

**Letters and Comments for the City Council, prior to Oct 11, 2017.**

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from: Rhonda Reed <salmonlady@sbcglobal.net>  
to: City of Davis City Council <citycouncilmembers@cityofdavis.org>  
Ashley Feeney <afeeney@cityofdavis.org>,  
cc: Dirk Brazil <dbrazil@cityofdavis.org>,  
Mike Webb <mwebb@cityofdavis.org>  
date: Thu, Oct 5, 2017 at 11:15 PM  
subject: Fw: Trakside City Council Hearing

Dear City Council Members,

I sent the following email to Ash Feeney when he informed us of the proposed date for rescheduling of the Trakside project hearing. I wanted you to be aware of the concerns raised by the Old East Davis neighbors and the impact of this proposed date change, and would request selection of a date that does not preclude so many parties or individuals from participating in the hearing.

Respectfully submitted,

Rhonda Reed, President

Old East Davis Neighborhood Association

----- Forwarded Message -----

**From:** Rhonda Reed <[salmonlady@sbcglobal.net](mailto:salmonlady@sbcglobal.net)>  
**To:** Ashley Feeney <[AFeeney@cityofdavis.org](mailto:AFeeney@cityofdavis.org)>; 'Mark Grote' <[markngrote@gmail.com](mailto:markngrote@gmail.com)>  
**Cc:** Eric Lee <[elee@cityofdavis.org](mailto:elee@cityofdavis.org)>  
**Sent:** Friday, September 29, 2017 10:41 AM  
**Subject:** Re: Trakside City Council Hearing

Dear Ash,

Thank you for the head's up about the postponement of the Trakside hearing. The Old East Davis

neighbors greatly appreciate the effort that City staff and the applicants are making to address important issues relating to this project. The details of the conditions of approval are critically important for the project and, although I was not able to be present, it seems that the meeting last week was productive, and I would be equally hopeful for the next meeting or meetings.

That said, the re-scheduled date is extremely problematic for the neighbors because 4 of the 5 OEDNA Board members have long-standing business or personal commitments that will require them to be away from Davis on October 24, or the few days preceding the hearing when we expect that the Staff Report and project materials would be available for review. Additionally, neighbors who own designated historic resources that will be affected by the proposed project also will be out of town. The present re-scheduling would create a significant hardship for those directly impacted by this project to be represented at this hearing. Consequently, as President of the Old East Davis Neighborhood Association, I request that the date of the re-scheduled hearing be reconsidered.

I note above that there are further meetings scheduled with the City, Applicants and the neighbors to address points of conflict. The OEDNA would very much like to be able to support a project on that site, and to that end OEDNA introduced a concept proposal "Trackside 3.0" as an example of a project that the neighborhood could support. It would seem that the current proposal and OEDNA's concept are not that far apart. If additional meetings between the Partners and OEDNA could lead to agreement, not only on Conditions of Approval, but also on mass and scale, then a good outcome would be achieved. It is possible that the City Council could then hear a Project proposal that the neighbors would support. The OEDNA board and neighbors are willing to engage in productive meetings with the Partners and City planners about Conditions of Approval as well as mass and scale.

Are the Partners willing to discuss the middle ground between the current proposal and OEDNA's concept? If so, then a longer period of meetings leading to a hearing in late November or early December could be productive and positive.

Thank you for your consideration of these issues,

Rhonda Reed, President

Old East Davis Neighborhood Association

Mark Grote, Secretary  
Old East Davis Neighborhood Association  
408 J Street Davis, CA  
[markngrote@gmail.com](mailto:markngrote@gmail.com)

On behalf of the OEDNA Board

August 30, 2017

Davis City Council  
Dirk Brazil, City Manager  
Zoe Mirabile, City Clerk

*Via email*

Re: Omissions and selective paraphrases of City of Davis land use policies and ordinances in Staff materials for the Traskside Center Project.

Dear Councilmembers, Dirk and Zoe: On behalf of the OEDNA Board, I am writing to express our concerns about significant omissions and selective paraphrases of language from City of Davis land use policies and ordinances, in Staff materials for the Traskside Center Project. We give three examples below, all of which are relevant to Project compliance with local codes and regulations.

1. Davis Municipal Code section 40.13A.020 (b), which states: *"Wherever the guidelines for the DTRN conflict with the existing zoning standards including planned development, the more restrictive standard shall prevail"*, is omitted from the Project's SCEA Initial Study. This code section is paraphrased in Staff's materials in the July 19 Staff Report for the Planning Commission, but the words *"including planned development"* are omitted. (The code section is quoted in full, in written comments submitted by Old East Davis neighbors.)

2. A guideline for mixed use mass and scale, which states: *"A building shall appear to be in scale with traditional single-family houses along the street front"* (DDTRN Design Guidelines, pg. 58) is omitted from both the Project's SCEA Initial Study and Staff's materials in the July 19

Staff Report for the Planning Commission. (The guideline is quoted in full, in written comments submitted by Old East Davis neighbors.)

3. A guideline for the Third Street Special Character Area, which states: “*Cultivate the evolution of Third Street between A and B Streets as a unique higher density mixed use urban village...*” (DDTRN Design Guidelines, pg. 82) is incorrectly paraphrased in the Resolution to Amend the Core Area Specific Plan, Amendment #2-15 for the Trackside Center Project. The paraphrase omits the words “between A and B Streets”. The paraphrased guideline is used in the Resolution to claim that the Design Guidelines encourage denser development at the Trackside Center site, but the guideline in its original form does not apply to this site.

In each of the examples above, the omission or selective paraphrase appears to remove a potential barrier to Project approval, or to better justify the Project’s consistency with City of Davis land use policies and ordinances. In our view these omissions and paraphrases are deceptive.

The omissions from the SCEA Initial Study described in items 1 and 2 above are especially significant, because the environmental documents for the Project are required to disclose and analyze all conflicts with applicable local land use policies and ordinances. The Project Assumptions, stated on page 7 of the SCEA Initial Study, are: “The SCEA IS assumes compliance with all applicable State, federal, and local codes and regulations.” The Initial Study’s failure to disclose Municipal Code section 40.13A.020 (b) along with applicable guidelines, such as the guideline mentioned in item 2, raises questions about the validity of the SCEA Initial Study. **Compliance** with local codes and regulations cannot be asserted, if applicable codes and regulations are **not disclosed**. We note that concerns about the validity of the SCEA Initial Study would be significantly diminished if the Project were compliant with the DDTRN Design Guidelines.

Due process and transparency suffer when language from City policies and ordinances is misused. Staff should withdraw the planning documents for the Trakside Center Project and reconsider their approach to Project review. The planning process for the Project must be proper, complete and factually accurate.

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

## Trackside 3.0 OEDNA

Good evening Council Members. My name is Larry Guenther.

I live in Old East Davis and I am representing the Old East Davis Neighborhood Association.

The figure I'm showing you is a 'proof of concept.' It is a proposal for a Trackside Center, which conforms to the Design Guidelines and the existing zoning for the site.

It is a simple figure modified from documents submitted by the Trackside Partners.

The view at the top is from 3<sup>rd</sup> St., and the view at the bottom is from the alley. The two views are to the same scale. The yellow outline shows the larger building currently proposed by the Trackside Partners.

The building in this image has the same amount of commercial space on the ground floor as the current proposal. The building as a whole is larger than other recently-built projects which are financially viable.

It contains 15 residential units, giving a density of 29 units per acre-- just below the maximum allowed in the Housing Element. It has a floor-area ratio of 1.5-- the baseline for mixed use buildings.

It meets SACOG's requirements for a Transit Priority Project. A TPP can be built at this location in compliance with all applicable local codes.

It allows garbage pickup and the loading zone to be at the west side of the property, away from the existing homes on the alley. It has significant step-backs along the east and south sides, reducing the impacts that a large building has on its neighbors.

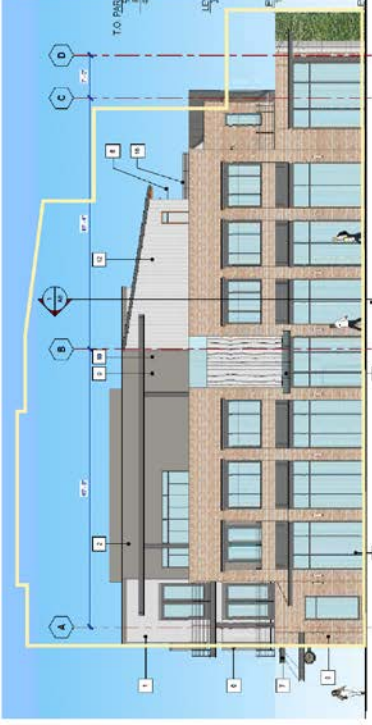
This proposal adds residential space, and revitalizes commercial space near downtown.

It is mixed-use, multi-story, and – perhaps most importantly – makes a careful transition between Old East Davis and the downtown core.

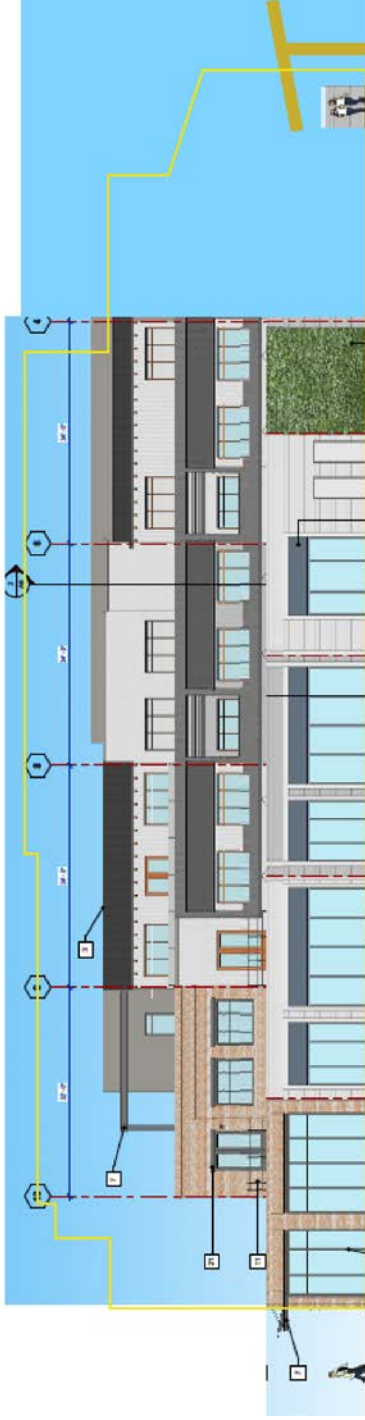
It is all these things, and it is consistent with the Design Guidelines, as well as the existing zoning. We present this proposal to you as a way forward.

Thank you

# Yes, in my backyard.



OEDNA proposal: south elevation  
(View from 3rd St.)



OEDNA proposal: east elevation  
(View from alley)



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

markngrote@gmail.com