge the Planning Commission to approve the Trackside project. Davis faces a critical housing shortage for families and students alike. UC Davis' projected growth will only increase the current housing shortage, and adding responsible housing solutions, like Trackside, will help reduce the shortage. The Trackside project strikes a responsible balance between the need for more housing and a minimal impact on the environment. Adding housing near downtown will help encourage people to walk or bike to downtown, supporting local business, without increased pollution and traffic congestion. Davis will need many more housing projects like Trackside in the future to accommodate new students and families without creating more urban sprawl. I urge the Commission to approve the Trackside project for the good on the entire community.

Best Regards,

Rob Stevenson
[1125 Salamanca Ct.](#),
Davis, CA 95618

From: Rodney Krueger [mailto:rodney2.krueger@gmail.com]
Sent: Thursday, July 13, 2017 2:43 PM
To: Eric Lee <ELee@cityofdavis.org>; Ashley Feeney <AFeeney@cityofdavis.org>
Cc: salmonlady@sbcglobal.net; Markngrote@gmail.com
Subject: Trackside Project Concerns

Hello,

My name is Rodney Krueger and I live at 923 3rd street. I'm writing to all of you to express my concerns about the proposed Trackside development that will be less than 120' from my house.

The Trackside project goes against all that my neighborhood represents; A delightful mix of residential homes and low-rise apartments. As proposed, Trackside will diminish or destroy all that I find pleasing about my home and it's setting by looming over me and blocking my views of the open sky and sunsets. I'm 86 years-old and value quality of life over financial gain.

When I contemplated moving to Davis in 2008, I, along with my son and daughter-in-law spent several months searching for the right neighborhood and the right home. I moved from Fresno where I witnessed the deterioration of the entire downtown due to uncontrolled developers.

When I found 923 3rd street, I was thrilled with the location, neighborhood and the setting. I was pleased with the distance from downtown and the fact that there were no tall buildings east of the railroad tracks and saw a clear line between "residential" and "downtown." Perfect place to live!

When Trackside's proposal was first shown in public, I was shocked! My understanding was there are guidelines and codes to protect the residential neighborhood from certain development types, specifically, a building as large and tall as Trackside.

Trackside made no effort to communicate with me or other neighbors about the mass and scale of the project and now I know why. It was a strange and secretive process with one of the developers claiming to have "talked to all the neighbors" when he actually shared no details, just that they were "planning a beautiful building that would fit right in" and there's nothing to worry about. The developers also misrepresented how I felt about the project, claiming that virtually no neighbors were the least bit concerned over their proposal. That chain of events made me ever more vigilant about what they were really planning.

Now that we all know that Trackside is pushing for the biggest, most financially lucrative project they can possibly get away with, I'm having to spend time and money to protect my home against the predator developer.

I'm all for infill and development, even in what is almost literally "my back yard." But I wonder why the developer priority of making as much money as possible overrides my rights as a long-term resident of my home.

Specifically, I'm concerned about how Trackside's 4 story building will:

- Block my view of sunset and open sky to the west.
- Create a traffic and parking problem. Even before Trackside, all parking in front of my home on 3rd and I street is occupied almost all day and into the night.
- Create a restaurant like KetMoRee and need a bouncer and metal detectors to prevent another murder
- Have windows on Trackside building reflecting morning light into my home
- Block the evening delta breeze that really cools things off in my home
- Forever change the setting and feel of my home and my neighborhood and can never be undone.

There's more, but to be constructive, let me make it clear that I am not against developing the site. I believe the guidelines were put in place for just such a time and I hope the city has the vision and strength to prevent Trackside as proposed from disregarding all promises made to me in the DDTRN guidelines by the city of Davis.

Follow the guidelines and you will have little opposition.

Thank you,

Rodney Krueger
923 3rd St.

July 12, 2017

To: Davis Planning Commission

From: Sarah Kate Kaltenbach (327 I Street, Davis) OEDNA resident

Re: Comments for the Wednesday, July 19 2017 hearing on the Trackside Center Proposal

Dear Commissioners,

Please consider the following question: Will the Trackside project as currently proposed negatively impact the historical setting and feeling of Old East Davis?

Yes. The current proposal will severely diminish the historical setting of the Old East Davis Neighborhood; permanently and beyond repair

At the December 12, 2016 hearing on the Trackside proposal, the Historical Resources Management Commission found unanimously that the current proposal is not consistent with the DDTRN Design Guidelines. And, the HRMC found unanimously that the historical resources consultant report provided by Trackside Partners LLC as part of the proposal is not acceptable. The consultant claims that the impacts of the proposed project on the historical resources and setting of Old East Davis would be less than significant. The HRMC found the consultant's analysis of impacts on setting to be flawed.

"Setting" is defined by the National Register of Historic Places as the physical environment of a historic property, and is an aspect of a property's integrity. Old East Davis is the setting of three City of Davis Registered Historic Resources in close proximity to the proposed Trackside project: the Montgomery House, the William-Drummond-Rorvick House and the Schmeiser House. The City of Davis Municipal Code recognizes that Old East Davis has a setting.

New development can have both direct and indirect impacts on nearby historical resources (San Diego Land Development Manual - Historical Resources Guidelines, available at: www.sandiego.gov/sites/default/files/legacy/development-services/industry/pdf/ldmhistorical.pdf). Indirect impacts include: "the introduction of visual, audible or atmospheric effects that are out of character with the historic property or alter its setting, when the setting contributes to the property's significance. Examples include, but are not limited to, the construction of a large scale building, structure, object, or public works project that has the potential to cast shadow patterns on the historic property, intrude into its viewshed, generate substantial noise, or substantially increase air pollution or wind patterns" (p.10).

The Trackside Center building is out of character with nearby traditional homes. If built, the Trackside Center would visually impose on the viewsheds of the Montgomery House and the William-Drummond-Rorvick House. The height and bulk of the proposed building would inappropriately dominate the traditional one- and two-story houses, as well as the open views to the west and south, that together make up the setting of Old East Davis. These indirect impacts on the setting of Old East Davis, taken together, would be significant and adverse.

Thanks,

Sarah Kate Kaltenbach

July 12, 2017

To: Davis Planning Commission

From: Stephen Kaltenbach (327 I Street, Davis) OEDNA resident

Re: Comments for the Wednesday, July 19 2017 hearing on the Trackside Center Proposal

Dear Commissioners,

A simple question: Will the Trackside project as currently proposed be compatible with the narrow alley abutting single-family homes in the Old East Davis Neighborhood?

No. The current proposal will increase vehicle volumes and uses of the alley. It would become similar to a busy street, but without adequate right-of-way.

The project will generate new residential and commercial vehicle trips through the alley (running from 3rd Street to 4th Street, between the north/south railroad tracks and I Street), as well as generate new trips by suppliers and service vehicles. The Supplemental Trip Generation Memo prepared by K.D. Anderson and Associates (January 12, 2017) projects 181 additional trips through the alley due to the project (161 residential trips and 20 employee trips; p.4 and Table 5). The memo projects a reduction in commercial-related trips through the alley due to reduction of commercial parking spaces accessed through the alley, but this claim is overly optimistic. Simply reducing commercial parking spaces will not discourage customers from looking for parking in the alley. The total commercial area in the proposal is comparable to current conditions (approximately 9,000 sq ft proposed -vs- 11,000 sq ft currently). A significant reduction in commercial-related trips through the alley compared to current conditions seems doubtful.

Most existing residences on the east side of the alley have zero-lot-line garages. Visibility, vehicle clearance and turning radii are currently difficult, and will be further degraded by increased traffic and a reduced scope of movement. There is at least one zero-lot-line accessory dwelling unit on the alley, which will be significantly impacted by traffic noise, headlights, exhaust and the presence of idling vehicles in the planned garbage collection area. Because of the increase in residential traffic through the alley, these impacts will not be restricted to business hours.

The project has not yet been properly vetted by city planners and commissioners for potential traffic impacts. The October 13, 2016 hearing by the Bicycle, Transportation and Street Safety Commission focused narrowly on options for the direction of bicycle traffic flow and configuration of bike lanes in the alley. City planning staff did not provide adequate direction to BTSSC for full review of the proposal. The BTSSC was not asked for review of potential increases in alley traffic volumes and impacts on existing residences, or for review of general vehicle and pedestrian safety related to the proposed changes to the alley. Nor was BTSSC asked to analyze alternative automobile traffic patterns-- e.g. southbound one-way, alternative resident-traffic ingress and egress-- all of which are in the Commission's purview.

It should be noted that the Planning Commission deliberations on June 8, 2016, regarding an accessory dwelling unit along the alley at 437 I Street, questioned the adequacy of the alley width for an added parking space and vehicle access to the garage. These concerns were alleviated by the

information that the property on the west side of the alley behind 437 I Street has additional setbacks for its parking, which provide a net expansion of the alley width. The Trackside proposal does not include such setbacks on the west side of the alley.

Thank you for your time,
Stephen Kaltenbach
327 I Street

July 10, 2017

Planning Commissioners:

We own recently remodeled property at 319 and 321 I Street. Our property backs to the alley. It includes a permitted zero lot line Accessory Dwelling Unit ("ADU"), accessed from the alley. The ADU was converted from a preexisting zero lot line garage. The ADU is 30 feet just across the alley from Trackside's proposed parking entry and exit and its trash collection facility. It appears to be less than 30 feet from Trackside's proposed loading and unloading zone which apparently extends into the alley.

Although directly opposite proposed Trackside parking, trash, and loading and unloading, the ADU has not been shown on Trackside schematics. Only a tree canopy has appeared to be directly across from the proposed parking, trash collection, and loading and unloading.*

Increased traffic, lights from parking traffic shining directly into the ADU, smells and noise from trash collection and pick up several times a week, and fumes and noise from loading and unloading vehicles are significant adverse impacts on our property.

Implicitly conceding that the I Street alley, as presently used and configured, is inappropriate for the proposed uses, Trackside proposes to convert the alley to one way. Bike lanes, parking, trash collection, and a loading and unloading zone are to be added in the 30 foot alley between our ADU and Trackside.

We Object.

First. The proposed increased traffic is dangerous to existing zero lot line properties.

Second. The proposed parking lining the west side of the alley restricts full access to existing garages and spaces on the east side of the alley.

Third. One way traffic should flow North to South, opposite of what is proposed.

Fourth. A Trackside loading and unloading zone should not be in the alley.

Fifth. Trackside trash collection should not be in the alley.

Sixth. Retail, office, and restaurant uses and hours of business on the alley should be restricted.

Seventh. Trackside should not be allowed to decrease its floor area and coverage ratios by including property subject to a lease, most especially one terminable for any reason on thirty days notice.

First. The proposed increased traffic is dangerous to existing zero lot line properties.

The existing I Street houses have zero lot line garages (and in our case an ADU) and fences which line the east side of the alley right up to the edge of the pavement. This large increase in volume of traffic for apartments and retail, office, and restaurant uses far exceeds the uses for which the 30 foot alley was designed. Directing that much traffic adjacent to zero lot line uses in the alley is dangerous. The proposal turns an alley into a street, without setback requirements ordinarily required between a street and residences and garages.

Please consider that the project may have underestimated the number of apartment dwellers as some of the apartments apparently contain an additional "den space" which includes a closet. This configuration could easily be considered by some to be an additional bedroom. Moreover, unclear is whether the existing traffic studies have considered traffic generated by online purchases, ridesharing, and Uber type services. Accordingly, the amount of traffic may have been underestimated significantly.

Trackside has not proposed any mitigation for this problem, such as bollards or planters to add greenery and protect zero lot line properties from accidents. Congestion and accidents are a major concern resulting from increased traffic trying to avoid bikers, parkers, parking entry and exits, trash collection trucks, and loading and unloading activities.

Second. The proposed parking lining the west side of the alley restricts full access to existing garages and spaces on the east side of the alley. Proposed parking should not be in the alley.

The proposed alley parking restricts full access to garages and parking spaces. Storage of bulky items such as boats which require a large turning radius, would be difficult, if not impossible. In our case, we have a parking space on our property adjacent to the ADU. Cars or especially delivery trucks parked along the west side of the 30 foot alley restrict the turning radius into the ADU parking on the east side of the alley.

The alley will be congested if the proposed mixed use project is approved. Parking should not be in the alley.

Third. Traffic should flow North to South, opposite of what is proposed.

A. The proposed parking is on the West side of the alley. The proposed one way northbound direction suggests drivers will move to the right (the East side of the alley). Parking should be on the side of the street where traffic flows, not opposite the flow.

B. Through southbound traffic on the West side of the alley would be less dangerous to the existing east side zero lot line structures. South vehicle traffic moving on the West side of the alley may be somewhat further away from existing garages, fences, ADUs, and back yards.

C. Lights from through traffic at night may be somewhat further away from existing structures and back yards.

D. The turning radius into existing east side garages and parking spots may be better from a traffic lane going south, located more on the west side of the alley.

E. Vehicles accessing Trackside property would be on the Trackside side of the alley (West). Trackside traffic using the alley may be less tempted to park or stop on the east side next to the pre-existing structures.

F. Some bikers on the East side of the alley, which is the most appropriate place for bike lanes (bikes are less likely to damage structures in a crash), will face oncoming traffic, which may be safer as they cross the alley to access Trackside.

G. Finally, vehicle entrance to the alley would be from Fourth Street. Entry from Fourth Street would encourage drivers looking for parking to use the existing Fourth Street parking garage.

Fourth. A loading zone to serve the Trackside project should not be in the alley.

The proposed loading zone located less than 30 feet from an ADU is inappropriate for obvious reasons, such as congestion, noise and fumes. Also, through traffic going around vehicles parked there (UPS and other delivery services as well as Uber type services) would be directed even closer to the East side of the alley and to our existing ADU. An alley loading zone with parked delivery trucks for retail, office, restaurants and apartments will impede access to existing garages and parking. It will be dangerous to pedestrians and bikers who may be in the narrow alley, forced to navigate vehicle traffic and large trucks. As with parking, the loading zone should not be in the alley.

Trackside's lease permits it to use leased property for parking and appurtenant services. "The premises may be used for beautification/landscaping and parking associated with Lessee's adjoining property, and purposes incidental thereto, only, and for no other purpose." Lease, Article 1.

Fifth. Trash collection should not be in the alley.

No trash collection is currently permitted in the alley. Noise, noxious odors, and flies etc. are obvious problems with permitting trash collection for the entire project in the alley. If I Street neighbors are not permitted to place trash in the alley, neither should Trackside.

Sixth. Retail, office, and restaurant uses and hours of business on the alley should be restricted.

Neighbors should not be subjected to noise from possible outdoor music, drinking and dining or other potential late night uses. Strict limits should be placed on the type of businesses, outdoor facilities, and hours of use.

Seventh. Trackside should not be allowed to decrease its floor area and coverage ratios by including property subject to a lease, most especially one terminable for any reason on thirty day's notice.

We agree with the Old East neighbors that the mass and scale of Trackside is inappropriate in a transition zone.

Whether applying the current Design Guidelines, the city staff prepared "Guide to Infill Development: Principles and Expectations" draft dated February 1, 2017, or the Form Based Planning Principles expected to guide pending updates to the Davis General Plan, this project is out of compliance.

The problems are exacerbated by an attempt to include leased property in, among other matters, computations for open space, lot coverage and floor area ratio.

Trackside leases 7,307 SF from Union Pacific Railroad. ("UPRR"). See Appendix Item Q to 9/06/2016 Trackside Center: Proposed Terms for Planned Development. Appendix Q is a 9/06/2016 letter proposing PD terms from Kemble Pope to Ashley Feeney. See also Lease between Trackside and UPRR, Appendix Item M.

Counting the leased property, the Trackside area to be developed comprises 30,231 SF. This is computed by adding the 22,924 SF parcel (APN 070-324-002) owned by Trackside plus 7,307 SF leased UPRR property. p. 2, Pope letter.

Note that the leased property comprises nearly 1/3 the area of the parcel owned by Trackside. (roughly 7/23)

Without the leased property, Trackside would have an FAR of 2.2. Pope letter, p. 4 No. 3.

1.7 FAR may currently be allowed. Pope letter at p. 3.

Without the leased property, Trackside would have lot coverage of 77.5%. Pope letter, p.4, No. 4.

Lot coverage under current mixed use zoning is no more than 50%. Pope letter, p. 2.

Finally, Section 13 of the lease deals with termination. Sec. 13 B provides

“ Notwithstanding the terms of this lease set forth in Article II, Lessor or Lessee may terminate this Lease without cause upon thirty days written notice.....”

In sum, the lease is in effect a month to month lease, terminable at will for any reason on thirty day's notice by either party. Including the leased property in computations for matters such as lot coverage and floor area ratio produces an absurd result.

Thank you for considering these comments, and for your service on the Planning Commission.

Steve and Lois Sherman

* Likewise absent from drawings we have seen is another existing zero lot line garage north of ours and also directly impacted by Trackside ingress and egress, trash, and loading and unloading

To: Planning Commission Members

July 13, 2017

cc: Eric Lee, A. Feeney, OEDNA President and Secretary

Hello, my name is Valerie Jones and I am the owner of the Tufts Mansion at 434 J Street. I bought my home in July 1977, forty years ago this month. The Tufts home is listed on the National Register of Historic Places. I have served-on and chaired the Historical Resources Management Commission in the past.

I appreciate this opportunity to share my experiences and viewpoints with the Planning Commission.

Just a quick "gripe" and then on to substantive issues. In my opinion, "Revised" Project is a misnomer. Investors were told 4 stories tall maximum. In meetings that I attended it certainly appeared that Trackside really never had concrete plans for a 6 story apartment building, so to identify this as a revised plan project is questionable.

Certain Council members may have heard that Trackside was to be owner occupied; it's certainly not. It's just another college dorm-like apartment house. Originally Trackside described itself as Urban Chic, that has changed in a recent document which now describes it as Urban Sophistication and Charm. It may be Urban Sophistication to some, but basically, Trackside is just another apartment complex that will house UCD students off campus. Trackside Apartments will rent units according to market demand and state law. In all likelihood, the majority of renters will be short-term student renters. Trackside targeted renters may choose not to live in this environment.

And there's a good chance that Trackside Commercial spaces will go unleased along with the many other vacant store fronts in the real downtown. Does Davis need more vacant commercial space which is technically outside of the downtown core area? How does this help the downtown small businesses? Does Davis need to provide commercial space for another chain restaurant (ie: Hooter's) that can afford the rent?

Mass and Scale / Impact on Old East residents:

Does this City want to permanently change the direction of Davis growth both UP and OUT by pushing the Trackside Development into a Historical Conservation District that is primarily older, small residential homes and two-story apartment buildings? Growth belongs in the Core Commercial area. The Trackside apartment project is located within

the Old East Davis Neighborhood. There is a small home that is 17 feet high to the East of the proposed project, and a ground level parking lot (Jennifer Anderson Project in the works) to the West of the proposed 4 ½ story (50 feet in height) Trackside Apartments.

According to City Project Manager, Eric Lee, the footprint for Trackside is: height 50 feet; width 94 feet; depth 190 feet. This results in a footprint with approximately 95 feet of frontage on 3rd Street x 190 feet down the side that faces onto the existing small alley-way. It's premature to accept a project of this size which creates significant and adverse effects on Old East Davis (OED).

From the 'hard-to-read' City website drawings of Trackside, it appears that there may be several zero setback sides on the project. I do not support any new zero setbacks for this project. It is a huge structure and is not appropriate densification given the property location.

Plain and simple: Trackside is too tall and it's a gigantic footprint in comparison to nearby OE residences. The 50 foot tall Trackside building and it's footprint will loom alongside the surrounding homes and buildings. It appears from the shadow studies that there will be loss of sunshine hours during the winter months. Perhaps blocking the sun for 2 hours each day will have an impact on Trackside neighbors with solar panels

Parking Issues: Residents, customers, visitors, employees

The Trackside cube is too big and too tall and there are too many apartments and too many Trackside renters and employees who will need to find street parking.

OEDN residents already deal with permit parking and overflow train and downtown employee parking issues. Residents often do not have "off street" parking or perhaps only one parking space. If the OED resident owns more than one car, or has company visit an additional parking permit must be purchased from the City. Do you pay to park on the street in front of your house? Trackside residents will request City parking permits as well. Older homes often have no off-street parking and home owners or visitors may be physically challenged to walk long distances. What will the City do to address this issue?

Noted under "Traffic 4.5-1; Parking." It is my opinion that the parking plan for Trackside should be held to provide 30 spaces for employee parking (15 new and 15 existing).

And last of all, why does Davis need a Trackside development project of this magnitude? Why not a moderate size and height building which qualifies as a Transit Priority Project (TPP)? If approved, does this set a precedence for future city approval of changes needed in Zoning, as well as amendment to the Core Area Specific Plan (CASP)? The Trackside Project includes an Amendment to the CASP for changes allowing increased density and floor area ratio (FAR) in a limited area and a Rezone of the site to a new Planning Development.

Please to not approve the Trackside apartment and commercial project. It creates new parking issues; the mass and scale are out of proportion to neighboring residences and the project goes against established historic guidelines that are part of city land-use law.

Please do not accept the SCEA as there are several areas of concern that need a public hearing to discuss. Some of my personal concerns are over the mitigation measures that show dust, noise and gasses to be released from the project into the OED Neighborhood. How can you mitigate on-going, daily noise levels?

Respectfully submitted by Valerie Jones and Joel Brungardt on July 13, 2017 at 9:30am