

**COMMENTS, RESPONSES TO COMMENTS, AND ERRATA
ON THE
SUSTAINABLE COMMUNITIES ENVIRONMENTAL
ASSESSMENT/INITIAL STUDY (SCEA/IS)**

**FOR THE
TRACKSIDE CENTER PROJECT
901-919 3RD STREET, DAVIS, CA**

NOVEMBER 2017

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SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT/
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(NOVEMBER 2017)**

1.0 - INTRODUCTION

Pursuant to Section 21155.2 of the Public Resources Code, a Sustainable Communities Environmental Assessment/Initial Study (SCEA/IS) was prepared for the subject Trackside Center Mixed Use Project located at 901-919 3rd Street. In accordance with CEQA, a 30-day public review and comment period commenced on July 11, 2017 and ended August 11, 2017. Fifty-four public comments were received during the comment period.

The public comments are included as part of this document. No new significant environmental issues or impacts, beyond those already covered in the SCEA/IS, were raised during the comment period. While no provisions of CEQA requires a response to the comments received on the SECA/IS. Responses to the comments received have been provided including master responses to several common topic areas raised and to individual comments.

Minor corrections, clarifications, and supplemental discussion are also provided in this document and are incorporated in the SCEA/IS as a result, including minor staff edits. The changes clarify the analysis and provide additional information. The comments received and the minor edits and clarifications do not alter the analysis or conclusions of the SCEA/IS and do not involve any new significant impacts or add "significant new information" that would require recirculation of the SCEA/IS pursuant to CEQA Guidelines Section 15073.5.

This document includes the following sections which are incorporated into the SCEA/IS by reference.

1.0 - Introduction

Section 1.0 provides a brief background and introduction on SCEA/IS prepared for this project.

2.0 - Comments and Responses to Comments

Section 2.0 provides a list of commenters, master responses to several common topic areas, and copies of the comments received (coded for reference) with responses to those comments.

3.0 - Errata and Clarifications

Section 3.0 consists of minor revisions and clarifications to the SCEA/IS in response to comments received, as well as minor staff edits.

2.0 - COMMENTS ON SCEA/IS AND RESPONSES

This section provides a list of commenters (Section 2.1), master responses (Section 2.2) to several common topic issues raised, and copies of the comments received (coded for reference) with responses to those comments (Section 2.3).

2.1 - COMMENTER LIST

The Commenter List numbers and identifies the commenter. Comments from the same commenter, but received on different days are listed separately. The Commenter List also notes the general topic area covered by each comment letter.

Table 2-1. List of Commenters on SCEA/IS and General Comment Topics.

| Letter Number | Individual or Signatory | Affiliation | Date | Comment Topics |
|---------------|---|--|------------|--|
| 1 | Rachel Mansfield-Howlett | Attorney for Old East Davis Neighborhood Association (OEDNA) | 08-11-2017 | CEQA Process; Cultural Resources; Land Use/Planning; |
| 2 | Rhonda Reed, Larry Guenther, Robert Canning, Mark Grote, Cathy Forkas | Old East Davis Neighborhood Association Board (OEDNA) | 07-14-2017 | Cultural Resources; Land Use/Planning; Population/Housing; Transportation/Circulation; |
| 3 | Rhonda Reed | President of OEDNA and Resident of Davis, CA | 08-11-2017 | Biological Resources; Hazards/Hazardous Materials; Land Use/Planning; Noise; Population/Housing; |
| 4 | Rhonda Reed with review from GEI Consultants | President of OEDNA and Resident of Davis, CA | 07-13-2017 | Aesthetics; Cultural Resources; Land Use/Planning; Transportation/Circulation; |
| 5 | Mark Grote | Secretary of OEDNA and Resident of Davis, CA | 08-11-2017 | Aesthetics; Land Use/Planning; Population/Housing; Transportation/Circulation; |
| 6 | Mark Grote | Secretary of OEDNA and Resident of Davis, CA | 07-21-2017 | CEQA Process; Aesthetics; Land Use/Planning; |
| 7 | Mark Grote | Secretary of OEDNA and Resident of Davis, CA | 07-13-2017 | CEQA Process; Aesthetics; Land Use/Planning; |

| | | | | |
|----|----------------------------|--|------------|--|
| 8 | Richard Casias | RCC Group, LLC, Professional Geologist and Resident of Davis, CA | 08-11-2017 | Hazards/Hazardous Materials; Hydrology/Water Quality; |
| 9 | Kemble Pope | Project Applicant and Resident of Davis, CA | 08-11-2017 | Greenhouse Gas Emissions; Transportation/Circulation; |
| 10 | Kevin Dumler | Co-Chair House Sacramento | 07-18-2017 | Population/Housing; |
| 11 | Janis Lott | Business Owner/ Resident of Davis, CA | 08-11-2017 | Land Use/Planning; |
| 12 | Brian Morgan | Resident of Davis, CA | 08-11-2017 | Land Use/Planning; |
| 13 | Carson Wilcox | Resident of Davis, CA | 07-11-2017 | Land Use/Planning; |
| 14 | Catherine Brinkley | Resident of Davis, CA | 07-17-2017 | Land Use/Planning; Population/Housing; |
| 15 | Cathy Forkas | Resident of Davis, CA | 08-11-2017 | Transportation/Circulation; |
| 16 | Cathy Forkas | Resident of Davis, CA | 07-13-2017 | Aesthetics; Cultural Resources; Land Use/Planning; Transportation/Circulation; |
| 17 | Chris Soderquist | Resident of Davis, CA | 08-11-2017 | Energy Resources; |
| 18 | Chuck Roe | Resident of Davis, CA | 07-14-2017 | Land Use/Planning; Population/Housing; |
| 19 | Daniel Kaltenbach | Resident of Davis, CA | 07-13-2017 | Cultural Resources; Land Use/Planning; |
| 20 | David and Patricia Krueger | Resident of Davis, CA | 07-17-2017 | Aesthetics; Land Use/Planning; |
| 21 | David and Patricia Krueger | Resident of Davis, CA | 07-13-2017 | Aesthetics; Cultural Resources; Land Use/Planning; |
| 22 | Doreen Pichotti | Resident of Davis, CA | 07-13-2017 | Aesthetics; Cultural Resources; Land Use/Planning; Population/Housing; Transportation/Circulation; |
| 23 | Elsa Ruiz-Duran | Resident of Davis, CA | 08-11-2017 | Cultural Resources; Land Use/Planning; Transportation/Circulation; |
| 24 | Elsa Ruiz-Duran | Resident of Davis, CA | 07-13-2017 | Land Use/Planning; Transportation/Circulation; |
| 25 | Ezra Beeman | Resident of Davis, CA | 08-11-2017 | Aesthetics; Cultural; |

| | | | | |
|----|-----------------------------|--------------------------|------------|--|
| | | | | GHG Emissions; Hazards/Hazardous Materials; Land Use/Planning; Noise; Transportation/Circulation; |
| 26 | Jason Taormino | Resident of Davis, CA | 08-11-2017 | Land Use/Planning; Transportation/Circulation; |
| 27 | Jeremy Brooks | Resident of Davis, CA | 07-11-2017 | Land Use/Planning; |
| 28 | Joshua Reese | Resident of Davis, CA | 07-17-2017 | Land Use/Planning; |
| 29 | Kyriacos Kyriacou | Resident of Davis, CA | 08-11-2017 | CEQA Process; Air Quality; Land Use/Planning; Noise; Transportation/Circulation; |
| 30 | Kyriacos Kyriacou | Resident of Davis, CA | 07-13-2017 | CEQA Process; Cultural Resources; |
| 31 | Larry Guenther | Resident of Davis, CA | 08-11-2017 | Hazards/Hazardous Materials; Hydrology/Water Quality; |
| 32 | Lori Schilling- Davis | Resident of Davis, CA | 07-11-2017 | Land Use/Planning; |
| 33 | Marijean and Ray Burdick | Resident of Davis, CA | 08-11-2017 | Aesthetics; Air Quality; GHG Emissions; Hazards/Hazardous Materials; Land Use/Planning; Transportation/Circulation; |
| 34 | Marijean and Ray Burdick | Resident of Davis, CA | 07-12-2017 | Aesthetics; Land Use/Planning; Noise; Transportation/Circulation; |
| 35 | Mary Kaltenbach | Resident of Davis, CA | 08-11-2017 | Aesthetics; |
| 36 | Mary Kaltenbach | Resident of Davis, CA | 07-12-2017 | Aesthetics; |
| 37 | Mark and Joann Helmus | Resident of Davis, CA | 07-14-2017 | Aesthetics; Land Use/Planning; |
| 38 | Michael Beckman | Resident of Davis, CA | 07-16-2017 | Aesthetics; Land Use/Planning; |
| 39 | Michele Guerrieri | Resident of Davis, CA | 08-11-2017 | Cultural Resources; Land Use/Planning; Transportation/Circulation; |
| 40 | Mitchell Heller | Resident of Davis, CA | 07-14-2017 | Land Use/Planning; |
| 41 | Neil Dhanowa | Resident of Davis, CA | 07-19-2017 | Land Use/Planning; |
| 42 | Patricia Krueger | Resident of Davis, CA | 07-13-2017 | Aesthetics; Cultural Resources; |

| | | | | |
|----|----------------------------------|-----------------------|------------|--|
| | | | | Land Use/Planning; |
| 43 | Ramona Swenson | Resident of Davis, CA | 08-11-2017 | Aesthetics; Cultural Resources; Land Use/Planning; Transportation/Circulation; |
| 44 | Raymond Burdick | Resident of Davis, CA | 08-11-2017 | Hazards/Hazardous Materials; Hydrology/Water Quality; |
| 45 | Rick Yaver | Resident of Davis, CA | 07-17-2017 | Land Use/Planning; Housing/Population; |
| 46 | Robert Stevenson | Resident of Davis, CA | 07-19-2017 | Housing/Population; |
| 47 | Rodney Krueger | Resident of Davis, CA | 08-11-2017 | Aesthetics; Air Quality; Cultural Resources; Noise; |
| 48 | Rodney Krueger | Resident of Davis, CA | 07-13-2017 | Aesthetics; Air Quality; Transportation/Circulation; |
| 49 | Sarah Kaltenbach | Resident of Davis, CA | 07-13-2017 | Cultural Resources; |
| 50 | Stephen Kaltenbach | Resident of Davis, CA | 07-13-2017 | Transportation/Circulation; |
| 51 | Steve and Lois Sherman | Resident of Davis, CA | 08-10-2017 | CEQA Process; Aesthetics; Air Quality; Land Use/Planning; Transportation/Circulation; Cumulative; |
| 52 | Steve and Lois Sherman | Resident of Davis, CA | 07-10-2017 | Air Quality; Land Use/Planning; Noise; Transportation/Circulation; |
| 53 | Todd and Jeanine Galles | Resident of Davis, CA | 08-11-2017 | Aesthetics; Cultural Resources; Land Use/Planning; Transportation/Circulation; |
| 54 | Valerie Jones and Joel Brungardt | Resident of Davis, CA | 07-13-2017 | Aesthetics; Cultural Resources; Land Use/Planning; Noise; Transportation/Circulation; |

2.2 - MASTER RESPONSES TO COMMENTS

This section includes Master Responses on several topic areas of common concern raised in the comments received. The Master Responses address the following topics:

- Master Response 1: CEQA Process Issues related to use of the Sustainable Communities Environmental Assessment (SCEA) and substantial evidence.
- Master Response 2: Consistency with City plans and policies, including design guidelines and mandatory language. (Land Use/Planning and Aesthetics)
- Master Response 3: Role of setting and feeling relative to impacts on historical resources and the conservation district and input from historic experts. (Cultural Resources)
- Master Response 4: Nearby hazardous materials sites and potential impacts related to soil and water contamination and vapor intrusion. (Hazards/Hazardous Materials)
- Master Response 5: Traffic and safety impacts in the alley. (Transportation/Circulation)
- Master Response 6: Cumulative and precedent-setting impacts related to the mass and scale of future development in the area and population and housing.

Master Response 1 - CEQA Process Issues.

Numerous commenters expressed concerns related to the CEQA process questioning the use of the Sustainable Communities Environmental Assessment (SCEA) and citing substantial evidence standards.

SCEA Determination

As provided in the SCEA/IS in the SCEA signature determination page, SCEA/IS pages 4-16, and SCEA/IS Appendix A (Determination of MTP/SCS Consistency Worksheet), the project meets the criteria as a qualified Transit Priority Project pursuant to the requirements of Public Resources Code 21155 which provides for streamlined CEQA review through preparation of an SCEA. Concurrence of the project as a qualifying Transit Priority Project and consistency with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by the Sacramento Area Council of Governments (SACOG) was provided by SACOG.

As described in the SCEA/IS, the project is eligible for review under SCEA provisions as a Transit Priority Project and meets the necessary criteria.

Public Resources Code section 21155.2(b) states that a transit priority project that has incorporated all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings made pursuant to Public Resources Code section 21081 may be reviewed through a sustainable communities environmental assessment (SCEA). In preparing the SCEA, cumulative effects that have been addressed and mitigated in a prior environmental document need not be treated as cumulatively considerable, and growth-inducing impacts need not be addressed. Also, project-specific or cumulative impacts from car and light-duty truck trips need not be addressed.

The statute specifically states that a lead agency's decision to review and approve a transit priority project with a SCEA is reviewed under the substantial evidence standard. (Pub. Resources Code §21155.2(b)(7).) "Substantial evidence" means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency." (State CEQA Guidelines, § 15384.)

A recent Sacramento County Superior Court ruling confirmed the appropriate standard of review for SCEAs prepared under section 21155.2 stating:

Under Public Resources Code section 21155.2, the City's decision to approve the Project using a SCEA is subject to review under the "substantial evidence standard." (Cal. Pub. Res. Code § 21155.2(b)(7); see also AR 1158.) This standard of review is more deferential than the "fair argument" standard that applies to tiering under Public Resources Code section 21094. (Sierra Club v. County of Sonoma (1992) 6 Cal.App.4th 1307, 1320-1321.) Substantial evidence has been defined as "relevant evidence that a reasonable mind might accept as adequate to support a conclusion." (Moss v. County of Humboldt (2008) 162 Cal.App.4th 1041, 1058.) Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion

supported by facts. Substantial evidence does not include argument, speculation, or unsubstantiated opinion. (See 14 C.C.R. § 15384.)

In applying the substantial evidence test, a court may not weigh the evidence; rather, the court simply must determine whether the record contains substantial evidence to support the agency's decision. (Moss, supra, 162 Cal.App.4th at p.1058.) The party challenging the environmental review has the burden of showing it is inadequate. (Santa Clarita Organization for Planning the Environment v. County of Los Angeles (2007) 157 Cal.App.4th 149, 157-58.)

(Sacramentans for Fair Planning v. City of Sacramento, Sacramento County Superior Court Case Number 34-2016-80002396 - Ruling on Submitted Matter - October 17, 2017)

A number of comments question use of the SCEA based on conformance with local land use plans arguing that the Trackside Center Project does not conform to the City's land use plan. Many of the comments do not specify their rationale but would seem to point to the Determination of MTP/SCS Consistency Worksheet prepared by the City for the Trackside Center Project. The Worksheet determined that the project was consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by Sacramento Area Council of Governments (SACOG). Section 3.C of the Worksheet provides several options for finding that a project is consistent with the adopted MTP/SCS and states that, "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."

Section 3.C.1 Option B (below) was selected in the Worksheet and determined that the project was consistent with the applicable community type and characteristics.

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.

However, some comments indicate that commenters believe that the selection of Option B bypasses standard CEQA review and avoids City planning and zoning provisions. They indicated that the project would not meet Option A (below), but that it is the more appropriate criteria.

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.

Comments do not provide any evidence or explanation as to why they believe the project does not meet Option B. The City has the discretion in making the MTP/SCS consistency determination. An SCEA provides for appropriate and adequate environmental review and use of an SCEA does not require conformance with local land use plans and zoning as demonstrated in the MTP/SCS Consistency Worksheet.

Master Response 2. - Consistency with City Plans and Policies

Numerous comments expressed concerns about project inconsistency with City plans and policies, including zoning and mandatory language in design guidelines. Project consistency with land use plans, including the role of the Davis Downtown and Traditional Residential Neighborhood (DDTRN) Design Guidelines, is addressed in SCEA/IS Section X (Land Use/Planning) which determined the potential conflicts to be less than significant. Section I (Aesthetics) and Section V (Cultural Resources) also address the DDTRN Design Guidelines.

The project implements the intent of the City's General Plan and Core Area Specific Plan (CASP) and the SCEA/IS identifies project consistency with land use policies, including policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The City's Planning documents work together to implement the City's vision for the community. Land use plans are general by nature and consist of a wide array of policies and goals. The policies describe desired outcomes, but do not require compliance with every single policy. Design guidelines are similar in that way, but provide more focused guidance. Inconsistency with a particular provision of a plan does not necessarily require a determination that the project will have a significant environmental impact. Nothing in the CEQA Guidelines requires that an inconsistency with an applicable plan be treated as a significant environmental impact. (*Joshua Tree Downtown Bus. Alliance v County of San Bernardino* (2016) 1 Cal.App.5th 677, 695 ["Any inconsistency between the Project and these aspects of the [] Plan simply does not implicate CEQA"].)

Comments received also address inconsistency with zoning and development standards for the project such as lot coverage, floor area ratio, open space. As discussed in the SCEA/IS, project entitlements include a rezone of the project site to a new Planned Development (PD) zoning district and a CASP amendment related to the density. The new PD zoning, which addresses permitted uses and includes development standards for the project, such as setback, height, lot coverage, floor area ratio, and parking, is based on the existing Mixed-Use (M-U) Zoning for uses and standards with adjustments to address specific project items such as the parking and open space provided on the lease area. It ensures that the project will be consistent with the zoning and comply with the applicable development standards. The CASP amendment addresses project density. As provided in Section 3.0 of this document, additional clarifying information has been incorporated in the SCEA/IS Section X (Land Use/Planning) page 77 that the proposed PD Zoning is based on the M-U Zoning and page 78 acknowledging the public controversy and disagreement regarding the project's consistency with various City land use policies and design guidelines.

DDTRN Design Guidelines

Comments received cite the "mandatory" nature of the DDTRN Design Guidelines based on language in the City Zoning Ordinance (Municipal Code Section 40.13A.020(b)), which states that when "Wherever the guidelines for the DTRN conflict with the existing zoning standards including planned development, the more restrictive standard shall prevail."

The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines. Compliance with the design guidelines is a primarily an aesthetic issue. The project requires Design Review approval by the City which utilizes the DDTRN Design Guidelines to ensure the design of new development is appropriate. The DDTRN Design Guidelines apply to projects within the Downtown and Traditional Neighborhood Overlay District (Municipal Code 40.13A), also known as the Conservation Overlay District. Section 40.13A.030.d notes that the document is intended to “serve as a guide...in regard to development within the downtown and traditional residential neighborhood district boundary.”

The Design Guidelines must be considered as part of a project review, but do not establish mandatory requirements in contrast to Zoning standards which are mandatory. Design Review does not require one hundred percent compliance with the DDTRN Design Guidelines. The SCEA/IS acknowledges that the project will alter the existing visual character of the area, but that it would not substantially degrade the visual quality of the site.

While the DDTRN Design Guidelines includes several quantitative guidelines with specific limitations that function as a standard, by and large the language of the guidelines indicates preferences and recommendations. For example, one of the guidelines addressing the size of secondary structures in the residential neighborhoods states (DDTRN Design Guidelines, page 106): “Secondary structures no more than 15 feet in height are preferred in Old East. In the Old North and University Ave/Rice Lane neighborhoods, secondary structures are limited to a maximum of 15 feet in height and 480 sq. in (sic) in total area.” The guidelines expresses both a preference for Old East and a “standard” for Old North and University Ave/Rice Lane.

Commenters cite specific design guidelines such as one for scale that "a building shall appear to be in scale with traditional single-family houses along the street front." It is a qualitative guideline which the comments argue is equivalent to a development standard. However, the comments do not identify the quantitative requirement in the Design Guidelines that applies or cite what specific zoning standard the guideline conflicts with and prevails over. Even if a conflict existed, project entitlements, as discussed above, include the new PD Zoning District and Design Review. Entitlement approval requires conformance with applicable plans, policies, and guidelines, and consistency with zoning. It ensure that conflicts with City land use plans and policies would be less than significant.

The project is designed to relate to the surrounding area and provides transitions from the higher intensity downtown area to the residential neighborhood. The design is sensitive and responsive to the adjacent uses. Along the eastern edge of the proposed building, the architecture is designed to create a traditional residential look-and-feel. The building is massed away from the east and north in a series of stepbacks. On Third Street, a “Main Street” traditional storefront component would dominate the pedestrian experience with the top floor set back from view. Along the railroad, the plaza would be anchored by an existing cork oak tree. The architecture of this façade would be more industrial in nature, reflecting the site’s history and railroad adjacency. Comments on consistency with the Design Guidelines are noted and have been forwarded to Planning Commission and City Council for their consideration during review of the proposed project.

As described in SCEA/IS Section X (Land Use/Planning), the project would be consistent with policies in the General Plan and Core Area Specific Plan with the proposed amendment and would be consistent the new Planned Development (PD) Zoning for the site. As provided in Section 3.0 of this document, additional discussion has been incorporated in the SCEA/IS Section X (Land Use/Planning) page 78 with clarifying information related to the DDTRN Design Guidelines and the PD zoning development standards.

Master Response 3 - Historical Impacts on Setting and Feeling

Numerous commenters expressed concerns about impacts on the setting and feeling of nearby historical resources and the Old East Davis neighborhood as a Conservation District. Comments cited a peer review letter dated December 12, 2016, prepared by Patricia Ambacher of GEI Consultants for the Old East Davis Neighborhood Association regarding the project's historical studies and also noted deliberations by the City's Historic Resources Management Commission (HRMC) on the project. Historical impacts of the project, including impacts to setting, feeling, nearby resources, and the conservation district, are adequately addressed in Section I (Aesthetics) and Section V (Cultural Resources) of the SCEA/IS.

As described on pages 41-42 of the SCEA/IS, analysis and discussion of impacts to historical resources in Section V (Cultural Resources) of the SCEA/IS included a peer review of the relevant documents by Ben Ritchie, MCRP, Principal of De Novo Planning Group, and by Melinda Peak, President of Peak and Associates. Ms. Peak is a registered professional historian with a Bachelor's degree in Anthropology from the University of California, Berkeley and a Master's degree history at California State University, Sacramento. Through her education and experience, Ms. Peak meets the Secretary of Interior Standards for historian, architectural historian, prehistoric archeologist and historic archeologist. DeNovo Planning Group and Peak and Associates assisted in the preparation of the Cultural Resources Section and Aesthetics Section of the SCEA/IS. The analysis included consideration of the peer review letter by Ms. Ambacher whose comments were taken into account and addressed in the Cultural Resources section.

As part of the City's review process, the project was reviewed by the City's Historical Resources Management Commission (HRMC) on December 12, 2016 for advisory input. The HRMC acts as an advisory body to the Planning Commission and City Council on historical-related project issues. Minutes of the HRMC meeting were provided to the Planning Commission and City Council as part of the project entitlement review. As described in the HRMC meeting minutes, the HRMC took the following actions:

1. Voted unanimously to affirm the Commission's previous determination that:
 - a. The existing structures do not meet the criteria for listing in the National Register of Historic Places, California Register of Historical Resources, or City landmark or merit resource requirements based on the Historical Resources Analysis and that they do not warrant full review under CEQA as historical resources; and
 - b. That a Demolition Certificate is not required given the findings of the HRMC that the buildings at 901 - 919 Third Street do not have significant historical significance to be eligible for designation at local, state and federal levels.
2. Voted unanimously against a motion to find that the revised project is consistent with the applicable guidelines from the Davis Downtown Traditional and Residential Neighborhood (DDTRN) Design Guidelines.

3. Voted unanimously against a motion to find that the Historical Resources Effects (HRE) Analysis report and the Addendum to the HRE, which conclude that the potential historical impacts of the revised Trackside Center project would be less than significant relative to CEQA including less than significant adverse impacts to the setting of the nearby historical resources, is acceptable.

The HRMC input on the HRE were also taken into account in the peer review by DeNovo Planning Group and Peak and Associates and the analysis in the SCEA/IS. Potential historical impacts to setting are addressed in Section V (Cultural Resources). The SCEA/IS notes that, based on the expert reports and expert peer reviews of reports submitted by members of the public, the City determined that while the project results in a visual change to the areas described in Section I (Aesthetics) and Section V (Cultural Resources), it would not result in a direct or indirect significant impact to the historical setting of the nearby historical resources such that they would be materially impaired and no longer qualify as a historical property. Additionally, under the substantial evidence test a lead agency is not bound by a single expert's opinion where other experts' opinions, support by substantial evidence, are different. Additionally, a lead agency is not bound by a single expert's opinions on the policy question of what constitutes significance for a given impact. (See *Citizen Action to Serve All Students v Thornley* (1990) 222 Cal.App.3d 748, 755 [agency could disregard expert opinion because it addressed ultimate issue of whether specified increase in traffic should be treated as "significant" and disagreed merely with city's standard of significance].).

Setting and Feeling

A number of comments expressed concerns about impacts that may result from project implementation on the setting and feeling of registered historical resources located in the vicinity of the project site.

Section V of the SCEA/IS includes a detailed discussion and analysis of how the setting and feeling of the project area may, or may not, contribute to the historical significance of designated historical resources within the project vicinity. The SCEA/IS clearly establishes the fact that project implementation would not result in a direct impact to a registered historical resource, as no such resources are located on the project site. The question of significance thus shifts to the issue of whether or not the project would result in changes to the setting and feeling of an area in which registered historical resources are located, and if these changes would materially impair the significance of a historical resource.

As described in greater detail in Section V of the SCEA/IS, a project with an effect that may cause a substantial adverse change in the significance of a historical resource or a unique archaeological resource is a project that may have a significant effect on the environment (14 CCR 15064.5[b]). CEQA further states that a substantial adverse change in the significance of a resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that **the significance of a historical resource would be materially impaired** (emphasis added). Actions that would materially impair the significance of a historical resource are any actions that would demolish or adversely alter those physical characteristics of a historical resource that convey its significance and qualify it for inclusion in

the CRHR or in a local register or survey that meet the requirements of PRC 5020.1(k) and 5024.1(g).

To date, neither the City of Davis, nor the residents of the Old East Davis neighborhood have come forward to officially list the neighborhood or a multiple property district of Victorian/19th century houses as a historic district or to suggest the precise geographic boundaries of such a listing, if it were to occur. Although the project site falls within a conservation district for planning and zoning considerations, the conservation district is not a historical resource under CEQA. The GEI Peer Review indicates that the Trackside project would impact the setting and feeling of the Old East Davis neighborhood, suggesting that this would constitute a significant impact under CEQA. However, Old East Davis has never been designated as a historic resource, and therefore GEI's arguments regarding the impacts on the neighborhood do not implicate a potential impact under CEQA.

The proposed Trackside project will not physically alter any of the features, such as the trees, shrubs, walkways, or other landscape design elements, of the three historic properties in the project vicinity. Nor will the project alter any important landscape features within the footprint of the project itself, since none exist. Because no significant historic properties or features are present in the project footprint, it is important to understand past historic uses not only within the project site, but also within the visual area surrounding it.

As described in extensive detail in Section V of the SCEA/IS, the three historic properties in the vicinity of the project site are not historically significant because of the setting and feeling of their surroundings, but rather, the rationale for establishing the three historic properties in the project vicinity as historic resources is based principally on each property's architecture and to some degree who occupied each of the residential houses. As pointed out in the 2015 Historic Resource Effects Analysis, when these three properties were surveyed and determined to be eligible for listing as historic resources, there was little discussion suggesting the setting was important in the official historic record for any of the aforementioned properties. Although the Montgomery House (923 3rd Street), Williams-Drummond House (320 I Street), and Schmeiser House (334 I Street) have been formally recorded four times (1979, 1996, 2003, and 2015), none of these recordations provide any substantive discussion about the importance of the property's historic setting. Only in passing does the record for the Montgomery House mention the existence of a "remnant of what appears to be a 19th century landscape." In the most recent update (Clementi 2015) no mention is made of the importance of "setting" to the Montgomery House. In the 1996 record for the Williams-Drummond House, it mentions "some very fine trees apparently part of the 19th Century planting scheme." For the Schmeiser House the record mentions a "landscaped garden."

It should be noted that on page 28 of the 2003 *Historic Context and Resource Survey for Central Davis*, the study notes that "the Tufts house [outside the project APE], still set on a double or larger lot, retains its setting," as opposed to the "Williams-Drummond house [which was] also originally was set on a large lot (approximately one-third block), but has since been constrained between later residences in a denser pattern of lot division" (Brunzell 2015; Central Davis Historic Conservation District, City of Davis, Context Statement: Historic Resource Survey, August 2003, p. 28). This description leads to the inference that the "historic setting" for the

Williams-Drummond House has been altered. The same is true for the Montgomery House, where the lot was split in recent years and a second house added.

The Secretary of the Interior's Standards identifies "feeling" as an aspect of historic integrity for evaluation purposes. The historic survey records on the three aforementioned properties do not specifically discuss "feeling." However, to the extent that the historic properties have retained their integrity, feeling can be considered to contribute to it. The Standards define feeling "as an expression of the aesthetic or historic sense of a particular period of time. It results from the physical features that, taken together, convey the property's historic character." As in the discussion and analysis of the potential indirect impacts to the "setting," the existing project site and buildings do not contribute to or affect the historic setting or feeling of the three historic properties.

The SCEA/IS acknowledges and fully discloses that, based on expert review of the project, implementation would result in a visual change to the project area. However, as described extensively in Section V of the SCEA/IS, and summarized above, to the extent that there are changes to the visual character of the project vicinity, the City's experts determined that these changes would not result in a significant direct or indirect impact to any historical resources, and would not materially impair the nearby historic resources. As such, the SCEA/IS correctly concludes that impacts to historically resources would be less than significant.

The issue of whether or not the project is "appropriate" for the area, or whether or not the project is "well designed" are questions for the Planning Commission and the City Council to consider during their review of the proposed project entitlements. However, as described above, these issues related to setting and feeling are not significant impacts under CEQA, and no changes to the analysis and conclusions contained in the SCEA/IS are warranted.

Conservation District

As discussed in Section V (Cultural Resources), the project area is not part of a designated Historic District, but it is within a Conservation Overlay District. The SCEA/IS describes in Section I (Aesthetics) pages 27-28 and Section V (Cultural Resources) pages 49-50 the purpose of the Conservation Overlay Zoning District (also known as the Downtown and Traditional Residential Neighborhood Overlay District) which applies to the subject site and surrounding neighborhood. A Conservation Overlay Zoning District was adopted rather than a Historic District to allow for more flexibility in redevelopment of the area. It utilizes the DDTRN Design Guidelines in the design review process to help in evaluating project design and aesthetics as discussed in Section I (Aesthetics) and Section X (Land Use/Planning). Additional discussion has been incorporated in the SCEA/IS Section X (Land Use/Planning) page 78 as clarifying information related to the Conservation District. Although the Old East Davis neighborhood is within a Conservation Overlay Zoning District, it is not a designated Historic District and as such, it not a designated historical resource under CEQA.

The DDTRN Design Guidelines require Design Review of new and significant renovation projects and additions within the district for compliance with the guidelines. As described in the City's Historic Resources Management Ordinance (Municipal Code Article 40.23), the Conservation Overlay Zoning District is not included in the Davis Register of Historical

Resources. The Conservation District may contain City-designated Merit Resources and Landmarks which are required to follow the Secretary of Interior's Standards for the Treatment of Historic Properties. While Merit and Landmark resources exist within the project vicinity, no such resources exist on the project site, nor would any such resources be directly or indirectly impacted by the proposed project. While proposed changes to registered historical structures within the Conservation Overlay District would be required to comply with the Secretary of Interior's Standards, alterations, improvements, or new construction of buildings or alterations to buildings within the Conservation which are not designated historical resources are not required to adhere to the Secretary of Interior's Standards.

As described in Section I of the SCEA/IS, the City of Davis has determined that the proposed project complies with the DDTRN Design Guidelines. As such, the proposed project is permitted within the Conservation Overlay District, and its development does not cause a significant impact on historic resources.

Master Response 4 - Hazards/Hazardous Materials

A number of comments addressed issues related to SCEA/IS Section VIII, Hazards/Hazardous Materials and potential exposure to hazardous substances from nearby sources and potential hazards from VOCs in subsurface soil vapor.

Historic land uses in the area surrounding the project site have resulted in soil contamination in the vicinity of the project site. As part of the *California Building Industry Association v. Bay Area Air Quality Management District* case (CBIA case), the California Supreme Court granted limited review to the question: Under what circumstances, if any, does CEQA require an analysis of how existing environmental conditions will impact future residents or users (receptors) of a proposed project? In the opinion published on December 17, 2015, the Supreme Court looked closely at the language and legislative intent in CEQA, and found that “agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions.” (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 377-378.) As a result, the existence of contaminated soil or groundwater within the vicinity of a proposed project is not, “without any accompanying disturbance or other physical change” to the contamination, considered “a significant impact requiring CEQA review and mitigation.” (*Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 781 [holding development of a project on a site identified on the Cortese list and that included contaminated soil would only constitute a significant impact for the purposes of CEQA if the proposed project disturbed the contaminated soil].)

In addition to the Phase I Environmental Site Assessment (ESA) prepared for the project site, Geocon Consultants prepared an *Environmental Data Summary* for the proposed project, dated September 18, 2017, which summarizes known contamination sites in the area, and analyzes potential impacts related to such existing contamination (please see Section 3.1 Appendix).¹ As discussed in the Geocon Summary, several sources of groundwater contamination exist within the vicinity of the project site, and extensive monitoring of existing contamination has been conducted in the project area. The following summarizes the most relevant data for the Trackside project site.

I Street Development

The nearest facility to the Trackside project site with groundwater monitoring data is the I Street Development at 920 Third Street, located so the south across Third Street. Groundwater monitoring well 12 (MW-12), associated with the I Street Development, is located along the Trackside project site's southeastern boundary.

¹ Geocon Consultants, Inc. *Environmental Data Summary: Trackside Center*. September 18, 2017.

Groundwater monitoring from MW-12 in September 2012 detected Trichloroethene (TCE) at a concentration of 3 micrograms per liter ($\mu\text{g/L}$). Additionally, a monitoring well (MW-11) within 3rd Street, south of the Trackside site, detected TCE at a concentration of 7.9 $\mu\text{g/L}$. No other volatile organic compounds were detected in groundwater samples from these wells.

The San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) has established Tier 1 Environmental Screening Levels (ESL) for TCE in groundwater at 5.0 $\mu\text{g/L}$.² The TCE concentration in groundwater at the border of the Trackside site, measured by MW-12, is below the Tier 1 ESL, but the groundwater at MW-11, south of the project site, exceeds the SFBRWQCB's Tier 1 ESL. To further assess areas with TCE concentrations in excess of the Tier 1 ESL, the SFBRWQCB has established a Tier 2 ESL of a groundwater concentration of 170 $\mu\text{g/L}$, which conservatively estimates whether a risk of vapor intrusion of TCE exists. Considering the Tier 2 ESL of 170 $\mu\text{g/L}$, the groundwater concentration at the southeastern boundary of the project site of 3 $\mu\text{g/L}$ and the concentration of 7.9 $\mu\text{g/L}$ at MW-11 would be far below the Tier 2 ESL, and vapor intrusion of TCE into the proposed project site would not be anticipated to occur during construction or operation of the proposed project.

Not only is the TCE level measured at the southeastern boundary of the Trackside project site (e.g., MW 12) below the Tier 1 ESL of 5 $\mu\text{g/L}$, but on-site construction would not result in excavation to the depth of groundwater. Groundwater in the project area averaged a depth of approximately 38 feet.³ Construction activity associated with the proposed project is anticipated to involve disturbance of the upper 10 to 15 feet of soil. In addition, construction activity associated with the proposed project would be limited to the project site, and, thus, the proposed project would not have the potential to disturb off-site soils near MW-11 where groundwater TCE levels are in excess of the Tier 1 ESL. Considering the foregoing analysis, construction and operation of the proposed project is not anticipated to exacerbate the existing TCE contamination by exposing future residents to vapors or exposing construction workers to contaminated groundwater.

Cable Car Wash

The Cable Car Wash facility is located approximately 200 feet south of the Trackside site. This facility received regulatory case closure in 2014 for a former leaking underground storage tank (LUST). The relevance of the Cable Car Wash site to the Trackside analysis has to do with the fact that as part of the contamination analysis, several soil vapor (SV) and groundwater (GW) monitoring borings were advanced very near to the Trackside site, including two borings on the western boundary of the Trackside site (SV/GW-2 and SV/GW-3), one boring at the northeastern corner of the Trackside site (SV-5), and one boring near the southeastern corner of the Trackside site (SV/GW-6). Groundwater samples from the borings did not detect perchloroethylene (PCE) or TCE at concentrations exceeding laboratory detection limits.

² California Environmental Protection Agency, San Francisco Bay Regional Water Quality Control Board. *ESL – Environmental Screening Levels*. Available at http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.shtml. Accessed September 27, 2017.

³ Geocon Consultants, Inc. *Environmental Data Summary: Trackside Center*. September 18, 2017.

In addition to groundwater analysis, soil vapors were analyzed from the aforementioned monitoring sites. Samples collected at a depth of seven feet at SV-5 detected PCE at concentrations of 1.7 µg/L, while samples taken at a depth of 20 feet detected PCE at a concentration of 1.3 µg/L. Following the detection of PCE vapor, the PCE vapor concentrations were compared to the ESL for PCE in soil vapor for commercial/industrial projects. The commercial/industrial ESL for PCE vapors is 2.1 µg/L; therefore, the soil vapor concentrations detected at the Trackside site boundaries do not exceed the applicable ESL for PCE vapors.

Although the Trackside project would be a mixed-use development that includes both retail space and residential space, several factors make the use of the commercial/industrial ESL appropriate. The entire ground floor of the proposed project would be composed of retail space and parking areas on top of an intact concrete slab. Considering the applicability of the commercial/industrial ESL and the concentrations discussed above, construction and operation of the proposed project would not expose workers or residents to PCE vapors in excess of the applicable standards.

It should be noted that, according to Geotracker data, since 2007, the direction of groundwater flow in the project area has shown a predominant trend towards the southeast. Because the I Street Development and the Cable Car Wash sites are south of the Trackside site, groundwater movement, and, thus, movement of contaminated groundwater from the aforementioned sites, would be generally away from the Trackside site.

Conclusion

The existence of TCE within groundwater in the Trackside site vicinity is considered an existing condition under CEQA. In light of the California Supreme Court's recent decision discussed above, the presence of TCE and PCE would only be considered to result in a significant CEQA impact if the Trackside project would exacerbate the existing conditions. The foregoing discussion has shown that the Trackside project would not exacerbate existing hazardous conditions. Not only did the nearest monitoring well (MW-12) to the Trackside site detect TCE below the regulatory Tier 1 ESL for groundwater, there is also no potential for construction of the Trackside project to excavate to depth of groundwater. With respect to soil vapor, it has been shown that the soil vapor concentrations of PCE along the Trackside site's boundaries are below the commercial/industrial ESL for PCE; and thus, not a risk to future ground floor retail tenants. Additional clarifying information has been incorporated in Section VIII (Hazards and Hazardous Materials) of the SCEA/IS as provided in Section 3.0 (Errata and Clarifications) of this document.

Master Response 5 - Transportation/Circulation

A number of comments addressed issues related to SCEA/IS Section XVI, (Transportation and Circulation). They include comments regarding additional alley trips, service vehicle trips, impacts to garage ingress/egress, mitigation related to the alley design, issues regarding safety, and pedestrian movement through the alley.

Alley Traffic

A number of comments expressed concern about alley traffic and use of the alley for service-related trips.

As discussed in the Section XVI (Transportation and Circulation) of the SCEA/IS, KD Anderson & Associates, Inc. performed a trip generation analysis for the proposed project.⁴ The trip generation analysis considered the existing land uses on the project site, existing traffic volumes in the alleyway, and potential improvements to the alley that would be implemented with the proposed project. As shown in Table 16.3 of the SCEA/IS, the proposed project is estimated to result in 551 daily vehicle trips related to the commercial portion of the proposed project, and 161 daily vehicle trips related to the residential portion of the proposed project for a total of 711 daily trips. The estimated total number of trips per land use include service vehicles related to the delivery of goods, mail service, and waste collection. Although the proposed project is anticipated to generate approximately 711 daily vehicle trips, it is important to note that not all 711 daily trips would be anticipated to use the alley each day. Rather, the 711 daily trips would be spread throughout the surrounding roadway network.

The project site currently contains 37 marked parking spaces associated with the existing commercial uses. Patrons and employees of existing on-site businesses currently use the alley to access the on-site commercial parking. As discussed on page 119 of the SCEA/IS, the proposed project would include 30 parking spaces. Of the 30 parking spaces included in the proposed project, 27 would be reserved for residents, while the three remaining spaces would serve the managers of the proposed commercial uses. In addition to the foregoing parking spaces, one vehicle loading space and several X-permit parking spaces would be provided along the west side of the alley, adjacent to the project frontage. As such, implementation of the proposed project would reduce the number of commercial parking spaces by 34 spaces, and introduce 27 residential parking spaces. The commercial parking spaces on-site, and the X-permit spaces would only be available for employee or manager use, and would not be available for patron use. Due to the change in on-site parking from commercial to residential use, the alley would cease to provide useful access to the project site for patrons driving to the proposed commercial portion of the project. Thus, the proposed change from on-site commercial to on-site residential parking is anticipated to divert most of the existing commercial vehicle trips away from the alley. Vehicles related to proposed commercial uses would be able to park off-site in on-street parking or in the nearby parking structure on 4th Street.

⁴ KD Anderson & Associates, Inc. *Memorandum: Trackside – Supplemental Information Regarding Trip Generation*. January 12, 2017.

While most of the commercial trips related to the proposed project would not be anticipated to use the alley, all residential trips related to the proposed project would be anticipated to use the alley to access the project site.

Considering the diversion of commercial trips away from the alley, and the addition of residential trips to the alley, KD Anderson & Associates, Inc. concluded that operation of the proposed project would add a total of 94 net new trips to the alleyway over the course of an entire day. To illustrate the anticipated change to alley traffic that would occur with implementation of the proposed project, Table 16.13 of the SCEA/IS presents a summary of alley traffic with the proposed project. As shown in Table 16.13 of the SCEA/IS, the proposed project is only anticipated to increase daily traffic at the intersection of 3rd Street and the alley by 46 trips in the one-way northbound alley scenario. Meanwhile, the intersection of 4th Street and the alley would experience a daily increase in 48 vehicle trips under the one-way northbound scenario. Changes in vehicle volumes at the intersections of the alley and 3rd or 4th Street, presented in Table 16.13 of the SCEA/IS, illustrate the limited nature of vehicle volume changes. This relatively minor increase in alley traffic over the course of the entire day, coupled with improvements to the alley, would ensure that adverse traffic and safety impacts would not occur. The additional alley improvements would include striping of a shared vehicle and bicycle lane, a contra flow bicycle lane, X-permit parking areas, and a loading zone, all of which would clearly indicate the multi-modal uses of the alley.

SCEA/IS Table 16.13 summarizes the expected alley traffic based on alley traffic counts and project trip generation numbers. Up to 449 total daily alley trips are expected with the proposed project based on the Total Base plus Project Traffic using the higher October 2015 alley traffic counts. A “worst case” conservative estimate of total peak hour alley trips estimates 48 a.m. peak hour trips and 169 p.m. peak hour trips based on project trip generation estimates (Table 16.3) of 36 total a.m. peak hour trips and 101 p.m. peak hour trip plus actual alley traffic counts taken in October 2015. This worst-case estimate includes all the projected a.m. and p.m. peak hour project trips. However, most of these trips are never expected to enter the alley as already discussed about the project’s use of the alley for commercial trips versus residential trips. The volumes shown reflect the peak hour trips expected to visit the site; however, as there is only on-site parking specifically for residents, and minimal on-street parking within the alley, there is no expectation that the project traffic would utilize the alley when looking for parking. It is expected that project traffic will utilize existing on-street parking in the vicinity as well as the parking lots and parking structures nearby, similar to other downtown businesses. This worst-case scenario also includes the higher October 2015 traffic counts instead of the lower alley traffic counts that were later recorded.

City LOS standards identifies LOS ‘E’ acceptable within the City and LOS ‘F’ acceptable in the Core Area. According to SCEA/IS Table 16.2, the LOS volume threshold for a local street in vehicles per hour (vph) is LOS ‘C’ at 360 vph, LOS ‘D’ at 510 vph, and LOS ‘E’ at 610 vph. The City does not identify an LOS threshold or volume thresholds for an alley. However, an alley which primarily provides access for services and for residences and businesses along the alley would be expected to have less traffic than a Local Street. The “worst case” peak hour alley trips of 48 a.m. peak hour trips and 169 p.m. peak hour trips, with actual peak hour trips expected to be fewer, are well below a LOS ‘C’ (360 vph) for a Local Street, let alone the LOS’

'E (610 vph) threshold. The expected peak hour alley traffic with the project are not comparable to a Local Street, Collector, or Arterial traffic volumes compared to in the comments and does not result in a significant impact.

It should be noted that since the preparation of the SCEA/IS, as a result of public input, an alternative site circulation design has been provided, whereby alley vehicle traffic would be limited to one-way in the southbound direction. Thus, vehicles would access the alley from 4th Street and proceed to 3rd Street. More specifically, the cross section of the alley would consist of X-permit parking, a shared southbound vehicle and bicycle lane, and a separate northbound bicycle lane. Under the one-way, southbound configuration the existing X-permit parking along the ACE rock yard property would be maintained, while the western side of the alley along the project frontage would include additional X-permit parking as well as a loading space for service vehicles. Adjacent to the parking areas, the middle portion of the alley would serve as a shared-use southbound vehicle and bicycle lane. Finally, a separated northbound bicycle lane would be striped on the eastern side of the alley, which would allow for two-way bicycle movement within the alley. KD Anderson & Associates, Inc. provided a supplemental analysis of the one-way southbound option.⁵ The supplemental analysis concluded that shifting the alley access to the north would shift traffic patterns related to project and alley traffic, but would ultimately result in similar effects as the previously analyzed one-way northbound option. However, KD Anderson & Associates, Inc. did note that the proposed southbound configuration may further reduce traffic along the alley, as customers to the commercial portion of the project on 3rd Street would be less likely to use the alley to search for parking. Clarifications to the SCEA/IS regarding this option have been incorporated in the SCEA/IS as part of Section 3.0 (Errata and Clarifications) of this document.

As discussed in Section XVI (Transportation and Circulation) of the SCEA/IS, and above, while increasing the intensity of development on the project site would have the potential to generate more vehicle trips in the project area, the proposed project is not anticipated to result in a significant increase in vehicle volumes through the alleyway that could result in impacts related to traffic operations, or exceed the capacity of the improved alley.

Service Vehicle Use of the Alley

Service vehicles currently make trips through the alley to access the existing commercial development at the project site. With implementation of the proposed project, service vehicles would continue to use the alley to access the proposed commercial developments, and additional service vehicles may use the alley to access the residential portion of the proposed project. A loading zone is proposed along the site frontage to the alleyway, which would be used by all service vehicles for both the commercial and residential portions of the project. The trip generation estimates presented in Table 16.3 of the SCEA/IS include vehicle trips for both the proposed commercial and residential uses. Therefore, while service vehicles represent a relatively small portion of the future trips within the alley, such trips were considered within the project trip generation analysis, and throughout the SCEA/IS.

⁵ KD Anderson & Associates, Inc. *Memorandum: Trackside Center – Supplemental Information Regarding Southbound Access in lieu of Northbound Access.* August 22, 2017.

Zero Lot-Line Ingress and Egress

Several garages and driveways currently access the alleyway. Many of the existing driveways are zero lot-line structures that abut the alleyway directly. The movement of traffic in both directions along the alley creates a hazard for the existing garages and driveways, as drivers must be aware of vehicle, bicycle, and pedestrian traffic moving in both directions.

The proposed limitation of vehicle traffic to one-way movement would reduce the existing traffic hazard posed by two-way vehicle traffic. Additionally, as shown in the Exhibit below, the proposed one-way, northbound alley configuration would provide adequate space to allow for vehicles to access the two existing zero-lot line garages. Although not shown on the figure below, the proposed one-way, southbound alley configuration would also provide adequate space to allow for vehicles to access the two existing zero-lot line garages. However, in the one-way southbound alley configuration, the northbound bicycle lane would be in between the garages and the vehicle travel lane; thus, vehicles accessing or leaving the garages would need to cross the bike lane. Relatively few garages exist within the alley, the frequency of vehicles accessing the zero lot-line garages would be low, and such access would occur at low vehicle speeds. Consequently, potential conflicts between vehicles and bicycles in the alley would not be anticipated to pose a significant, frequent hazard.

With implementation of either the one-way directional traffic proposal, the alley would continue to provide adequate access to existing zero lot-line garages abutting the alleyway.

Parking

A number of comments expressed concerns about parking impacts. City parking policies seek to maximize the efficient use of parking and commercial land in the Core Area and discourages the provision of excessive on-site parking for commercial uses. The use of in lieu parking fees and appropriate off-site locations allows for a district -wide parking strategy and measures to help support City objectives for the Core Area as the City's retail, office, and cultural center with residential uses. As detailed in the Traffic Impact and Parking Analysis Report (page 52) prepared for the project, the nearby parking garage located at 4th and G Streets is considered underutilized with reported occupancy rates ranging from 10% to 59% throughout the day.

As previously described, the project provides 27 on-site parking spaces for residents and 3 on-site parking spaces for managers of the retail spaces. The remaining 17 required parking spaces based on the retail square footage will be provided as in lieu parking fees or at a nearby off-site parking site, such as the parking garage located at 4th and G Street, subject to City approval. The combination of on-site parking with in lieu fees or approved off-site spaces would comply with parking requirements as provided in the proposed PD Zoning for the site, Municipal Code Section 40.15 (M-U District), and Section 40.25 (Parking Requirements). As such, the project will provide adequate parking that meets City parking requirements and would not result in a significant parking impact. Clarifying information on parking has been incorporated in the SCEA/IS as provided in Section 3.0 (Errata and Clarifications) of this document.

Alley Garage Turning Radius Exhibit



Sidewalk Access

Sidewalks currently exist along the 3rd Street frontage of the project site and within the western portion of the project site. The alleyway adjacent to the project site does not currently contain sidewalks or any other pedestrian infrastructure. Implementation of the proposed project would retain the existing sidewalk along 3rd Street, and, as discussed on pages 30 and 31 of the SCEA/IS, would include an additional eight-foot sidewalk along the eastern edge of the project site, adjacent to the public alley. The proposed sidewalk along the eastern edge of the project site would provide safe pedestrian access to the eastern commercial frontage as well as the on-site parking areas, bike storage area, and the entry to residential portions of the project site. Additional pedestrian access would be provided along the western portion of the proposed structure, which would allow pedestrian access to the commercial spaces along the western portion of the project site.

Alley Mitigation

A number of comments received expressed concern about Mitigation Measure 8 related to the final alley design and claiming deferred mitigation.

It should be noted that following public input, the southbound alley configuration was added to the SCEA/IS. Clarifications to the SCEA/IS regarding the southbound alley option have been incorporated in the SCEA/IS as part of Section 3.0 (Errata and Clarifications) of this document. Additional discussion has also been incorporated regarding the alley improvements and Mitigation Measure 8 clarifying that the proposed alley changes are improvement measures expected to improve safety and circulation for users of the alley. Therefore it does not result in a potentially significant impact and no mitigation is required. Such clarifications and additional discussion do not result in new or substantially different mitigation that would require recirculation of the document.

The current alley proposals are conceptual designs that require subsequent development of detailed improvement plans, which would be reviewed by the Public Works Department. Although the current alley proposals are conceptual, sufficient information was available for KD Anderson & Associates, Inc. to fully analyze potential impacts related to changes in alley circulation. As discussed in the SCEA/IS, and the supplemental memorandum assessing the southbound one-way configuration option,⁶ none of the alley configurations would result in impacts to circulation or transportation safety. The City review of the final alley configuration would not result in changes to circulation patterns from what was analyzed in the SCEA/IS. Instead, City review would ensure that proposed alley designs meet City standards and reflect designs previously assessed by KD Anderson & Associates and the SCEA/IS.

Proposed improvements in the alley would clearly demarcate use of the alley by the transportation modes. The SCEA/IS acknowledges that there can be conflict between different modes within the alley, but demarcation of alley uses could help reduce such conflicts. Additionally, City review of the final design would ensure that alley design would minimize

⁶ KD Anderson & Associates, Inc. *Memorandum: Trackside Center – Supplemental Information Regarding Southbound Access in lieu of Northbound Access*. August 22, 2017.

potential conflicts by meeting standard City design guidelines and the recommendations of KD Anderson & Associates, Inc.

The proposed alley configuration would provide a 10-foot wide one-way traffic lane between 3rd and 4th Streets for shared vehicle and bicycle use and a 7-foot wide contra flow bicycle lane for bicycles traveling in the opposite direction. The project proposes parking spaces in the alley along the project site. The parking spaces would abut up against a proposed 8-foot wide sidewalk adjacent to the alley for pedestrian access along the project site.

The City's 2016 Street Standards adopted by the City Council in October 2016 identifies requirements for streets and bike paths in the City. Applicable standards include alleys 20 feet wide minimum, travel lanes 10 feet wide, bike lanes 7 feet wide minimum, parking lane 7 feet wide maximum. The existing 30-foot wide alley is able to accommodate the proposed travel lane, bicycle lane, and parking that meet City street standards and also still provide a 2-foot buffer between the traffic lane and contra flow bicycle lane plus a 3-foot buffer between the contra flow bicycle lane and the residential properties along the alley. A section of the alley showing the conceptual improvements with the one-way southbound flow configuration is provided in Figure 16.1 below.

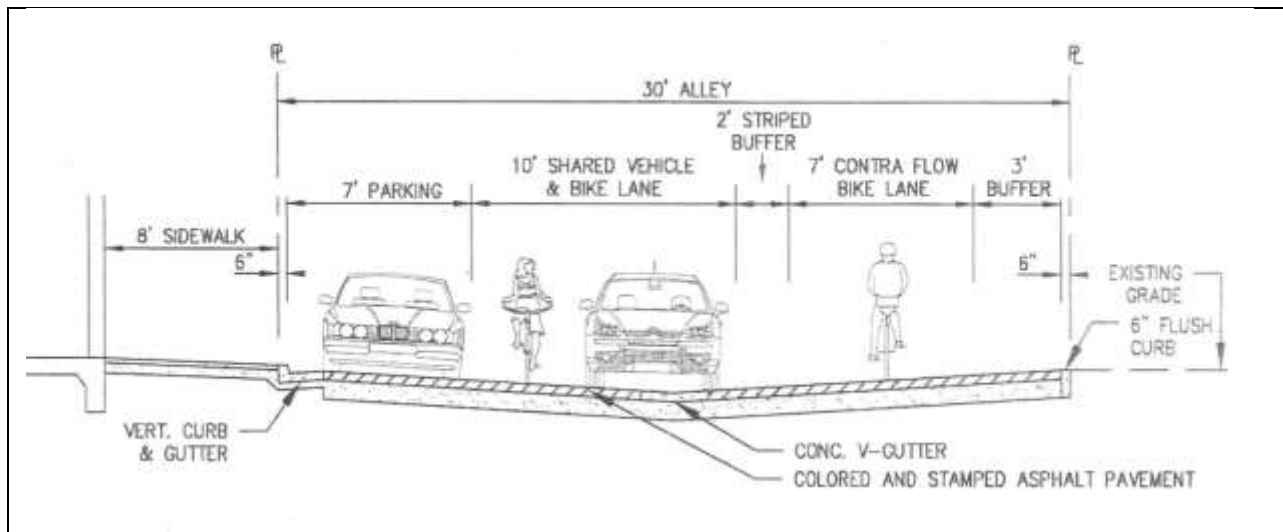


Figure 16.1 Alley Concept with Southbound Vehicle Lane and Northbound Bike Lane looking North.

A one-way southbound configuration for the alley would provide bicycle access in the shared southbound traffic lane and a northbound contra flow bicycle lane on the east side of the alley near the residential properties. It allows for typical directional flow with travel occurring on the right hand side. The buffer areas provide additional separation and safety between modes and uses. The proposed sidewalk on the project site accommodates the adjacent parking spaces in contrast to the existing alley conditions which has commercial structures and power lines and poles located on the property line and interfering with potential parking spaces.

The current alley configuration has no striping or identified travel lanes and has minimal traffic improvements. Alley improvements are not required for the project which could use the alley in

its current configuration. However, the proposed improvements are expected to improve safety and circulation for users of the alley. The potential impact of the Project with regard to traffic safety is less than significant without mitigation. The one-way alley configuration has been reviewed by City Engineering staff who determined that it would meet City street design standards. Public Works review of engineered improvement plans is a standard requirement as part of the construction documents and ensures that the design and construction of alley improvement will comply with existing City requirements and standards and provide adequate safety. Public Works review of these improvement plans is, at most, to be considered an improvement measure as it is not required to reduce a potential CEQA impact. Therefore, project impacts would be less than significant and no mitigation is required.

Master Response 6 - Cumulative Impacts

Numerous comments expressed general concerns about cumulative impacts. They included comments that the proposed project would set a precedent or include entitlements that will result in increased development in the size of buildings and in population and house in the area that is not analyzed in the Initial Study.

It is noted that project site is located in a transition area between the downtown core area and the adjacent residential neighborhood. The project site and similar commercial parcels in this transition area on east side of the railroad tracks are located in the Core Transition East Area which is one of the Mixed-Use Character Area identified in the DDTRN Design Guidelines. The project site is also identified in the DDTRN Design Guidelines as part of the Third Street Special Character Area, which applies to the commercial properties fronting on Third Street. These special character areas are intended for mixed-uses and commercial retail uses. The guidelines support the more intense development envisioned by the land uses and zoning of the commercial properties that include Core Area Specific Plan (CASP) designations of Retail with Offices or Core Retail and zoning of Mixed-Use (M-U) or Central Commercial (C-C). The proposed PD zoning of the project site is based on the existing M-U zoning.

Although other commercial properties near the project site are expected to accommodate denser development based on the zoning and land use, no other redevelopment projects are currently proposed in the surrounding area. Any new proposed projects will be evaluated based on the merits of the specific project and will include review for consistency with the land use, zoning, and design guidelines. Entitlements for the Trackside Center project include the CASP amendment to address the density of 51.4 units/acre without the lease area (39 units/acre with the lease area) and the rezone to a PD zoning district which addresses the specific uses and development standards on the project site, such as floor area ratio of 2.1 FAR without the lease area (1.59 FAR with the lease area).

As described in the SCEA/IS and the clarifications in Section 3.0 (Errata and Clarifications) of this document, the changes related to the CASP amendment and rezone have limited applicability that only apply to the project site. They do not affect the density or floor area ratio allowed on other parcels and would not result in more intense development on other parcels than currently allowed. It does not result in significant cumulative impacts. In preparing the SCEA/IS, cumulative effects that have been addressed and mitigated in a prior environmental document need not be treated as cumulatively considerable (Pub. Resources Code § 21155.2(b)(7)).

2.3 - COMMENTS AND RESPONSES TO COMMENTS

This section includes copies of the comment letters received on the SCEA/IS, as identified in Section 2.1 Commenter List, with the comments numbered for reference and responses to the comments.

Comment 1

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August 11, 2017

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

Via email

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

Dear Mr. Lee:

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

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

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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 Trackside 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.

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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 Trackside proposal, a mixeduse project located within the boundaries of the DDTRN overlay district. As I showed in figures 2-5 of my July 13, 2017 written comment to the Planning Commission, the proposed building *does not* "... appear to be in scale with traditional single-family houses along the street front."

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

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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 the July 13, 2017 comment letter submitted to the Planning Commission by Mark Grote); loss of parking spaces, and; loss of open space. These impacts must be analyzed in an EIR. CEQA requires all foreseeable uses of a project, the 'whole of the action', be analyzed in the same environmental review document in order to preclude impermissible 'piecemealing' of environmental review.

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

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

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

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

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

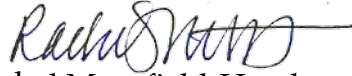
Opinions based on the expertise of planning commissioners, city councilmembers, ***and other public officials with expertise in land use planning also qualify as substantial evidence supporting a fair argument of potentially significant impacts that requires preparation of an EIR.*** (*Stanislaus Audubon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

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

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Sincerely,

A handwritten signature in blue ink, appearing to read "Rachel Mansfield-Howlett", with a long horizontal flourish extending to the right.

Rachel Mansfield-Howlett
Attorney for OEDNA

Response to Comment Letter 1: Rachel Mansfield-Howlett (08/11/17)

Response 1-1.

The comment is an introductory statement. It addresses the CEQA process and suggests that an EIR is required to be prepared for the project. The SCEA/IS, which was prepared in accordance with CEQA, determined that the all potential environmental impacts of the project would be less than significant or less than significant with mitigation and that preparation of an EIR is not required. As such, in accordance with Public Resources Code section 21155.2(b)(5), a SCEA/IS is appropriate for the project.

Response 1-2.

The commenter states that the evaluation of the project's compliance with the City's DDTRN Design Guidelines is incorrect. The comment does not specifically address the adequacy of the SCEA/IS and instead references a table that summarizes project compliance with the DDTRN Design Guidelines from a July 19, 2017 Planning Commission Staff Report on the project. The SCEA/IS adequately addresses and evaluates the project design relative to the Design Guidelines, the City's design review process, and project aesthetics in Section I (Aesthetics), Section V (Cultural Resources), and Section X (Land Use/Planning).

The evaluation in the SCEA/IS of the project's consistency with the DDTRN Design Guidelines is correct. The Design Guidelines must be considered as part of a project review, but do not establish mandatory requirements in contrast to Zoning standards which are mandatory. Design Review does not require one hundred percent compliance with the DDTRN Design Guidelines. The SCEA/IS acknowledges that the project will alter the existing visual character of the area, but that it would not substantially degrade the visual quality of the site. Section 3.0, Errata and Clarifications, includes additional discussion that has been added to Section X, Land Use/ Planning on the role of the DDTRN Design Guidelines as guidelines and relationship to zoning. The project includes a rezone to a new Planned Development and requires Design Review approval which ensures a less than significant impact relative to potential conflicts between the zoning standards and design guidelines. See Master Response 2.

Response 1-3.

The commenter states that the DDTRN Design Guidelines contain mandatory language that prevail over Zoning standards and suggests that the project is not consistent with one of the guidelines addressing mass and scale. As discussed in Response 1-2, the DDTRN Design Guidelines do not establish mandatory requirements in contrast to Zoning standards. Davis Municipal Code Section 40.13A.030.d notes that the DDTRN Design Guidelines are intended to "serve as a guide...in regard to development within the downtown and traditional residential neighborhood district boundary." The project includes a rezone to a new Planned Development and requires Design Review approval which ensures a less than significant impact relative to potential conflicts between the zoning standards and design guidelines. Section I (Aesthetics), Section V (Cultural Resources), and Section X (Land Use/Planning) project address the project design and relationship to the DDTRN Design Guidelines. See Master Response 2.

While the DDTRN Design Guidelines includes several quantitative guidelines with specific limitations that function as a standard, by and large the language of the guidelines indicates

preferences and recommendations. The DDTRN Design Guidelines generally envisions buildings at a maximum of 2-3 stories, but a project may exceed the "scale" that is recommended and are not restricted to 2 or 3 stories. The proposed project is a 4-story building. However, the proposed building height, varying elevations, stepping back of the upper floors, and setbacks, is consistent with several other commercial buildings in the core downtown area, and to some degree reflects the historic use patterns of the area along the railroad tracks. The specific standards for building height and size, limited by the floor area ratio, is established as a zoning regulation. The new proposed building would be one story of street-level commercial uses, three stories (top story is massed toward the west and south) of rental residences and parking, tucked under the north end of the building, continuing out to the western edge of the site.

Response 1-4.

The commenter argues that the project inconsistency with area plans must be considered. Project consistency with land use plans is addressed in SCEA/IS Section X (Land Use/Planning) which determined the potential conflicts to be less than significant. The project implements the intent of the City's General Plan and Core Area Specific Plan (CASP) and the SCEA/IS identifies project consistency with land use policies, including policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The policies describe desired outcomes, but do not require compliance with every single policy. See Master Response 2.

Response 1-5.

The commenter states that the Initial Study fails to analyze the impacts of the potential loss of the leased land area which is included as part of project area and improvements. The Planned Development (PD) Zoning and proposed development standards address the potential loss of the leased area to ensure that the project would be comply with the PD zoning in the event the leased area is no longer available. The SCEA/IS discusses the leased area and Section 3.0, Errata and Clarifications, and includes additional clarifications.

Response 1-6.

The commenter states that the Initial Study fails to analyze the project's inconsistencies with area plans and policies. SCEA/IS Section X (Land Use/Planning) addresses the potential impact of project conflicts with land use plans and policies. As stated in Response 1-4, the SCEA/IS identifies the project's consistency with applicable land use policies. The policies describe desired outcomes, but do not require compliance with every single policy for general conformance with the plans. Project entitlements related to the Zoning and Core Area Specific Plan Amendment ensure consistency with the project's density and zoning standards. The SCEA/IS determined that the project's impacts relative to land use plans and policies would be less than significant. See Master Response 2.

Courts will defer to an agency's decision on consistency with its own plan unless, on the basis of evidence before the decision-making body, a "reasonable person" could not have found the project to be consistent. (*See Clover Valley Found. v City of Rocklin* (2011) 197 Cal.App.4th 200, 239 (consistency of development project with general plan); *No Oil, Inc. v City of Los*

Angeles (1987) 196 Cal.App.3d 223 (consistency of zoning ordinance with general plan); *Mitchell v County of Orange* (1985) 165 CA3d 1185 (consistency of specific plan with general plan). Inconsistency with a particular provision of a plan does not necessarily require a determination that the project will have a significant environmental impact. Nothing in the CEQA Guidelines requires that an inconsistency with an applicable plan be treated as a significant environmental impact. (*Joshua Tree Downtown Bus. Alliance v County of San Bernardino* (2016) 1 Cal.App.5th 677, 695.) Agencies have particularly broad discretion in determining a project's consistency with general plan policies. (*See, e.g., Naraghi Lakes Neighborhood Preservation Ass'n v City of Modesto* (2016) 1 Cal.App.5th 9, 21; *Friends of Lagoon Valley v City of Vacaville* (2007) 154 Cal.App.4th 807, 816; *Sequoyah Hills Homeowners Ass'n v City of Oakland* (1993) 23 Cal.App.4th 704, 719.)

Response 1-7.

The commenter addresses a CEQA process issue related to the 'fair argument' standard. Public Resources Code section 21155.2(b) specifically states that a lead agency's decision to review and approve a transit priority project with a SCEA is reviewed under the substantial evidence standard. (Pub. Resources Code § 21155.2(b)(7).) "Substantial evidence" means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency." (State CEQA Guidelines, § 15384.) See also Master Response 1.

Response 1-8.

The commenter cites a CEQA determination issue related to expert opinion on cultural resources impacts and cites opinions on the project provided by Patricia Ambacher, an architectural historian, and testimony by the Historic Resources Management Commission.

Analysis and discussion of impacts to historical resources in Section V (Cultural Resources) of the SCEA/IS included a peer review of the relevant documents by Ben Ritchie, MCRP, Principal of De Novo Planning Group, and by Melinda Peak, President of Peak and Associates. Ms. Peak is a registered professional historian with a Bachelor's degree in Anthropology from the University of California, Berkeley and a Master's degree history at California State University, Sacramento. Through her education and experience, Ms. Peak meets the Secretary of Interior Standards for historian, architectural historian, prehistoric archeologist and historic archeologist. The peer review included the peer review conducted by Ms. Ambacher whose comments were taken into account and addressed in Section V.

As part of the City's review process, the project was reviewed by the City's Historical Resources Management Commission (HRMC) on December 12, 2016 for advisory input. As described in the meeting minutes, the HRMC took the following actions:

1. Voted unanimously to affirm the Commission's previous determination that:
 - a. The existing structures do not meet the criteria for listing in the National Register of Historic Places, California Register of Historical Resources, or City landmark or

merit resource requirements based on the Historical Resources Analysis and that they do not warrant full review under CEQA as historical resources; and

- b. That a Demolition Certificate is not required given the findings of the HRMC that the buildings at 901 - 919 Third Street do not have significant historical significance to be eligible for designation at local, state and federal levels.
2. Voted unanimously against a motion to find that the revised project is consistent with the applicable guidelines from the Davis Downtown Traditional and Residential Neighborhood (DDTRN) Design Guidelines.
3. Voted unanimously against a motion to find that the Historical Resources Effects (HRE) Analysis report and the Addendum to the HRE, which conclude that the potential historical impacts of the revised Trackside Center project would be less than significant relative to CEQA including less than significant adverse impacts to the setting of the nearby historical resources, is acceptable.

The HRMC input on the HRE were taken into account in the peer review described above and analyzed in the SCEA/IS. Pursuant to Municipal Code Section 40.23.050, the role and duty of the HRMC for this type of project for new construction within the conservation overlay district is to provide advisory review to the decision-making body. The HRMC reviewed the project at a meeting on December 12, 2016 and provided the above input which has been forwarded to the Planning Commission and City Council for consideration in their review of the project.

Potential historical impacts to setting are addressed in Section V (Cultural Resources). The SCEA/IS notes that the project results in a visual change to the area as described in Section I (Aesthetics) and Section V (Cultural Resources), but would not result in a direct or indirect significant impact to the historical setting of the nearby historical resources such that they would be materially impaired and no longer qualify as a historical property. A lead agency is not bound by an expert's opinion on the policy question of what constitutes significance for a given impact. See *Citizen Action to Serve All Students v Thornley* (1990) 222 Cal.App.3d 748, 755 (agency could disregard expert opinion because it addressed ultimate issue of whether specified increase in traffic should be treated as "significant" and disagreed merely with city's standard of significance). See also Master Response 3

Response 1-9.

The commenter states that the Initial Study fails to acknowledge that the City has treated the conservation district as the functional equivalent of a historical district and should be afforded the same protections. Project impacts related to historical resources, including historical districts, is addressed in the SCEA/IS. As discussed in Section V (Cultural Resources), the neighborhood is not part of a designated Historic District. It is a Conservation District which is designed to conserve the neighborhood's traditional character. It does not require adherence by all properties within the district to the Secretary of the Interior's Standards for the Treatment of Historic Properties, but allows for flexibility in redevelopment standards for compatible new construction. See Master Response 3.

Comment 2

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.

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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

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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

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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.

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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).

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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.).

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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

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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

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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.

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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.

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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.

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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 Trakside partners have asserted that the Design Guidelines are confusing and contradictory. They are not, if read and interpreted in good faith.

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Respectfully submitted,

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

Response to Comment Letter 2: Old East Davis Neighborhood Association Board (07/14/17)

Response 2-1.

The comment is an introductory statement for the letter and identifies the general topic areas addressed in the letter. Topic areas include project size and design, land use policies, precedent-setting concerns, inclusion of leased area, project location, alley traffic, historical impacts, and design guidelines. Specific comments related to the topic areas in the letter and responses are provided below.

Response 2-2.

The comment addresses the project review process. It expresses opposition to the project and support for a redesigned project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project

Response 2-3.

The commenter states that the project conflicts with City land use policies regarding mass, scale and compatibility with the residential neighborhood and cites several design guidelines and policies from the General Plan and Core Area Specific Plan. Project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning).

The design of the project is sensitive and responsive to the adjacent uses. Along the eastern edge of the proposed building, the architecture is designed to create a traditional residential look-and-feel. The building is massed away from the east and north in a series of stepbacks. On Third Street, a “Main Street” traditional storefront component would dominate the pedestrian experience with the top floor set back from view. Along the railroad, the plaza would be anchored by an existing cork oak tree. The architecture of this façade would be more industrial in nature, reflecting the site’s history and railroad adjacency.

Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines.

Compliance with the Design Guidelines is a primarily an aesthetic issue. The project is designed to relate to the surrounding area and provides transitions from the higher intensity downtown area to the residential neighborhood. It does not require one hundred percent compliance with the guidelines. The project requires Design Review approval by the City which utilizes the DDTRN Design Guidelines to ensure the design of new development is appropriate. The SCEA/IS acknowledges that the project will alter the existing visual character of the area, but that it would not substantially degrade the visual quality of the site. See also Master Response 2.

Response 2-4.

The commenter states that the project would expand the downtown area into a traditional neighborhood. See Response 2-3 regarding consistency with land use plans. The comment does not

address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 2-5.

The commenter states that the project could be scaled down in size and still generate significant income. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 2-6.

The commenter states that the project inappropriately relies on land leased from Union Pacific Railroad to claim exceptions from City development standards. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

However, it is noted that the leased area has historically been used by the project site and is currently used for parking, landscaping, and outdoor space. The SCEA includes a description and information on the leased area with project data information on project density and floor area ratio with and without the leased area. Furthermore, the project and proposed building are designed to be able to function on their own without the leased area in the unlikely event that the leased area is no longer available. Project entitlements and the new PD zoning for the site have taken into account the possible loss of the leased land and ensure that the project will remain consistent with development standards including, but not limited to, density, lot coverage, floor area ratio, open space, and parking. Additional information regarding this has been added to the SCEA/IS in Section 3.0 (Errata and Clarifications).

Response 2-7.

The commenter states that proposed building fails to provide an appropriate transition between the Core Area and the Old East neighborhood and cites the DDTRN Design Guidelines. See Response 2-3 regarding aesthetics and the Design Guidelines and Master Response 2.

Response 2-8.

The commenter states that vehicle volumes and uses of the alley are not appropriate and states that a reduction in commercial-related trips through the alley compared to current conditions seems doubtful. SCEA/IS Section XVI (Transportation and Circulation) evaluates impacts from project-related trips and alley access and use. Currently, all of the alley trips related to the project site are commercial related. With the proposed project, primary alley use by the project site would be residential related for parking access with a smaller number of commercial related trips.

The comment cites safety impacts from increased alley traffic, the difficult turning radius for alley garages, and impacts to the adjacent accessory unit on the alley from noise, lights, and exhaust. Final improvement plans for the alley design requires review and approval by the City Public Works Department for City standards and safety considerations. See also Master Response 5 which includes an exhibit showing turning radius movements from adjacent garages with alley improvements and discusses the one-way alley configuration.

The SCEA/IS evaluates project impacts related to noise, lights and air quality and were determined to be less than significant. Potential air quality impacts related to operational activities which include service vehicles and deliveries were evaluated in SCEA Section III (Air Quality). The project does not reach screening thresholds identified by the air district where it would have the potential to result in

localized CO emissions that would violate CO standards. The comment is not specific enough to permit a detailed response.

The comment also cites project processing issues related to review by the City's Bicycle, Transportation, and Street Safety Commission and Planning Commission. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 2-9.

The commenter states that the project would create significant adverse effects on the historical setting and feeling of Old East Davis. Section V (Cultural Resources) address impacts to historical resources. See also Master Response 3.

As part of the City's review process, the project was reviewed by the City's Historical Resources Management Commission (HRMC) on December 12, 2016 for advisory input. As described in the meeting minutes, the HRMC took the following actions:

1. Voted unanimously to affirm the Commission's previous determination that:
 - a. The existing structures do not meet the criteria for listing in the National Register of Historic Places, California Register of Historical Resources, or City landmark or merit resource requirements based on the Historical Resources Analysis and that they do not warrant full review under CEQA as historical resources; and
 - b. That a Demolition Certificate is not required given the findings of the HRMC that the buildings at 901 - 919 Third Street do not have significant historical significance to be eligible for designation at local, state and federal levels.
2. Voted unanimously against a motion to find that the revised project is consistent with the applicable guidelines from the Davis Downtown Traditional and Residential Neighborhood (DDTRN) Design Guidelines.
3. Voted unanimously against a motion to find that the Historical Resources Effects (HRE) Analysis report and the Addendum to the HRE, which conclude that the potential historical impacts of the revised Trackside Center project would be less than significant relative to CEQA including less than significant adverse impacts to the setting of the nearby historical resources, is acceptable.

The HRMC input on the HRE were taken into account in the peer review described above and analyzed in the SCEA/IS. Potential historical impacts to setting are addressed in Section V (Cultural Resources). The SCEA/IS notes that the project results in a visual change to the areas described in Section I (Aesthetics) and Section V (Cultural Resources), but would not result in a direct or indirect significant impact to the historical setting of the nearby historical resources such that they would be materially impaired and no longer qualify as a historical property. A lead agency is not bound by an expert's opinion on the policy question of what constitutes significance for a given impact. See *Citizen Action to Serve All Students v Thornley* (1990) 222 Cal.App.3d 748, 755 (agency could disregard expert opinion because it addressed ultimate issue of whether specified increase in traffic should be treated as "significant" and disagreed merely with city's standard of significance).

Response 2-10.

The commenter states that the project would be precedent-setting and result in similar inappropriate development in the residential neighborhood bordering the Core Area. The comment is speculative and does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

However it is noted that project site is located in a transition area between the downtown core area and the adjacent residential neighborhood. No other similar projects are currently proposed in the transition areas. Development projects are evaluated based on the merits of the project and that the project entitlements have limited applicability. See also Master Response 6.

Response 2-11.

The commenter states that the DDTRN Design Guidelines are part of city land use law and contain legally binding, mandatory language. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2.

Comment 3

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

August 11, 2017

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

Via email

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

Dear Mr. Lee and City Planners

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

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The key issues below are followed by more detailed explanation.

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

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

- 6. The IS incorrectly asserts that setting was not a consideration for designation of any of the historic structures in the APE. 7
- 7. The historical analysis identifies that there are conflicting professional assessments of the impacts of the TCMUP on historical resources. However, the IS fails to fully disclose the assessments and deliberations of the City’s own Historical Resources Management Commission (HRMC). The IS does not take a conservative approach to protection of irreplaceable resources in the case of professional disagreements. 8
- 8. The HRMC deliberations identified “mass and scale” as critical factors in historical protection and that the TCMUP significantly exceeded design guidelines established for appropriate mass and scale. 9
- 9. The IS does not analyze the impact of the proposed change in zoning regarding mass and scale for all the parcels within the Core Transition East area between 3rd and 5th streets. 10
- 10. The IS incorrectly asserts that no hazardous materials are known at the site. 11

Explanatory Detail

1. Sustainable Communities Streamlining is Inappropriate

Please see comments submitted by Mark Grote and Kyriacos Kyriacou for the Planning Commission hearing on the TCMUP for further explanation. 12

2. Local Plans and CEQA

The EIR for the Davis General Plan evaluated the direct, indirect and cumulative impacts of Davis’ plan of development on historical resources in a complete, non-piecemeal manner. The plan included policies and actions to ensure that such impacts would be avoided or mitigated to a non-significant level. The DTRN and Conservation District fulfill a CEQA requirement of the 2001 General Plan EIR. They were developed to avoid piecemeal evaluations of projects that would result in significant direct, indirect, and/or cumulative impacts to historic resources. Resolutions 01-108, series 2001 and 07-139, series 2007 (attachment 1) implements these policies, actions and mitigation measures. The cultural resources analysis in this IS is piecemeal and does not tier off, acknowledge nor incorporate the General Plan EIR actions adopted to mitigate adverse impacts to historical resources. 13

3. Misrepresentation of Ordinances

The DTRN “Framework” was not intended as mere guidance, but was deemed full standing with other zoning pursuant to Municipal Code 40.13A.020(b): Wherever the guidelines for the DTRN conflict with the existing zoning standards including planned development, the more restrictive standard shall prevail. (Ord. 2066 § 1, 2001). They are explicitly protective, not merely “a useful context in which to review project design...” (IS p. 58, para 5) as suggested in the IS. 14

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

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

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

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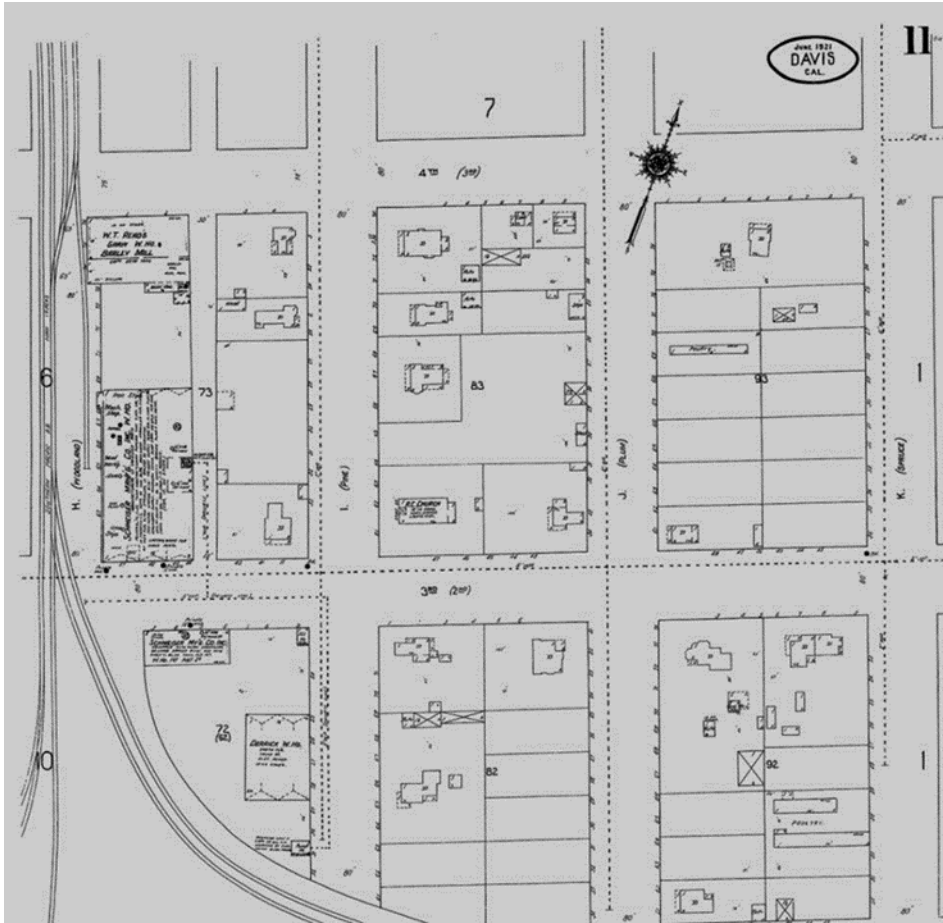
4. The Conservation District (CD) zoning overlay is the functional equivalent of an historic district

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

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Historical Context and Setting of Old East Davis:

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



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

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

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



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

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

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

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

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

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

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

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

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

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

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

“Location

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

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

“Design

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

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

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

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“Setting

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

Feeling

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

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

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

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

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

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

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

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cont.

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

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

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

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

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

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

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

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

18

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

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

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

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

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

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

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

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

On behalf of The Old East Davis Neighborhood Association, I appreciate the opportunity to comment on this project. However, the OEDNA believes that the IS is inadequate and a full Environmental Impact Report is warranted for the TCMUP because of the significant adverse impacts to designated and contributing historical resources based on visual impact, hazardous material corrosion and contamination, degradation of the neighborhood from increased traffic, noise and loss of privacy, and the loss of private investment to maintain local historical resources. The proposed TCMUP will significantly adversely affect the setting and feeling of the designated historic properties at 923 Third Street, 320 I Street, 334 I Street, and 405 J Street, as well as the contributing structures in the neighborhood. 22

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

Attachments

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

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

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

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

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

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

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

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

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

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

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

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

AYES: FREEMAN, GREENWALD, WAGSTAFF.

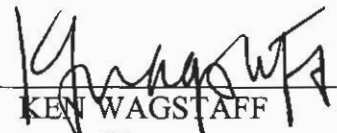
NOES: NONE.

ABSENT: NONE.

ABSTAIN: BOYD, HARRINGTON.

ATTEST


BETTE RACKI
City Clerk


KEN WAGSTAFF
Mayor

O:\Design guidelines\Design Guidelines Council Resolution.doc

RESOLUTION NO. 07-139, SERIES 2007

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

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

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

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

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

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

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

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

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

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

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


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

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

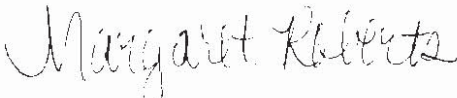
AYES: Asmundson, Saylor, Souza

NOES: Heystek

ABSENT: Greenwald


Ruth Uy Asmundson
Mayor Pro Tem

ATTEST:



Margaret Roberts, CMC
City Clerk

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

Speaker 1 – Rhonda Reed

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

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

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

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

Speaker 2 – Mark Grote

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

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

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

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

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

Speaker 3 – Doreen Pichotti

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

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

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

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

Speaker 4 – Alan Miller

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

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

Speaker 5 – Mary Kaltenbach

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

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

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

Speaker 6 – Steve Sherman

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

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

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

Speaker 7 Larry Guenther

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

Comment 3 continued

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

August 11, 2017

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

Via email

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

Dear Mr. Lee and City Planners

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

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

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

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

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

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

Thank you for the opportunity to comment on this document.

Rhonda Reed
320 I Street
Davis, CA

Comment 3 continued

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

Dear Eric-

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

25

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

Sincerely,

Rhonda Reed
310 I street
Davis, CA

Response to Comment Letter 3: Rhonda Reed (08/11/17)

Response 3-1.

The comment is an introductory statement and does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 3-2.

The commenter states the use of the Sustainable Communities Environmental Assessment/Initial Study (SCEA/IS) is inappropriate because it does not conform to local land use plans and zoning ordinances. The comment refers to submittals by commenter Mark Grote for further explanation. See Responses to Comment Letter 5, Comment Letter 6, and Comment Letter 7 submitted by Mark Grote. See also Master Response 1 and Master Response 2.

SCEA/IS Section X (Land Use/Planning) evaluates project consistency with local land use plans and policies and determined that project impacts are less than significant. Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines. The project includes a rezone to a new Planned Development (PD) zoning for the project and would address and include project development standards, such as lot coverage, floor area ratio, setbacks, and parking. As described in SCEA/IS Section X (Land Use/Planning) with additional clarifying discussion provided and incorporated in Section 3.0 (Errata and Clarifications) of this document, the rezone to a new PD ensures consistency with the Zoning Code.

However, the comment that use of an SCEA is inappropriate because the project does not conform to local land use plans also appears to derive from Comment 30-1 submitted by Kyriacos Kyriaou. Comment 30-1 references the Determination of MTP/SCS Consistency Worksheet for the Traskside Center Project which determined that the project was consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by Sacramento Area Council of Governments (SACOG). Section 3.C of the Worksheet provides several options for finding that a project is consistent with the adopted MTP/SCS and states that, *"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."*

Commenter 30 cites Section 3.C.1 Option B (below) which was selected in the Worksheet prepared for the Traskside Center Project and determined that the project was consistent with the applicable community type and characteristics.

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.

However, the commenter believes that the selection of Option B bypasses standard CEQA review and avoids City planning and zoning provisions. The commenter believes that the project would not meet Option A (below) and that it is the more appropriate criteria.

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.

Based on this, the commenter believes that an SCEA should not be used for the project. The commenter acknowledges that the City has the discretion in making the MTP/SCS consistency determination and has not demonstrated how the project would not meet Option B. See Comment Letter 30 and Responses to Comment Letter 30.

As discussed in the SCEA/IS, the City has determined that the project meets the criteria as a qualified Transit Priority Project pursuant to the requirements of Public Resources Code sections 21155-2155.2 which provide for streamlined CEQA review through preparation of an SCEA. Concurrence of the project as a qualifying Transit Priority Project and consistency with the MTP/SCS adopted by the SACOG was provided by SACOG. An SCEA provides for appropriate and adequate environmental review and use of an SCEA does not require conformance with local land use plans and zoning as discussed above and demonstrated in the MTP/SCS Consistency Worksheet.

Response 3-3.

The commenter states that the cultural resources analysis in the Initial Study is piecemeal and does not address General Plan EIR actions to mitigate impacts to historical resources. The comment is an introductory statement on this topic with more explanation provided in later comments. See Response 3-13.

Response 3-4.

The commenter states that the Initial Study misrepresents the zoning ordinances. The comment is an introductory statement on this topic with more explanation provided in later comments. See Response 3-14.

Response 3-5.

The commenter states that the Conservation Overlay Zoning District is the functional equivalent of a historic district designation. The comment is an introductory statement on this topic with more explanation provided in later comments. See Response 3-15.

Response 3-6.

The commenter states that the conservation district and the DDTRN Design Guidelines address setting and feeling that need to be analyzed in the Initial Study. The comment is an introductory statement on this topic with more explanation provided in later comments. See Response 3-16.

Response 3-7.

The commenter states that the Initial Study incorrectly says that setting was not a consideration in the designation of the historical resources in the affected project area. The comment is an introductory statement on this topic with more explanation provided in later comments. See Response 3-17.

Response 3-8.

The commenter states that the Initial Study does not fully disclose the deliberations of the City's Historical Resources Management Commission (HRMC) about the project. The comment is an introductory statement on this topic with more explanation provided in later comments. See Response 3-18.

Response 3-9.

The commenter states that the HRMC's deliberations identified issues of mass and scale. See Response 3-18.

Response 3-10.

The commenter states that the Initial Study does not analyze the impact of the zoning change on the mass and scale of all parcels within the Core Transition East area. The comment is an introductory statement on this topic with more explanation provided in later comments. See Response 3-19.

Response 3-11.

The commenter states that the Initial Study incorrectly says that there are no known hazardous materials at the site. The SCEA/IS correctly asserts that hazardous materials are not known to have been previously used at the project site, and current operations at the project site do not involve the use of hazardous materials.

Although current and past site uses are not known to have used hazardous materials, several past land uses in the vicinity of the project site did use hazardous materials. Historic use of hazardous materials in the project area have resulted in contamination of soil and groundwater in the vicinity of the project site. Contamination of the project site or surrounding areas by past site uses would be considered an existing environmental condition. Considering recent California Supreme Court rulings discussed above, existing environmental conditions would only be considered to result in a significant impact if a proposed project would exacerbate such conditions. Therefore, the existence of hazardous material on-site would not constitute a significant CEQA impact of the proposed project, unless the proposed project were to exacerbate the issue through disturbance of contaminated soils and exposure of future residents to existing contamination.

The foregoing discussion has shown that the Trackside project would not exacerbate existing hazardous conditions. Not only did the nearest monitoring well (MW-12) to the Trackside site detect TCE below the regulatory Tier 1 ESL for groundwater, there is also no potential for construction of the Trackside project to excavate to depth of groundwater. With respect to soil vapor, it has been shown that the soil vapor concentrations of PCE along the Trackside site's boundaries are below the commercial/industrial ESL for PCE; and thus, not a risk to future ground floor retail tenants. Also see Response 3-20 and Master Response 4.

Response 3-12.

The commenter states the use of the Sustainable Communities Environmental Assessment/Initial Study (SCEA/IS) is inappropriate and refers to submittals by other commenters (Mark Grote and Kyriacos Kyriacou) for further explanation. As discussed in the SCEA/IS, the project meets the criteria as a qualified Transit Priority Project pursuant to the requirements of Public Resources Code sections 21155-2155.2 which provides for streamlined CEQA review through preparation of an SCEA. Concurrence of the project as a qualifying Transit Priority Project and consistency with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by the Sacramento Area Council of Governments (SACOG) was provided by SACOG. Also see Response 3-2 and Master Response 1.

Response 3-13.

The commenter makes general statements that the cultural resources analysis in the Initial Study is piecemeal and does not address General Plan EIR actions to mitigate impacts to historical resources. The project has been processed in accordance with City requirements. Review for the project entitlements includes consideration of and consistency with City land use plans and policies, compliance with zoning standards and other City requirements, and consideration of other applicable documents such as the DDTRN Design Guidelines.

The commenter incorrectly implies that that SCEA/IS does not incorporate or address General Plan EIR mitigation measures. Table 2 on pages 12-13 of the SCEA/IS lists General Plan EIR Mitigation Measures and the applicability to the Trackside Center Project. None relate to historical impacts. The commenter also incorrectly refers to "*General Plan actions adopted to mitigate adverse impacts to historical resources.*" However, the commenter does not cite any specific requirements, policies, or actions and appears to argue that General Plan actions are required mitigation measures that apply to this project.

An example of a General Plan action related to historic resources is HIS Action 1.2.d to "*Research and adopt design and sign guidelines for future in-fill construction and remodeling within designated historic districts.*" Although the City's Core Area, including the Old East Davis Neighborhood, is not a designated historic district as already discussed, the City has completed this action and has adopted design guidelines for the Conservation Overlay District. The adopted DDTRN Design Guidelines apply to the subject project.

Similarly, General Plan HIS Standard 1.4.a states that:

The City shall establish procedures for demolitions and standards and/or guidelines for remodeling and reconstruction in Davis' older neighborhoods

within and around the core area, generally bounded by First Street, Seventh Street, A Street and L Street (precise boundaries subject to further study). The objective would be to maintain the historic character of these neighborhoods.

This also has been accomplished and the City has adopted standards and guidelines related to demolition and construction in the general area described and which also apply to the subject project.

Response 3-14.

The commenter expresses disagreement with statements in the SCEA/IS related to the DDTRN Design Guidelines as it relates to ‘mandatory’ language and the location of the project. The commenter implies that the SCEA/IS incorrectly states that the project site is not located in the Old East Davis neighborhood, citing SCEA/IS page 50 and referring to the DTRN map. There is a statement at the bottom of page 49 which states that:

The project site is located between the downtown core commercial area and the residential neighborhood of Old East Davis, which are part of Downtown and Traditional Neighborhood Overlay District (Municipal Code 40.13A), also known as the Conservation District.

The above statement describes the general project location between the downtown core area and the Old East Davis neighborhood. As discussed in the SCEA/IS, the project site is located in a transition area. The document does not state that the project site is not within the Old East Davis neighborhood. The commenter is correct in referencing the neighborhood map in the DDTRN Design Guidelines which places the commercial properties on the east side of the railroad tracks as part of Old East. The commenter fails to note that the DDTRN Design Guidelines specifically calls out different design guidelines for the Mixed-Use areas and Special Character Areas where the Trackside Project is located in contrast to the residential design guidelines that apply to the Old East residential area. See also Master Response 2.

Response 3-15.

The commenter states that the Conservation Overlay Zoning District is the functional equivalent of a Historic District. As discussed in Section V (Cultural Resources), the project area is not part of a designated Historic District. The SCEA/IS describes in Section I (Aesthetics) pages 27-28 and Section V (Cultural Resources) pages 49-50 the purpose of the Conservation Overlay Zoning District (also known as the Downtown and Traditional Residential Neighborhood Overlay District) which applies to the subject site and surrounding neighborhood. A Conservation Overlay Zoning District was adopted rather than a Historic District to allow for more flexibility in redevelopment of the area. It utilizes the DDTRN Design Guidelines in the design review process to help in evaluating project design and aesthetics as discussed in Section I (Aesthetics) and Section X (Land Use/Planning). Additional discussion has been incorporated in the SCEA/IS Section X (Land Use/Planning) page 78 as clarifying information related to the Conservation District. Although the Old East Davis neighborhood is within a Conservation Overlay Zoning District, it is not a designated Historic District and as such, it not a designated historical resource under CEQA.

The DDTRN Design Guidelines require Design Review of new and significant renovation projects and additions within the district for compliance with the guidelines. As described in the City's Historic Resources Management Ordinance (Municipal Code Article 40.23), the Conservation Overlay Zoning District is not included in the Davis Register of Historical Resources. The Conservation District may contain City-designated Merit Resources and Landmarks which are required to follow the Secretary of Interior's Standards for the Treatment of Historic Properties. While Merit and Landmark resources existing within the project vicinity, no such resources existing on the project site, nor would any such resources be directly or indirectly impacted by the proposed project. While proposed changes to registered historical structures within the Conservation Overlay District would be required to comply with the Secretary of Interior's Standards, alterations, improvements, or new construction for buildings within the Conservation which are not designated historical resources are not required to adhere to the Secretary of Interior's Standards. See also Master Response 3.

Response 3-16.

The commenter states that the conservation district and the DDTRN Design Guidelines address setting and feeling that need to be analyzed in the Initial Study. See Master Response 3.

Response 3-17.

The commenter disagrees with the characterization in the SCEA/IS regarding the role of setting the designations of the nearby historical resources. See Master Response 3.

Response 3-18.

The commenter states that the Initial Study fails to disclose assessments from historic experts. The commenter references deliberations on the project by the City's Historic Resources Management Commission (HRMC) from their December 12, 2016 meeting. The commenter also attached public comments made by Old East residents at the February 8, 2017 Planning Commission meeting during general public comment period about the HRMC meeting. Project entitlements, including consideration of the Design Review, require review and action by the City Council. Pursuant to Municipal Code Section 40.23.050, the role and duty of the HRMC for this type of project for new construction within the conservation overlay district is to provide advisory review to the decision-making body. The HRMC reviewed the project at a meeting on December 12, 2016 and provided input. Additionally, the HRMC deliberations were reviewed as part of the preparation of SCEA/IS Section V (Cultural Resources) which adequately evaluated project impacts to cultural resources. See also Master Response 3.

Response 3-19.

The commenter states that the Initial Study does not analyze the impact of the zoning change on the mass and scale of all parcels within the Core Transition East area. The Core Transition East area is one of the Mixed-Use Character Area identified in the DDTRN Design Guidelines where the project site is located and include the properties along the east side of the railroad tracks. The project entitlements include zoning change to rezone the project site to a new Planned Development (PD) Zoning District. As discussed in SCEA/IS Section X (Land Use/Planning), the purpose of the PD District is to provide flexibility from rigid standards to allow for creative approaches in development. The new PD District and its associated development standards would apply only to the project site and would not affect other parcels in the Core Transition East area.

Corrections and clarifications have been provided in the Section 3.0 (Errata and Clarifications) of this document for changes related to floor area ratio which clarifies that any changes would only apply to the subject site. The project does not result in any cumulatively considerable impacts. See also Master Response 6.

Response 3-20.

The Phase I Environmental Site Assessment (ESA) did not identify any past uses of the project site or past occurrences of tanks on the project site that would be likely to introduce hazardous chemicals to the site. The Phase I ESA did identify nearby land uses that had resulted in leaks or releases of hazardous materials. In addition, as discussed in Response to Rhonda Reed Comment 11, Geocon Consultants prepared an *Environmental Data Summary* for the proposed project that summarized nearby hazardous material contamination, and analyzed the potential for such existing contamination to affect the project site. Please refer to Response to Rhonda Reed Comment 11 for a further discussion of potential soil vapor and groundwater contamination.

As noted in the *Geotechnical Investigation* prepared by Geocon for the proposed project,¹ the fill material encountered in on-site boring B5 exhibited a slight petroleum odor. Although encountering stained soils with accompanying odors in soil explorations within developed areas is fairly common, it should be noted that material from the other six borings on-site did not exhibit any such odors. However, as discussed in Section VI., Geology and Soils, of the SCEA IS, the proposed project would be required, as a standard City condition of approval, to provide a site-specific soils report prior to initiation of construction activity. The site-specific soil report will contain precautionary measures to be implemented during construction activity should soil with petroleum odors be detected. The precautionary measures would ensure that such soils are properly handled and treated through industry-standard practices. Industry standard practices would include measures to control and reduce the emission of fugitive dust from the project site.

Regardless of whether a site has the potential to contain contaminated soils, all projects within Yolo County must comply with the Yolo-Solano Air Quality Management District's best management practices (BMPs) for dust control. Such BMPs include the following:

- Watering of all active construction sites at least twice daily;
- Maintenance of at least two feet of freeboard in haul trucks;
- Covering of all trucks hauling dirt, sand, or loose materials;
- Application of non-toxic binders to exposed areas after cut and fill operations and hydroseeding of area, as applicable and/or necessary;
- Application of chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days), as applicable and/or necessary;
- Planting of vegetative ground cover in disturbed areas as soon as possible;
- Covering of inactive storage piles;
- Sweeping of streets if visible soil material is carried out from the construction site;

¹ Geocon Consultants, Inc. *Geotechnical Investigation*. January 2015.

- Treatment of accesses to distance of 100 feet from the paved road with a six- to 12-inch layer of wood chips or mulch; and
- Treatment of accesses to a distance of 100 feet from the paved road with a six-inch layer of gravel.

Implementation of the foregoing BMPs would ensure that construction dust generation is minimized, which would reduce the amount of dust falling on nearby structures. See also Master Response 4.

Response 3-21.

The commenter states that Mitigation Measure 2 for archaeological resources is inadequate and that a qualified archaeologist should be present during excavation work. The comment refers to past uses of the site, but does not provide specific details. Mitigation Measure 2 requires consultation with an archaeologist if indications of archaeological resources are uncovered and construction work to halt if human remains are found. The mitigation adequately addresses the potential impact.

Response 3-22.

The comment is a conclusion and summarizing statement about the specific comments that are already noted above with responses. The comment letter includes attachments which is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project

Response 3-23.

The commenter states that information on the presence of sensitive species in the area should be updated based on the information provided. SCEA/IS Section IV (Biological Resources) notes the presence of two Swainson's hawk nests (one active and one inactive) within one-half mile of the project site. Mitigation Measure 1 addresses potential impacts and requires a preconstruction survey and appropriate measures if an active nest is identified.

The comments notes potential disturbance from pruning of the nearby elm tree. However, updated information has been added to the SCEA/IS as part of Section 3.0 (Errata and Clarifications) of this document noting that the elm tree has been removed. Additional information about nest sightings based on the information in this comment letter is also noted and has been added as a clarification in Section 3.0.

Response 3-24.

The commenter states that impacts of night lighting from exterior fixtures and windows will have avian impacts and suggests enclosing the balconies. Standard conditions of approval include review of exterior light fixtures to minimize off-site glare. Additionally, hawks and other bird species are opportunistic and known to successfully inhabit urban environments which includes potential disturbances from light and noise from operational activities and is not considered a significant impact.

Response 3-25.

The commenter addresses train noise and states that there are no limitations on the number of train trips that may occur and that the reflective impact of the building should be addressed. SCEA/IS Section XII (Noise) adequately addresses noise impacts. It cites 3-4 trains per day based on current usage, but the analysis is based on the train noise and is not limited to the number of trains. The analysis also addresses building reflection. It notes a neighborhood benefit to the residences east of the alley that would be shielded from the train noise. It also addresses impacts to the ACE Hardware store west of the project where train noise reflection would occur, but determined that the impact would be less than significant.

Comment 4

To: City of Davis Planning Commission

Date: July 13, 2017

From: Rhonda Reed

Re: Early Comments on Trackside 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 Trackside Center Project, as proposed.

1

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 Trackside 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.

2

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 Trackside Center proposal requests significantly greater entitlements than their zoning allows and adversely impacts neighboring landowners and residents.

It's Too Big!

The Trackside 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 | Trackside Center 2016 |
|----------------|---------------|-----------------------|
| Square footage | 23,600 sq. FT | 47,983 sq ft |
| Height | 48 ft | 50 ft |

3

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.

4

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.



5

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.

6

Historical and Cultural impacts

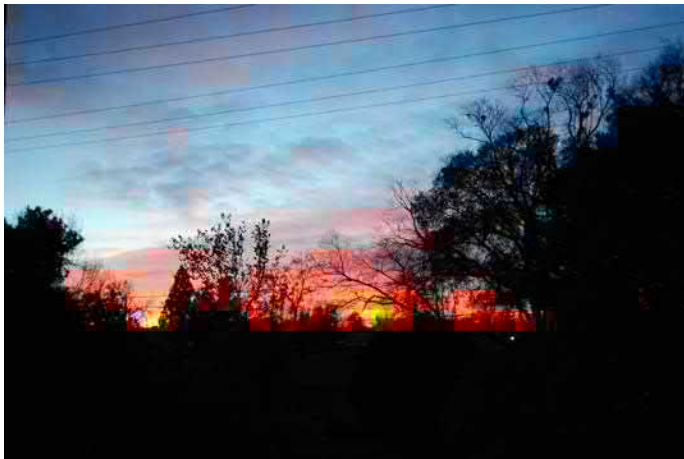
The Initial Study does not provide adequate background on the rationale to conclude insignificant impacts. See attached letter from GEI.

7

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.

8



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.

9

Thank you for the opportunity to comment.



December 12, 2016

Consulting
Engineers and
Scientists

Rhonda Reed
Sent Via Email

10

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 Traskside 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

Response to Comment Letter 4: Rhonda Reed with Letter from GEI Consultants (07/13/17)

Response 4-1.

The comment is an introductory statement that expresses opposition to the project and does not address the adequacy of the SCEA/IS.

Response 4-2.

The commenter addresses densification and the DDTRN Design Guidelines. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 4-3.

The commenter states that the project is too big. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 4-4.

The commenter states that the upper story setbacks are minimal and notes privacy issues. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 4-5.

The commenter states that proposed alley changes have not been adequately vetted and proposed parking would be difficult. The project including proposed alley changes have been reviewed by City staff and has included review by the City's Bicycle, Transportation, and Street Safety Commission. Proposed improvements include an 8-foot wide sidewalk on the project property adjacent to proposed parking which provides sufficient additional space. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 4-6.

The commenter states that Initial Study does not adequately address the development precedent that the project would set. Projects are reviewed on a case-by-case basis and any future projects in the area would be considered based on the merits of the individual project. Proposed project entitlements include a zoning change to rezone the project site to a new Planned Development (PD) Zoning District and a Core Area Specific Plan (CASP) Amendment to allow additional density on the site. As discussed in SCEA/IS Section X (Land Use/Planning), the purpose of the PD District is to provide flexibility from rigid standards to allow for creative approaches in development. The new PD District and its associated development standards are based on the existing Mixed-Use (M-U) Zoning District with adjustments to address specific project items such as the parking and open space provided on the lease area. The PD Zoning and the CASP Amendment only apply to the project site. They do not affect development on others parcels and would not result in a significant cumulative impact. Except for a current project on the nearby

Davis Ace Hardware site on the west side of the train tracks that involves a carport and additional parking spaces, no redevelopment projects are currently approved or proposed on any nearby parcels.

SCEA/IS Section XVII (Mandatory Findings of Significance) addresses the project's cumulative impacts and determined that they would be less than significant. Additional clarifying information regarding cumulative impacts has also been incorporated as provided in Section 3.0 (Errata and Clarification) of this document. See also Master Response 6.

Response 4-7.

The commenter states that the Initial Study does not provide adequate information on historical and cultural impacts and references an attached letter from GEI Consultants. The comment is not specific enough to warrant a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. Comments in the attached letter from GEI Consultants are addressed below.

Response 4-8.

The commenter states that there will be impacts to panoramic views. Aesthetic impacts are addressed in SCEA/IS Section I (Aesthetics) which notes that the project will alter the visual character of the project site, but that it would not substantially degrade the visual quality of the area or adversely affect a scenic vista. As discussed, no designated scenic resources or scenic highways will be affected by the project. Existing one-story structures on the project site will be replaced with a taller four-story building that will block portions of the sky when viewed close to the building. However, the project site is located in an urbanized developed area containing a dense mix of uses and buildings and trees near the downtown area. The projects adds to the architectural fabric of the city and does not block any panoramic views or views of the horizon.

Response 4-9.

The comment is a conclusion statement that does not address the adequacy of the SCEA/IS.

Response 4-10.

The comment letter includes, as an attachment, a peer review dated December 12, 2016 by Patricia Ambacher of GEI Consultants of the historical resource analysis studies prepared for the project. The review opines that the project would have an indirect impact on nearby historic resources, particularly the Montgomery House which has the closest proximity, and that it would also impact the setting and feeling of the Old East Davis neighborhood which is part of a conservation district. See Master Response 3.

Analysis and discussion of impacts to historical resources in Section V (Cultural Resources) of the SCEA/IS included a peer review of the relevant documents by Ben Ritchie, MCRP, Principal of De Novo Planning Group, and by Melinda Peak, President of Peak and Associates. Ms. Peak is a registered professional historian with a Bachelor's degree in Anthropology from the University of California, Berkeley and a Master's degree history at California State University, Sacramento. Through her education and experience, Ms. Peak meets the Secretary of Interior Standards for historian, architectural historian, prehistoric archeologist and historic archeologist.

The peer review included the peer review conducted by Ms. Ambacher whose comments were taken into account and addressed in the Cultural Resources section.

The SCEA/IS acknowledges that the project results in a visual change to the area with potential indirect effects as described in SCEA/IS Section I (Aesthetics) pages 28-32 and Section V (Cultural Resources) pages 54-61, but that it would not rise to the level of a significant impact on the nearby historical resources, including the Merit Resource Montgomery House. As described in extensive detail in Section V of the SCEA/IS, the three historic properties in the vicinity of the project site are not historically significant because of the setting and feeling of their surroundings, but rather, the rationale for establishing the three historic properties in the project vicinity as historic resources is based principally on each property's architecture and to some degree who occupied each of the residential houses.

As pointed out in the 2015 Historic Resource Effects Analysis, when these three properties were surveyed and determined to be eligible for listing as historic resources, there is little discussion about how important the setting is in the official historic record for each of the aforementioned properties. Although the Montgomery House (923 3rd Street), Williams-Drummond House (320 I Street), and Schmeiser House (334 I Street) have been formally recorded four times (1979, 1996, 2003, and 2015), none of these recordations provide any substantive discussion about the importance of the property's historic setting. Only in passing does the record for the Montgomery House mention the existence of a "remnant of what appears to be a 19th century landscape." In the most recent update (Clementi 2015) no mention is made of the importance of "setting" to the Montgomery House. In the 1996 record for the Williams-Drummond House, it mentions "some very fine trees apparently part of the 19th Century planting scheme." For the Schmeiser House the record mentions a "landscaped garden." It should be noted that on page 28 of the 2003 *Historic Context and Resource Survey for Central Davis*, the study notes that "the Tufts house [outside the project APE], still set on a double or larger lot, retains its setting," as opposed to the "Williams-Drummond house [which was] also originally was set on a large lot (approximately one-third block), but has since been constrained between later residences in a denser pattern of lot division" (Brunzell 2015; Central Davis Historic Conservation District, City of Davis, Context Statement: Historic Resource Survey, August 2003, p. 28). This description seems to infer that the "historic setting" for the Williams-Drummond House has been altered. The same is true for the Montgomery House, where the lot was split in recent years and a second house added.

The SCEA/IS also describes in Section I (Aesthetics) pages 27-28 and Section V (Cultural Resources) pages 49-50 the purpose of the Conservation Overlay Zoning District (also known as the Downtown and Traditional Residential Neighborhood Overlay District) which applies to the subject site and surrounding neighborhood. A Conservation District was adopted rather than a Historic District in order to allow more flexibility in redevelopment standards while allowing compatible new construction. The Conservation District was established as part of the implementation of the DDTRN Design Guidelines. It requires Design Review of new and significant renovation projects and additions within the district for general compliance with the guidelines. However, it does not require compliance or review against the Secretary of Interior's Standards for the Treatment of Historic Properties which is necessary for alterations to designated Historical Resource or changes in a Historic District. In the City's Conservation

Overlay Zoning District, as required by the Historic Resources Management Ordinance, only designated Merit Resources and Landmarks are required to follow these standards.

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

Comment 5

August 11, 2017

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

Via email

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

Dear Eric and city planners:

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

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

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

1

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

The Project's inconsistencies with the DDTRN Design Guidelines:

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

2

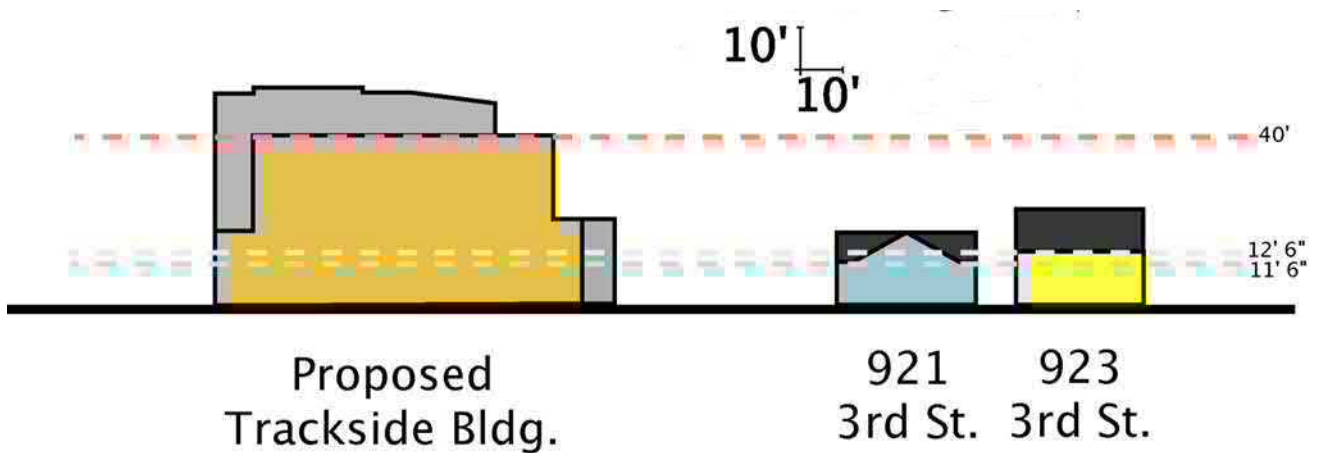


Figure 1. Building outlines of the Project and the existing traditional, single-family houses on Third Street. Front façades of structures are distinguished from other building elements by brighter coloring. Dashed lines compare relative façade heights and are annotated with measurements at right. The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

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

2
cont.

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

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

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

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



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

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

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

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

The final paragraph of the IS section on zoning compliance (See, IS, pg. 78) states: "The building and site design will also be reviewed for consistency with the Davis Downtown and 5 Traditional Residential Neighborhood Design Guidelines. The guidelines are intended to

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

5
cont.

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

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

6

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

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

7

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

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

8

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

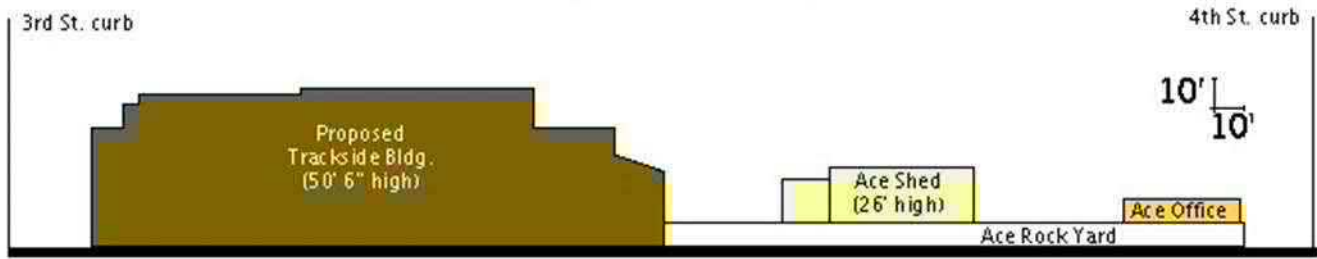


Figure 3. Looking west at the alley, between Third Street (at left margin) and Fourth Street (at right margin). The figure was made by Larry D. Guenther using methods described for Figures 1 and 2.

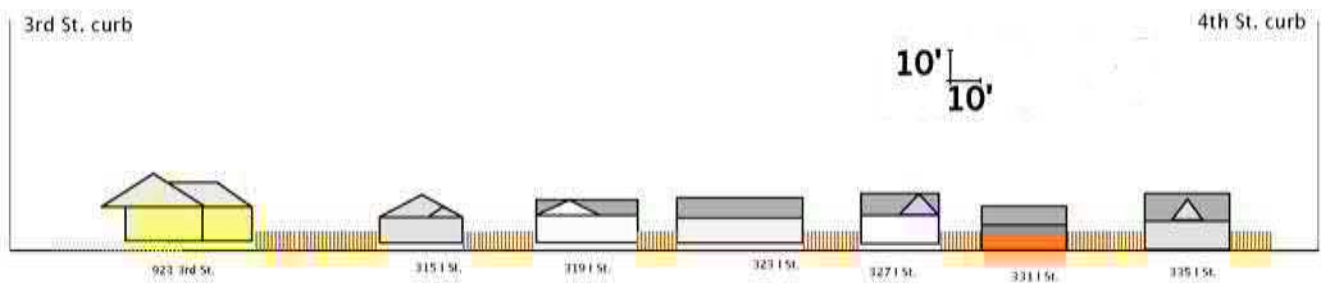


Figure 4. Looking west at I Street, between Third Street (at left margin) and Fourth Street (at right margin). This figure and Figure 3 above are placed in juxtaposition, to illustrate the differences in mass and scale between the single-family homes on I Street and the proposed building along the alley,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

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

8
cont.

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

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

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

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

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

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

10

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

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

10
cont.

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

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

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

10
cont.

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

*assessor's parcel # 070 324 02

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

11

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

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

12

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

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

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

13

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

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

14

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

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

15

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

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

16

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

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

16
cont.

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

Sincerely,



Mark Grote, Secretary
Old East Davis Neighborhood Association

Response to Comment Letter 5: Mark Grote (08/11/17)

Response 5-1.

The commenter states that the Initial Study fails to analyze the project's inconsistencies with City ordinances and land use plans. See Master Response 2.

Response 5-2.

The commenter states that the project is inconsistent with the DDTRN Design Guidelines in regards to mass and scale. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning).

The design of the project is sensitive and responsive to the adjacent uses. Along the eastern edge of the proposed building, the architecture is designed to create a traditional residential look-and-feel. The building is massed away from the east and north in a series of stepbacks. On Third Street, a "Main Street" traditional storefront component would dominate the pedestrian experience with the top floor set back from view. Along the railroad, the plaza would be anchored by an existing cork oak tree. The architecture of this façade would be more industrial in nature, reflecting the site's history and railroad adjacency.

Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines.

Compliance with the Design Guidelines is a primarily an aesthetic issue. The project is designed to relate to the surrounding area and provides transitions from the higher intensity downtown area to the residential neighborhood. It does not require one hundred percent compliance with the guidelines. The project requires Design Review approval by the City which utilizes the DDTRN Design Guidelines to ensure the design of new development is appropriate. The SCEA/IS acknowledges that the project will alter the existing visual character of the area, but that it would not substantially degrade the visual quality of the site.

The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2.

Response 5-3.

The commenter states that project is inconsistent with DDTRN Design Guidelines in regards to the project's transition to adjacent single-story buildings. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning).

On the east alley side of the project site which faces the residential neighborhood and the adjacent single-story residence at 921 3rd Street, the proposed Trackside Center building offers a single-story elevation along the alley and transitions and steps back the upper floors. The project site is separated from the adjacent residential property by the 30-foot wide alley. Additional building separation is provided by the 15-foot setback from the alley right-of-way of the adjacent residence and the 8 foot setback to accommodate the sidewalk from the alley right-of-way of the proposed building, except for the portion of the garage for the trash enclosure room. A total separation of 53 feet is provided between the first story of the Trackside Center building and the nearby residence. The project's second and third story east elevations step back 7 feet further with the fourth floor another 17 feet back from the alley. The project also step back the upper stories on the north side.

On the west elevation which faces the train tracks and the ACE Hardware store in the core downtown area, the project offers a four story facade and would be separated from the ACE Hardware building by approximately 70 feet.

The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. Also see Response 5-2 and Master Response 2.

Response 5-4.

The commenter disagrees with a statement in the Initial Study about a DDTRN Design Guideline that speaks to scale and height and applicability to the project. For example, the commenter argues that the following guideline, "Increased building scale and height may be allowed in portions of mixed use special character areas such as along B and 3rd Streets where new development patterns are allowed" only applies to the area between B and 3rd Street area. It should be noted that the guideline says "such as" referring to B and 3rd Streets as an example where it may be allowed. The Trackside Center project site which is located in both the Third Street Special Character Area and the Core Transition East Mixed-Use Character Area are areas "where new development patterns are allowed".

Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in detail in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning). The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. Also see Response 5-2 and Master Response 2.

Response 5-5.

The commenter disagrees with a statement in the Initial Study regarding the Design Review process and review for consistency with the design guidelines. The commenter argues that the City's Historical Resources Management Commission (HRMC) is charged with the review of projects for compliance with the DDTRN Design Guidelines and that it has already been reviewed. Project entitlements, including consideration of the Design Review, require review and action by the City Council. Pursuant to Municipal Code Section 40.23.050, the role and duty of the HRMC for this type of project for new construction within the conservation overlay district is

to provide advisory review to the decision-making body. The HRMC reviewed the project at a meeting on December 12, 2016 and provided input. See also Master Response 2.

Response 5-6.

The commenter states that the project is inconsistent with the Municipal Zoning Code due to inconsistency with mandatory provisions in the DDTRN Design Guidelines. See also Master Response 2.

Response 5-7.

The commenter notes a typographical error. The error has been corrected and included in Section 3.0 (Errata and Clarifications) of this document.

The commenter also argues that the project would not be consistent with the City's Zoning Code because of the mandatory language in the DDTRN Design Guidelines. The project includes a rezone to a new Planned Development (PD) zoning for the project and would address and include project development standards, such as lot coverage, floor area ratio, setbacks, and parking. As described in SCEA/IS Section X (Land Use/Planning) with additional clarifying discussion provided and incorporated in Section 3.0 (Errata and Clarifications) of this document, the rezone to a new PD ensures consistency with the Zoning Code. See also Master Response 2.

Response 5-8.

The commenter states that the project is inconsistent with General Plan policies. Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, to promote urban/community design, provide an architectural "fit", and to encourage a variety of housing. See also Master Response 2.

Response 5-9.

The commenter states that the project is inconsistent with Core Area Specific Plan policies. See Response 5-8 and Master Response 2.

Response 5-10.

The commenter states that the Initial Study fails to analyze the foreseeable loss of the leased land area that is part of the project. The project description in the SCEA includes a description and information on the leased area with project data information on project density and floor area ratio with and without the leased area. Project entitlements and the new PD zoning for the site have taken into account the possible loss of the leased land and ensure that the project will remain consistent with development standards including, but not limited to, density, lot coverage, floor area ratio, open space, and parking. The project and proposed building are designed to be able to function on their own without the leased area in the unlikely event that the leased area is no longer available. Additional information discussing the lease area has been incorporated in SCEA/IS Section X (Land Use) as provided in Section 3.0 (Errata and Clarifications) of this document.

Response 5-11.

The commenter states that the proposed density significantly exceeds the maximum allowable density on the site and that the Initial Study should analyze the impacts on population and housing impacts and land use policies. The project includes an amendment to the Core Area Specific Plan that addresses the project density of 51.4 units/acre without the lease area and does not involve any transfer of density. Section X (Land Use/Planning) and Section XIII of the SCEA/IS evaluate land use and population issues. The comment is not specific enough to permit a detailed response. See also Response 5-10 and Master Response 6.

Response 5-12.

The commenter states that the project sets a precedent for future development and results in cumulatively considerable population and housing impacts. Based on the analysis provided in the SCEA/IS and the responses provided to comments received, the appropriate check boxes for Land Use/Planning and Population/Housing have been marked. Corrections and clarifications have been provided in the Section 3.0 (Errata and Clarifications) of this document for changes related to floor area ratio which clarifies that any changes would only apply to the subject site. The project does not result in any cumulatively considerable population or housing impacts. See Master Response 6.

Response 5-13.

The commenter disagrees with statements in the Project Assumptions (SCEA/IS page 7) and states that the project is non-compliant with City land use policies. The project assumptions on page 7 of the SCEA refers to compliance with applicable codes and regulations. Discussion of land use plan and policies is provided in SCEA/IS Section X (Land Use/Planning). See also Master Response 2.

Response 5-14.

The commenter states that application of floor area ratio (FAR) standards for the Retail with Offices District from the B and 3rd Streets visioning area is inappropriate for the project. It cites standards in the existing Mixed-Use (M-U) zoning of the project site rather than the proposed PD zoning standards. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

However, the following additional information is offered. As mentioned by the commenter, the Core Area Specific Plan establishes a FAR standard for the B and 3rd Street part of the Retail with Offices land use area. It is silent on the remaining portion of the Retail with Offices areas, including the project site. Developments standards such as FAR are generally established as part of the zoning. Consistent with that, the project's FAR standard is established in the proposed PD zoning. Project entitlements initially included FAR references in the proposed CASP amendment which would be consistent with the proposed PD zoning standard for FAR. The FAR references in the CASP amendment have been removed and references to it in the SCEA/IS have been corrected as provided in Section 3.0 (Errata and Clarifications) of this document.

Response 5-15.

The commenter states that SCEA/IS signature page incorrectly describes the project site which consists of the property at 901-919 3rd Street and the railroad lease area. A correction has been incorporated in Section 3.0 (Errata and Clarifications) of this document clarifying the assessor's parcel number reference and the respective square footage of the project site area.

Response 5-16.

The commenter states that analysis in the Transportation and Circulation section is inadequate and defers mitigation. See Master Response 5.

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

Comment 6

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.

1

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.)

1
cont.

| 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.

2

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 Traskside 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 Traskside 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."

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cont.

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.

3

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.

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cont.

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.)

4

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.

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cont.

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

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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).)

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cont.

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

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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, slightly slanted style.

Mark Grote, Secretary
Old East Davis Neighborhood Association

Response to Comment Letter 6: Mark Grote (07/21/17)

Response 6-1.

The commenter states that evaluation of the project's consistency with the DDTRN Design Guidelines is inadequate. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. However, see also Master Response 2.

Response 6-2.

The commenter states that the DDTRN Design Guidelines contain mandatory language that is not applied to the project. See Master Response 2.

Response 6-3

The commenter states that the Initial Study fails to analyze the foreseeable loss of the leased land area that is part of the project. The project description in the SCEA includes a description and information on the leased area with project data information on project density and floor area ratio with and without the leased area. Project entitlements and the new PD zoning for the site have taken into account the possible loss of the leased land and ensure that the project will remain consistent with development standards including, but not limited to, density, lot coverage, floor area ratio, open space, and parking. The project and proposed building are designed to be able to function on their own without the leased area in the unlikely event that the leased area is no longer available. Additional information discussing the lease area has been incorporated in SCEA/IS Section X (Land Use) as provided in Section 3.0 (Errata and Clarifications) of this document.

Response 6-4.

The commenter states that the Initial Study fails to analyze the project's inconsistencies with City ordinances, land use plans, and design guidelines. See Master Response 2.

Response 6-5.

The commenter addresses the CEQA process and suggests that an EIR is required to be prepared for the project based on a 'fair argument' standard. The SCEA/IS, which was prepared in accordance with CEQA, determined that the all potential environmental impacts of the project would be less than significant or less than significant with mitigation and that preparation of an EIR is not required. See Master Response 1.

Response 6-6.

The commenter states that a conflict in expert opinion over the significance of an environmental impact related to historical resources has been provided and requires preparation of an EIR. The standard of review which governs preparation of an SCEA is the substantial evidence standard. Thus, the fact that an expert may disagree with the expert opinions contained in the SCEA/IS does not require preparation of an EIR.

Analysis and discussion of impacts to historical resources in Section V (Cultural Resources) of the SCEA/IS included a peer review of the relevant documents by Ben Ritchie, MCRP, Principal

of De Novo Planning Group, and by Melinda Peak, President of Peak and Associates. Ms. Peak is a registered professional historian with a Bachelor's degree in Anthropology from the University of California, Berkeley and a Master's degree history at California State University, Sacramento. Through her education and experience, Ms. Peak meets the Secretary of Interior Standards for historian, architectural historian, prehistoric archeologist and historic archeologist. The peer review included the peer review conducted by Ms. Ambacher whose comments were taken into account and addressed in Section V.

As part of the City's review process, the project was reviewed by the City's Historical Resources Management Commission (HRMC) on December 12, 2016 for advisory input. As described in the meeting minutes, the HRMC took the following actions:

1. Voted unanimously to affirm the Commission's previous determination that:
 - a. The existing structures do not meet the criteria for listing in the National Register of Historic Places, California Register of Historical Resources, or City landmark or merit resource requirements based on the Historical Resources Analysis and that they do not warrant full review under CEQA as historical resources; and
 - b. That a Demolition Certificate is not required given the findings of the HRMC that the buildings at 901 - 919 Third Street do not have significant historical significance to be eligible for designation at local, state and federal levels.
2. Voted unanimously against a motion to find that the revised project is consistent with the applicable guidelines from the Davis Downtown Traditional and Residential Neighborhood (DDTRN) Design Guidelines.
3. Voted unanimously against a motion to find that the Historical Resources Effects (HRE) Analysis report and the Addendum to the HRE, which conclude that the potential historical impacts of the revised Traskside Center project would be less than significant relative to CEQA including less than significant adverse impacts to the setting of the nearby historical resources, is acceptable.

The HRMC input on the HRE were taken into account in the peer review described above and analyzed in the SCEA/IS. Potential historical impacts to setting are addressed in Section V (Cultural Resources). The SCEA/IS notes that the project results in a visual change to the area as described in Section I (Aesthetics) and Section V (Cultural Resources), but would not result in a direct or indirect significant impact to the historical setting of the nearby historical resources such that they would be materially impaired and no longer qualify as a historical property. See also Master Response 3.

July 13, 2017

Comment 7

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 Traskside 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 Traskside Center proposal. Numbered items below give brief summaries. Supporting details are in the following pages.

1. The proposed Traskside 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.

1

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.

2

3. The proposed Traskside 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.

3

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.

4

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.

5

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. |

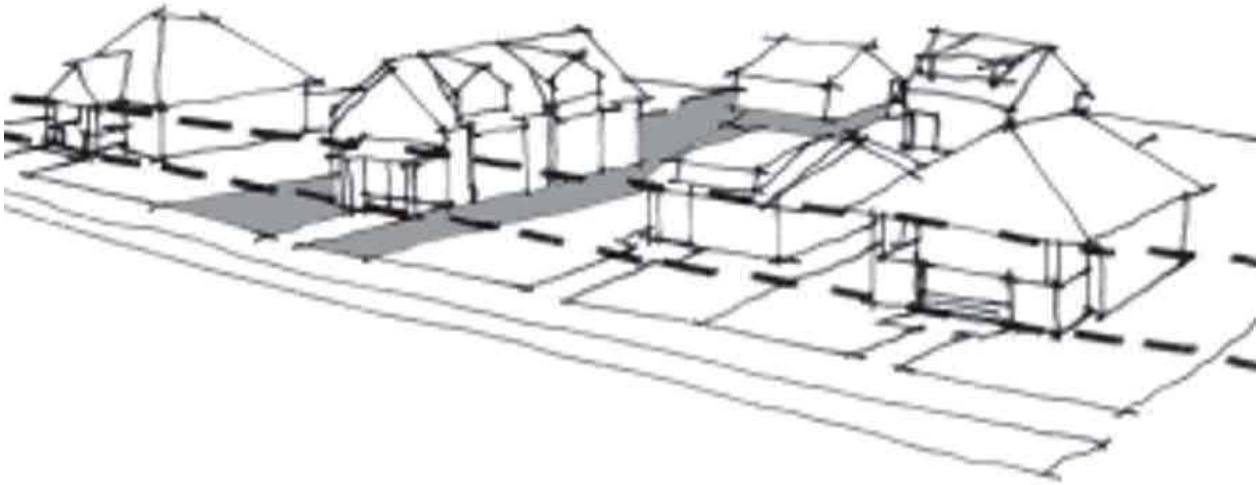


Figure 1. Illustration from the DDTRN Design Guidelines showing appropriate mass and scale for a mixed use building (on gray background) in neighborhood context: “A building shall appear to be in scale with traditional single-family houses along the street front.” (DDTRN Design Guidelines p.58)

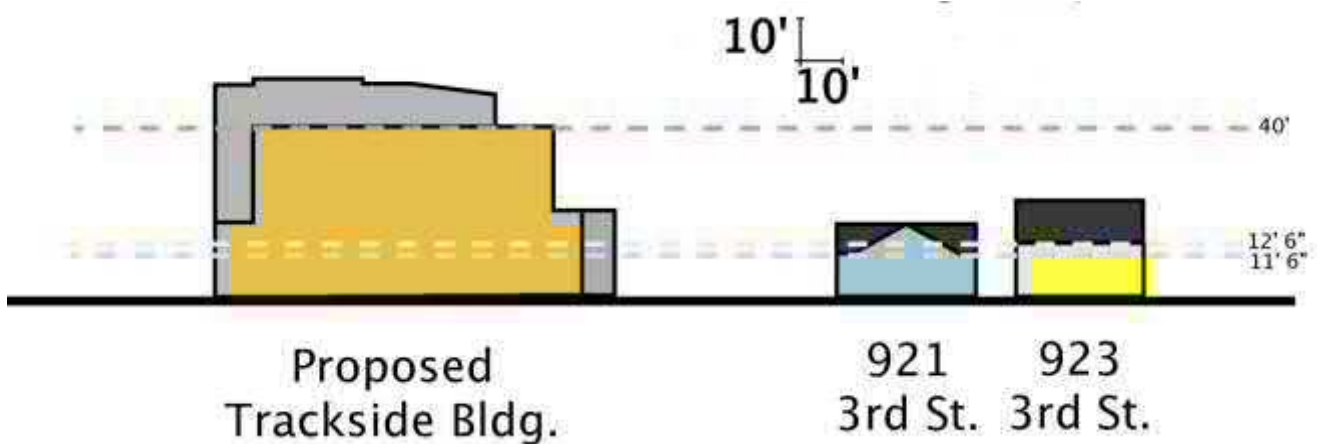


Figure 2. Relative heights of the existing traditional, single-family homes and the proposed Trackside building. Note that while the façades of the two traditional homes are very near the same height, approximately 12 feet, the Trackside façade, at 40 feet, is more than three times as tall. The proposed 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 applicants 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.

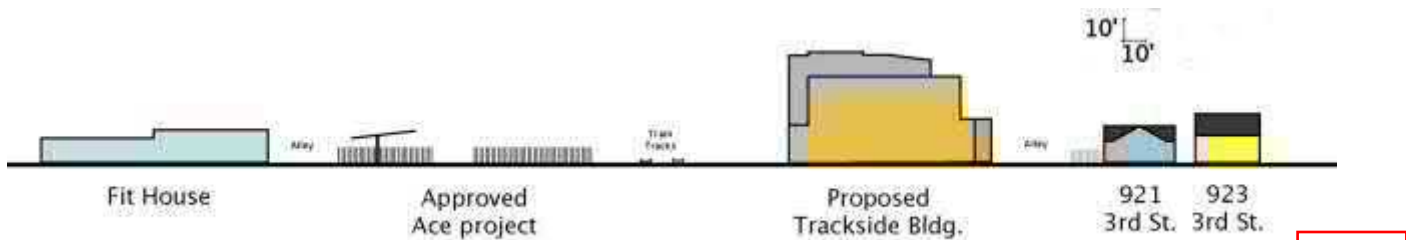


Figure 3. Looking north at Third Street, between G Street (at left margin) and I Street (at right margin). The proposed Trackside building does not display "...an architectural 'fit' with Davis' existing scale...", nor does it make a "...scale transition between intensified land uses and adjoining lower 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.

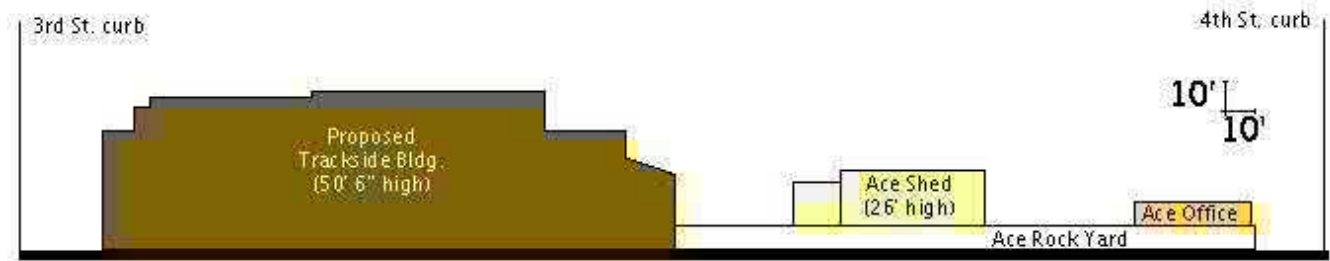


Figure 4. Looking west at the alley, between Third Street (at left margin) and Fourth Street (at right margin). The figure was made by Larry D. Guenther using methods described above.

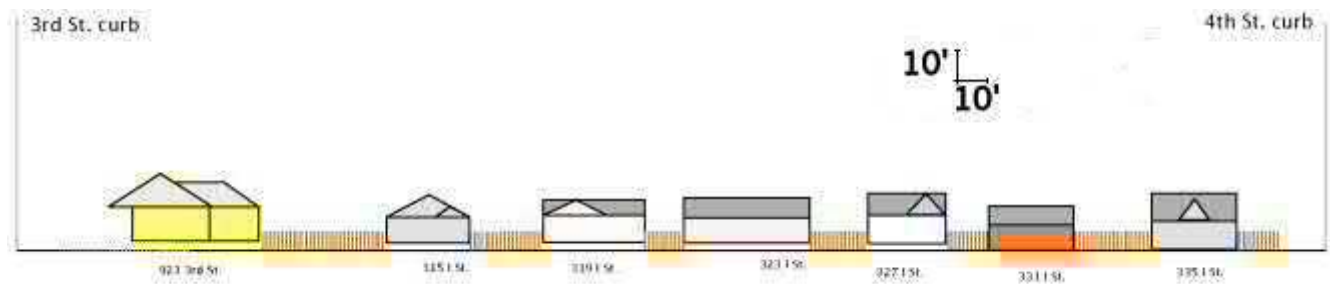


Figure 5. Looking west at I Street, between Third Street (at left margin) and Fourth Street (at right margin). This figure and Figure 4 above are placed in juxtaposition, to illustrate the differences in mass and scale between the single-family homes on I Street and the proposed building along the alley, 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.

6

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.

6
cont.

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 re-

sponsible 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.

6
cont.

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.

7

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).

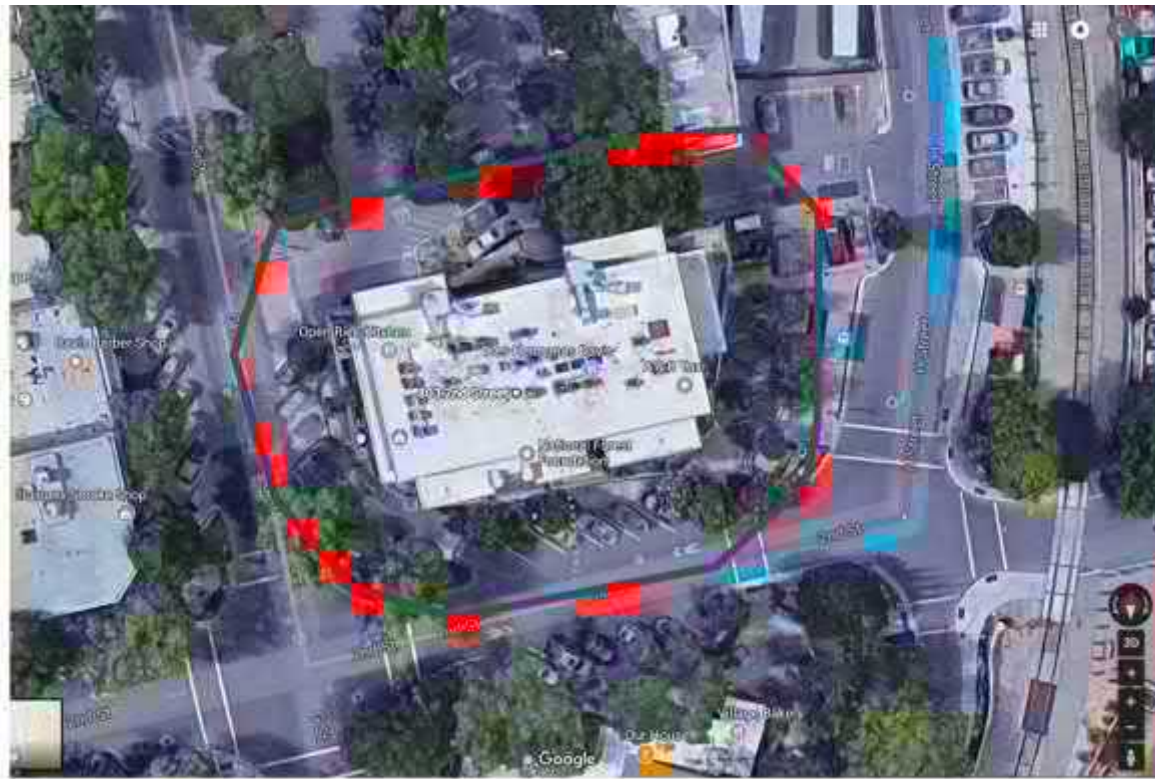


Figure 6. Photo simulation of distances to Chen Building, equal to distances between the proposed Trackside project and neighboring residential properties of Old East Davis. The photo above is oriented so that north is above; the entrance to the AMTRAK station can be seen at the right margin. The east 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.

7
cont.

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.

8

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 ac-

ceptable 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.

8
cont.

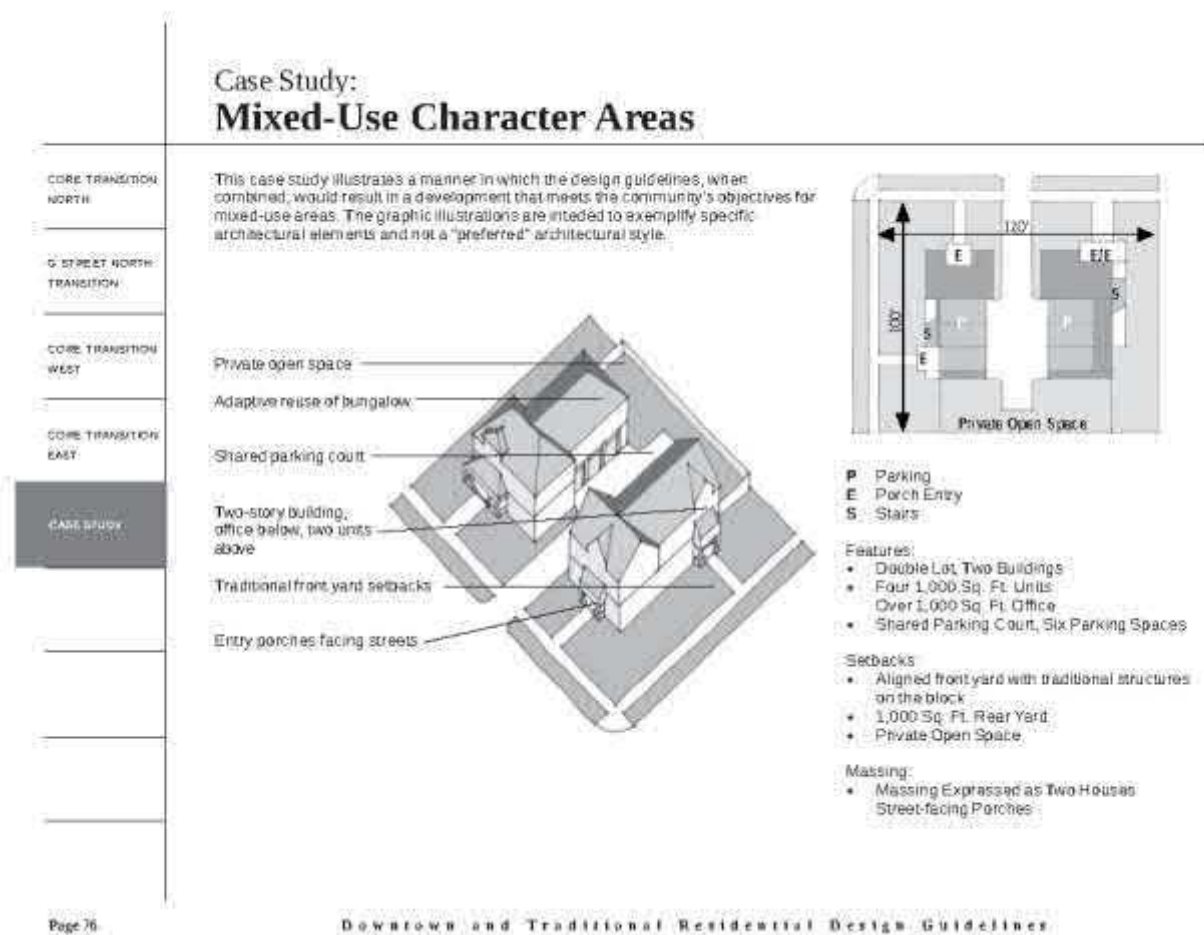


Figure 7. Case Study for a Mixed Use project from the DDTRN Design Guidelines (p.76).

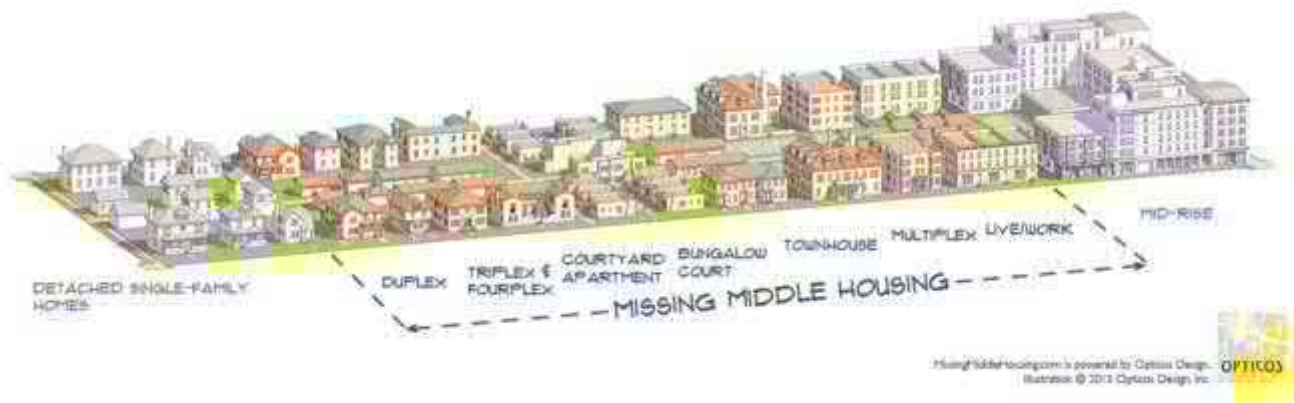


Figure 8. Schematic showing examples of Missing Middle Housing, produced by Opticos Design. Daniel Parolek of Opticos Design is a proponent of “Form-Based” planning code, and gave a presentation to the Davis City Council in September, 2016. Parolek emphasizes proper transitions from lower-density residential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

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cont.

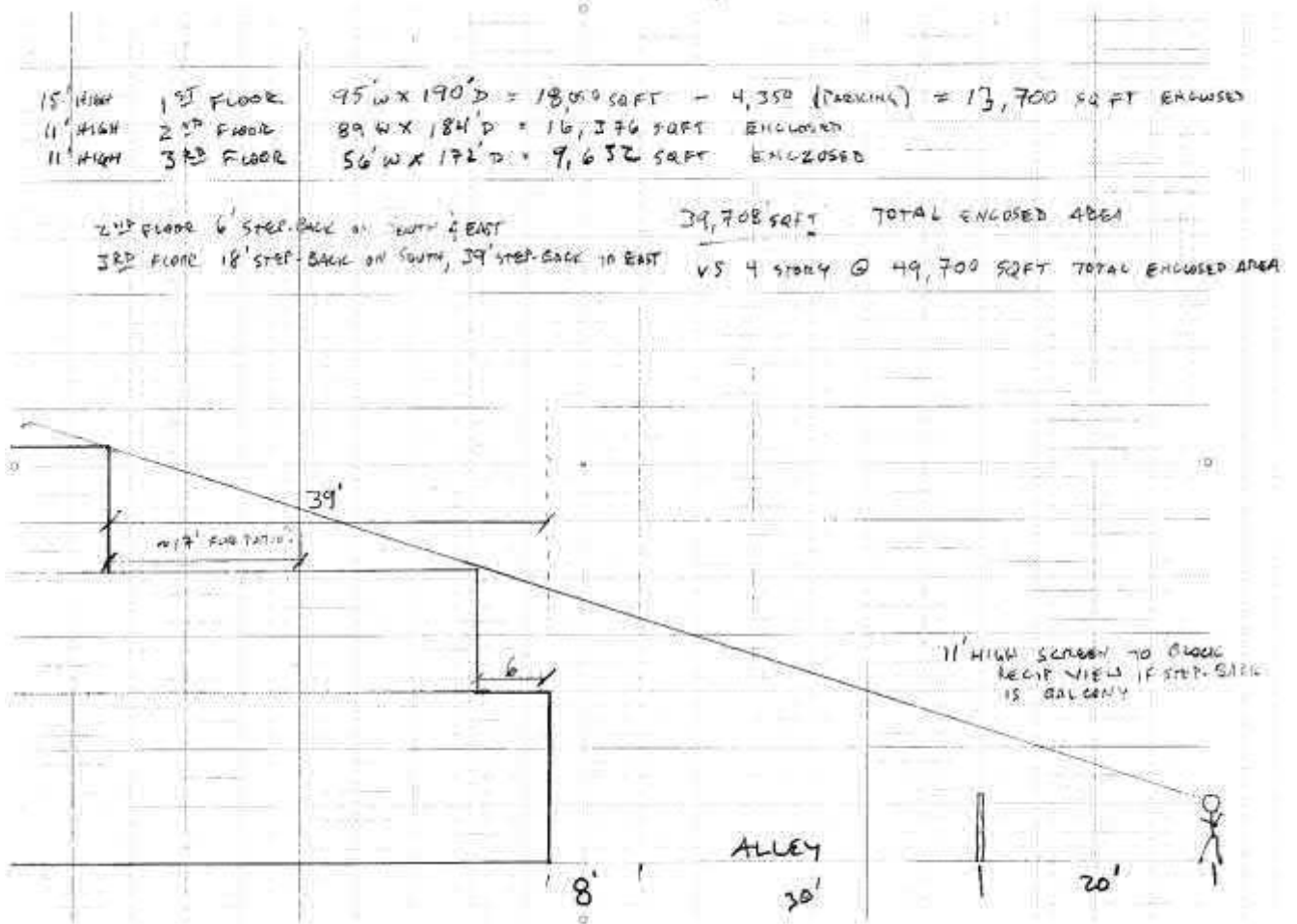


Figure 9. Schematic for a three-story project having appropriate elevation changes, drawn by licensed General Contractor Larry D. Guenther.

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cont.



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

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cont.

February 17, 2017

8
cont.

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

Comment 7 continued

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.

9

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.

10

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.

11

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.

12

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.

13

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.

14

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.

15

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

Response to Comment Letter 7: Mark Grote (07/13/17)

Response 7-1.

The comment is an introductory statement and states that the project is inconsistent with City ordinance, plans and design guidelines. The comment is not specific enough to warrant a detailed response. See Response 7-5 and Master Response 2.

Response 7-2.

The comment is an introductory statement and suggests that use of the SCEA was inappropriate. The comment is not specific enough to warrant a detailed response. See Response 7-6 and Master Response 1.

Response 7-3.

The comment is an introductory statement and states that the proposed building is too large for this location. The comment is not specific enough to warrant a detailed response. See Response 7-7.

Response 7-4.

The comment is an introductory statement about neighborhood participation and does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Response 7-8.

Response 7-5.

The commenter states that the project is inconsistent with City ordinances, plans, and design guidelines. See Master Response 2.

Response 7-6.

The commenter states the use of the Sustainable Communities Environmental Assessment/Initial Study (SCEA/IS) is inappropriate because it does not conform to local land use plans and zoning ordinances. As provided in the SCEA/IS in the SCEA signature determination page, SCEA/IS pages 4-16, and SCEA/IS Appendix A (Determination of MTP/SCS Consistency Worksheet), the project meets the criteria as a qualified Transit Priority Project pursuant to the requirements of Public Resources Code 21155 which provides for streamlined CEQA review through preparation of an SCEA. Concurrence of the project as a qualifying Transit Priority Project and consistency with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by the Sacramento Area Council of Governments (SACOG) was provided by SACOG. See also Master Response 1.

Response 7-7.

The commenter states that the proposed building is too large and suggests it would be inappropriate at this location. Section I (Aesthetics) of the SCEA/IS addresses project aesthetics. It determined that there would be a change to the visual character of the area, but that it would not degrade the visual quality of the area to a significant level and aesthetic impacts were determined to be less than significant.

Response 7-8.

The commenter describes neighborhood efforts to collaborate for an acceptable project and includes attached letters and exhibits. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 7-9.

The comment is an introductory statement regarding the City's Bicycle, Transportation, and Street Safety Commission (BTSSC) meeting held on October 16, 2016 and their review of the project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 7-10.

The commenter states that the Traffic Impact Study omits forecasts of traffic in the alley. Section XVI (Transportation and Circulation) of the SCEA/IS evaluated alley traffic and determined that impacts would be less than significant. The analysis in the SCEA/IS included review of a supplemental memo on trip generation including alley trips prepared by KD Anderson and Associates, Inc. and dated January 12, 2017. See also Master Response 5.

Response 7-11.

The commenter states that the Parking Inventory and Occupancy Survey provided in the Traffic Study does not reflect current conditions. Pursuant to CEQA Guidelines, parking is not an environmental impact requiring evaluation. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 7-12.

The commenter states that the scope of the BTSSC meeting was excessively narrow. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 7-13.

The comment addresses the public comment portion of the BTSSC meeting. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 7-14.

The commenter states that the BTSSC chair made unsubstantiated statements. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 7-15.

The commenter states that the BTSSC did not exercise due diligence. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.



Memorandum

To: Planning Department - City of Davis

From: Richard Casias, PG

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

Date: August 10, 2017

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

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

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

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

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

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

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

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

2

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

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

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

3

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

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

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

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

3
cont.

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

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

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

4

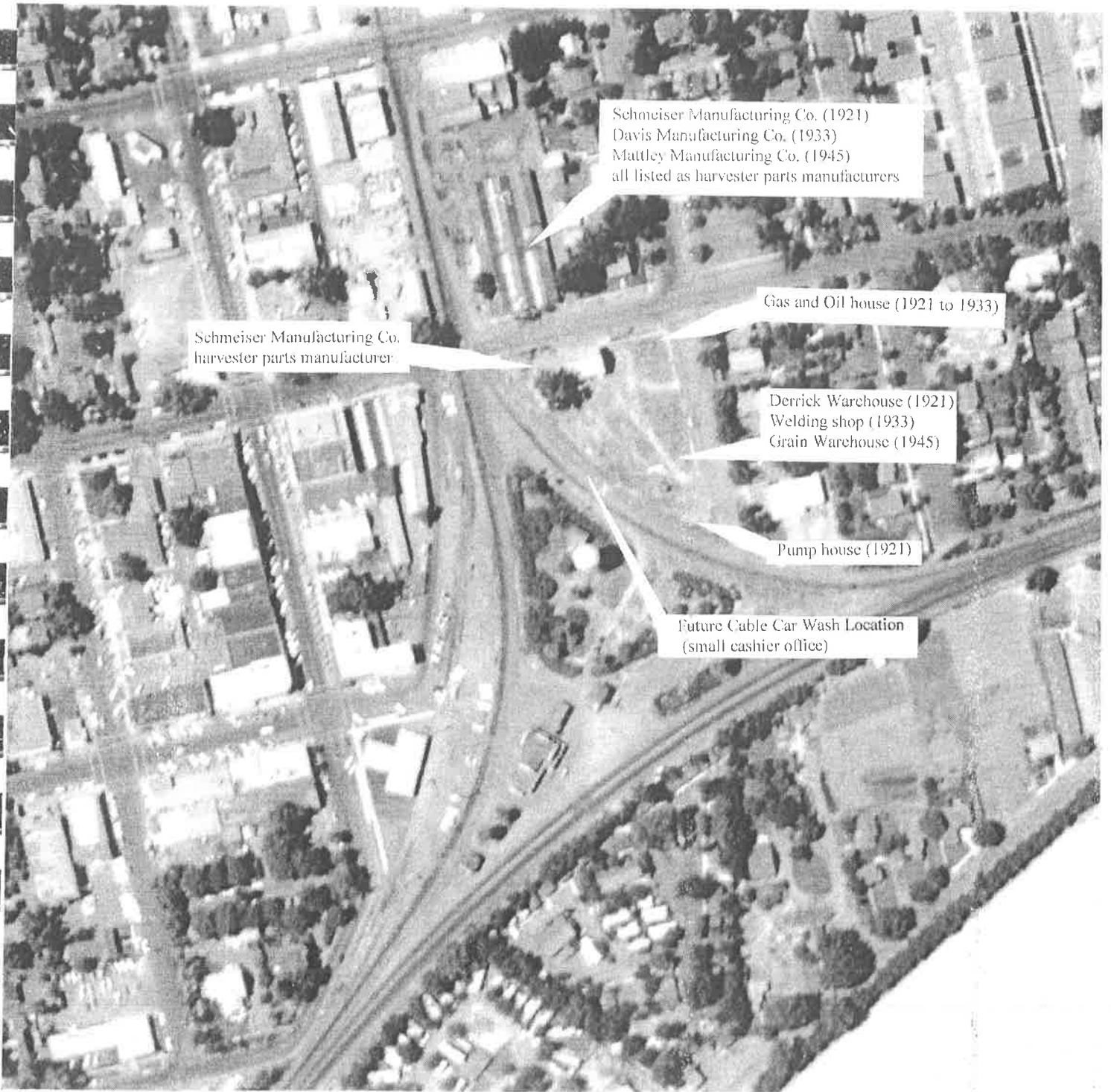
5

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

Richard C. Casias

Richard C Casias, Principal Scientist

CA Professional Geologist No. 7122 Expires January 31, 2018



| | | | |
|--|--------------------|---|---|
| DRAFTED BY: RCC | CHECKED BY: RCC | PHOTOGRAPH A | 1 in. = 200 ft. Approximate Scale |
| DWG. DATE: 7/31/97 | REV. DATE: | Project No. CCW00101 | Historical Aerial Photograph Dated July 20, 1962 Cable Car Wash Site Davis, California |
| AIRPHOTO SOURCE : No. VO1, 7-100 Date: 07/20/62 | | Client : Greben & Associates | CHANEY, WALTON & McCALL (LLC) |

Response to Comment Letter 8: Richard Casias (08/11/17)

Response 8-1.

Although the comment states that technical deficiencies occur within the Phase I ESA prepared for the project, the comment does not directly state what the deficiencies are. The remaining comments within the letter provide more detail regarding the commenter's professional background and opinions of the Phase I ESA, and the remainder of the commenter's letter is discussed below.

Response 8-2.

The commenter asserts that the Phase I ESA did not properly evaluate the historical records and did not properly conduct a potential vapor intrusion evaluation. Page 7 of the Phase I ESA prepared by Bole and Associates for the project site,¹ states that the ESA was prepared in compliance with the American Society for Testing and Materials (ASTM) Standards on Environmental Site Assessments for Commercial Real Estate, E-1527-13, as well as applicable guidance from the US Environmental Protection Agency and the U.S. Small Business Administration. Furthermore, Section 5.9, Vapor Intrusion, of the Phase I ESA provided an analysis of the potential for vapor intrusion to occur at the project site in compliance with the aforementioned guidelines.

To provide a more in-depth analysis regarding the potential for vapor intrusion to occur at the project site, Geocon Consultants, Inc. completed an *Environmental Data Summary* for the project area. The *Environmental Data Summary* included analysis of all known sources of hazardous material contamination in the project vicinity, including the potential for such contamination to result in vapor intrusion at the project site. Therefore, both the Phase I ESA and the *Environmental Data Summary* provide analysis and consideration regarding potential vapor intrusion.

Response 8-3.

The commenter provides additional detail for his opinion that vapor intrusion was not adequately addressed. As discussed in the Master Response to Hazardous Materials Comments, Geocon Consultants, Inc. prepared an *Environmental Data Summary* to further analyze the potential for vapor intrusion and groundwater contamination at the project site. Among the facilities analyzed were the I Street Development, Former Dry Cleaner, Cable Car Wash, and Union Pacific Railroad sites mentioned by the commenter. Potential groundwater and soil vapor contamination regarding the Cable Car Wash and the I Street Development were previously discussed in the Master Response to Hazardous Materials.

Geocon concluded that the former dry cleaner has historically discharged PCE through the sanitary sewer, which generally flowed east to west, away from the proposed project site. However, the groundwater contaminated by the PCE discharge has predominantly flowed towards the northeast and southeast, with flows since 2007 showing a predominant pattern of flow to the southeast. Groundwater monitoring has been completed in proximity to the former dry cleaners, to the west of the project site. In addition to the monitoring conducted specifically for the dry cleaner, the monitoring conducted for the Cable Car Wash, discussed in the Master

¹ Bole and Associates. *Phase I Environmental Site Assessment*. June 24, 2014.

Response to Hazardous Materials Comments, is being conducted for PCE. Therefore, if contamination from the dry cleaners extends to the project site, monitoring sites SV/GW-2 and SV/GW-3 would detect such PCE, as sites SV/GW-2 and SV/GW-3 are located on the western edge of the project site, closest to the former dry cleaner site. However, as noted in the *Environmental Data Summary*, concentrations of PCE exceeding laboratory detection limits have not been detected at sites SV/GW-2 and SV/GW-3. Because monitoring sites on the far western edge of the project site have not detected PCE in soil vapor or groundwater, PCE contamination from the former dry cleaner is not anticipated to affect the proposed project site.

The *Environmental Data Summary* also considered contamination from a Union Pacific Railroad (UPR) facility approximately 250 feet south of the project site. Although TCE and PCE have been detected at the UPR facility, groundwater flow at the facility is reported to be to the southwest. The project site is located to the north of the UPR facility, and, thus, TCE or PCE from the UPR facility is not anticipated to impact the project site.

As discussed throughout this Response to Comments and the *Environmental Data Summary*, as well as the Phase I ESA, the potential for soil vapor intrusion at the project site has thoroughly been analyzed and determined not to constitute a significant CEQA impact. See also Master Response 4.

Response to 8-4.

The commenter provides a recommendation for consideration that qualified professional be consulted for additional subsurface investigation. Please refer to the Master Response 4 addressing Hazardous Materials comments, as well as Response to Casias Comment 8-3.

Response to 8-5.

The commenter provides a recommendation for consideration that experienced professionals be consulted if vapor migration potential is confirmed. Please refer to the Master Response 4 addressing Hazardous Materials comments, as well as Response to Casias Comment 8-3. Because soil vapor migration of hazardous materials is not anticipated to affect the proposed project, the proposed project would result in a less-than-significant impact related to hazardous materials without the need for mitigation. Therefore, a Phase II ESA would not be required and mitigation measures would not be needed to reduce potential impacts to a less-than-significant level.

Comment 9

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

To: Eric Lee, City of Davis

elee@cityofdavis.org

From: Kemble Pope

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

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

1

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

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

2. Mitigation Measure 8 of the SCEA requires that,

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

2

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

Best regards,
Kemble

Kemble K. Pope

*Davis Homeowner
Managing Member, Trackside Center, LLC*

Response to Comment Letter 9: Kemble Pope (08/11/17)

Response 9-1.

The commenter states the City should be further encouraging the reduction of vehicle use and ownership and be flexible in decisions that could be affected by the ongoing evolution of transportation. The comment does not address the adequacy of the SCEA/IS. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 9-2.

The commenter states that the project will improve the adjacent portion of the alley to create a safer configuration. The comment does not address the adequacy of the SCEA/IS. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 10

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.**

1

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



Response to Comment Letter 10: Kevin Dumler (07/18/17)

Response 10-1.

The commenter notes the need for housing close to job center and expresses support for the proposed project. The comment does not address the adequacy of the SCEA/IS. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 11

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

To: Whom it May Concern regarding Trackside Center SCEA

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

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

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

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

1

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

Best Regards,

Janis Lott
Davis Resident

Response to Comment Letter 11: Janis Lott (08/11/17)

Response 11-1.

The commenter notes the demand for local businesses to own their place of business and asks if the project will provide condominium-style ownership opportunities of the commercial space. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 12

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

Mr. Lee,

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

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

1

-Maintain the Core Area as the City's social/cultural center, including the primary center of retail business, and professional and administrative office district. (Guiding Policy 2.5A)

-Accommodate new buildings with floor area ratio up to three times site area, but maintain scale transition and keep enough old buildings to retain small-city character. (Guiding Policy 2.5D)

-Add apartments to the Core. (Guiding Policy 2.5G)

-A mix of uses - retail stores, restaurants, cultural centers, entertainment, services, upstairs offices and dwelling units - is now and shall remain characteristic of the Core Area. (Land Use 2.6.1)

-The City shall promote development that brings maximum economic life and stability to the Core Area and which enhances the pedestrian and architectural character of the downtown. (Land Use 2.6.1.D)

-The development of dwelling units, including senior housing, shall be encouraged in the Core Area.

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

Sincerely,

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

Response to Comment Letter 12: Brian Morgan (08/11/17)

Response 12-1.

The commenter asks notes the need for affordable studios and housing for artists and asks about the potential for live/work artist lofts in the project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 13

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.

1

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

Response to Comment Letter 13: Carson Wilcox (07/11/17)

Response 13-1.

The commenter expresses general support for the project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 14

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 Traskside Center

Dear Mr. Lee,

Enclosed is a letter in support of the Traskside 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 Traskside 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. 1

The City of Davis has requested this type development. Our General Plan calls for infill and sustainable growth. Traskside 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 Traskside 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. 2

Thank you for your time and consideration,

Dr. Catherine Brinkley

Response to Comment Letter 14: Catherine Brinkley (07/17/17)

Response 14-1.

The commenter expresses general support for the project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Response 14-2.

The commenter states that new housing the City is needed and that the proposed project helps to fill this need. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 15

8/10/2017

To: Eric Lee, Project Planner

From: Cathy Forkas 336 K St. Davis, CA

Re: Trackside Center: Comments on Initial Study

Dear Eric,

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

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

1

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

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

2

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

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

3

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

4

Respectfully,

Cathy Forkas Old East Resident

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

From the Checklist, IS Pg 94-95

Would the project:

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

5

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

Would the project:

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

6

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

Would the project:

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

7

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

Would the project:

g) *Create hazards or barriers for pedestrians or bicyclists?*

- Potentially significant impacts exist. 8
- Analysis incomplete and/or inadequately addressed.
- Mitigations are unspecified.
- Pedestrians using the alleyway from 3rd to 4th are without a sidewalk or designated walkway of 4' or more, to the north of the project boundary.
- No safe transit area is provided for wheelchairs traveling along the alleyway, to the north of the project's garbage collection area.
- Residents of the alley's east side have no safe entry/exit to their properties.
- No safe passage for pedestrians to the parking structure at Fourth street is provided.

Additional problems with the Initial Study:

- The study states incorrectly that the existing Trackside site is zoned for parking along the west side of the alley (pg 99). No parking is allowed. (This has been ignored until recently). 9
- The Initial Study has no information or analysis of service vehicle (garbage/recycle/greenwaste) or delivery vehicle trips and impacts. Delivery vehicle traffic would be expected to increase significantly as the project includes a restaurant, and because residences are specifically designed to minimize auto use. Service vehicle trips would increase significantly due to the high residential density and the onsite restaurant. 10
- The Initial Study assumes that there will be zero trips through the alley created by Trackside retail operations. This is an unreasonable assumption: The alley will be used by retail customers to transit from Third to Fourth Streets when looking for parking or entering/exiting the vicinity of the project. 11
- Paragraph 2, Pg 123: "additional alley traffic, primarily from the proposed residential use...partially offset by fewer commercial trips on the alley." Presumably, this refers to the decrease in retail square footage in the current project design. This is an incorrect assumption: Traffic along with deliveries & service vehicle trips would increase substantially in the alley due to the addition of a restaurant on the property. 12
- The applicant has claimed that the Fourth Street parking garage will serve as an additional parking resource for the building, both for residents to lease spaces and for retail clients, but the project design includes no safe pathway for pedestrians to transit the alley. 13

Response to Comment Letter 15: Cathy Forkas (08/11/17)

Response 15-1.

The comment is an introductory statement and expresses general disagreement with the analysis of the project's transportation-related impacts. The comment is not specific enough to permit a detailed analysis. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 15-2.

The commenter states that Mitigation Measure 8 addressing review of the final alley design is inadequate and believes that it results in deferred mitigation. The commenter cites impacts from increased alley traffic and service vehicles, bicycle and pedestrian safety, and impacts to residential properties along the alley. The comment expresses disagreement that impacts are not mitigated, but does not provide any evidence. The comment also claims that the mitigation is deferred.

The current alley configuration has no striping or identified travel lanes and has minimal traffic improvements. Alley improvements are not required for the project which could use the alley in its current configuration. The SCEA acknowledges that there can be conflict between different modes. However, the proposed improvements are expected to improve safety and circulation for users of the alley. Improvements in the alley clarify use of the alley by the transportation modes. The alley proposal is a conceptual design and requires development of detailed improvement plans which will be reviewed by the Public Works Department. The potential impact of the Project with regard to traffic safety is less than significant without mitigation. The one-way alley configuration has been reviewed by City Engineering staff who determined that it would meet City street design standards. Public Works review of engineered improvement plans is a standard requirement as part of the construction documents and ensures that the design and construction of alley improvement will comply with existing City requirements and standards and provide adequate safety. Public Works review of these improvement plans is, at most, to be considered an improvement measure as it is not required to reduce a potential CEQA impact. Therefore, project impacts would be **less than significant** and no mitigation is required.

SCEA/IS Section XVI (Transportation and Circulation) provides detailed analysis of impacts from project-related trips and alley access and use. See also Master Response 5 for additional discussion.

Response 15-3.

The commenter states that the project will set a precedent for future projects along the alley. Projects are reviewed case-by-case based on their merits and no projects are proposed on nearby parcels. Project entitlements and changes address the project site only. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Master Response 6.

Response 15-4.

The comment is a concluding statement. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 15-5.

The commenter provides comments and suggestions related to Section XVI, Transportation and Circulation checklist impact Item a) that addresses conflicts with plans, ordinances and policies establishing measures for the performance of the circulation system. The comment makes general statements that the analysis is incomplete, does not address conflicts of bicycle, pedestrian, and auto traffic and deliveries, does not provide specific mitigation, and suggests mitigation that redesigns the project. The comment does not identify any conflict with a specific plan, policy or ordinance.

Transportation and Circulation Section XVI analyzed the potential impacts related to different transportation modes and determined the project impacts would be less than significant. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Response 15-2 above and Master Response 5 for additional detailed discussion.

Response 15-6.

The commenter provides comments and suggestions related to Section XVI, Transportation and Circulation checklist impact Item d) that addresses transportation hazards due to a design feature. The comment makes general statements that the analysis is incomplete, mitigation is unspecified, dangerous intersections exist, and suggests mitigation for a sidewalk along the entire alley and mitigation that redesigns the project. The comment does not provide evidence of any specific design hazard caused by the project.

Transportation and Circulation Section XVI analyzed the potential impacts related to potential hazards and determined the project impacts would be less than significant. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Response 15-2 above and Master Response 5 for additional detailed discussion.

Response 15-7.

The commenter provides comments and suggestions related to Section XVI, Transportation and Circulation checklist impact Item f) that addresses conflicts with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities or decrease the performance of such facilities. The comment makes general statements that the analysis is incomplete, mitigation is unspecified, that increased auto traffic decreases safety, and that increased delivery and service vehicles in the alley will decrease safety. The comment does not provide evidence of any specific policies or programs that would conflict and does not provide any evidence to support the assertions.

Transportation and Circulation Section XVI analyzed the potential impacts and determined the project impacts would be less than significant. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 5.

Response 15-8.

The commenter provides comments and suggestions related to Section XVI, Transportation and Circulation checklist impact Item g) that addresses hazards or barriers for pedestrians and bicycle. The comment makes general statements that the analysis is incomplete, mitigation is unspecified, that pedestrians using the alleyway lack a sidewalk, no safe transit area is provided for wheelchairs on the alley, residents on the east side of the alley have no safe entry or exit, and there is no safe passage for pedestrians from the parking structure at 4th Street.

The alley is a "back of house" service alley providing access to the rear of the commercial and residential properties for vehicles, services, and deliveries, but allows for shared mode use. The 30-foot wide alley right-of-way provides sufficient width to accommodate different modes of transportation. The project provides enhanced bicycle facilities and parking as part of the project. It also provides an 8-foot wide sidewalk on the project site adjacent to the alley right-of-way. Alleys have low traffic volumes and City standards do not require pedestrian facilities within an alley as public improvement. The project site has frontage on Third Street which provides connected pedestrian facilities. Adjacent residential properties also have street frontage for access. The proposed alley improvements do not interfere with alley access for the residential properties. A turning radius exhibit for the adjacent alley garages is provided with Master Response 5.

Transportation and Circulation Section XVI analyzed the potential impacts and determined the project impacts would be less than significant. See Response 15-2 above and Master Response 5 for additional detailed discussion.

Response 15-9.

The commenter states that the SCEA/IS incorrectly states that parking in the alley is permitted. Updated information has been added to the SCEA/IS as provided in Section 3.0 (Errata and Clarifications) of this document regarding prohibited parking that was recently repainted on the west side of the alley along the project site.

Response 15-10.

The commenter states that the SCEA/IS has no information on service vehicles (garbage/recycle/greenwaste) or delivery vehicle trips that would be expected to increase significantly. Transportation and Circulation Section XVI of the SCEA/IS adequately analyzes transportation impacts. As described in Table 16-3, the project is expected to generate 551 total daily retail-related trips and 161 total daily residential-related trips. Trip generation numbers and analysis for the residential and commercial uses includes service trips and deliveries for garbage, recycling, mail and FedEx service, and other deliveries which are a small component of overall trips. Clarifying information has been added to the Transportation Section page 101 as provided in Section 3.0 (Errata and Clarifications) of this document.

Response 15-11.

The commenter disagrees about the project-related retail trips in the alley and believes that retail customers will use the alley. Section XVI (Transportation and Circulation) evaluates alley traffic and the estimated alley trips include 10 inbound and 10 outbound retail-related alley trips. The comment is not specific enough to permit a detailed analysis. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 5.

Response 15-12.

The commenter disagrees that there would be fewer commercial trips in the alley and believes that commercial traffic along with deliveries and service vehicles would increase substantially. Under current conditions, the alley provides access for employees, customers, and deliveries to the parking area and businesses at the existing 11,000 square-foot commercial site. Section XVI (Transportation and Circulation) evaluates alley traffic. The estimated retail trips include service and delivery trips and the anticipated alley trips include 10 inbound and 10 outbound retail-related alley trips. The proposed project does not provide on-site customer or employee parking and consequently fewer retail-related alley trips are expected. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 5.

Response 15-13.

The commenter states that no safe pathway for pedestrians is provided in the alley to the Fourth Street parking garage. It is expected that the existing parking garage located nearby on Fourth and G Street may provide parking for residents or customers. However, it is not a project requirement. Furthermore, sidewalks are available along the City streets and provide safe pedestrian access. The comment is not specific enough to permit a detailed analysis. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Master Response 6.

7/13/2017

Comment 16

To: City of Davis Planning Commission

From: Cathy Forkas 336 K St Davis

Re: Comments on Trackside Proposal

Dear Commissioners,

I am submitting these comments on the proposed Trackside 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.

1

I enthusiastically support the redevelopment of the Trackside 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. Trackside 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.

Trackside conflicts with the Zoning and Guidelines in multiple ways:

Mass & Scale

The Trackside 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.

2

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".

3

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.

4

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!

5

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.

6

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

Response to Comment Letter 16: Cathy Forkas (07/13/17)

Response 16-1.

The comment is an introductory statement and does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 16-2.

The commenter believes that the proposed building is too tall and that the project ignores planning documents with regards to the building's mass and scale. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning).

The design of the project is sensitive and responsive to the adjacent uses. Along the eastern edge of the proposed building, the architecture is designed to create a traditional residential look-and-feel. The building is massed away from the east and north in a series of stepbacks. On Third Street, a "Main Street" traditional storefront component would dominate the pedestrian experience with the top floor set back from view. Along the railroad, the plaza would be anchored by an existing cork oak tree. The architecture of this façade would be more industrial in nature, reflecting the site's history and railroad adjacency.

Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines.

Compliance with the Design Guidelines is a primarily an aesthetic issue. The project is designed to relate to the surrounding area and provides transitions from the higher intensity downtown area to the residential neighborhood. It does not require one hundred percent compliance with the guidelines. The project requires Design Review approval by the City which utilizes the DDTRN Design Guidelines to ensure the design of new development is appropriate. The SCEA/IS acknowledges that the project will alter the existing visual character of the area, but that it would not substantially degrade the visual quality of the site. See also Master Response 2.

Response 16-3.

The commenter states that project ignores with DDTRN Design Guidelines in regards to the project's transition to adjacent single-story buildings. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning).

On the east alley side of the project site which faces the residential neighborhood and the adjacent single-story residence at 921 3rd Street, the proposed Trackage Center building offers a

single-story elevation along the alley and transitions and steps back the upper floors. The project site is separated from the adjacent residential property by the 30-foot wide alley. Additional building separation is provided by the 15-foot setback from the alley right-of-way of the adjacent residence and the 8 foot setback to accommodate the sidewalk from the alley right-of-way of the proposed building, except for the portion of the garage for the trash enclosure room. A total separation of 53 feet is provided between the first story of the Trackside Center building and the nearby residence. The project's second and third story east elevations step back 7 feet further with the fourth floor another 17 feet back from the alley. The project also step back the upper stories on the north side. See also Master Response 2.

Response 16-4.

The commenter states that the project would directly impact historic structures and contributing structures and cites deliberations by the HRMC. Section V (Cultural Resources) evaluates impacts to historical resources and determined that the project would not result in any direct impacts to nearby historical resources. The project does not result in any direct or indirect material impairment or substantial loss in integrity of the historical resources. Additionally, as discussed in Section V while the Old East Davis Neighborhood is recognized as a Conservation District which has a number of contributing structures, the Conservation District is not a designated Historic District. Unlike a Historic District, the Conservation District is not a historical resource under CEQA. HRMC deliberations were considered as part of the cultural resources analysis in Section 5. See also Master Response 3.

Response 16-5.

The commenter states that the alley activation would have significant traffic impacts. Section XVI (Transportation and Circulation) adequately evaluates transportation impacts related to alley and determined that project impacts would be less than significant. The commenter cites 100 car trips per hour at peak hour. According to Table 16.3 in Section XVI which summarizes project trip generation, the project would result in 36 net new AM peak hour trips and 101 net new PM peak hour trips which would be distributed throughout the transportation network. Table 16-13 summarizes alley trips. The project is estimated to generate a total of 181 inbound and outbound daily trips in the alley. It would be a total net daily increase of 94 alley trips compared to the existing site.

The commenter also describes safety concerns with the alley design. The project including proposed alley changes have been reviewed by City staff and has included review by the City's Bicycle, Transportation, and Street Safety Commission. Additionally, the one-way alley configuration has been reviewed by City Engineering staff who determined that it would meet City street design standards. Public Works review of engineered improvement plans is a standard requirement as part of the construction documents and ensures that the design and construction of alley improvement will comply with City requirements and standards.

The comment is not specific enough to permit a detailed analysis. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 5.

Response 16-6.

The comment is a general concluding statement and does not address the adequacy of the SCEA/IS. It implies that the project does not comply with the zoning and design guidelines. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2.

Comment 17

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

Hi Eric,

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

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

1

Thanks Eric. Hope you have a terrific weekend - Chris

Chris Soderquist

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

Response to Comment Letter 17: Chris Soderquist (08/11/17)

Response 17-1.

The commenter notes that the solar panels located on a residential garage on the east side of the alley from the project site would expect approximately 10% total reduction in production due to project shading, but also notes that the panels were installed in a west-facing orientation and would have been more efficient with a south-facing orientation. The shadow study discussed in Section V, Cultural Resources, shows that the project would provide additional shading during the year on nearby properties to the east in the late afternoon and evening. The affected property is located adjacent to the downtown area and a transition area where larger, more intense development is envisioned and allowed. Minor shading effects are to be expected. While the project shading would reduce the production efficiency of the solar panels on the adjacent site by approximately 10%, it still allows for sufficient beneficial production and would not be considered to be a significant impact. Clarifying information has been incorporated in Section XI (Mineral and Energy Resources) of the SCEA/IS relative to these solar panels as provided in Section 3.0 (Errata and Clarifications) of this document. Section XI addresses potential impacts to energy resources and determined that the project would have a less than significant impact relative to conflicts with an adopted energy conservation plan and the use non-renewable resources.

Comment 18

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.

1

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.

2

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.

2
cont.

Chuck Roe

Response to Comment Letter 18: Chuck Roe (07/14/17)

Response 18-1.

The commenter notes the need to provide denser housing in the downtown area and expresses support for the proposed project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Response 18-2.

The comment addresses the lengthy planning review process and notes that City planning documents encourage densification of the core area. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 19

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 Trakside Center Proposal

Dear Commissioners,

I would pose to you a simple question: Is the Trakside 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 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.

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 Trakside 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 Trakside 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 Trakside from being approved.

Thank you for your time,
Daniel Kaltenbach
327 I Street

1

2

Response to Comment Letter 19: Daniel Kaltenbach (07/13/17)

Response 19-1.

The commenter states that the project violates City land use policies and design guidelines. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning). It addresses the project design and responsiveness to the adjacent uses and structures with the building massing pushed away from the residential neighborhood and upper story setbacks from the lower residential structures.

Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines.

Compliance with the Design Guidelines is a primarily an aesthetic issue. The project is designed to relate to the surrounding area and provides transitions from the higher intensity downtown area to the residential neighborhood. It does not require one hundred percent compliance with the guidelines. The project requires Design Review approval by the City which utilizes the DDTRN Design Guidelines to ensure the design of new development is appropriate. The SCEA/IS acknowledges that the project will alter the existing visual character of the area, but that it would not substantially degrade the visual quality of the site. See also Master Response 2.

Response 19-2.

The commenter states that the project will significantly degrade nearby historical structures by encouraging rentals, building disrepair, and blight. The comment does not address the adequacy of the SCEA/IS and does not provide evidence of the specific impact. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 20

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.

1

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."

2

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.

3

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.

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Response to Comment Letter 20: David and Patricia Krueger (07/17/17)

Response 20-1.

The comment is an introductory statement that expresses concerns about the project and process. It does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 20-2.

The commenter states that project is too large for the location near residential homes and cites policies in the Core Area Specific Plan. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning) and detail the design measures to mass the building away from the residential area and stepback the upper stories.

On the east alley side of the project site which faces the residential neighborhood and the adjacent single-story residence at 921 3rd Street, the proposed Trackside Center building offers a single-story elevation along the alley and transitions and steps back the upper floors. The project site is separated from the adjacent residential property by the 30-foot wide alley. Additional building separation is provided by the 15-foot setback from the alley right-of-way of the adjacent residence and the 8 foot setback to accommodate the sidewalk from the alley right-of-way of the proposed building, except for the portion of the garage for the trash enclosure room. A total separation of 53 feet is provided between the first story of the Trackside Center building and the nearby residence. The project's second and third story east elevations step back 7 feet further with the fourth floor another 17 feet back from the alley. The project also step back the upper stories on the north side. See also Master Response 2.

Response 20-3.

The commenter states that the project does not comply with the design guidelines and set a dangerous precedent. The comment is not specific enough to permit a detailed response. See Response 20-2 and Master Response 2 for discussion of consistency with policies and design guidelines

With respect to precedents, projects are reviewed case-by-case based on their merits and no projects are proposed on nearby parcels. Project entitlements and changes apply to the project site only. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 6.

Comment 21

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.

3

- 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

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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."

11

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.)

11
cont.

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.

12

Sincerely,

David and Patricia Krueger

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Response to Comment Letter 21: David and Patricia Krueger (07/13/17)

Response 21-1.

The comment is an introductory statement that expresses concerns about the project, the process, and compliance with the DDTRN Design Guidelines. It does not address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 21-2.

The commenter indicates that the project is not consistent with the DDTRN Design Guidelines. Analysis of project consistency with City policies and the DDTRN Design Guideline is provided in SCEA/IS Section I (Aesthetics), Section V (Cultural Resources), and Section X (Land Use/Planning). See also Master Response 2.

Response 21-3.

The commenter is an introductory sentence about their concerns and expectations for development in the neighborhood relative to the project. The comment does not address the adequacy of the SCEA/IS, but cites their concerns about the project which follow below. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 21-4.

The commenter states that a three-story building would protect their views of the open sky and sunset. Project aesthetics and shadowing is analyzed in SCEA/IS Section I (Aesthetics) which determined that the project would not damage any scenic resources or any designated scenic vistas. It recognized that although project would result in a change and would alter the existing visual character of the area, it would not substantially degrade the visual quality of the site or surroundings.

Response 21-5.

The commenter states that the building conflicts with land use policies for mass, scale, and compatibility with the residential neighborhood. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Master Response 2.

Response 21-6.

The commenter states that the proposed amendment to the Core Area Specific Plan for density and floor area and the PD rezone bypass existing codes, regulations and guidelines. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. However, it is noted that the proposed project which includes project entitlements such as the specific plan amendment and the rezone have been processed in accordance with City requirements and state land use law. The SCEA/IS and corrections in Section 3.0 (Errata and Clarifications) of this document describe the project entitlements.

Response 21-7.

The commenter states that the project expands the downtown out and not up and sets a precedent for 'downtown creep'. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. However, with respect to precedents, development projects are reviewed case-by-case based on their merits and no projects are proposed on nearby parcels. Project entitlements and changes apply to the project site only. See Master Response 6.

Response 21-8.

The commenter states that the project is located in a transition area, but fails to make an appropriate transition. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning).

With regards to the building's transition, on the east alley side of the project site which faces the residential neighborhood and the adjacent single-story residence at 921 3rd Street, the proposed Trackside Center building offers a single-story elevation along the alley and transitions and steps back the upper floors. The project site is separated from the adjacent residential property by the 30-foot wide alley. Additional building separation is provided by the 15-foot setback from the alley right-of-way of the adjacent residence and the 8 foot setback to accommodate the sidewalk from the alley right-of-way of the proposed building, except for the portion of the garage for the trash enclosure room. A total separation of 53 feet is provided between the first story of the Trackside Center building and the nearby residence. The project's second and third story east elevations step back 7 feet further with the fourth floor another 17 feet back from the alley. The project also step back the upper stories on the north side.

On the west elevation which faces the train tracks and the ACE Hardware store in the core downtown area, the project offers a four story facade and would be separated from the ACE Hardware building by approximately 70 feet. See also Master Response 2.

Response 21-9.

The commenter states that the project degrades the visual character of the area and creates a substantial source of light and glare. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. SCEA/IS Section I (Aesthetics) provides a detailed analysis of the potential aesthetic impacts and determined that the impacts would be less than significant.

It recognized that although project would result in a change and would alter the existing visual character of the area, it would not substantially degrade the visual quality of the site or surroundings. It notes that building does not consist of highly reflective materials resulting in substantial glare and finds that standard requirements for a lighting plan, review of lighting fixtures, and compliance with the City Outdoor Lighting Control Ordinance ensure that potential impacts relative to light and glare are less than significant.

Response 21-10.

The commenter states the neighbors have worked hard to help redesign the project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 21-11

The commenter cites language from the Core Area Specific Plan that speaks to height and bulk concerns of infill development. The comment notes project concerns relative to the issue that the project's setbacks are inadequate, it is too tall and too large for the site, and it expands the downtown. It is noted that the CASP language cited in the comment identifies general concerns when considering infill development, pointing out that infill projects can generate concerns about height and bulk and that taller buildings should consider second story setbacks. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning). They detail the architectural and design measures incorporated into the building that address these considerations. See also Master Response 2.

Response 21-12.

The comment is a concluding statement. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 22

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

Response to Comment Letter 22: Doreen Pichotti (07/13/17)

Response 22-1.

The comment is an introductory statement and the commenter states that the project is inconsistent with City land use policies and design guidelines. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning). It addresses the project design and responsiveness to the adjacent uses and structures with the building massing pushed away from the residential neighborhood and upper story setbacks from the lower residential structures.

Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines.

Compliance with the Design Guidelines is a primarily an aesthetic issue. The project is designed to relate to the surrounding area and provides transitions from the higher intensity downtown area to the residential neighborhood. It does not require one hundred percent compliance with the guidelines. The project requires Design Review approval by the City which utilizes the DDTRN Design Guidelines to ensure the design of new development is appropriate. The SCEA/IS acknowledges that the project will alter the existing visual character of the area, but that it would not substantially degrade the visual quality of the site. Additional clarifying discussing has been incorporated in Land Use/Planning Section X relative to the DDTRN Design Guidelines. See also Master Response 2.

Response 22-2.

The commenter states that neighbors would support a redesigned project that is consistent with the Design Guidelines. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Response 22-1 and Master Response 2.

Response 22-3

The commenter states that the project conflicts with City land use policies regarding mass, scale, and compatibility with the residential neighborhood. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Response 22-1 and Master Response 2.

Response 22-4.

The commenter states that the project expands the downtown out and not up and sets a precedent for 'downtown creep'. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. However, with respect to precedents, development projects are reviewed case-by-case based on their merits and no projects are proposed on nearby parcels. Project entitlements and changes apply to the project site only. See Master Response 6.

Response 22-5.

The commenter states that the project could be scaled down in size and still generate significant income. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 22-6.

The commenter states that the project inappropriately relies on land leased from Union Pacific Railroad to claim exceptions from City development standards. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

However, it is noted that the leased area has historically been used by the project site and is currently used for parking, landscaping, and outdoor space. The SCEA includes a description and information on the leased area with project data information on project density and floor area ratio with and without the leased area. Furthermore, the project and proposed building are designed to be able to function on their own without the leased area in the unlikely event that the leased area is no longer available. Project entitlements and the new PD zoning for the site have taken into account the possible loss of the leased land and ensure that the project will remain consistent with development standards including, but not limited to, density, lot coverage, floor area ratio, open space, and parking. Additional information regarding this has been added to the SCEA/IS in Section 3.0 (Errata and Clarifications).

Response 22-7.

The commenter states that proposed project is located in a transition area between the Core Area and the Old East neighborhood, but fails to provide an appropriate transition. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Response 22-1 and Master Response 2

Response 22-8.

The commenter states that vehicle volumes would be similar to a street and uses of the alley are not appropriate and lacks adequate right-of-way. The comment is not specific enough to permit a detailed response. SCEA/IS Section XVI (Transportation and Circulation) evaluates impacts from project-related trips and alley access and use and determined that potential impacts would be less than significant. Currently, all of the alley trips related to the project site are commercial related. With the proposed project, primary alley use by the project site would be residential

related for parking access with a smaller number of commercial related trips. The alley has a 30-foot right-of-way which is sufficient for the proposed uses and design.

SCEA/IS Table 16-13 summarizes the expected alley traffic based on alley traffic counts and project trip generation numbers. Total daily alley trips with the proposed project is expected to range from 327 to 449 total daily trips. City LOS standards identifies an LOS 'E' acceptable within the City and an LOS 'F' acceptable in the Core Area. According to SCEA/IS Table 16-2, the LOS volume threshold for a local street in vehicles per hour (vph) is LOS 'C' at 360 vph, LOS 'D' at 510 vph, and LOS 'E' at 610 vph. The City does not identify an LOS threshold or volume thresholds for an alley. However, an alley which primarily provides access for services and for residences and businesses along the alley would be expected to have less traffic than a Local Street.

A "worst case" conservative estimate of peak hour alley trips of 48 a.m. peak hour trips and 169 p.m. peak hour trips based on project trip generation estimates of 36 total a.m. peak hour trips and 101 p.m. peak hour trip plus actual alley traffic counts taken in October 2015. This worst-case estimate includes all the projected a.m. and p.m. peak hour project trips. Most of these trips are never expected to enter the alley. The volumes shown reflect the peak hour trips expected to visit the site; however, as there is only on-site parking specifically for residents, and minimal on-street parking within the alley, there is no expectation that the project traffic would utilize the alley when looking for parking. It is expected that project traffic will utilize existing on-street parking in the vicinity as well as the parking lots and parking structures nearby, similar to other downtown businesses. This worst-case scenario also includes the higher October 2015 traffic counts instead of the lower alley traffic counts that were later recorded. The peak hour alley trips are well below the threshold of LOS 'C' (360 vph) for a Local Street, let alone the LOS 'E' (610 vph) threshold. The expected peak hour alley traffic with the project would not be equivalent to a Collector or Local Street and does not result in a significant impact. See also Master Response 5.

Response 22-9.

The commenter states that the project would create significant adverse effects on the historical setting and feeling of Old East Davis. Section V (Cultural Resources) addresses impacts to historical resources. See also Master Response 3.

Response 22-10.

The commenter states that the project would be precedent-setting and result in similar inappropriate development in the residential neighborhood bordering the Core Area. The comment is speculative and does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

However it is noted that project site is located in a transition area between the downtown core area and the adjacent residential neighborhood. No other similar projects are currently proposed in the transition areas. Development projects are evaluated based on the merits of the project and that the project entitlements have limited applicability. See also Master Response 6.

Response 22-11.

The commenter states that the DDTRN Design Guidelines are part of city land use law. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2.

Comment 23

Dear Eric Lee,

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

1

1. The Trackside project proposal does not comply with City Zoning for that site. Planning by exception is unethical and establishes precedent to justify future violations of law:

2

- a. The project exceeds zoning allowable size for that location by 150%
- b. The project proposes a non-ADA compliant alley sidewalk that would lead to the parking structure used as an excuse to not meet required parking for the number of residents (bedrooms) and commercial locale customers and employees.

3

i. When private developers have not complied with ADA standards, and these facilities are deeded over to the City of Davis, the City also receives the legal responsibility for ADA compliance. Sidewalks and roads become the responsibility of public entities after they are built by private developers and deeded over to the public entity following construction.

1. Approval of the Trackside Center's alley sidewalk as proposed conflicts with the City's stated commitment to and eligibility for Title VI Federal Transit Administration funds.
2. Approval of illegal developments will result in negative fiscal impact and liabilities to the City and taxpayers.
3. By precedent, the City should provide financial support to small businesses expected to and willingly abiding by laws that impose great costs to them: <http://www.davisenterprise.com/local-news/ada-lawsuits-take-their-toll-in-davis/>
4. How much will this liability add to the existing City's deficit? The Davis Enterprise shows a "\$350 million deficit for Davis, not including an estimated \$200 million to cover the city's parks and building infrastructure..." <http://www.davisenterprise.com/local-news/project-toto-lifting-the-veil-on-city-finances/>
5. How much of this deliberate exemption of the law cost us taxpayers? For the Trackside Center and impending projects reasonably expecting the same favors?
6. Is the City tracking all approved exceptions to zoning laws, which include the Design Guidelines, effectively rendering these laws useless? By precedent, future development projects should expect the same immunities.

2. The City of Davis Historical Resources Commission unanimously voted that the Trackside project was inconsistent with the historical preservation design guidelines in our General Plan. According to the City of Davis' website:

4

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

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

The CEQA analysis needs to be rejected since Trackside does not comply with local plans: Please reject the inadequate CEQA environmental document. It is an inappropriate use of SB 375, because the project does not comply with existing local plans. This approach to CEQA prevents public involvement in a radical change to our community. Too many mitigation measures in the document are inadequately written to be enforced or to determine what needs to be done. 5

The Zoning Change demanded by Trackside needs to be rejected: Don't set a precedent without community input! The proposed action would change zoning not just for the Trackside project is but on a half mile section of land next to the railroad tracks from Third Street to Fifth Street. The CEQA analysis omits this!! 6

Protect neighborhoods, respect historical buildings, and implement our General Plan, Davis' Zoning Codes, and Davis Downtown and Traditional Residential Neighborhood Design Guidelines: The enormous Trackside building, if approved, would loom over single-family residences next door, create unsafe conditions in the I Street alley, and disregard protections of historical properties that are currently cared for by Davis residents who treasure them as an important part of Davis' history. 7

The City's 100th anniversary calls for the denial of a proposal that will destroy the character of one of Davis most historical neighborhoods. My expectation of Elected Officials and City Staff is that they honor their commitment to abide by laws and protect law-abiding residents from the negative impacts benefitting special interests. 8

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

Sincerely,

Response to Comment Letter 23: Elsa Ruiz-Duran (08/11/17)

Response 23-1.

The comment is an introductory statement and the commenter states that the project is inconsistent with City land use policies and design guidelines. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning). It addresses the project design and responsiveness to the adjacent uses and structures with the building massing pushed away from the residential neighborhood and upper story setbacks from the lower residential structures.

Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines.

Compliance with the Design Guidelines is a primarily an aesthetic issue. The project is designed to relate to the surrounding area and provides transitions from the higher intensity downtown area to the residential neighborhood. It does not require one hundred percent compliance with the guidelines. The project requires Design Review approval by the City which utilizes the DDTRN Design Guidelines to ensure the design of new development is appropriate. The SCEA/IS acknowledges that the project will alter the existing visual character of the area, but that it would not substantially degrade the visual quality of the site. Additional clarifying discussion has been incorporated in Land Use/Planning Section X relative to the DDTRN Design Guidelines. See also Master Response 2.

Response 23-2.

The commenter states that the project does not comply with Zoning, that it justifies future violations, and exceeds the size allowed by zoning. The comment is not specific enough to permit a detailed response. The project includes a rezone to a new Planned Development (PD) zoning for the project and would address and include project development standards, such as lot coverage, floor area ratio, setbacks, and parking. As described in SCEA/IS Section X (Land Use/Planning) with additional clarifying discussion provided and incorporated in Section 3.0 (Errata and Clarifications) of this document, the rezone to a new PD ensures consistency with the Zoning Code. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2.

Response 23-3.

The commenter states that the project proposes a non-ADA compliant sidewalk. The comment does not address the adequacy of the SCEA/IS. However, it should be noted that the proposed pathway is located on the project site and is not in the public right-of-way. It provides access to

the alley retail sites and the residential entry lobby. Additionally, project compliance with ADA requirements is part of standard City review of building permits and improvement plans. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 23-4.

The commenter cites deliberations by the City's Historical Resources Management Commission and states that the commission found the project inconsistent with the DDTRN Design Guidelines. The comment is not specific enough to permit a detailed response. Project entitlements, including consideration of the Design Review, require review and action by the City Council. Pursuant to Municipal Code Section 40.23.050, the role and duty of the HRMC for this type of project for new construction within the conservation overlay district is to provide advisory review to the decision-making body. The HRMC reviewed the project at a meeting on December 12, 2016 and provided input. Additionally, the HRMC deliberations were reviewed as part of the preparation of SCEA/IS Section V (Cultural Resources) which adequately evaluated project impacts to cultural resources. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 3.

Response 23-5.

The commenter states that the project does not comply with local plans and that it is an inappropriate use of SB 375 and that mitigation measures are inadequately written. The comment that mitigation measures are inadequate is not specific enough to permit a detailed response. As described in the SCEA/IS, proposed mitigation measures would reduce potential impacts to a less than significant level. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 1.

However, SCEA/IS Section X (Land Use/Planning) evaluates project consistency with local land use plans and policies and determined that project impacts are less than significant. Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Areato maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines. The project includes a rezone to a new Planned Development (PD) zoning for the project and would address and include project development standards, such as lot coverage, floor area ratio, setbacks, and parking. As described in SCEA/IS Section X (Land Use/Planning) with additional clarifying discussion provided and incorporated in Section 3.0 (Errata and Clarifications) of this document, the rezone to a new PD ensures consistency with the Zoning Code.

However, the comment that use of an SCEA is inappropriate because the project does not conform to local land use plans also appears to derive from Comment 30-1 submitted by

Kyriacos Kyriaiou. Comment 30-1 references the Determination of MTP/SCS Consistency Worksheet for the Traskside Center Project which determined that the project was consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by Sacramento Area Council of Governments (SACOG). Section 3.C of the Worksheet provides several options for finding that a project is consistent with the adopted MTP/SCS and states that, “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.”

Commenter 30 cites Section 3.C.1 Option B (below) which was selected in the Worksheet prepared for the Traskside Center Project and determined that the project was consistent with the applicable community type and characteristics.

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.

However, the commenter believes that the selection of Option B bypasses standard CEQA review and avoids City planning and zoning provisions. The commenter believes that the project would not meet Option A (below) and that it is the more appropriate criteria.

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.

Based on this, the commenter believes that an SCEA should not be used for the project. The commenter acknowledges that the City has the discretion in making the MTP/SCS consistency determination and has not demonstrated how the project would not meet Option B. See Comment Letter 30 and Responses to Comment Letter 30.

As discussed in the SCEA/IS, the City has determined that the project meets the criteria as a qualified Transit Priority Project pursuant to the requirements of Public Resources Code sections 21155-2155.2 which provide for streamlined CEQA review through preparation of an SCEA. Concurrence of the project as a qualifying Transit Priority Project and consistency with the MTP/SCS adopted by the SACOG was provided by SACOG. An SCEA provides for appropriate and adequate environmental review and use of an SCEA does not require conformance with local land use plans and zoning as discussed above and demonstrated in the MTP/SCS Consistency Worksheet.

Response 23-6.

The commenter states that the project would change the zoning for the surrounding area and that the SCEA/IS does not address it. The project entitlements include a zoning change to rezone the project site to a new Planned Development (PD) Zoning District. As discussed in SCEA/IS Section X (Land Use/Planning), the purpose of the PD District is to provide flexibility from rigid standards to allow for creative approaches in development. The new PD District and the associated development standards would apply only to the project site and would not affect surrounding parcels. See also Master Response 6.

Response 23-7.

The comment is a general concluding statement that the project does not respect the neighborhood or historic building, the land use plans and design guidelines, that it is too large and would create unsafe conditions in the alley. The comment is not specific enough to permit a detailed response. SCEA/IS Sections I (Aesthetics), Section V (Cultural Resources), Section X (Land Use/Planning), and Section XVI (Transportation and Circulation) provide detailed analysis. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 23-8.

The comment is a concluding statement and expresses opposition to the project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 24

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 Traskside 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. 1

a. The Traskside 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. 2

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 Traskside Center's alley sidewalk as proposed appears to conflict with the City's stated commitment to and eligibility for Federal Transit Administration funds. 3

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.

4

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/>

5

- 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.

6

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?

7

Respectfully submitted,

Elsa Ruiz-Duran
420 K Street

Response to Comment Letter 24: Elsa Ruiz-Duran (07/13/17)

Response 24-1.

The commenter states that the project proposes a non-ADA compliant sidewalk. The comment does not address the adequacy of the SCEA/IS. However, it should be noted that the proposed pathway is located on the project site and is not in the public right-of-way. It provides access to the alley retail sites and the residential entry lobby. Additionally, project compliance with ADA requirements is part of standard City review of building permits and improvement plans. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 24-2.

The commenter discusses project parking and access to the nearby parking garage located at 4th and G Street. The comment does not address the adequacy of the SCEA/IS. It should be noted that parking is not considered an environmental impact requiring CEQA analysis. Additionally, the project will comply with applicable parking requirements. The project will provide 30 on-site parking spaces with the remaining required spaces to be provided by in-lieu parking fees or at an acceptable off-site location as allowed in the Zoning Ordinance and the proposed PD Zoning. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 24-3.

The commenter cites ADA requirements for pedestrian crossings and sidewalks and notes the impact of ADA compliance lawsuits on local businesses. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Response 24-1.

Response 24-4.

The commenter states that the project would be precedent-setting leading to other inappropriate development with negative fiscal impacts to the City. The comment does not address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 6.

Response 24-5.

The commenter provides a number of statements and questions regarding City liability for ADA compliance and lawsuits, the City's forecasted deficit and impact on taxpayers. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 24-6.

The commenter states that approved exceptions to zoning laws will render them useless and that future developments should expect the same considerations. The comment does not address the

adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 24-7.

The commenter asks why the developer is not bound to obey City laws. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 25

To: Mr Eric Lee
Planner
Community Development and Sustainability Department

From: Ezra Beeman
The Schmeiser House
334 I Street

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

Reference: Sustainable Communities Environmental Assessment (SCEA)

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

11 August 2017

Dear Mr Lee,

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

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

The following sections describe the key errors of fact, flawed reasoning and information gaps that undermine the document's fitness-for-purpose, and the findings and conclusions based upon it. 5

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

Document Defects

- On page 2, under the project description, it states that project improvements include a plaza, among other things, however, these are already at the site. 6
- On page 3, top para, the project FAR is not reconciled to what it is claiming in terms of bonuses, etc. so not possible to evaluate it. I note the plaza bonus, however, it is not clear whether this is for adding a plaza, or for keeping the plaza already there. The project will be keeping an existing plaza, which does not seem to be in the spirit of the bonus. 7
- On page 3, the document states that the project is consistent with the M-U purposes:
 - Implement policies of the core area plan = yes, I guess, not clear
 - Preserve architectural styles = no, based on HRMC finding 8
 - Provide increase variety and intermixture of uses = yes
 - Enhance tree-shaded ambience = no
 - Pedestrian usage = no
 - Character of the district = no (mass and scale)

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

- Linkages between previous environmental analysis and the project is implied, and not specifically spelled out. It is therefore inadequate for the purpose intended. 9
- The previously conducted environmental analyses were general in nature, and may not be appropriate for a specific project, particularly one that is a planned development, and by definition outside of the rules/expectations of the previous environmental analyses. Since the document and the project relies heavily on this particular, flawed, assumption (that general analyses applies to its specifics), the document and project must be revised to address the project's specific effects:
 - City of Davis Program EIR for General Plan Updates
 - Housing Element Update
 - Core Area Specific Plan EIR (1996)
 - Sustainable Communities and Transit Priority Projects
- On page 5, the SCEA criteria includes building intensity, but this criterion is not addressed in the rest of the section. It is not clear that this criterion has been met. 11
- On page 5, it states that the project is consistent with the SCEA criteria, after only 3 paragraphs of analysis, which ignores the Design Guidelines. This appears to be unsound and unreasonable, especially in light of the significant community resistance to the project due to its impact on historical resources and its excessive mass and scale. 12
- On page 7, the document states that the SCEA IS assumes compliances with all applicable local codes and regulations. However, it violates the Design Guidelines, and the HRMC's finding that it will damage the City's historic resources. 13

- Page 7 summary table claims that AES-6 results in a visually compatible design. The HRMC finding contradicts this conclusion. 14
- Page 7 summary table claims that AES-12 results in minimisation of contrasts between the project and the surrounding areas. Again, the HRMC finding contradicts this conclusion. 15
- On page 15 (actually throughout document), the project is described as an “in-fill project, this is inconsistent with it being described as a fully developed parcel on page 1. 16
- On page 102, the AM and PM trips in table 16.3 do not add up to total daily trips. Data may be wrong, and could undermine transportation section analysis and/or conclusions. 17
- On page 122, the document claims that there would be less commercial trips in the alley, but this is not supported by Table 16.3 on page 102. 18

Significant Environmental Effects and Effectiveness of Mitigations

The project as proposed represents a (51.4 vs. 20 du/ac) unit density 2.5 times higher¹ than current standard and a FAR 1.5 times higher², which are in turn higher than the historical residential patterns of the neighbouring historical resources. 19

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

The project is incorrectly described

SB 375 Eligibility

The report describes the existing parcel as “fully developed”. it is therefore not an “infill project”, as envisions by the authors of SB 375. 20

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

Noise Pollution

The document claims that because noise will be subject to City codes, that it will not represent a significant effect. This logic is flawed, as breaching a code may not represent a significant effect, if the premise was already breaching the code. When the site emits almost no night time noise, and will generate 2.5 times more than the average, this is a significant effect. No significant effort has been made to minimise this effect, beyond minimum compliance. 21

Visual Pollution

The document claims that because lighting will be subject to City codes, that it will not represent a significant effect. This logic is flawed, as breaching a code may not represent a significant effect, if the premise was already breaching the code. When the site emits almost no night time light, and will generate 2.5 times more than the average, this is a significant effect. No significant effort has been made to minimise this effect, beyond minimum compliance. 22

¹ Pg 6.

² Pg 3.

³ Pg 1.

Transportation Effects - Public Safety

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

23

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

GHG Emissions

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

24

Traffic

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

25

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

26

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

27

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

28

Feasibility of Meeting the Design Guidelines

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

Appendix – 12 December 2015 Letter to HRMC

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

30

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

31

Physical Damages

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

32

Chemical Damages

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

33

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

34

Shadowing Damages

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

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

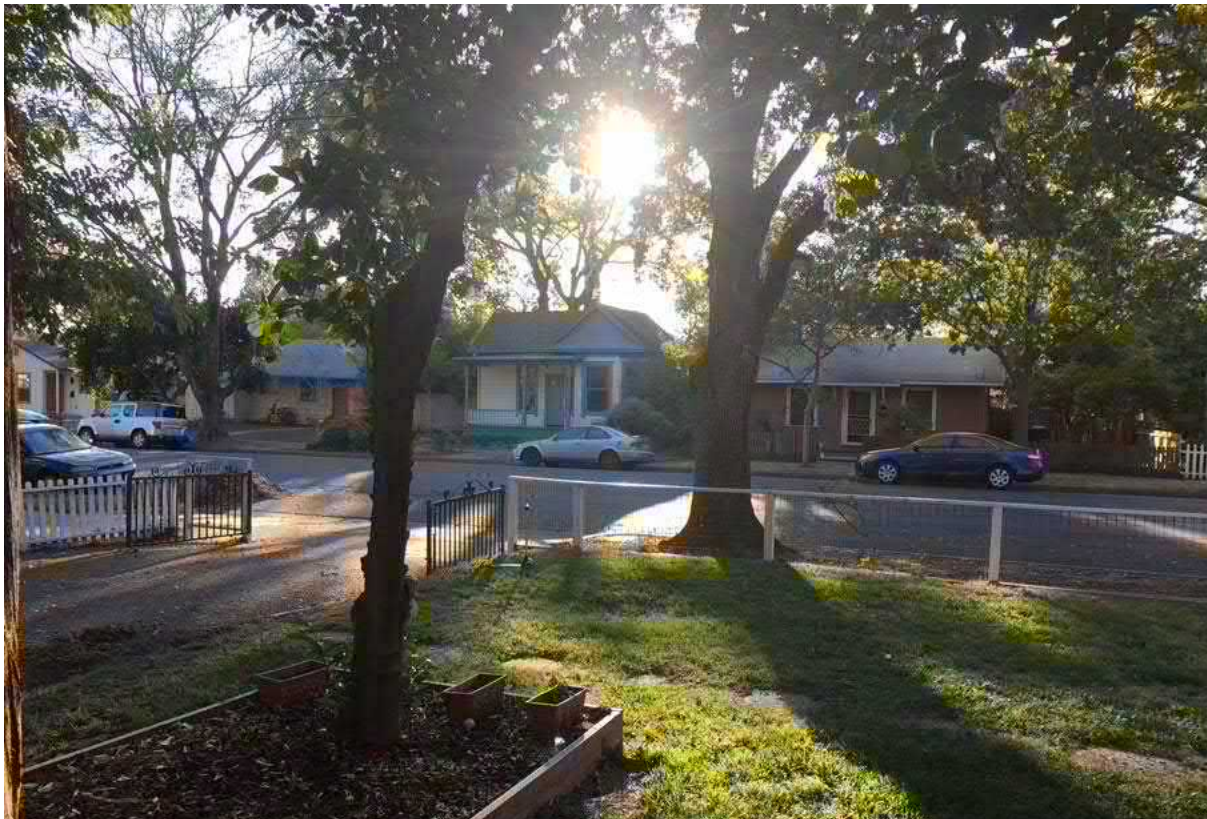
35

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

35
cont.

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

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



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

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



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

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

35
cont.

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

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

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

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

⁵ *Ibid.* page 6.

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

36

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

37

38

39

Response to Comment Letter 25: Ezra Beeman (08/11/17)

Response 25-1.

The commenter states that the SCEA/IS is incomplete and omits information such as deliberations by the City's Historical Resources Management Commission (HRMC) regarding the project's historical impacts. Project entitlements, including consideration of the Design Review, require review and action by the City Council. Pursuant to Municipal Code Section 40.23.050, the role and duty of the HRMC for this type of project for new construction within the conservation overlay district is to provide advisory review to the decision-making body. The HRMC reviewed the project at a meeting on December 12, 2016 and provided input. Additionally, the HRMC deliberations were reviewed as part of the preparation of SCEA/IS Section V (Cultural Resources) which adequately evaluated project impacts to cultural resources. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 3.

Response 25-2.

The commenter states that the SCEA/IS conclusions are incorrect and that the reasoning related to SB 375 suitability, and noise, privacy and lighting pollution effects and mitigation effectiveness are flawed. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 25-3.

The commenter implies that the project is too controversial to approve. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 25-4.

The commenter states the project is likely to result in costly legal appeals that could be avoided. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 25-5.

The comment is an introductory statement that the SCEA/IS contains flaws and errors with specific comments to follow. The commenter states that the SCEA/IS does not identify significant environmental effects that could be avoided by meeting the DDTRN Design Guidelines. The SCEA adequately identifies and evaluates the environmental impacts related to the project. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 25-6.

The commenter states that the project description on page 2 of the SCEA/IS states that one of the project improvements is a plaza, but that one already exists on the site. Although existing site contains landscaping and open space in the railroad lease area, the Trackside Center Project improvements include a new plaza area which will have a different configuration, design, and access. The statement in the SCEA/IS remains accurate.

Response 25-7.

The commenter states that the information on page 3 of the SCEA/IS is not clear with regards to the project FAR and the bonus justification for additional floor area ratio (FAR). The reference to FAR on page 3 is part of the description of the Core Retail with Offices land use designation of the site from the Core Area Specific Plan that applies to B and 3rd Street area. The specific project FAR or justification for a bonus, if requested, is addressed as part of the project review of the entitlements such as the Rezoning and Design Review and does not address the adequacy of the SCEA/IS.

However, it is noted that FAR is established as a zoning development standard and the project entitlements include a rezone to a new Planned Development (PD) District which ensures consistency with the project FAR. Additionally, a correction has been provided in the Section 3.0 (Errata and Clarifications) of this document for a correction to page 2 of the SCEA/IS related to the inclusion of floor area ratio in the CASP Amendment. As stated, the FAR is addressed in the Zoning and a CASP Amendment for FAR is not needed. Project FAR will be consistent with the PD Zoning and an FAR bonus is not requested or needed.

Response 25-8.

The commenter states that analysis of the project's consistency with the purposes of the M-U District described on page 3 of the SCEA/IS is not provided and suggests that the project is not consistent with the M-U purpose. The M-U Zoning described on page 3 is the existing zoning of the site. Project entitlements include a rezone to a new PD Zoning, which will be based on the M-U District. Project consistency with City land use plans and zoning is evaluated in SCEA/IS Section X (Land Use/Planning) which determined that project impacts would be less than significant. The PD Zoning establishes permitted uses and development standards and ensures that the project will be consistent with the zoning.

Response 25-9.

The commenter states that linkages between previous environmental analysis and the project is implied and is inadequate. The comment is not specific enough to permit a detailed response. Pages 7 to 16 of the SCEA/IS detail identify EIR mitigation measures from previous environmental analysis of SACOG's MTP/SCS, the City's General Plan and Core Area Specific Plan and discuss their applicability to the proposed project. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 25-10.

The commenter states that previous environmental analysis were general in nature and may not be appropriate for a specific project. The commenter lists the City's General Plan EIR, Housing

Element Update, the Core Area Specific Plan EIR, and Sustainable Communities and Transit Priority Projects. The commenter is correct that the environmental analysis for the documents cited are general in nature. As Program EIRs evaluating general land use and policy issues, they are not intended to analyze the impacts from specific projects which may require additional environmental review. These documents are cited in the SCEA/IS as relevant and applicable analysis. Pages 7 to 16 of the SCEA/IS detail identify EIR mitigation measures from previous environmental analysis of SACOG's MTP/SCS, the City's General Plan and Core Area Specific Plan and discuss their applicability to the proposed project. The SCEA/IS was prepared to identify and analyze project specific impacts. Appropriate environmental review has been conducted.

Response 25-11.

The commenter states that page 5 of the SCEA/IS identifies criteria for building intensity which is not addressed in the rest of the section. The commenter is referring to project criteria to be a qualified transit priority project. It includes consistency with general land use designation, density, building intensity for the project area in the MTP/SCS adopted by SACOG. This section explains the general criteria and refers to the Determination of MTP/SCS Consistency Worksheet provided in Appendix A of the SCEA/IS.

Item 1.B. on page 2 of the MTP/SCS Consistency Worksheet documents the Project's compliance with the required intensity. It shows that:

- 1) 81% of the Project's total building square footage is residential where a minimum of 50% is required; and
- 2) Total Project building FAR is 1.59 where a minimum of 0.75 is required.

Response 25-12.

The commenter states that analysis of project consistency with SCEA criteria on page 5 of the SCEA/IS ignores the Design Guidelines and is unreasonable given community objections. As stated in Response 25-11, discussion of SCEA criteria on page 5 refers to project criteria to be considered a qualified transit priority project pursuant to PRC Section 21155 which allows for use of an SCEA in the Project's environmental analysis. The determination does not require consideration of the City's Design Guidelines. Discussion of the DDTRN Design Guidelines relative to the Project is provided in SCEA/IS Section I (Aesthetics), Section V (Cultural Resources), and Section X (Land Use/Planning).

Response 25-13.

The commenter implies that the Project Assumptions statement on page 7 of the SCEA/IS assuming compliance with applicable codes and regulations is incorrect because the Project violates the Design Guidelines and HRMC findings. The Project Assumptions are accurate and it is reasonable to assume that the Project will applicable State, federal, and local codes and regulations such as health and building codes, fire regulations, noise ordinances, etc. Project entitlements address specific land use issues. It should be noted that compliance with the DDTRN Design Guidelines is not a code issue and instead involves discretionary City action. Detailed discussion of the Design Guidelines and historical impacts are addressed in SCEA/IS Section I (Aesthetics), Section V (Cultural Resources), and Section X (Land Use/Planning).

Response 25-14.

The commenter disagrees with SCEA/IS Table 1 on page 7 regarding SCS EIR Mitigation Measure AES-6 that projects be visually compatible with the surrounding area and cites the HRMC deliberations. Table 1 notes that aesthetic impacts are discussed in SCEA/IS Section I (Aesthetics) and are addressed as part of the Design Review of the project. The comment is not specific enough to permit a detailed response. As discussed in Response 25-1, the role of the HRMC is to provide advisory review to the decision-making body. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2 and Master Response 3.

Response 25-15.

The commenter disagrees with SCEA/IS Table 1 on page 8 regarding SCS EIR Mitigation Measure AES-12 that projects minimize contrasts with the surrounding area and cites the HRMC deliberations. Table 1 notes that aesthetic impacts are discussed in SCEA/IS Section I (Aesthetics) and are addressed as part of the Design Review of the project. The comment is not specific enough to permit a detailed response. As discussed in Response 25-1, the role of the HRMC is to provide advisory review to the decision-making body. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2 and Master Response 3.

Response 25-16.

The commenter believes that the SCEA/IS incorrectly refers to the project as an “infill project” because the site is already developed. The project is appropriately describe as an infill project. CEQA Guidelines Section 21061.3 defines an “infill site” as “*site in an urbanized area that meets either of the following criteria:*” It identifies criteria b) as: “*the site has been previously developed for qualified urban uses.*” Additionally, the Section IX: Glossary in the City of Davis General Plan provides the following definition of infill development:

Infill Development: Urban development or redevelopment on vacant or “underutilized” urban-designated land within a city’s boundaries, consistent with City policies, as an alternative to accommodating growth through expansions of City boundaries.

The project site meets these definitions of infill development. The site is a previously developed site zoned for urban uses and as an existing site containing two one-story commercial structures and surface parking, the parcel would also be considered an “underutilized” urban-designated site. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 25-17.

The commenter states that the AM and PM trips in Table 16.3 on page 102 do not add up to the total daily trips and that the data may be wrong. The trips referred to in the Table 16.3 for Project Trip Generation are 36 AM peak hour trips and 101 PM peak hour trips out of the 711 total daily net new trips. The remaining non-peak hour trips are distributed throughout the day. A

clarification to the table has been incorporated in Section 3.0 (Errata and Clarifications) of this document to clarify the AM and PM headings to add "Peak Hour."

Response 25-18.

The commenter states that the claim on page 122 that there would be less commercial trips in the alley is not supported by Table 16.3. As discussed in Section X (Transportation and Circulation), project-related alley trips are expected to consist almost entirely of residential trips because of the associated residential parking on the site. Parking for commercial trips would be located off-site with a limited number of alley trips compared to the existing use of the alley for the project site which consists entirely of commercial trips. Table 16.3 provides project trip generation numbers and does not break down alley trips. Tables 16.12 and 16.13 summarize alley traffic volumes and expected alley trips and estimate a total of 94 net new alley trips with the project with the majority of project alley trips associated with the residential use. See also Master Response 5.

Response 25-19.

The commenter states that the project would increase the allowable density and floor area ratio higher than current standard and higher than the neighboring residential area. The comment does not address the adequacy of the SCEA/IS. The commenter also mistakenly states that the amount of commercial activity will double from 5,500 square feet to 8,950 square feet and therefore believes that it would double the associated commercial activity, including traffic, noise and City services. The existing site consists of two 5,500 square-foot buildings for a total of 11,000 square feet of commercial area. The proposed project results in a 2,050 square-foot (or 18.6%) reduction in commercial area.

Response 25-20.

The commenter asserts that because the existing site is fully developed, it is not an "infill project" and therefore is not eligible under SB 375. As discussed in Response 25-16, the project site is appropriately considered an infill project. SCEA/IS pages 4 to 6 along with MTP/SCS Consistency Worksheet in Appendix A document the project's compliance with SB 375 criteria to utilize an SCEA for the CEQA analysis. The commenter incorrectly implies that use of the SCEA exempts the project from CEQA review. The project is subject to CEQA and has undergone the appropriate and required CEQA analysis.

Response 25-21.

The commenter disagrees that compliance with the City noise code will not result in a significant impact and suggests that the project will violate the noise code and create a significant effect because the project is 2.5 times larger than the existing development. The commenter does not provide any evidence demonstrating the increase or the impact. SCEA/IS Section XII (Noise) adequately analyzes noise impacts related to the project including operational noise (pages 85-86). It notes that the proposed residential and commercial uses would be consistent with the zoning and the surrounding residential and commercial uses. Although the project uses would contribute noise to the area, the uses would not result in any unusual or conflicting noise for the area. The uses are subject to the City noise ordinance and the impact is considered less than significant.

Response 25-22.

The commenter disagrees that compliance with City code and the outdoor lighting control ordinance will not result in a significant impact and suggests that nighttime lighting from the project will create a significant effect because the project is 2.5 times larger than the existing development. The commenter does not provide any evidence demonstrating the increase or the impact. SCEA/IS Section I (Aesthetics) adequately analyzes project impacts from light and glare. It notes that the proposed residential and commercial uses would be consistent with the zoning and the surrounding residential and commercial uses. Although the project uses would contribute light to the area, the uses would not result in any unusual source of light for the area. The uses are subject to the City outdoor lighting control ordinance and the impact is considered less than significant.

Response 25-23.

The commenter states that the proposed alley improvements are outside the design specifications of the alley because there will be increased traffic compared to the existing condition and believes that Mitigation Measure 8 is not effective mitigation to ensure safety.

The commenter has not provided any evidence showing how the existing two-way alley is unable to accommodate the proposed one-way travel lane, bike lane, and parking spaces. The conceptual alley design has been reviewed by City staff and the City's Bicycle, Transportation and Street Safety Commission which recommended the one-way option with a contra-flow bike lane. The current alley configuration has no striping or identified travel lanes and has minimal traffic improvements. Alley improvements are not required for the project which could use the alley in its current configuration. The SCEA acknowledges that there can be conflict between different modes. However, the proposed improvements are expected to improve safety and circulation for users of the alley. Improvements in the alley clarify use of the alley by the transportation modes. The alley proposal is a conceptual design and requires development of detailed improvement plans which will be reviewed by the Public Works Department. The potential impact of the Project with regard to traffic safety is less than significant without mitigation. The one-way alley configuration has been reviewed by City Engineering staff who determined that it would meet City street design standards. Public Works review of engineered improvement plans is a standard requirement as part of the construction documents and ensures that the design and construction of alley improvement will comply with existing City requirements and standards and provide adequate safety. Public Works review of these improvement plans is, at most, to be considered an improvement measure as it is not required to reduce a potential CEQA impact. Therefore, project impacts would be less than significant and no mitigation is required.

SCEA/IS Table 16.13 summarizes anticipated alley traffic with the project and shows that the project is expected to result in 94 net new daily trips in the alley above existing conditions. The design of the alley will continue to serve its primary function as a "back-of-the-shop" service alley providing parking access to the businesses and residences located on the alley. SCEA/IS Section XVI (Transportation and Circulation) provides detailed analysis of impacts from project-related trips and alley access and use and demonstrates that the project impacts will be less than significant. See also Master Response 5 for additional discussion.

Response 25-24.

The commenter suggests that the project is 2.5 times denser than current standard and would generate 2.5 times more significant greenhouse gas (GHG) emissions that have not been mitigated and would represent a significant effect. SCEA/IS Section VII (Greenhouse Gas Emissions) summarizes standards and analyzes project impacts related to GHGs. It determined that project impacts would be less than significant. The SCEA/IS notes project compliance with SACOG's MTP/SCS which was developed consistent with SB 375 with the purpose of reducing per capita passenger vehicle-generated GHG emissions at a regional level. The SCS/MTP EIR included mitigation measures identified in SCEA/IS pages 7 to 12 which discusses their applicability to the Trackside Center Project.

As discussed in Section VII, City GHG standards for residential development requires a total reduction of 35.1 metric tons of CO₂e for the project after credit. Preliminary GHG mitigation measures estimated a total reduction of 38.0 metric tons of CO₂e which exceeds the requirement. Mitigation Measure 3 requires a final GHG Reduction Plan to ensure compliance. Also as discussed for the non-residential portion of the project, the City has not yet adopted non-residential standards, but the project's proposed sustainability measures and compliance with City requirements related to site development, building efficiency, construction, and transportation as well as consistency with SACOG's MTP/SCS, which is designed to reduce emissions, would result in a less than significant impact.

Response 25-25.

The commenter states that the proposed building is 5 times denser than current standards and would generate 5 times more traffic. SCEA/IS Section XVI (Transportation and Circulation) provides detailed analysis of transportation-related project impacts. According to Table 16.3 which summarizes project trip generation numbers, the project is expected to generate a total of 711 net new daily trips, consisting of 551 retail-related trips and 161 residential-related trips . The analysis in Section XVI determined that project impacts will be less than significant. The commenter states that the traffic study found a material change in the LOS which has not been mitigated. The comment does not identify the material change and is not specific enough to permit a detailed response.

Response 25-26.

The commenter states that the traffic report does not correspond to key congestion periods, such as when the nearby car wash opens which creates safety issues. The Traffic Impact Analysis prepared for the project follows standard industry protocol. It identifies analyzes AM and PM peak hour periods for traffic which are recognized as the busiest traffic periods and corresponds to City thresholds for evaluating traffic impacts. The commenter states that it is more of a safety issue than a congestion issue. Under CEQA, the project is not required to evaluate or mitigate for existing impacts not caused by or contributed to by the project.

Response 25-27.

The commenter states with regards to Transportation Impact Items b) and e) on page 121 of the SCEA/IS, even though project area intersections and streets would operate within the City's acceptable LOS range, it is still a significant effect that could be mitigated by following the

Design Guidelines and density rules. As acknowledged by the commenter, the project meets City LOS standards. Therefore, as detailed in Section XVI (Transportation and Circulation) the project would have a less than significant effect relative to levels of service.

The commenter also states that, "the test for CEQA is a significant environmental effect, which the project's own analysis has identified as a change in LOS, not that the effect breaches (one of a range of significance levels)." It is unclear and unspecified what statement in the SCEA/IS the commenter is referring to and it does permit a specific response.

Response 25-28.

The commenter states that there is no analysis of the potential increase in railway fatalities due to the project's proximity to the train tracks and faulty signal equipment at the crossing. Under CEQA, the project is not required to evaluate or mitigate for existing impacts not caused by or contributed to by the project. The project does not affect the design or operation of the nearby railroad crossing.

Response 25-29.

The commenter states that the SCEA/IS has not examined the costs of complying with the Design Guidelines or FAR standards and that therefore there is no basis for claiming that they cannot be reasonably met and that the analysis should be included. This response is assuming that the commenter is referring to monetary costs and not using the term "costs" to indicate possible negative effects. An analysis of economic issues or project costs is not an impact under CEQA and does not require analysis. Furthermore, analysis of project alternatives is not required as part of the SCEA/IS. Finally, it is not clear what statement in the SCEA/IS the commenter is referring to that indicates that the SCEA/IS in reference to the Design Guidelines or FAR standards is "claiming that these cannot be reasonably met." Discussion of project compliance with the DDTRN Design Guidelines and Zoning development standards, such as FAR, is provided in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning) with additional clarification incorporated in Section 3.0 (Errata and Clarifications) of this document.

Response 25-30.

The comment is an introductory statement for additional following comments provided as an appendix and were originally contained in a December 12, 2015 letter to the City's Historic Resources Management Commission. The comment does not address the adequacy of the SCEA/IS.

Response 25-31.

The commenter introduces two issues that are discussed by the commenter in more detail later. They include claims that the project site may contain buried historical artifacts and that excavation of the site would release chemical that would damage the nearby historical buildings. See Responses 25-32 and 25-33.

Response 25-32.

The commenter believes that historical artifacts would be at the project site because of the original owner was involved in the early development of the City and used the site as a manufacturing and farm equipment plant. SCEA/IS Section V (Cultural Resources) analyzes

project impacts related to cultural and historical resources. It identifies Mitigation Measure 2 related to archaeological resources and requires that a qualified expert be consulted to evaluate and recommend appropriate measures in the event that any historic artifacts or archaeological resource are uncovered during construction activities. The mitigation measure ensures that the potential impact would be less than significant.

Response 25-33.

The commenter states that there are likely to be hazardous chemicals on the site because of abandoned tanks and historic use of the site. Contrary to the comment, Section 5.3 of the Phase I ESA clearly states that no underground petroleum or solvent tank use has been reported on the project site. The Phase I ESA and supplemental report demonstrate that the potential hazard from subsurface soil vapor is less than significant. See also Response 25-34 and Master Response 4.

Response 25-34.

As discussed in the Master Response 4 to Hazardous Materials Comments, contamination from known sources in the area is not anticipated to affect the proposed project site. While PCE has been detected in soil vapor samples at the project site's northern boundary, the vapor is related to underlying groundwater contamination, not soil contamination. Other than one isolated geotechnical boring in the site's northwestern corner, where the geotechnical consultant observed a petroleum odor in the sample, there is no evidence of soil contamination at the project site. If petroleum-impacted soils are encountered on-site during construction, airborne hazards would not be generated that could affect surrounding receptors because industry-standard measures would be implemented. For example, as is typical, any excavated soils found to contain petroleum would be temporarily stockpiled on-site and covered with plastic sheeting to minimize emissions of organic compounds to the atmosphere, and/or would be directly loaded into trucks for transportation to the disposal facility.

Response 25-35.

The commenter disagrees with the analysis of shading impacts on the commenter's property, the Landmark Schmeiser House at 334 I Street, and believes that the amount of shading from the project would significantly impact the historic residence. SCEA/IS Section V (Cultural Resources) addresses the impact of shading and refers to the shadow study prepared for the project. Although the project would increase shading in the area, the analysis determined that the potential impact would be less than significant. The shadow study prepared demonstrates that throughout most of the year and most of the daytime, the project would not cast a substantial shadow over the residential area or the nearby Schmeiser House, particularly in conjunction with existing trees that already cast shadows on the residences. As discussed in the SCEA/IS and the Historic Resources Impacts Analysis prepared for the project, shading will not alter or harm the property's significant character defining features, namely its architecture, and would not materially impair the historic structure to the extent that it would have a substantial adverse effect on its historic significance.

Response 25-36.

The comment is a concluding statement that restates general concerns about shading and hazardous materials. See previous Responses 25-33, 25-34, and 25-35.

Response 25-37.

The commenter disagrees with the conclusion in the Historical Resources Impact Analysis that the subject property does not meet the criteria for historic designation because the site may contain historical artifacts and requests that full CEQA analysis be conducted. The SCEA/IS prepared for the project provides appropriate CEQA review and analysis of the project's environmental impacts as discussed in the document. The Historical Resources Impact Analysis prepared for the project and SCEA/IS Section V (Cultural Resources) adequately evaluated the project site and history and determined that the property does not meet the criteria for historic designation. As discussed in Response 25-32, there is no evidence that the site contains buried historic artifacts and the potential presence of items associated with the early use of the property is not sufficient criteria for historic designation. Finally, Mitigation Measure 2 addresses potential impacts if historic or archaeological resources are uncovered during construction activities.

Response 25-38.

The commenter requests that full CEQA analysis be conducted to review impacts to historical resources and historic district criteria and impact from corrosive chemicals and shadowing. The SCEA/IS prepared for the project provides appropriate CEQA review and analysis of the project's environmental impacts as discussed in the document. SCEA/IS Section V (Cultural Resources) and Section VIII (Hazards and Hazardous Materials) adequately evaluated the project potential impact related to historical resources and hazardous materials. Responses 25-31 through 25-35 above address the issues in greater detail. See also Master Responses 3 and 4.

Response 25-39.

The commenter requests City Commission input on project conformance to the Design Guidelines and compatibility with the neighborhood. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 26

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

Hi Eric,

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

First, they are improving the existing conditions in the alley substantially. They are adding back eight parking spaces recently removed and effectively widening the lane for traffic and the garages that are located on the East side of the alley. I think this is an improvement over the current situation and should be noted. 1

Second, as someone who has worked hard to save trees when possible I believe the developer deserves credit for saving several trees along the railroad. This effort is likely expensive and non-standard and they should be lauded for making such efforts. 2

In general, adding 27 homes to downtown will be a net positive for the entire community. The building is aesthetically pleasing and these new residents will shop downtown and add to the general vibrancy as well as bring needed shoppers to our downtown. Too boot - they will be walking which is a good thing. 3

Kind regards,

Jason

Jason Taormino

Aileron Land & Development
260 Russell Blvd
Davis, CA 95616

Jason@Taormino.org
530.400.8854

Contractor's License 1024228
Real Estate License 1752022

Response to Comment Letter 26: Jason Taormino (08/11/17)

Response 26-1.

The commenter states that the project provides improvements to the alley compared to the existing conditions. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 26-2.

The commenter states that the project deserves credit for saving several trees. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 26-3.

The commenter states that the additional units proposed will be a net benefit for the community. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 27

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.

1

Jeremy Brooks

Owner of Brooks Painting Inc.

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

Response to Comment Letter 27: Jeremy Brooks (07/11/17)

Response 27-1.

The commenter expresses support for the proposed project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 28

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>; kemblekpop@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!

1

Thank you,

--

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

Response to Comment Letter 28: Joshua Reese (07/17/17)

Response 28-1.

The commenter notes the housing shortage in the city and expresses support for the proposed project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 29

August 11, 2017

To: City of Davis Department of Community Development and Sustainability

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

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

Air Quality Impacts and Transportation and Circulation Impacts.

Dear Mr. Lee and City Planners

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

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

1

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

2

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

3

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

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

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

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cont.

Air Quality Impacts

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

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

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

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cont.

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

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

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

8
cont.

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

9

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

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Transportation and Circulation

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

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1. Transportation Policy Requirements

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

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

12

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

2. The Proposed Project including the Alley Reconfiguration

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

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

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cont.

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

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

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

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

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

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

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

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

22

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

23

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

24

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

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

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

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

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

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cont.

7. The Traffic Impact Study is incomplete and inadequate.

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

27

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

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

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

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

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

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

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cont.

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

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

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

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Response to Comment Letter 29: Kyriacos Kyriacou (08/11/17)

Response 29-1.

The comment is an introductory statement and provides information on the commenter's background as an Old East Davis resident and professional background as an engineer for the California Air Resources Board. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 29-2.

The commenter states that the SCEA/IS does not recognize several localized impacts and ignores potentially significant impacts as being exempt or as being addressed in SACOG's Sustainable Communities Strategy (SCS). SCEA/IS pages 4 through 16 discusses SACOG's SCS, SB 375, and SCEA criteria and Section III (Air Quality) addresses air quality impacts. The comment is a general introductory comment with specific comments on the topic provided later. The comment is not specific enough to permit a detailed response. See Responses to Comments below.

Response 29-3.

The commenter states that the SCEA/IS does not address project incompatibility with City planning and zoning documents including the DDTRN Design Guidelines and asserts that a consistency determination with SACOG's SCS does not relieve the SCEA/IS from potentially significant impacts related to inconsistency with City land use plans. SCEA/IS Section X (Land Use/Planning) addresses the potential impact of project conflicts with land use plans and policies. It cites the project's consistency with applicable land use policies.

Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, to promote urban/community design, provide an architectural "fit", and to encourage a variety of housing. Project entitlements related to the Zoning and Core Area Specific Plan Amendment ensures consistency. The SCEA/IS determined that the project's impacts relative to land use plans and policies would be less than significant. Section 3.0, Errata and Clarifications, includes additional discussion that has been added to Section X (Land Use/Planning) on the role of the DDTRN Design Guidelines as guidelines and relationship to zoning. See also Master Response 1 and Master Response 2.

Response 29-4.

The commenter states that the City's land use authority under SB 375 requires a complete assessment of all the project's potential impacts not explicitly exempted under the CEQA provisions of SB 375 and cites a relevant section of SB 375 related to local land use authority. The SCEA/IS prepared for the Trackside Center Project adequately identifies and evaluates the project's potential environmental impacts consistent with CEQA. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis

Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 1.

Response 29-5.

The commenter states that on page 22 of the SCEA/IS the box for Air Quality should be checked as Potentially Significant Impact. The SCEA/IS is correct and the Air Quality box does need to be checked, which is consistent with the analysis in the SCEA/IS. As detailed in Section III (Air Quality) which evaluated the air quality impacts related to the project, all of the project's potential air quality impacts were determined to have no impact or a less than significant impact.

Response 29-6.

The commenter disagrees with several statements in the discussion and analysis of air quality impacts on page 37 of the SCEA/IS Section III (Air Quality). The commenter believes that the project's density of 51.4 du/acre is inconsistent with the existing allowable density and the project's mass, scale, and height are inconsistent with the DDTRN Design Guidelines and that these inconsistencies do not support several statements in the discussion of air quality. Discussion of project consistency with City land use plans, zoning, and the relation to the DDTRN Design Guidelines is addressed in Section I (Aesthetics) and Section X (Land Use/Planning) with additional clarifying information incorporated in Section 3.0 (Errata and Clarifications) provided in this document. See also Response 29-3 and Master Response 2.

The commenter disagrees with the conclusion that project area roads and intersections will continue to operate at acceptable Levels of Service (LOS). As detailed in SCEA/IS Section XVI (Transportation/Circulation) which evaluates the project's transportation-related impacts, the Traffic Impact Analysis prepared by KD Anderson and Associates, Inc. determined that with the addition of project traffic, adequate operating Levels of Service will be maintained at study intersections at LOS C or better and for roadway segments at LOS D or better at Existing Plus Project Conditions and satisfy City LOS standards. Under various Cumulative 2035 Conditions with the Project, all study intersections would maintain acceptable Levels of Service. It notes that the 3rd and F Street intersection would operate at LOS F which is acceptable in the Core Area and is still expected without the Project. All roadway segments would also continue to operate with acceptable City thresholds, at LOS D or better under Cumulative conditions.

The commenter disagrees with the statements on page 37 that the project is an infill development anticipated in the build-out under the Core Area Specific Plan (CASP) and that the project would be consistent with City policies for land use, such as infill development. Project entitlements address the Project's proposed density of 51.4 du/acre through the CASP Amendment and the Rezoning. Project consistency with plans and policies is discussed above and in SCEA/IS Section X (Land Use/Planning). The project site is located in the Core Area Specific Plan which establishes the land use designation for the site and guides growth for the area with land use goals and policies. They include adding apartments and dwelling units to the Core Area, accommodating new buildings with floor area ratio up to three times the site area, and providing for a mix of retail, cultural, entertainment, offices, and dwelling units.

Response 29-7.

The commenter asserts that the statement on page 38 in Section III (Air Quality) of the SCEA/IS that the project does not result in air pollutants that would impact sensitive receptors nearby and that major pollutants of concern are localized CO emissions and toxic air contaminants is unsubstantiated. As discussed on page 38, the project which is a mixed-use residential and commercial development does not trigger screening guidelines related to localized air quality impacts and the residential use, which is a sensitive land use, is not sited near a substantial source of pollutants. On page 36 under Operational Impacts, the SCEA/IS notes that the project does not exceed YSAQMD screening thresholds where operational impacts would be considered significant. Additional clarifying discussion regarding localized emissions related to project alley trips has been incorporated in Section III (Air Quality) page 37, as provided in Section 3.0 (Errata and Clarifications) of this document. It references the discussion and analysis of alley trips in Section XVI (Transportation/Circulation) which determined that project-related alley impacts would be less than significant. Master Response 5 further addresses concerns about alley traffic. The commenter describes the general project area which includes the single-family homes located on the east side of the alley, but the comment is not specific enough to permit a detailed response.

Response 29-8.

The commenter states that the 181 vehicle trips in the alley do not include a potentially significant number of trips by service and delivery trucks and that there would be a potentially significant increase in exhaust emissions and idling. Analysis of transportation impacts as discussed in Section XVI (Transportation/Circulation) included evaluation of alley access and alley traffic and determined that project-related alley impacts would be less than significant. Master Response 5 provides further discussion and information about alley traffic.

The traffic analysis estimated approximately 91 daily project-related trips entering the alley and 91 project-related trips exiting. While most of the commercial trips related to the proposed project would not be anticipated to use the alley, all residential trips related to the proposed project would be anticipated to use the alley to access the project site. Trip generation numbers and air quality analysis of operational uses take into account service trips such as trash, deliveries, and mail. The alley functions as a service alley for the project site, but service-related alley trips to serve the project for trash and deliveries would represent a small portion. For example, Davis Waste Removal which provides trash and recycling service estimated a total of 8 trips per week to serve the project for trash, recycling, and green waste. As described under the Operational Impacts, the project does not meet the screening threshold where it would be expected to exceed thresholds of significance for operational impacts. Additionally, alley traffic service levels do not meet screening thresholds where localized CO emissions would be expected to violate standards. The potential impacts from localized emissions in the alley related to the project would be less than significant. The number of anticipated alley trips, even in a worst case scenario, is well below any thresholds or standards of concern.

SCEA/IS Table 16.13 summarizes the expected alley traffic based on alley traffic counts and project trip generation numbers. Up to 449 total daily alley trips are expected with the proposed project based on the Total Base plus Project Traffic using the higher October 2015 alley traffic counts. A “worst case” conservative estimate of total peak hour alley trips estimates 48 a.m. peak

hour trips and 169 p.m. peak hour trips based on project trip generation estimates (Table 16.3) of 36 total a.m. peak hour trips and 101 p.m. peak hour trip plus actual alley traffic counts taken in October 2015. This worst-case estimate includes all the projected a.m. and p.m. peak hour project trips. However, most of these trips are never expected to enter the alley as already discussed about the project's use of the alley for commercial trips versus residential trips. The volumes shown reflect the peak hour trips expected to visit the site; however, as there is only on-site parking specifically for residents, and minimal on-street parking within the alley, there is no expectation that the project traffic would utilize the alley when looking for parking. Considering the diversion of commercial trips away from the alley, and the addition of residential trips to the alley, KD Anderson & Associates, Inc. concluded that operation of the proposed project would add a total of 94 net new trips to the alleyway over the course of an entire day.

City LOS standards identifies LOS 'E' acceptable within the City and LOS 'F' acceptable in the Core Area. According to SCEA/IS Table 16.2, the LOS volume threshold for a local street in vehicles per hour (vph) is LOS 'C' at 360 vph, LOS 'D' at 510 vph, and LOS 'E' at 610 vph. The City does not identify an LOS threshold or volume thresholds for an alley. However, an alley which primarily provides access for services and for residences and businesses along the alley would be expected to have less traffic than a Local Street. The "worst case" peak hour alley trips of 48 a.m. peak hour trips and 169 p.m. peak hour trips, with actual peak hour trips expected to be fewer, are well below a LOS 'C' (360 vph) for a Local Street, let alone the LOS 'E' (610 vph) threshold. The expected peak hour alley traffic with the project are well below any LOS threshold standards compared to a Local Street, Collector, or Arterial traffic volumes and would not result in a significant impact relative to alley traffic emissions. Clarifying information has been incorporated into page 37 of the SCEA/IS for additional discussion of localized alley traffic emissions, as provided in Section 3.0 (Errata and Clarifications) of this document.

The commenter also notes that there are no use conditions associated with the commercial portion of the project. Clarifying information has been incorporated in page 2 and page 77 of the SCEA/IS clarifying that the proposed PD Zoning is based on the existing M-U (Mixed-Use) Zoning regarding permitted uses and development standards with minor adjustments, as provided in Section 3.0 (Errata and Clarifications) of this document. Allowable commercial uses under the proposed PD Zoning will remain essentially the same as the existing M-U (Mixed-Use Zoning). Additionally, as noted in the SCEA/IS, the amount of commercial square footage on the site will be reduced from the existing 11,000 square feet to the proposed 8,950 square feet of commercial area. The project could be expected to result in proportionally fewer commercial-related trips and deliveries as a result of the reduction in commercial square footage.

Response 29-9.

The commenter argues that modeling of local air quality impacts and a risk assessment on nearby residents are necessary to determine if the project-related alley trips and truck idling are less than significant. Detailed modeling or preparation of a Health Risk Assessment are warranted for projects where sensitive receptors would be expected to be exposed to significant pollutants of concern due to close proximity to heavy pollutant-generating uses, high traffic roadways, or identified "hot spots." These conditions do not apply to the project. The YSAQMD CEQA Handbook recommends that new sensitive land uses should avoid being sited within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles per day

because of the associated health risk. This kind of land use conflict for sensitive receptors does not apply to the project. As previously discussed in the above responses and in Section III (Air Quality), the project does not meet the screening thresholds which would indicate additional analysis is required for CO impacts or due to a land use conflict with sensitive receptors. There is no evidence that the anticipated 449 total daily alley trips with the project would generate substantial pollutants or pose a significant health risk to sensitive receptors. See also discussion in Response 29-8.

Response 29-10.

The commenter argues that Mitigation Measure 8 is deferred mitigation. The current alley configuration has no striping or identified travel lanes and has minimal traffic improvements. Alley improvements are not required for the project which could use the alley in its current configuration. The SCEA acknowledges that there can be conflict between different modes. However, the proposed improvements are expected to improve safety and circulation for users of the alley. Improvements in the alley clarify use of the alley by the transportation modes. The alley proposal is a conceptual design and requires development of detailed improvement plans which will be reviewed by the Public Works Department. The potential impact of the Project with regard to traffic safety is less than significant without mitigation. The one-way alley configuration has been reviewed by City Engineering staff who determined that it would meet City street design standards. Public Works review of engineered improvement plans is a standard requirement as part of the construction documents and ensures that the design and construction of alley improvement will comply with existing City requirements and standards and provide adequate safety. Public Works review of these improvement plans is, at most, to be considered an improvement measure as it is not required to reduce a potential CEQA impact. Therefore, project impacts would be less than significant and no mitigation is required.

SCEA/IS Section XVI (Transportation and Circulation) provides detailed analysis of impacts from project-related trips and alley access and use. See also Master Response 5 for additional discussion.

Response 29-11.

The comment is an introductory statement to the comments that follow regarding transportation and circulation impacts. The comment does not address the adequacy of the SCEA/IS.

Response 29-12.

The commenter provides general information and cites Transportation Element Policy 1.8 and 4.6 regarding reduction of vehicle trips by new development and provision of safe pedestrian access. The commenter further states that the project is within the boundaries of the Old East Davis neighborhood and then describes the general project area. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 29-13.

The commenter asserts that the project will have significant adverse traffic impacts on the alley and I Street. SCEA/IS Section XVI (Transportation and Circulation) evaluated transportation-related impacts and determined that project impacts would be less than significant. See also

Master Response 5. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 29-14.

The commenter cites the 711 daily vehicle trips expected to be generated by the project and notes that vehicle using the alley will pass close to single family homes and yards. The comment provides general information but does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 29-15.

The commenter states alley traffic passing close to the single-family properties would impede residents' access to their garages and homes. See Master Response 5. The project including proposed alley changes have been reviewed by City staff and has included review by the City's Bicycle, Transportation, and Street Safety Commission. A turning radius exhibit demonstrating adequate vehicle access to the nearby residential garages along the alley is included in Master Response 5. Furthermore, as discussed in the Master Response and in additional discussion provided in Section 3.0 (Errata and Clarifications) of this document, a one-way southbound alley is also a design option and would move the vehicle travel lane away from the residential properties.

Response 29-16.

The commenter states that alley traffic generated by the project would increase security risks for the accessory units along the alley. Potential security impacts are not an environmental impact subject to CEQA analysis and it is not clear what security issue from traffic the commenter is referring to. The comment is not specific enough to permit a detailed response and does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 29-17.

The commenter states that alley traffic generated by the project will result in 24-hour noise disturbance. The comment implies that project traffic in the alley will generate traffic noise for a continuous 24-hour period. While project-related trips will be distributed throughout the entire day, the proposed residential and commercial uses of the site will be consistent with the surrounding residential and commercial uses and project traffic would be expected to have similar activity periods as the surrounding uses. Although the project will contribute vehicle trips to the alley, as shown in Table 16.13 of the SCEA/IS the project is only expected to add a total of 94 net new trips to the alley over the course of an entire day. Project traffic does not result in any significant noise impacts. Section XII (Noise) evaluates the project's noise impacts and addresses traffic noise on page 85. It determined that project modeled traffic noise level and the project's contribution under both the one-way alley and two-way alley scenarios would not exceed 4.3 dB Ldn on all project area roadways. Because this range is below the significance thresholds, the increase would be less than significant.

Response 29-18.

The commenter states that alley traffic generated by the project will significantly increase exhaust emissions from passenger vehicles. See Responses 29-7, 29-8, and 29-9 which address air quality impacts from project operations and vehicle trips, emissions, toxic air contaminants, impacts on sensitive receptors, and health risk assessments. The comment is not specific enough to permit a detailed response.

Response 29-19.

The commenter states that alley traffic generated by the project will significantly increase toxic emissions from trucks and equipment exhaust associated with the commercial use of the property that will affect nearby residences. See Responses 29-7, 29-8, and 29-9 which address air quality impacts from project operations and vehicle trips, emissions, toxic air contaminants, impacts on sensitive receptors, and health risk assessments. The comment is not specific enough to permit a detailed response.

Response 29-20.

The commenter states that the Traffic Impact Analysis does not address the secondary impacts on I Street from increased alley traffic which will turn I Street into a "Collector" Street. Tables 16.5 and 16.6 of the SCEA/IS summarize Existing Plus Project roadway segment LOS under one-way and two-way alley conditions. The Tables identify I Street as a Local Street classification and demonstrate that under both scenarios, I Street would operate at LOS C. It satisfies the City's minimum LOS goals and does not result in a significant impact. Discussion of alley traffic in Section XVI (Transportation and Circulation) pages 114 through 120 of the SCEA/IS and Master Response 5 explain that project-related alley traffic will predominantly consist of 161 residential trips at the site from on-site residential parking. The additional 20 commercial-related alley trips expected comprise a smaller portion with only 3 of the 30 on-site parking spaces to be available to managers of the retail spaces. Commercial trips generated by the site will utilize on-street parking, surface lot parking or the parking structure at 4th and G Streets. This is consistent with other downtown retail uses. I Street will continue to operate at an acceptable level of service and traffic volumes on I Street with the project will not push it into a Collector Street classification.

Response 29-21.

The commenter states that residential street traffic in Old East Davis has increased noticeably since the 5th Street "road diet" and cites an article from the Davis Enterprise. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. However, it should be noted that traffic volumes from the Traffic Impact Analysis prepared for the project are based on existing conditions which would reflect current traffic levels in Old East Davis. As detailed and analyzed in the SCEA/IS Section XVI (Transportation and Circulation), project area intersections and roadway segments would continue to operate at acceptable levels of service.

Response 29-22.

The commenter states that the project would convert the alley into a city thoroughfare with the addition of the residential trips, delivery trucks and service vehicles. As previously noted, trip generation rates account for ancillary traffic including mail, trash, and delivery trucks. The alleyway is a 30-foot wide commercial alleyway providing service access to businesses and residences located along the alley. The project is expected to add a total of 94 net new trips to the alleyway over the course of an entire day and does not result in a significant impact. See Response 29-8 and Master Response 5 for further discussion of alley traffic.

Response 29-23.

The commenter states that the alley is not fit for the purpose intended by the project and that reconfiguration of the alley needs to cover the entire length in consideration of the redevelopment of the Davis Ace Rock Yard directly north of the project site. It is not clear whether the commenter believes the alley should or should be reconfigured. However, it should be noted that proposed alley striping improvements for a single, one-way traffic lane and bike lane would extend the entire length of the alley whether in a northbound or southbound direction. Parking is proposed along the alley in front of the project site with existing parking already provided on the alley in front of the Davis Ace Rock Yard. The proposed sidewalk is located on the project site and is not within the alley right-of-way. Additionally, no development project is currently proposed on the Davis Ace Rock Yard property and there is no proposal on that site that to consider. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 29-24.

The commenter states that proposed parking along the alley will create additional restrictions and safety risks for nearby residential property owners. The comment does not specify what the safety risk is and the comment does not address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. Presumably, it is the safety risk also raised in Comment 29-15 about adequate garage access. See Response 29-15. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 29-25.

The commenter states that the proposed alley configuration does not address pedestrian access and safety north of the project site. The alley is a "back of house" service alley providing access to the rear of the commercial and residential properties for vehicles, services, and deliveries, but allows for shared mode use. The 30-foot wide alley right-of-way provides sufficient width to accommodate different modes of transportation. The project provides enhanced bicycle facilities and parking as part of the project. It also provides an 8-foot wide sidewalk on the project site adjacent to the alley right-of-way. Alleys have low traffic volumes and City standards do not require pedestrian facilities within an alley as public improvement. The project site has frontage on Third Street which provides connected pedestrian facilities. SCEA/IS Section XVI (Transportation and Circulation) evaluates the potential transportation-related impacts and determined that the project would not conflict with policies for transit, bicycles, or pedestrians. The potential impact of the Project with regard to traffic safety is less than significant without mitigation. The one-way alley configuration has been reviewed by City Engineering staff who determined that it would meet City street design standards. Public Works review of engineered

improvement plans is a standard requirement as part of the construction documents and ensures that the design and construction of alley improvement will comply with existing City requirements and standards and provide adequate safety. Public Works review of these improvement plans is, at most, to be considered an improvement measure as it is not required to reduce a potential CEQA impact.

Response 29-26.

The commenter states that the size and density of the project should be reduced to mitigate for significant traffic impacts. Section XVI (Transportation and Circulation) of the SCEA/IS evaluates the potential transportation-related impacts and determined that the project's transportation-related impacts would be less than significant. See also Master Response 5. Consideration of a reduction in the project size and scope would be an Alternatives Analysis which is not required under CEQA for the SCEA/IS.

Response 29-27.

The commenter states that the Traffic Impact Study is incomplete and that there is not enough detail on the traffic impacts on nearby residents. Section XVI (Transportation and Circulation) of the SCEA/IS evaluates the potential transportation-related impacts on nearby intersections and roadway segments and the alley and determined that the project's transportation-related impacts would be less than significant. The comment also cites "p. 11, para. of staff report, Appendix 6A." It is not clear if the comment concerns the SCEA/IS, the Traffic Impact Analysis Study prepared for the project by KD Anderson and Associates, Inc., or a staff report. The comment is not specific enough to permit a detailed response.

Response 29-28.

The commenter states the cumulative traffic scenarios should include impacts from redevelopment of the adjacent Davis Ace Rock Yard. CEQA requires analysis to include reasonably foreseeable projects. Although the Davis Ace Rock Yard may someday be redeveloped, no project is currently proposed on that property and any speculation on the type or scope of a potential future project would be inappropriate for this CEQA analysis which is a project-specific document. The Traffic Analysis takes a very conservative approach in the Cumulative traffic scenarios that are analyzed. It overstates the Cumulative traffic volumes by including the three Measure R projects and the Nishi Gateway Project despite defeat of the Nishi Project in its Measure R vote and the Davis Innovation Center Project having been put "on hold." The Traffic Impact Analysis and the SCEA/IS adequately evaluate cumulative traffic impacts.

Response 29-29.

The commenter states that proposed alley reconfiguration should consider vehicles, trucks and equipment other than passenger vehicles. The proposed alley configuration takes into account non-passenger vehicles. The project and alley reconfiguration has been reviewed by the City's Bicycle, Transportation, and Street Safety Commission which provided input that will be forwarded to the Planning Commission and City Council in their review of the project. The comment does not address adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Master Response 5.

Response 29-30.

The commenter states that the Traffic Impact Study misrepresents the physical layout of the alley and urges City decision makers to visit the site. The comment does not address adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 29-31.

The commenter states that Traffic Impact Study and staff report do not realistically address the project's impact on parking in the neighborhood and describes the parking inventory and occupancy survey included in the Traffic Study and existing parking impacts in the neighborhood from downtown spillover. The commenter believes that the estimation of required parking for the project is underestimated.

City parking policies seek to maximize the efficient use of parking and commercial land in the Core Area and discourages the provision of excessive on-site parking for commercial uses. The use of in lieu parking fees and appropriate off-site locations allows for a district -wide parking strategy and measures to help support City objectives for the Core Area as the City's retail, office, and cultural center with residential uses. As detailed in the Traffic Impact and Parking Analysis Report (page 52) prepared for the project, the nearby parking garage located at 4th and G Streets is considered underutilized with reported occupancy rates ranging from 10% to 59% throughout the day.

The project provides 27 on-site parking spaces for residents and 3 on-site parking spaces for managers of the retail spaces. The remaining 17 required parking spaces based on the retail square footage will be provided as in lieu parking fees or at a nearby off-site parking site, such as the parking garage located at 4th and G Street, subject to City approval. The combination of on-site parking with in lieu fees or approved off-site spaces would comply with parking requirements as provided in the proposed PD Zoning for the site, Municipal Code Section 40.15 (M-U District), and Section 40.25 (Parking Requirements). As such, the project will provide adequate parking that meets City parking requirements and would not result in a significant parking impact.

The comment about neighborhood traffic from vehicles searching for parking is a function of available parking. If there is insufficient parking and someone wants to visit the site they may circle the area until something comes available. Downtown locations and mixed-use areas tend to encourage combined trips with one vehicle trip to the area covering several trip purposes which makes the search for parking fluid. In downtown areas a customer may not necessarily circle the block but often meanders until they find a spot.

As provided in the Traffic Impact Analysis which included a parking inventory and occupancy survey information (page 15), the 2013 Downtown Parking Management Plan noted that in the vicinity of the site the on-street parking occupancy rates during the 3 peak hours studied (12-1 pm, 5:30 – 6:30 pm and 6:30-7:30 pm) were under 70% in a majority of the block faces (from the alley west). During the 12-1 hour parking space occupancy between G St and the alley (2nd to 4th) declined to 70-80% occupancy at best. But, there were still block faces west of G and

north of 4th that had <70% utilization. With regard to off-street parking the 12-1 hour also showed similar results, except that the 4th / G Street parking structure was at 46% capacity in the 12-1 hour and 19% in the 5:30 – 7:30 hours.

The study indicates that there is available parking in the nearby downtown area within 2-3 blocks from the site. The parking structure located at 4th and G Streets is only about a block and a half distance. The available parking does not support the idea that circling would occur unless someone is not familiar with the downtown area or they want up-front parking. See also Master Response 5.

Response 29-32.

The comment is a concluding statement that the commenter believes that the SCEA/IS does not adequately address impacts related to air quality, land use/planning, transportation, cultural resources, and noise and that a full EIR is warranted. As addressed in the above responses and in the Master Responses, the SCEA/IS adequately analyzes the project determining that project impacts would be less than significant or less than significant with mitigation and that preparation of an EIR is not required.

Comment 30

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:

1

- 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:

1
cont.

(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:

2

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:

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

(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:

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

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

(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.

NEWSPAPER ARTICLE FROM THE DAVIS BEACON

The city of Davis is planning to build a new trackside center for the California State University, Davis campus. The project is expected to cost \$10 million and will include a new building and parking lot. The city is currently in the process of selecting a contractor for the project.

The new trackside center will be located on the east side of the campus, near the existing track and stadium. The building will be used for a variety of purposes, including housing the city's offices and providing space for community events. The project is expected to be completed by the end of the year.

The city is currently in the process of selecting a contractor for the project. The contractor will be responsible for the design and construction of the building and parking lot. The city is currently receiving bids from several contractors and is expected to select a contractor in the next few weeks.

The city is currently in the process of selecting a contractor for the project. The contractor will be responsible for the design and construction of the building and parking lot. The city is currently receiving bids from several contractors and is expected to select a contractor in the next few weeks.

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Sacramento Area
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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

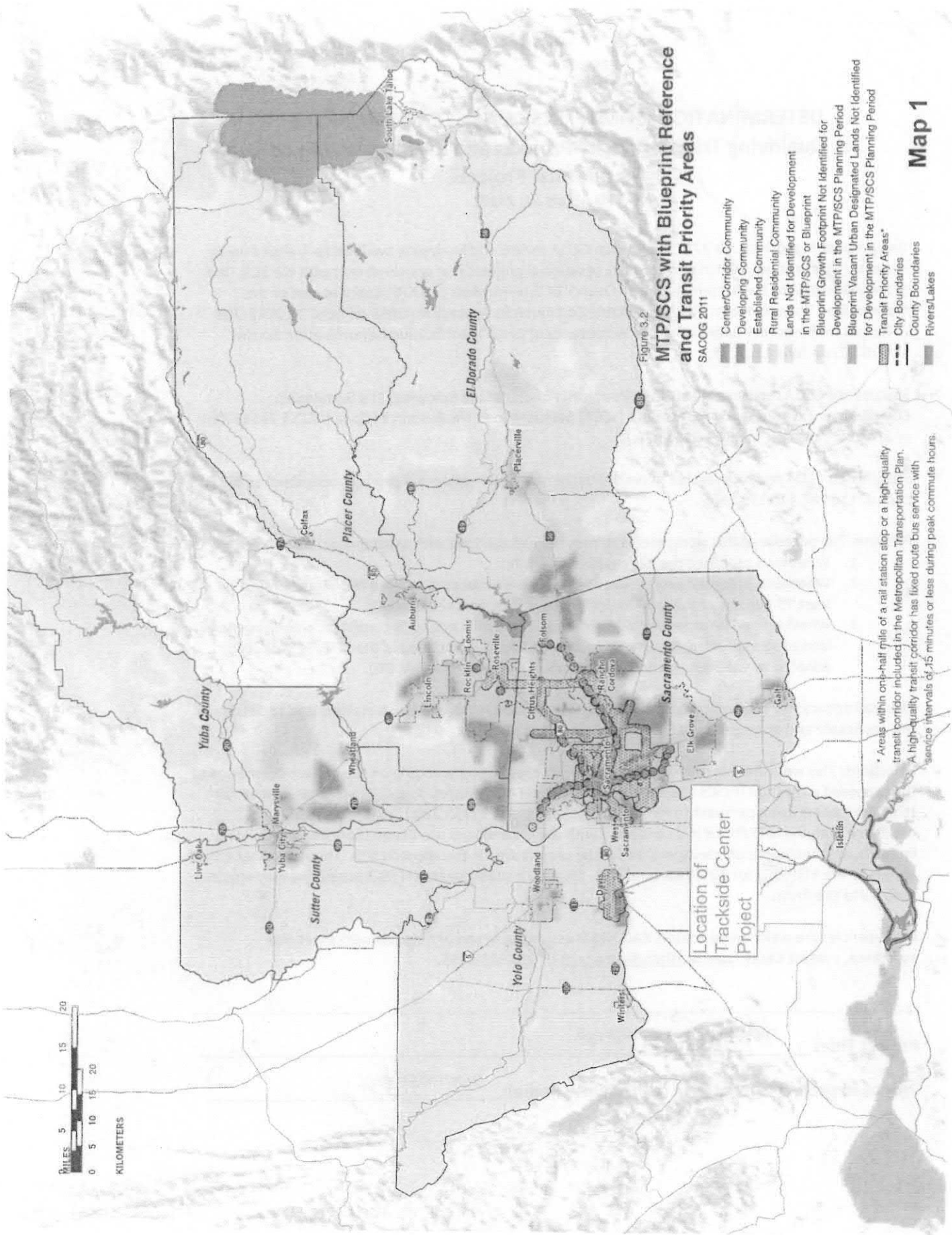


Figure 3.2
**MTP/SCS with Blueprint Reference
 and Transit Priority Areas**
 SACOG 2011

- 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

Map 1

Location of
 Trackside Center
 Project

* Areas within one-half mile of a rail station stop or a high-quality transit corridor included in the Metropolitan Transportation Plan. A high-quality transit corridor has fixed route bus service with service intervals of 15 minutes or less during peak commute hours.

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:

Project area outside of ½ mile TPA 0 SF ÷ Total Project area 30,231 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 47,786 ÷ Total Project building square footage 56,881
= 84% (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.^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.

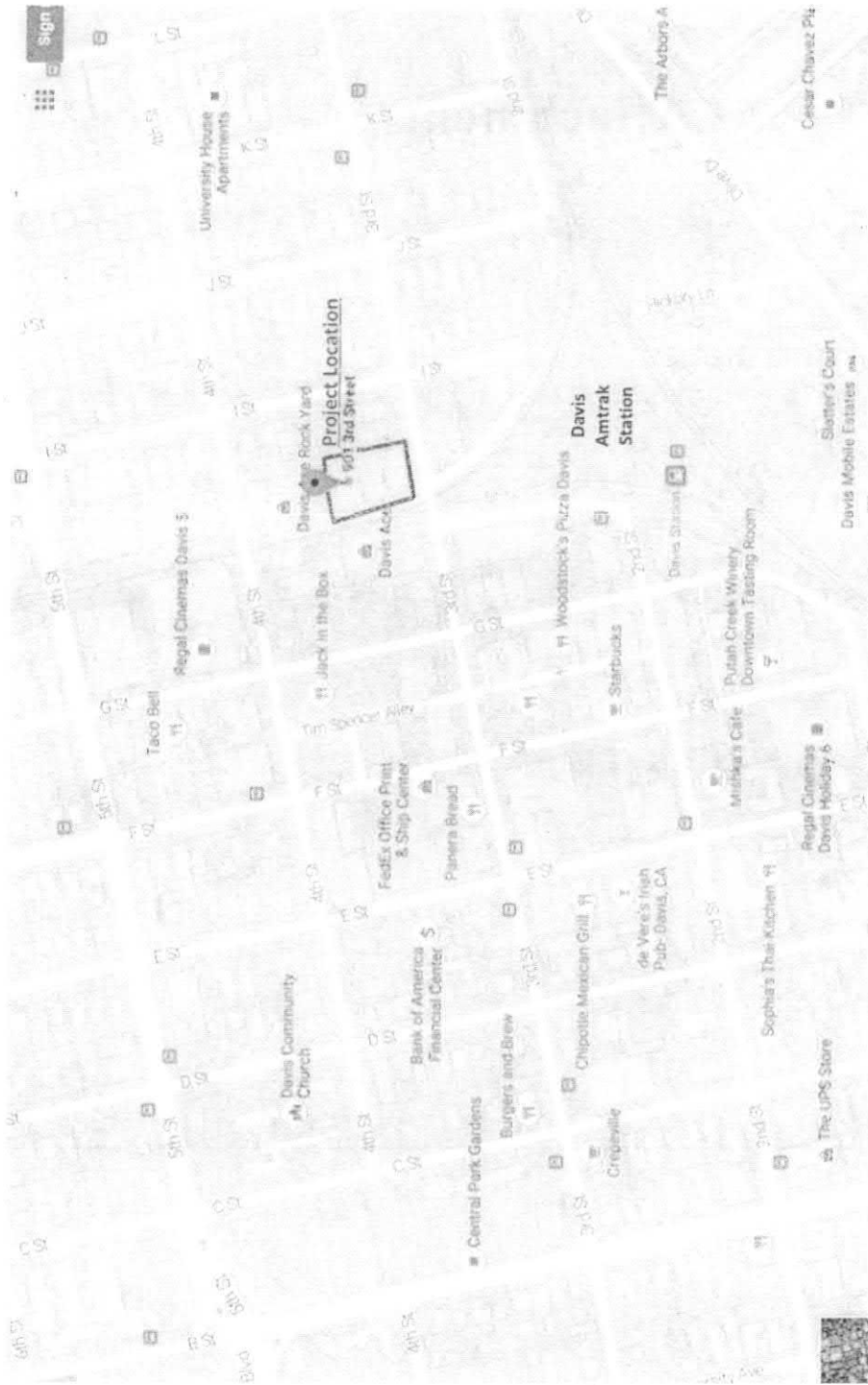
DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

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

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:

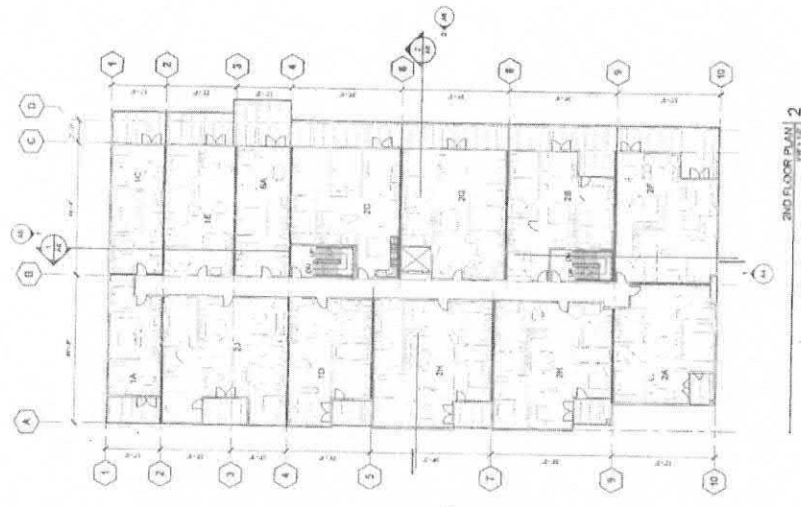
| NAME | BEDROOMS | SQUARE FEET | UNIT TOTAL |
|---------------|----------|--------------|------------|
| UNIT SA | 0 | 705 | 1 |
| UNIT SB | 0 | 914 | 1 |
| UNIT 1A | 1 | 614 | 1 |
| UNIT 1B | 1 | 652 | 1 |
| UNIT 1C | 1 | 689 | 1 |
| UNIT 1D | 1 | 955 | 2 |
| UNIT 2A | 2 | 1,090 | 2 |
| UNIT 2B | 2 | 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

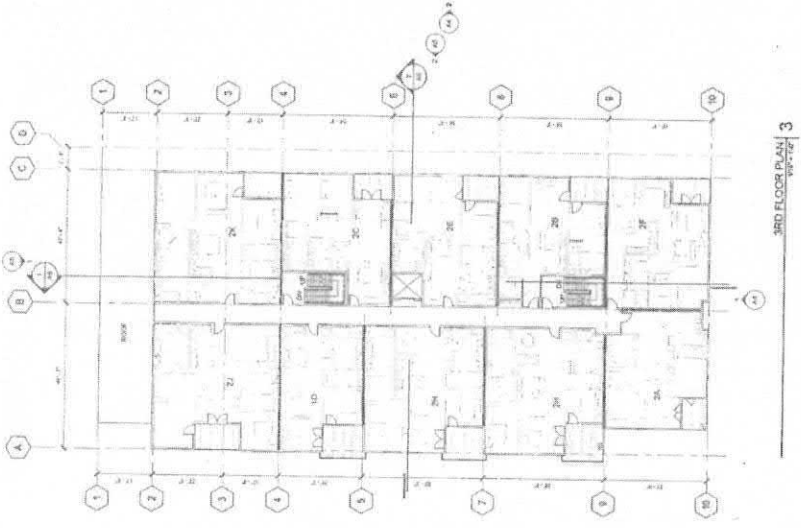
AMENITY AREAS: 1,686 SQ FT

PARKING SUMMARY:

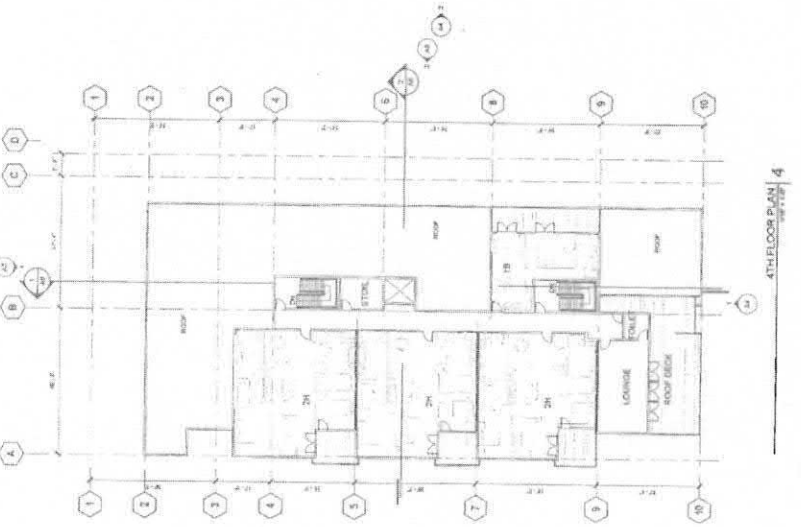
| | REQUIRED | PROVIDED |
|-----------------------------------|----------|----------|
| RESIDENTIAL | | |
| 1 SPACE PER STUDIO, 1 & 2 BEDROOM | 27 | 30 |
| 1.5 SPACES PER 3 OR 4 BEDROOM | | |



2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"



3RD FLOOR PLAN
SCALE: 1/8" = 1'-0"



4TH FLOOR PLAN
SCALE: 1/8" = 1'-0"

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

1001 DAVIS STREET
DAVIS, CA 95618

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

Response to Comment Letter 30: Kyriacos Kyriacou (07/13/17)

Response 30-1

The commenter asserts that use of the SCEA for project's CEQA review bypasses standard CEQA process to avoid project issues concerning planning and zoning provisions and requests that the Planning Commission deny certification of the document. The commenter also provides background on the participation by and information provided to members of the Old East Davis Neighborhood Association (OEDNA) regarding the SCEA and the MTP/SCS consistency determination. The commenter provides attachments that include the City's Determination of MTP/SCS Consistency Worksheet, SACOG's concurrence letter on SCS consistency, and a letter from the OEDNA to Mike McKeever of SACOG.

The comment references the Determination of MTP/SCS Consistency Worksheet for the Trackside Center Project which determined that the project was consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by Sacramento Area Council of Governments (SACOG). Section 3.C of the Worksheet provides several options for finding that a project is consistent with the adopted MTP/SCS and states that, "*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.*"

Commenter 30 cites Section 3.C.1 Option B (below) which was selected in the Worksheet prepared for the Trackside Center Project and determined that the project was consistent with the applicable community type and characteristics.

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.

However, the commenter believes that the selection of Option B bypasses standard CEQA review and avoids City planning and zoning provisions. The commenter believes that the project would not meet Option A (below) and that it is the more appropriate criteria.

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.

Based on this, the commenter implies that an SCEA should not be used for the project. The commenter acknowledges that the City has the discretion in making the MTP/SCS consistency determination and has not demonstrated how the project would not meet Option B.

As discussed and demonstrated in the SCEA/IS in the SCEA signature determination page, SCEA/IS pages 4-16, and SCEA/IS Appendix A (Determination of MTP/SCS Consistency Worksheet), the City has determined that the project meets the criteria as a qualified Transit Priority Project pursuant to the requirements of Public Resources Code sections 21155-2155.2 which provide for streamlined CEQA review through preparation of an SCEA. Concurrence of the project as a qualifying Transit Priority Project and consistency with the MTP/SCS adopted by the SACOG was provided by SACOG. An SCEA provides for appropriate and adequate environmental review and has been processed in accordance with CEQA requirements. The Trackside SCEA/IS adequately evaluates applicable land use policies and zoning requirement and addresses project consistency with plans and policies. See Sections I (Aesthetics), V (Cultural Resources), and XVI (Land Use/Planning). See also Master Response 1 and Master Response 2.

Response 30-2.

The commenter states that the City's Historic Resources Management Commission (HRMC) determined that the Trackside Center project was inconsistent with mandatory provisions of the DDTRN Design Guidelines and determined that the project would have a significant negative impact on the setting of historic houses and that this finding conflicts with Public Resources Code 21155.1(a)(5) that transit priority projects comply with criteria including not having a significant effect on historic resources.

The commenter mistakenly cites the Public Resources Code (PRC). PRC 21155.1 which applies to transit priority projects that are determined to be exempt from CEQA review. Use of an SCEA for transit priority projects falls under PRC 21155.2 which does not contain the same criteria. Pursuant to PRC 21155.2, a transit priority project may be reviewed through an SCEA which may result in preparation of an Initial Study or an Environmental Impact Report, as determined by the analysis. It includes full CEQA review.

Additionally, the HRMC reviewed the proposed project and provided input on the project and the Historical Resources Effects (HRE) Analysis prepared for the project. Although the HRMC declined to find the project consistent with the DDTRN Design Guidelines and disagreed with conclusions in the HRE, the HRMC also did not make a finding of inconsistency with any mandatory provisions and did not affirmatively find that the project would have a significant negative impact on historical resources. See Master Responses 1, 2 and 3 for additional discussion of the SCEA, the CEQA review process, consistency with land use plans and DDTRN Design Guidelines, historical impacts, and HRMC deliberations.

Comment 31

Planning Commissioners and members of the City Council,

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

1

- (A) known activities and evidence from the site are not addressed in the SCEA;
- (B) the Geotechnical Report and Phase I Environmental Site Assessment are incomplete; and
- (C) the Geotechnical Report and Phase I Environmental Site Assessment contain factual errors that erode or negate the conclusions drawn from these reports.

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

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

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

2

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

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

3

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

4

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

"Several sites within a one-mile radius of the subject property are identified as having documented releases of hazardous materials. ...it is not anticipated that any of the listed sites present a significant environmental concern to the subject property due to one or more of the following reasons:

- (1) the site in [sic] located down-gradient or cross-gradient from the subject property with respect to the regional groundwater flow direction;
- (2) the release at the site is reported as having only affected soils, with no impacts to groundwater noted;
- (3) the release at the site has been investigated and remediated under regulatory oversight and received case closure; and

5

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

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

5
cont.

Therefore known Hazardous Materials sites:

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

6

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

Sincerely,

Larry D. Guenther

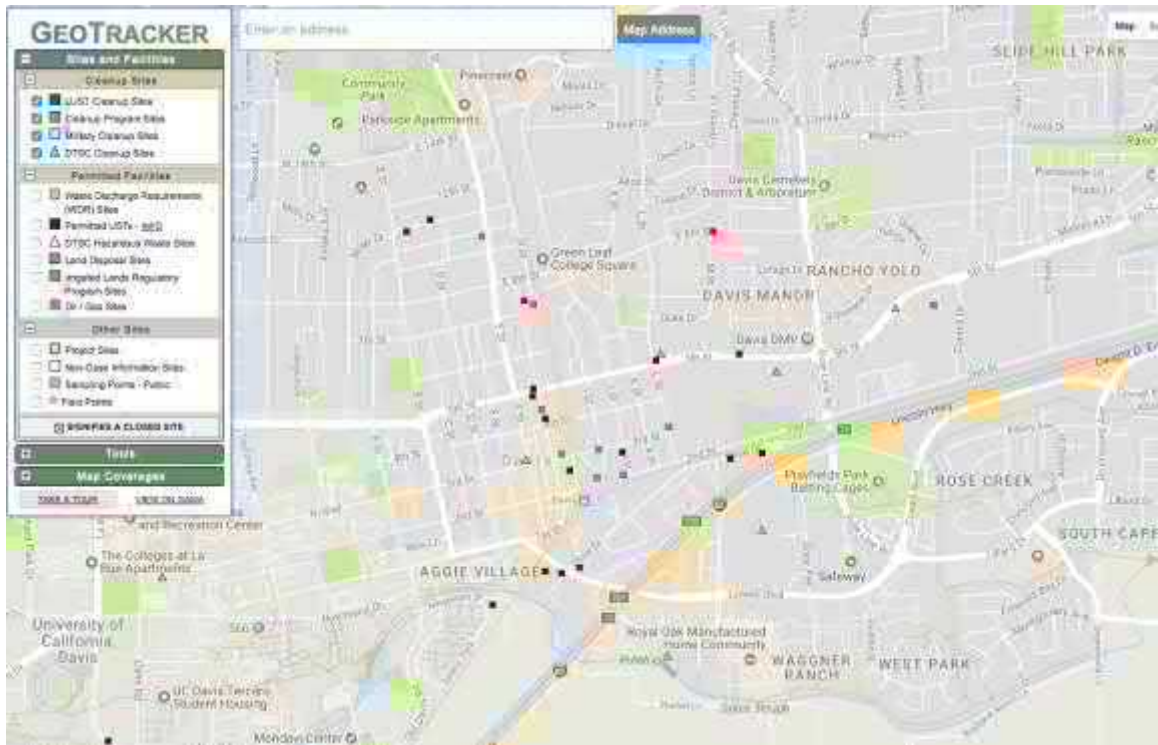


Figure 1 from the GeoTracker website showing Hazardous Materials sites within one mile of the Trackside Center site..

| DATE | WELL | 2006 PCE (ppb) | 2017 PCE (ppb) | 2006 TCE (ppb) | 2017 TCE (ppb) |
|------------|--------|----------------|----------------|----------------|----------------|
| 03/15/2017 | MW-1R | ND | ND | ND | ND |
| 03/15/2017 | MW-2R | ND | ND | ND | ND |
| 03/15/2017 | MW-3R | 2.2 | 2.1 | ND | ND |
| 03/15/2017 | MW-5 | 15.1 | 38.0 | ND | 1.0 |
| 03/15/2017 | MW-6 | ND | 2.4 | ND | 2.5 |
| 03/15/2017 | MW-8 | 5.0 | 4.2 | ND | ND |
| 03/15/2017 | MW-9R | ND | ND | ND | ND |
| 03/15/2017 | MW-10 | ND | ND | ND | ND |
| 03/15/2017 | MW-11 | 16 | 6.3 | ND | ND |
| 03/15/2017 | MW-12R | ND | ND | ND | ND |
| 03/15/2017 | MW-13 | ND | ND | ND | ND |
| 03/15/2017 | MW-14 | ND | ND | ND | ND |
| 03/15/2017 | DMW-1 | ND | ND | ND | ND |
| 03/15/2017 | DMW-2 | ND | 4.0 | ND | 0.61 |

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

TABLE 2 (cont.)

| Well Number | Top-of-Casing Elevation (feet MSL) | Date Measured | Depth to Water (feet) | Water Elevation (feet MSL) | Change in Elevation (feet) | Ground-Water Flow Direction | Calculated Horizontal Gradient (ft/ft) | Calculated Vertical Gradient (%) |
|-----------------|------------------------------------|---------------|-----------------------|----------------------------|----------------------------|-----------------------------|--|----------------------------------|
| MW-1 (cont.) | | 12/28/2002 | 39.50 | 8.16 | 0.63 | northeast | 0.017 | -- |
| | | 5/20/2003 | 32.22 | 14.04 | 6.88 | east | 0.005 | -- |
| | | 5/12/2003 | 32.87 | 14.19 | -0.65 | southwest | 0.020 | -- |
| | | 9/23/2003 | 37.22 | 9.84 | -4.35 | northeast | 0.005 | -- |
| | | 12/2/2003 | 36.71 | 10.35 | 0.51 | southeast | 0.001 | -- |
| | | 1/12/2004 | 34.77 | 12.29 | 1.94 | -- | -- | -- |
| | | 3/23/2004 | 33.97 | 15.09 | 3.80 | southwest | 0.0004 | -- |
| | | 9/14/2004 | 38.55 | 8.51 | -7.58 | northeast | 0.002 | -- |
| | | 12/14/2004 | 36.70 | 10.36 | 1.85 | southwest | 0.005 | -- |
| | | 3/17/2005 | 31.12 | 15.94 | 5.58 | southwest | 0.0009 | -- |
| | | 6/22/2005 | 31.53 | 15.53 | -0.41 | east-northeast | 0.001 | -- |
| | | 9/15/2005 | 35.97 | 11.09 | -4.44 | northeast | 0.002 | -- |
| | | 12/7/2005 | 34.88 | 12.20 | 1.11 | southeast | 0.001 | -- |
| | | 3/8/2006 | 36.11 | 20.95 | 8.75 | northeast | 0.04 | -- |
| | | 6/13/2006 | 24.48 | 22.58 | 1.63 | west | 0.0002 | -- |
| | | 9/11/2006 | 31.65 | 15.41 | -7.17 | northwest | 0.002 | -- |
| | | 12/5/2006 | 30.94 | 18.42 | 1.91 | southwest | 0.018 | -- |
| | | 3/2/2007 | 27.82 | 19.24 | 2.82 | southeast | 0.0001 | -- |
| | | 6/25/2007 | 30.58 | 16.89 | -2.75 | east | 0.001 | -- |
| | | 9/21/2007 | 37.74 | 9.32 | -7.16 | northeast | 0.0007 | -- |
| | | 12/4/2007 | 36.98 | 10.00 | 3.48 | north-northeast | 0.0005 | -- |
| | | 3/28/2008 | 29.59 | 17.47 | 8.67 | southwest | 0.0014 | -- |
| | | 6/27/2008 | 34.07 | 12.99 | -4.48 | east | 0.0017 | -- |
| | | 9/24/2008 | 38.85 | 8.21 | -4.75 | northeast | 0.0009 | -- |
| | | 12/17/2008 | 37.46 | 9.60 | 1.39 | southeast | 0.0009 | -- |
| | | 2/18/2009 | 35.50 | 11.56 | 1.95 | southeast | 0.0007 | -- |
| | | 6/11/2009 | 38.51 | 10.55 | -1.01 | north-northeast | 0.0005 | -- |
| | | 9/5/2009 | 38.56 | 7.50 | -3.05 | southeast | 0.006 | -- |
| | | 12/23/2009 | -- | -- | -- | -- | -- | -- |
| | | 3/6/2010 | 37.71 | 8.35 | -- | southwest | 0.004 | -- |
| | | 6/14/2010 | 35.39 | 11.67 | 2.32 | west | 0.0005 | -- |
| | | 8/24/2010 | 39.55 | 7.51 | -4.15 | north-northeast | 0.0006 | -- |
| | | 12/18/2010 | 38.27 | 8.79 | 1.28 | north | 0.003 | -- |
| | | 3/30/2011 | 32.72 | 14.34 | 5.55 | west | 0.002 | -- |
| | | 6/28/2011 | 33.53 | 14.03 | -0.31 | southeast | 0.0009 | -- |
| | | 8/28/2011 | 36.89 | 10.37 | -3.88 | northeast | 0.0006 | -- |
| | | 12/16/2011 | 35.87 | 11.19 | 0.82 | southeast | 0.0009 | -- |
| | | 3/21/2012 | 33.67 | 13.45 | 2.25 | south | 0.001 | -- |
| | | 6/21/2012 | 35.21 | 11.85 | -1.00 | southeast | 0.0007 | -- |
| | | 8/18/2012 | 35.90 | 8.16 | -3.69 | northwest | 0.0005 | -- |
| 12/7/2012 | 39.11 | 7.95 | -0.21 | southwest | 0.0007 | -- | | |
| 6/13/2013 | 37.91 | 9.15 | 1.20 | south | 0.0006 | -- | | |
| 12/5/2013 | 39.53 | 7.53 | -1.62 | southeast | 0.007 | -- | | |
| 6/10/2014 | -- | -- | -- | -- | -- | -- | | |
| 12/8/2014 | -- | -- | -- | -- | -- | -- | | |
| 4/9/2015 | -- | -- | -- | -- | -- | -- | | |
| MW-2 | 48.99 | 4/17/2000 | 39.70 | 17.23 | -- | -- | -- | -- |
| | | 4/18/2000 | 29.69 | 17.30 | 0.07 | -- | -- | |
| | | 10/11/2000 | 38.11 | 8.89 | -8.42 | north-northeast | 0.002 | -- |
| | | 12/15/2000 | 36.34 | 10.65 | 1.77 | northeast | 0.0005 | -- |
| | | 3/23/2001 | 32.57 | 14.62 | 3.97 | west | 0.001 | -- |
| | | 5/22/2001 | 34.42 | 12.57 | -2.05 | northwest | 0.0005 | -- |
| | | 8/21/2001 | 39.57 | 7.42 | -5.15 | southeast | 0.006 | -- |
| | | 12/9/2001 | 38.90 | 8.09 | 0.67 | northeast | 0.001 | -- |
| | | 3/20/2002 | 33.61 | 13.18 | 5.09 | south-southeast | 0.0008 | -- |
| | | 6/6/2002 | 35.20 | 11.79 | -1.39 | east | 0.0002 | -- |
| 6/23/2002 | 39.48 | 7.51 | -4.28 | southeast | 0.005 | -- | | |
| 12/28/2002 | 39.09 | 7.10 | -0.41 | northeast | 0.017 | -- | | |

155-004-tables.xlsx

Page 2 of 5

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

Appendix

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

I Street Development Co. (SL185822944)

Status: open

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

Potential media of concern: groundwater, soil

Distance to Trackside: 225 feet

The Enterprise site (SL185832945)

Status: open

Contaminants of concern: tetrachloroethylene (PCE)

Potential media of concern: groundwater, soil

Distance to Trackside: 348 feet

Union Pacific Railroad – Davis Amtrak Station (SL185452916)

Status: open

Contaminants of concern: tetrachloroethylene (PCE)

Potential media of concern: groundwater, soil vapor

Distance to Trackside: 575 feet

Davis Center Project (SL0611328818)

Status: open

Contaminants of concern: tetrachloroethylene (PCE),

Potential media of concern: groundwater, soil vapor

Distance to Trackside: 687 feet

Response to Comment Letter 31: Larry Guenther (08/11/17)

Response 31-1.

The comment provides an introduction to and summary of the commenter's letter. Specific points of the comment are responded to in the following responses.

Response 31-2.

The commenter states that known historical activities and evidence from the site are not addressed in the SCEA/IS. As discussed in the Master Response 4 addressing Hazardous Materials comments, contamination from known sources in the area is not anticipated to affect the proposed project site. While PCE has been detected in soil vapor samples at the project site's northern boundary, the vapor is related to underlying groundwater contamination, not soil contamination. Other than one isolated geotechnical boring in the site's northwestern corner, where the geotechnical consultant observed a petroleum odor in the sample, there is no evidence of soil contamination at the project site. If petroleum-impacted soils are encountered on-site during construction, airborne hazards would not be generated that could affect surrounding receptors because industry-standard measures would be implemented.

Response 31- 3.

The commenter states that the Geotechnical Report and the Phase 1 ESA are incomplete. Appendix B of the Phase I ESA included a comprehensive list and descriptions of known hazardous material sites within a half mile of the project site, and pages 18 through 20 of the Phase I ESA provide analysis of relevant sites. Considering the mobility of groundwater in the project area, a contamination outside of a half mile radius of the project site is not anticipated to have the potential to affect existing or future development at the project site. The *Environmental Data Summary* prepared by Geocon for the proposed project includes a discussion of seven facilities within the project area that are considered to have a potential to affect the proposed project site, given the distance of the facilities from the project site. Considering recent California Supreme Court cases, a proposed project would only be considered to result in a significant CEQA impact regarding existing environmental conditions, including hazardous material contamination, if the project would exacerbate the existing environmental condition. In the case of the proposed project, such a CEQA impact would occur if the proposed project would result in disturbance of contaminated soil and exposure of construction workers or future residents to contaminated materials. See also Master Response 4.

The Master Response discussion has shown that the Trackside project would not exacerbate existing hazardous conditions. Not only did the nearest monitoring well (MW-12) to the Trackside site detect TCE below the regulatory Tier 1 ESL for groundwater, there is also no potential for construction of the Trackside project to excavate to depth of groundwater. With respect to soil vapor, it has been shown that the soil vapor concentrations of PCE along the Trackside site's boundaries are below the commercial/industrial ESL for PCE; and thus, not a risk to future ground floor retail tenants.

Considering the lack of known contamination of the project site from nearby sources of hazardous materials, the project is not anticipated to result in a significant CEQA impact related to hazardous materials; thus, mitigation would not be required to reduce potential impacts to

less-than-significant levels because, as states on page 70 and 71 of the SCEA IS, the proposed project would not result in impacts related to hazardous materials. Notwithstanding this, for clarification purposes, Section VIII, Hazards and Hazardous Materials, of the SCEA IS, has been revised to provide additional information supporting the original conclusions of the SCEA IS, as follows:

Response a): Less Than Significant. Historic land uses in the area surrounding the project site have resulted in soil contamination in the vicinity of the project site. As part of the *California Building Industry Association v. Bay Area Air Quality Management District* case (CBIA case), the California Supreme Court granted limited review to the question: Under what circumstances, if any, does CEQA require an analysis of how existing environmental conditions will impact future residents or users (receptors) of a proposed project? In the opinion published on December 17, 2015, the Supreme Court looked closely at the language and legislative intent in CEQA, and found that “agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions.” (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 377-378.) As a result, the existence of contaminated soil or groundwater within the vicinity of a proposed project is not, “without any accompanying disturbance or other physical change” to the contamination, considered “a significant impact requiring CEQA review and mitigation.” (*Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 781 [holding development of a project on a site identified on the Cortese list and that included contaminated soil would only constitute a significant impact for the purposes of CEQA if the proposed project disturbed the contaminated soil].)

A Phase I Environmental Site Analysis of the site prepared by Bole and Associates examined the existing site and buildings and the historic uses. It identified the nearest active Leaking Underground Storage Tank (LUST) site at 1010 Olive Drive, approximately 1,450 feet from the project site. It noted that the site is undergoing remediation and that groundwater flows would tend to flow away from the subject project site. ~~The report also identified in the project vicinity a site at 920 Third Street undergoing remediation for soil and groundwater contamination. It also noted that groundwater flows away would be away from the subject project site. It did not identify any hazardous environmental conditions requiring further analysis.~~ In addition, Geocon Consultants prepared an *Environmental Data Summary* for the proposed project, dated September 18, 2017, which summarizes known contamination sites in the area, and analyzes potential impacts related to such existing contamination (please see Attachment

1).¹ As discussed in the Geocon Summary, several sources of groundwater contamination exist within the vicinity of the project site, and extensive monitoring of existing contamination has been conducted in the project area. The following summarizes the most relevant data for the Trackside project site.

I Street Development

The nearest facility to the Trackside project site with groundwater monitoring data is the I Street Development at 920 Third Street, located so the south across Third Street. Groundwater monitoring well 12 (MW-12), associated with the I Street Development, is located along the Trackside project site's southeastern boundary.

Groundwater monitoring from MW-12 in September 2012 detected Trichloroethene (TCE) at a concentration of 3 micrograms per liter (µg/L). Additionally, a monitoring well (MW-11) within 3rd Street, south of the Trackside site, detected TCE at a concentration of 7.9 µg/L. No other volatile organic compounds were detected in groundwater samples from these wells.

The San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) has established Tier 1 Environmental Screening Levels (ESL) for TCE in groundwater at 5.0 µg/L.² The TCE concentration in groundwater at the border of the Trackside site, measured by MW-12, is below the Tier 1 ESL, but the groundwater at MW-11, south of the project site, exceeds the SFBRWQCB's Tier 1 ESL. To further assess areas with TCE concentrations in excess of the Tier 1 ESL, the SFBRWQCB has established a Tier 2 ESL of a groundwater concentration of 170 µg/L, which conservatively estimates whether a risk of vapor intrusion of TCE exists. Considering the Tier 2 ESL of 170 µg/L, the groundwater concentration at the southeastern boundary of the project site of 3 µg/L and the concentration of 7.9 µg/L at MW-11 would be far below the Tier 2 ESL, and vapor intrusion of TCE into the proposed project site would not be anticipated to occur during construction or operation of the proposed project.

Not only is the TCE level measured at the southeastern boundary of the Trackside project site (e.g., MW 12) below the Tier 1 ESL of 5 µg/L, but on-site construction would not result in excavation to the depth of groundwater. Groundwater in the project area averaged a depth of approximately 38 feet.³ Construction activity associated with the proposed project is anticipated to involve disturbance of the upper 10 to 15 feet of soil. In addition, construction activity associated with the proposed project would be limited to the project site.

¹ Geocon Consultants, Inc. *Environmental Data Summary: Trackside Center*. September 18, 2017.

² California Environmental Protection Agency, San Francisco Bay Regional Water Quality Control Board. *ESL – Environmental Screening Levles*. Available at http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.shtml. Accessed September 27, 2017.

³ Geocon Consultants, Inc. *Environmental Data Summary: Trackside Center*. September 18, 2017.

and, thus, the proposed project would not have the potential to disturb off-site soils near MW-11 where groundwater TCE levels are in excess of the Tier 1 ESL. Considering the foregoing analysis, construction and operation of the proposed project is not anticipated to exacerbate the existing TCE contamination by exposing future residents to vapors or exposing construction workers to contaminated groundwater.

Cable Car Wash

The Cable Car Wash facility is located approximately 200 feet south of the Tracksite site. This facility received regulatory case closure in 2014 for a former leaking underground storage tank (LUST). The relevance of the Cable Car Wash site to the Tracksite analysis has to do with the fact that as part of the contamination analysis, several soil vapor (SV) and groundwater (GW) monitoring borings were advanced very near to the Tracksite site, including two borings on the western boundary of the Tracksite site (SV/GW-2 and SV/GW-3), one boring at the northeastern corner of the Tracksite site (SV-5), and one boring near the southeastern corner of the Tracksite site (SV/GW-6). Groundwater samples from the borings did not detect perchloroethylene (PCE) or TCE at concentrations exceeding laboratory detection limits.

In addition to groundwater analysis, soil vapors were analyzed from the aforementioned monitoring sites. Samples collected at a depth of seven feet at SV-5 detected PCE at concentrations of 1.7 µg/L, while samples taken at a depth of 20 feet detected PCE at a concentration of 1.3 µg/L. Following the detection of PCE vapor, the PCE vapor concentrations were compared to the ESL for PCE in soil vapor for commercial/industrial projects. The commercial/industrial ESL for PCE vapors is 2.1 µg/L; therefore, the soil vapor concentrations detected at the Tracksite site boundaries do not exceed the applicable ESL for PCE vapors.

Although the Tracksite project would be a mixed-use development that includes both retail space and residential space, several factors make the use of the commercial/industrial ESL appropriate. The entire ground floor of the proposed project would be composed of retail space and parking areas on top of an intact concrete slab. Considering the applicability of the commercial/industrial ESL and the concentrations discussed above, construction and operation of the proposed project would not expose workers or residents to PCE vapors in excess of the applicable standards.

It should be noted that, according to Geotracker data, since 2007, the direction of groundwater flow in the project area has shown a predominant trend towards the southeast. Because the I Street Development and the Cable Car Wash sites are south of the Tracksite site, groundwater movement, and, thus, movement of contaminated groundwater from the aforementioned sites, would be generally away from the Tracksite site.

Conclusion

The existence of TCE within groundwater in the Trackside site vicinity is considered an existing condition under CEQA. In light of the California Supreme Court's recent decision discussed above, the presence of TCE and PCE would only be considered to result in a significant CEQA impact if the Trackside project would exacerbate the existing conditions. The foregoing discussion has shown that the Trackside project would not exacerbate existing hazardous conditions. Not only did the nearest monitoring well (MW-12) to the Trackside site detect TCE below the regulatory Tier 1 ESL for groundwater, there is also no potential for construction of the Trackside project to excavate to depth of groundwater. With respect to soil vapor, it has been shown that the soil vapor concentrations of PCE along the Trackside site's boundaries are below the commercial/industrial ESL for PCE; and thus, not a risk to future ground floor retail tenants.

Therefore, the project is considered to have a **less than significant impact** relative to exposure to hazardous materials.

Response 31-4.

The commenter states that the Geotechnical Report and Phase 1 ESA contain factual errors. Please see the Master Response 4 addressing Hazardous Materials comments.

The *Environmental Data Summary* prepared by Geocon provides further analysis of contamination related to the Davis Center Project. As shown in the *Environmental Data Summary*, groundwater monitoring data from March 15, 2017 shows that TCE and PCE have not been detected at the groundwater monitoring well located approximately 180 feet northwest of the proposed project site, in between the project site and the Davis Center Project. Because PCE and TCE have not been detected at the monitoring well in between the proposed project site and the Davis Center Project site, TCE and/or PCE from the Davis Center Project is not anticipated to extend to the site. Because contamination from the Davis Center Project site is not anticipated to currently extend to the project site, and the proposed project would only involve development within the project site, the proposed project is not anticipated to exacerbate the existing contamination related to the Davis Center Project.

Although the commenter notes that groundwater flows at the Enterprise site, referred to herein as the former dry cleaner, are variable, as noted in the *Environmental Data Summary*, groundwater flow in the general area predominantly flows towards the southeast.

Response 31-5.

The commenter disagrees with statements in the SCEA/IS related to the location and effects of nearby hazardous materials sites. Please refer to Response to Comment 31-4, Master Response 4 addressing Hazardous Materials comments, and Response 8-3 to Richard Casias comments for discussions of the Davis Center Project, the I Street Development, the Union Pacific Railroad, 203 J Street site and the dry cleaner site. The foregoing responses to comments provide evidence and justification supporting the conclusion that the referenced sites would not affect development of the project site. It should be noted that the commenter mischaracterizes the location of the I

Street Development project. The I Street Development project is actually located to the south, southeast of the project site. Therefore, the commenter is incorrect in stating that the site is surrounded by contaminated sites; in fact, contaminated sites are not known to occur to the east and northeast of the project site.

Response 31-6.

The commenter states that the nearby hazardous material sites would affect the project site. Assuming that groundwater generally flows in a southeast direction, the Davis Center Project would be the only site upgradient of the project site. However, as discussed in Response to Comment 31-4, TCE and PCE from the Davis Center Project has not been detected near the project site. Per the Master Response 4 it can be concluded that the Trackside project would not exacerbate existing hazardous conditions. Not only did the nearest monitoring well (MW-12) to the Trackside site detect TCE below the regulatory Tier 1 ESL for groundwater, there is also no potential for construction of the Trackside project to excavate to depth of groundwater. With respect to soil vapor, it has been shown that the soil vapor concentrations of PCE along the Trackside site's boundaries are below the commercial/industrial ESL for PCE; and thus, not a risk to future ground floor retail tenants.

Comment 32

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: Trakside Redevelopment

Dear Commissioners,

I am one of many local Trakside 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.

1

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
Trakside Investor and 21 year Davis Resident

Response to Comment Letter 32: Lori Schilling-Davis (07/11/17)

Response 32-1.

The commenter expresses support for the proposed project as infill for housing and commercial space. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 33

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

August 11, 2017

SUBJECT: Trackside's Sustainable Community Environmental Assessment Document

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

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

1

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

2

3

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

4

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

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

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

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

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

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

7

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

8

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

9

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

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

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cont.

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

11

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

12

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

13

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

14

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

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

15

Sincerely,

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

Response to Comment Letter 33: Marijean and Ray Burdick (08/11/17)

Response 33-1.

The comment is an introductory statement to the comment letter and states that the project will have detrimental and irreversible effects. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 33-2.

The commenter states that the SCEA/IS leaves hanging mitigation and that it does not adequately identify current and cumulative impacts. The SCEA/IS analyzes potential impacts related to the project, identifies mitigation measures where appropriate, and determined that project impacts, including potential cumulative impacts, are less than significant or less than significant with mitigation. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 33-3.

The commenter states that the SCEA/IS enables the project to bypass mitigation of health and safety concerns and that previous EIRs referenced in the SCEA/IS are out of date. As discussed and demonstrated in the SCEA/IS in the SCEA signature determination page, SCEA/IS pages 4-16, and SCEA/IS Appendix A (Determination of MTP/SCS Consistency Worksheet), the City has determined that the project meets the criteria as a qualified Transit Priority Project pursuant to the requirements of Public Resources Code sections 21155-2155.2 which provide for streamlined CEQA review through preparation of an SCEA. Concurrence of the project as a qualifying Transit Priority Project and consistency with the MTP/SCS adopted by the SACOG was provided by SACOG. An SCEA provides for appropriate and adequate environmental review and mitigation measures and has been processed in accordance with CEQA requirements. In accordance with CEQA requirements, the SCEA/IS appropriately references and relies on earlier Program EIRs and Updates for the City of Davis General Plan, the Core Area Specific Plan, and SACOG's Metropolitan Transportation Plan/ Sustainable Communities Strategy. As required for the SCEA/IS, mitigation measures from the adopted EIRs are identified and their applicability to this project are addressed on pages 7 to 16. See also Master Response 1 which addresses the SCEA determination and use.

Response 33-4.

The commenter expresses frustration with the planning process and inattention to the neighborhood's concerns. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 33-5.

The commenter expresses disappointment with the planning process and believes that the project does not comply with current zoning and guidelines and expresses opposition to the project. Project consistency with land use plans and zoning and design guidelines are addressed in SCEA/IS Sections I (Aesthetics) and XV (Land Use/Planning). See also Master Response 2.

Response 33-6.

The commenter describes the importance of good planning and listening to public concerns. The commenter states that it is important to mitigate health and safety impacts and mentions hazardous soil and groundwater contamination, GHGs, odors, light and glare, noise, parking problems, shadowing, solar rights, and privacy. The SCEA/IS adequately analyzes potential impacts and identifies appropriate mitigation that reduce potential impacts to a less than significant level. See also Master Responses 2, 3, 4, 5, and 6. The comment expresses general concerns, but is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 33-7.

The commenter states that the SCEA/IS downplays historical significance issues and does not honor the opinion of the HRMC and believes that the project is too large of a development located on an inappropriate site. Potential project impacts to historical resources are analyzed in SCEA/IS Section V (Cultural Resources) which determined that impacts were less than significant or less than significant with mitigation. As discussed in Section V and in Master Response 3, HRMC deliberations were taken into account in the preparation and discussion of Cultural Resources section of the SCEA/IS. The comment expresses opposition to the project, but is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 33-8.

The commenter states that the proposed project does not fit the historic character of the neighborhood or the nearby commercial sites and requests that the project be made visually compatible with the area, that the visibility of construction activities be reduced, and that the building size be reduced to save more trees. The commenter expresses general aesthetic concerns about the project compatibility and visibility, but does not specifically address the adequacy of the SCEA/IS. Section IV (Biological Resources) addresses impacts to trees and the requirement for project compliance with the City's Tree Protection Ordinance that includes replacement trees or in lieu fees for trees removed and ensures impacts are less than significant. Section I (Aesthetics) discusses the project design in the context of the neighborhood and the DDTRN Design Guidelines and determined that project impacts would be less than significant. Project entitlements include a Design Review that entails review for consistency with the DDTRN Design Guidelines as part of the planning review process. Construction activities are temporary activities and standard City conditions of approval require preparation of a Construction Site Management Plan to address site management, parking, and other construction activities to reduce neighborhood disturbance and ensures that impacts would be less than significant. Also see Master Response 2 which discusses project consistency relative to City land use plans and the DDTRN Design Guidelines.

Response 33-9.

The commenter states that the project should be reduced in size which would reduce traffic and parking impacts and that the project should study and mitigate the nearby toxic plume. Section

XVI (Transportation and Circulation) of the SCEA/IS evaluates the potential transportation-related impacts and determined that the project's transportation-related impacts would be less than significant. See also Master Response 5 for additional discussion of project traffic. Consideration of a reduction in the project size and scope would be an Alternatives Analysis which is not required under CEQA for the SCEA/IS.

Appendix B of the Phase I ESA included a comprehensive list and descriptions of known hazardous material sites within a half mile of the project site, and pages 18 through 20 of the Phase I ESA provide analysis of relevant sites. Considering the mobility of groundwater in the project area, a contamination outside of a half mile radius of the project site is not anticipated to have the potential to affect existing or future development at the project site. The *Environmental Data Summary* prepared by Geocon for the proposed project includes a discussion of seven facilities within the project area that are considered to have a potential to affect the proposed project site, given the distance of the facilities from the project site. Considering recent California Supreme Court cases, a proposed project would only be considered to result in a significant CEQA impact regarding existing environmental conditions, including hazardous material contamination, if the project would exacerbate the existing environmental condition. In the case of the proposed project, such a CEQA impact would occur if the proposed project would result in disturbance of contaminated soil and exposure of construction workers or future residents to contaminated materials. See also Master Response 4.

Response 33-10.

The commenter identifies a wide array of project issues. They include hazards to bike, pedestrian, railway, and vehicle traffic, fire and police services, accessibility, road hazards, traffic impacts, GHG emissions, inadequate reports, health concerns, vehicle pollution, noise and light pollution, compliance with zoning and guidelines, over-concentration of development, parking, alley garage access, and delivery vehicles. The comment provides an extensive list of project issues, but does not provide detailed comments on the adequacy of the SCEA/IS. The SCEA/IS adequately analyzes potential impacts and determined that project impacts would be less than significant or less than significant with mitigation. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Responses 2, 3, 4, 5, and 6.

Response 33-11.

The commenter expresses frustration with the developers about communication on the project and community concerns. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. The commenter also identifies concerns about alley impacts from traffic, alley design, and garage access. Section XVI (Transportation and Circulation) of the SCEA/IS evaluates the potential transportation-related impacts and determined that the project's transportation-related impacts would be less than significant. See also Master Response 5 which provides further discussion of traffic and alley-related issues and includes a garage turning radius exhibit showing ability to make the turning movements.

Response 33-12.

The commenter states that the scope of the Bicycle, Transportation, and Street Safety Commission (BTSSC) meeting on the project was excessively narrow and did not have adequate information to consider project hazards. The BTSSC is an advisory body to the City Council on transportation-related matters and comments or input from the BTSSC on project is provided to the decision-making body as part of the planning review process. However, the comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 33-13.

The commenter describes Old East Davis as a vibrant and cohesive neighborhood opposed to the Trackside Center Project's mass and scale. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 33-14.

The commenter expresses concern about the planning process and critiques the project for using floor area ratio to justify the mass and scale of the project and for using of the railroad lease area. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 33-15.

The comment is a concluding statement urging City officials to support good planning and to respect the neighborhoods. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 34

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.

1

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!

2

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.

3

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.

4

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

5

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.

6

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!

7

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!

8

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.

9

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.

10

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?

11

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!

12

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

13

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.

14

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.

15

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.

16

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.

17

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.

18

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!

19

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





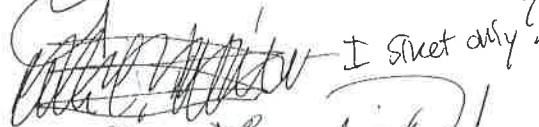


Kemble Pope

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



 MARK BODE
 K. KYRIACOU


 I street only?
 Marjorie Burdick!

 Ken Bowers


Response to Comment Letter 34: Marijean and Ray Burdick (07/12/17)

Response 34-1.

The comment is an introductory statement expressing general concern about large projects and densification. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 34-2.

The comment is a general statement and the commenter questions why the City is not requiring developers to follow established rules and zoning laws for projects that residents do not support. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 34-3.

The comment is a general statement and the commenter expresses frustration with the planning process and projects that do not comply with zoning standards and guidelines. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 34-4.

The commenter believes that the project is an oversized development that will set a precedent changing the quality of life. Projects are reviewed case-by-case based on their merits and no projects are proposed on nearby parcels. Project entitlements and changes address the project site only. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 6.

Response 34-5.

The comment is a general statement and the commenter expresses a need for thoughtful, respectful planning and decisions that follow zoning regulations and guidelines. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 34-6.

The commenter describes the need to protect the traditional neighborhoods of Old East and Old North with their concentration of historic settings and a need to enforce laws and guidelines that protect neighborhood features. The comment is a general statement and does not specifically address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. However, SCEA/IS Sections I (Aesthetics) and V (Cultural Resources) addresses aesthetic issues, the DDTRN Design Guidelines, and impacts to historical resources and determined that project impacts were less than significant or less than significant with

mitigation. See also Master Responses 2 and 3 which provide further discussion of consistency with land use plans and the design guidelines and historical impacts.

Response 34-7.

The comment states that projects should be well thought out and should comply with zoning requirements and expresses opposition to the project. The comment is a general statement and does not specifically address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. However, SCEA/IS Section X (Land Use/Planning) addresses conflicts with land use plans determined that the project impacts will be less than significant. Project entitlements include a Rezone to a new Planned Development District which ensures compliance with zoning.

Response 34-8.

The commenter states that reports and plans should identify true and complete impacts and that the Trackside Center Project is a large development proposed for an inappropriate site. The SCEA/IS adequately identifies and analyzes potential project impacts and determined that project impacts would be less than significant. The comment is a general statement and does not specifically address the adequacy of the SCEA/IS or provide specific comments that permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 34-9.

The commenter states that the proposed project does not fit the historic character of the neighborhood or the nearby commercial sites and that the building is too large. The commenter expresses general aesthetic concerns about the project compatibility, but does not specifically address the adequacy of the SCEA/IS. Section I (Aesthetics) discusses the project design in the context of the neighborhood and the DDTRN Design Guidelines and determined that project impacts would be less than significant. Project entitlements include a Design Review that entails review for consistency with the DDTRN Design Guidelines as part of the planning review process. Also see Master Response 2 which discusses project consistency relative to City land use plans and the DDTRN Design Guidelines.

Response 34-10.

The commenter identifies a wide array of project issues. They include hazards to bike, pedestrian, railway, and vehicle traffic, fire and police services, accessibility, road hazards, traffic impacts, health concerns, vehicle emissions, noise. The comment provides an extensive list of project issues, but does not provide detailed comments on the adequacy of the SCEA/IS. The SCEA/IS adequately analyzes potential impacts and determined that project impacts would be less than significant or less than significant with mitigation. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Responses 2, 3, and 5.

Response 34-11.

The commenter expresses concerns about the alley use and impacts related to safety, vehicle pollution, traffic, parking, increased noise and light, trucks and deliveries, trash. The comment provides an extensive list of project issues, but does not provide detailed comments on the adequacy of the SCEA/IS. The SCEA/IS adequately analyzes potential impacts and determined that project impacts would be less than significant or less than significant with mitigation. Analysis of transportation impacts as discussed in Section XVI (Transportation/Circulation) included evaluation of alley access and alley traffic and determined that project-related alley impacts would be less than significant. Master Response 5 provides further discussion and information about alley traffic. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Responses 2, 3, and 5.

Response 34-12.

The commenter expresses frustration with the developer and process. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 34-13.

The commenter objects to the project and use of floor area ratio to justify the building size and inclusion of the railroad lease area in calculations. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 34-14.

The commenter states that Trackage has not been a good neighbor and cites noise complaints they have filed with the City because of late night music and noise from the Trackage property. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 34-15.

The commenter also identifies concerns about alley impacts from traffic, alley design and safety, garage access. Section XVI (Transportation and Circulation) of the SCEA/IS evaluates the potential transportation-related impacts and determined that the project's transportation-related impacts would be less than significant. See also Master Response 5 which provides further discussion of traffic and alley-related issues and includes a garage turning radius exhibit showing ability to make the turning movements.

Response 34-16.

The commenter asks that personal privacy and solar rights of neighbors will be impacted. Privacy issues are not considered an environmental impact subject to CEQA, but may be considered as part of the planning review of the project. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Building shading has the potential to affect existing solar panels located on a residential garage on the east side of the alley from the project site. The system can expect approximately 10% total reduction in production due to project shading. The shadow study discussed in Section V, Cultural Resources, shows that the project would provide additional shading during the year on nearby properties to the east in the late afternoon and evening. The affected property is located adjacent to the downtown area and a transition area where larger, more intense development is envisioned and allowed. Minor shading effects are to be expected. While the project shading would reduce the production efficiency of the solar panels on the adjacent site by approximately 10%, it still allows for sufficient beneficial production and would not be considered to be a significant impact. Clarifying information has been incorporated in Section XI (Mineral and Energy Resources) of the SCEA/IS relative to these solar panels as provided in Section 3.0 (Errata and Clarifications) of this document. Section XI addresses potential impacts to energy resources and determined that the project would have a less than significant impact relative to conflicts with an adopted energy conservation plan and the use non-renewable resources.

Response 34-17.

The commenter describes Old East Davis as a vibrant and cohesive neighborhood opposed to the Trackside Center Project's mass and scale. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 34-18.

The commenter states that the project will remove almost every tree on the property. The arborist report prepared for the property identified 10 protected trees on site, of which approximately 3 of the trees will be retained. Section IV (Biological Resources) addresses impacts to trees and the requirement for project compliance with the City's Tree Protection Ordinance that includes replacement trees or in lieu fees for trees removed and ensures impacts are less than significant.

The commenter also states that reports prepared for the project must be thoroughly vetted to prevent inaccurate, biased reports. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 34-19.

The comment is a concluding statement urging City officials to support good planning and to respect the neighborhoods and to work together cooperatively. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 35

August 11, 2017

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

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

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

Dear Eric Lee,

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

1

Mitigation Measure AES-6:

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

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

2

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

Mitigation Measure AES-12:

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

3

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

3
cont.

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

Conclusion:

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

4

Thank you for your thoughtful consideration,

Mary Kaltenbach

Response to Comment Letter 35: Mary Kaltenbach (08/11/17)

Response 35-1.

The commenter disagrees that compliance with Davis Municipal Code Article 40.31 project adequately addresses aesthetic impacts of the project stating that it is too general and not measurable. Davis Municipal Code Article 40.31 requires Design Review approval for structures other than single-family dwellings and is required for the Traskside Center Project. The City's design review process is a discretionary review and is referenced on page 30 which states that the process ensures an aesthetically compatible project. The design review is required and is not identified as a mitigation measure that the commenter describes it as. SCEA/IS Section I (Aesthetics) discusses aesthetic issues and describes the surrounding area which contains a mix of uses and buildings and the design of the proposed project and how it relates to the site and area. The project is a mixed-use commercial and residential development located in mixed-use area and surrounded by developed parcels. The proposed building is a large structure and larger than currently exists on the site, but it is well-designed and step backs upper stories to be sensitive to adjacent uses. Aesthetic impacts were determined to be less than significant.

Response 35-2.

The commenter references City policies and an SCS EIR mitigation measure addressing aesthetics for scale and compatibility. The commenter states that the project conflicts with these policies. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning).

As detailed in the SCEA/IS, the design of the project is sensitive and responsive to the adjacent uses. Along the eastern edge of the proposed building, the architecture is designed to create a traditional residential look-and-feel. The building is massed away from the east and north in a series of stepbacks. On Third Street, a "Main Street" traditional storefront component would dominate the pedestrian experience with the top floor set back from view. Along the railroad, the plaza would be anchored by an existing cork oak tree. The architecture of this façade would be more industrial in nature, reflecting the site's history and railroad adjacency.

Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines.

Compliance with the Design Guidelines is a primarily an aesthetic issue. The project is designed to relate to the surrounding area and provides transitions from the higher intensity downtown area to the residential neighborhood. It does not require one hundred percent compliance with the guidelines. The project requires Design Review approval by the City which utilizes the DDTRN Design Guidelines to ensure the design of new development is appropriate. The SCEA/IS

acknowledges that the project will alter the existing visual character of the area, but that it would not substantially degrade the visual quality of the site.

The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2.

Response 35-3.

The commenter references City policies and an SCS EIR mitigation measure addressing aesthetics for transition and contrast to surrounding areas. The commenter states that project does not provide appropriate transitions. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning).

On the east alley side of the project site which faces the residential neighborhood and the adjacent single-story residence at 921 3rd Street, the proposed Trakside Center building offers a single-story elevation along the alley and transitions and steps back the upper floors. The project site is separated from the adjacent residential property by the 30-foot wide alley. Additional building separation is provided by the 15-foot setback from the alley right-of-way of the adjacent residence and the 8 foot setback to accommodate the sidewalk from the alley right-of-way of the proposed building, except for the portion of the garage for the trash enclosure room. A total separation of 53 feet is provided between the first story of the Trakside Center building and the nearby residence. The project's second and third story east elevations step back 7 feet further with the fourth floor another 17 feet back from the alley. The project also step back the upper stories on the north side.

On the west elevation which faces the train tracks and the ACE Hardware store in the core downtown area, the project offers a four story facade and would be separated from the ACE Hardware building by approximately 70 feet.

The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2.

Response 35-4.

The comment is a concluding statement and the commenter urges compliance with the Design Guidelines. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 36

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.

1

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

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

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.

4

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:

5

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

6

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.

7

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.

8

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.

9

Thank you for your time,
Mary K. Kaltenbach

Response to Comment Letter 36: Mary Kaltenbach (07/12/17)

Response 36-1.

The commenter states that the project conflicts with City land use policies for mass, scale, and compatibility. Project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning).

The design of the project is sensitive and responsive to the adjacent uses. Along the eastern edge of the proposed building, the architecture is designed to create a traditional residential look-and-feel. The building is massed away from the east and north in a series of setbacks. On Third Street, a “Main Street” traditional storefront component would dominate the pedestrian experience with the top floor set back from view. Along the railroad, the plaza would be anchored by an existing cork oak tree. The architecture of this façade would be more industrial in nature, reflecting the site’s history and railroad adjacency.

Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines.

Compliance with the Design Guidelines is a primarily an aesthetic issue. The project is designed to relate to the surrounding area and provides transitions from the higher intensity downtown area to the residential neighborhood. It does not require one hundred percent compliance with the guidelines. The project requires Design Review approval by the City which utilizes the DDTRN Design Guidelines to ensure the design of new development is appropriate. The SCEA/IS acknowledges that the project will alter the existing visual character of the area, but that it would not substantially degrade the visual quality of the site. See also Master Response 2.

Response 36-2.

The commenter cites a design guideline addressing mass and scale issues and states that the project conflicts with the guidelines. The comment is not specific enough to per a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Response 36-1.

Response 36-3.

The commenter cites General Plan policies addressing scale and transition issues and states that the project conflicts with the policies. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Response 36-1.

Response 36-4.

The commenter cites a Core Area Specific Plan policy addressing compatibility of infill development and scale issues and states that the project conflicts with the policy. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Response 36-1.

Response 36-5.

The commenter states that the DDTRN Design Guidelines are part of City land use law and that the project cannot ignore the guidelines or land use policies. SCEA/IS Sections I (Aesthetics) and X (Land Use/Planning) adequately analyze project impacts relative to land use policies and the DDTRN Design Guidelines. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2.

Response 36-6.

The commenter cites information in the DDTRN Design Guidelines about the public involvement in the development of the design guidelines and states that the design guidelines show how infill development can be compatible with the residential neighborhoods. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2.

Response 36-7.

The commenter cites a provision in the Municipal Code that the more restrictive standard applies when there are conflicts between the Design Guidelines and zoning standards. The commenter states that the project cannot ignore the stricter guidelines. The SCEA/IS addresses project impacts relative to the Design Guidelines and Zoning in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning). Section 3.0, Errata and Clarifications, includes additional discussion that has been added to Section X, Land Use/Planning on the role of the DDTRN Design Guidelines as guidelines and relationship to zoning. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2.

Response 36-8.

The commenter claims that the DDTRN Design Guidelines contain mandatory language and cites a guideline addressing project scale. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Response 36-7 and Master Response 2.

Response 36-9.

The comment is a concluding statement and does not address the adequacy of the SCEA/IS. The commenter urges decision makers to carefully consider the issues. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 37

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.

1

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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Response to Comment Letter 37: Mark and Joann Helmus (07/14/17)

Response 37-1.

The commenter expresses support for the proposed project as needed housing and with the reduced building scale. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 38

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

1

Response to Comment Letter 38: Michael Beckman (07/16/17)

Response 38-1.

The commenter expresses support for the proposed project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 39

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

Dear Eric Lee,

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

1

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

1) The Trackside project proposal does not comply with City zoning for that site. Planning by exception is bad planning.

2

2) The City of Davis Historical Resources Commission unanimously voted that the Trackside project was inconsistent with the historical preservation design guidelines in our General Plan.

3

3) The Trackside project is enormous and is far too big for that location which should transition from the neighborhood to the denser downtown.

4

4) The Trackside proposed project is twice the size of the Chen building which is adjacent to the downtown Train Station. Imagine such an enormous project with all of the impacts next to single-family homes?

5

5) The Trackside Project proposal covers 77% of the property which the zoning does not allow but the developers are trying to change. The Trackside proposal would be 150% of what the zoning allows.

6

6) The current zoning in this area meets the densification objectives of the transportation oriented projects called for in SACOG's Sustainable Communities Plan. No change in zoning on the site is necessary to achieve these goals. Yet, Trackside is demanding to over-densify bringing far more impacts.

7

7) New uses, loading, and traffic patterns in the I Street alley will create dangerous conditions for pedestrians, bicycles, and cars.

8

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

9

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

The Zoning Change demanded by Trackside needs to be rejected:

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

10

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

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

11

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

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

12

Sincerely,

Michele Guerrieri

Response to Comment Letter 39: Michele Guerrieri (08/11/17)

Response 39-1.

The commenter expresses opposition to the project and states that the project is inconsistent with the General Plan, Zoning Code and DDTRN Design Guidelines. SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning) address project impacts relative to land use plans, zoning and the DDTRN Design Guidelines. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2.

Response 39-2.

The commenter states that the project does not comply with City Zoning. As discussed in the SCEA/IS, project entitlements include a rezone of the project site to a new Planned Development (PD) zoning district. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

As discussed in the SCEA/IS, project entitlements include a rezone of the project site to a new Planned Development (PD) zoning district. The new PD zoning, which addresses permitted uses and includes development standards for the project, such as setback, height, lot coverage, floor area ratio, and parking, is based on the existing Mixed-Use (M-U) Zoning for uses and standards with adjustments to address specific project items such as the parking and open space provided on the lease area. It ensures that the project will be consistent with the zoning and comply with the applicable development standards. As provided in Section 3.0 of this document, additional clarifying information has been incorporated in the SCEA/IS Section X (Land Use/Planning) page 77 that the proposed PD Zoning is based on the M-U Zoning. See also Master Response 2.

Response 39-3.

The commenter states that the City's HRMC voted that the project was inconsistent with the design guidelines. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Pursuant to Municipal Code Section 40.23.050, the role and duty of the HRMC for this type of project for new construction within the conservation overlay district is to provide advisory review to the decision-making body. The HRMC reviewed the project at a meeting on December 12, 2016 and provided input. Additionally, the HRMC deliberations were reviewed as part of the preparation of SCEA/IS Section V (Cultural Resources) which adequately evaluated project impacts to cultural resources. See Master Response 3.

Response 39-4.

The commenter states that the project is too big for the location and should provide a transition. Project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning). The project is designed to relate to the surrounding area and provides transitions from the higher intensity downtown area to the residential neighborhood. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Master Response 2.

Response 39-5.

The comment is a general statement about the size of the project and the commenter asks us to imagine the impacts of such an enormous project next to single-family homes. The comment does not address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 39-6.

The commenter indicates the projects exceeds the amount of lot coverage allowed by the Zoning. As discussed in the SCEA/IS, project entitlements include a rezone of the project site to a new Planned Development (PD) zoning district. The new PD zoning, which addresses permitted uses and includes development standards for the project, such as setback, height, lot coverage, floor area ratio, and parking, is based on the existing Mixed-Use (M-U) Zoning for uses and standards with adjustments to address specific project items such as the parking and open space provided on the lease area. It ensures that the project will be consistent with the zoning and comply with the applicable development standards. As provided in Section 3.0 of this document, additional clarifying information has been incorporated in the SCEA/IS Section X (Land Use/Planning) page 77 that the proposed PD Zoning is based on the M-U Zoning. See also Master Response 2.

Response 39-7.

The commenter states the current zoning meets the density range called for in SACOG's Sustainable Communities Strategy Plan so that no change is needed, but the project's higher density will bring more impacts. The SCEA/IS identifies and adequately analyzes potential impacts and determined that project impacts would be less than significant. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 39-8.

The commenter states that the project use of the alley will create dangerous conditions for pedestrians, bicycles, and cars. Section XVI (Transportation and Circulation) of the SCEA/IS evaluates the potential transportation-related impacts and determined that the project's transportation-related impacts would be less than significant. See also Master Response 5.

Response 39-9.

The commenter states that the CEQA analysis is inadequate because the project does not comply with local plans, that it is an inappropriate use of SB 375, and that too many mitigation measures

are inadequately written. The comment that mitigation measures are inadequate is not specific enough to permit a detailed response. As described in the SCEA/IS, proposed mitigation measures would reduce potential impacts to a less than significant level. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. As described in the SCEA/IS, proposed mitigation measures would reduce potential impacts to a less than significant level. See also Master Response 1.

SCEA/IS Section X (Land Use/Planning) evaluates project consistency with local land use plans and policies and determined that project impacts are less than significant. Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines. The project includes a rezone to a new Planned Development (PD) zoning for the project and would address and include project development standards, such as lot coverage, floor area ratio, setbacks, and parking. As described in SCEA/IS Section X (Land Use/Planning) with additional clarifying discussion provided and incorporated in Section 3.0 (Errata and Clarifications) of this document, the rezone to a new PD ensures consistency with the Zoning Code.

The comment that use of an SCEA is inappropriate because the project does not conform to local land use plans also appears to refer to the Determination of MTP/SCS Consistency Worksheet for the Traskside Center Project which determined that the project was consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by Sacramento Area Council of Governments (SACOG). Section 3.C of the Worksheet provides several options for finding that a project is consistent with the adopted MTP/SCS and states that, *"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 project meets this criteria. Section 3.C.1 Option B (below) was selected in the Worksheet prepared for the Traskside Center Project and determined that the project was consistent with the applicable community type and characteristics.

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.

However, Option A (below) is also an option for projects:

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.

It includes criteria the project must be consistent with the local land use plan. However, the commenter has not demonstrated why Option A applies to the project and not Option B. As discussed in the SCEA/IS, the City has determined that the project meets the criteria as a qualified Transit Priority Project pursuant to the requirements of Public Resources Code sections 21155-2155.2 which provide for streamlined CEQA review through preparation of an SCEA. Concurrence of the project as a qualifying Transit Priority Project and consistency with the MTP/SCS adopted by the SACOG was provided by SACOG. An SCEA provides for appropriate and adequate environmental review and use of an SCEA does not require conformance with local land use plans and zoning as discussed above and demonstrated in the MTP/SCS Consistency Worksheet.

Response 39-10.

The commenter states that the project would change the zoning for the surrounding area and would set a precedent and that the SCEA/IS does not address it. The project entitlements include a zoning change to rezone the project site to a new Planned Development (PD) Zoning District. As discussed in SCEA/IS Section X (Land Use/Planning), the purpose of the PD District is to provide flexibility from rigid standards to allow for creative approaches in development. The new PD District and the associated development standards would apply only to the project site and would not affect surrounding parcels. See also Master Response 6.

Response 39-11.

The commenter expresses general concerns about the project's effect on the neighborhood and historic resources, its consistency with plans and guidelines, and impact of size on nearby residences, alley safety, and abandonment of houses. The general issues are addressed in earlier comments. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 39-12.

The comment is a concluding statement and expresses frustration with the project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 40

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.

1

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

Response to Comment Letter 40: Mitchell Heller (07/14/17)

Response 40-1.

The commenter expresses support for the proposed project and states that project provides needed housing and accommodates many of the height and design issues raised by the neighbors. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 41

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.

1

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.

2

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.

2
cont.

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 Traskside 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

Response to Comment Letter 41: Neil Dhanowa (07/19/17)

Response 41-1.

The comment is an introductory statement that does not address the adequacy of the SCEA/IS.

Response 41-2.

The commenter notes the neighborhood concerns related to the project, but states that the proposed building appears to fit in with the zoning guidelines for height, floors, and overall usage and expresses general support for the project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 42

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.

1

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

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.

3

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

4

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

Response to Comment Letter 42: Patricia Krueger (07/13/17)

Response 42-1.

The comment is an introductory statement and expresses general opposition to the project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 42-2.

The commenter expresses general concerns about the mass and scale of the project and believes that it will have a negative effect on their sunshine, airflow, privacy, historic home, and impacts from lights, and loss of trees. SCEA/IS Sections I (Aesthetics), IV (Biological Resources), and V (Cultural Resources) evaluates project impacts related to aesthetics, visual character and quality, light, tree removal, and historical resources and determined that impacts would be less than significant or less than significant with mitigation. The comment does not specifically address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 42-3.

The commenter expresses general concerns about traffic and parking and believes that the neighborhood already experiences significant traffic and parking issues and that the project will create safety issues in the alley. SCEA/IS Section XVI (Transportation and Circulation) analyzes traffic impacts in the alley and nearby intersections and roadways and determined that they would continue to operate at acceptable levels of service and that impacts would be less than significant.

City parking policies seek to maximize the efficient use of parking and commercial land in the Core Area and discourages the provision of excessive on-site parking for commercial uses. The use of in lieu parking fees and appropriate off-site locations allows for a district -wide parking strategy and measures to help support City objectives for the Core Area as the City's retail, office, and cultural center with residential uses. As detailed in the Traffic Impact and Parking Analysis Report (page 52) prepared for the project, the nearby parking garage located at 4th and G Streets is considered underutilized with reported occupancy rates ranging from 10% to 59% throughout the day.

The project provides 27 on-site parking spaces for residents and 3 on-site parking spaces for managers of the retail spaces. The remaining 17 required parking spaces based on the retail square footage will be provided as in lieu parking fees or at a nearby off-site parking site, such as the parking garage located at 4th and G Street, subject to City approval. The combination of on-site parking with in lieu fees or approved off-site spaces would comply with parking requirements as provided in the proposed PD Zoning for the site, Municipal Code Section 40.15 (M-U District), and Section 40.25 (Parking Requirements). As such, the project will provide adequate parking that meets City parking requirements and would not result in a significant parking impact. See also Master Response 5.

Response 42-4.

The commenter describes various neighborhood security issues, comments on general City housing needs, and concerns about changes to the neighborhood. The comment does not address adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 43

Ramona Swenson
1642 Joshua Tree St
Davis, CA 95616

August 11, 2017

Eric Lee
elee@cityofdavis.org

Dear Eric Lee,

My family are long-time residents of Davis. Our kids were born here and go to Davis schools. We shop and stroll downtown, commute from the Davis Train Station, and cherish the remaining historic Davis neighborhoods. I have usually been proud of the City's General Plan and Davis citizens' commitment to reasonable and consistent planning for our community's growth. But I have followed the progress of the Trackside Center project with dismay. The project is preposterously out of scale for the surrounding area. A simple projection of the footprint and height (which my GIS-skilled colleagues did for me) amidst the existing neighborhood shows this clearly. More concerning is the City's apparent willingness to set aside zoning policies to make ad hoc decisions that will have substantial and permanent effects on the neighborhood. It appears the developers have pushed their inappropriate project and failed to honor commitments for meaningful community involvement. It is the responsibility of the City to enforce their zoning policies and consider the long-term and wide-scale consequences of projects. If the CEQA document did not sufficiently address this, either due to an inappropriately scaled area of project effect, or with inadequate cumulative effects analysis, then that document is inadequate and should be rejected. The CEQA document cannot represent this project as consistent with local plans. 1

I add my voice to those **opposed to the Trackside Center project as proposed at 311-319 Third Street**. The Trackside project needs to be denied for many reasons including the fact that it is inconsistent with our General Plan, Davis' Zoning Codes, and the Davis Downtown and Traditional Residential Neighborhood Design Guidelines 2

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

- 1) The Trackside project proposal does not comply with City zoning for that site. Planning by exception is bad planning. 3
- 2) The City of Davis Historical Resources Commission unanimously voted that the Trackside project was inconsistent with the historical preservation design guidelines in our General Plan. 4
- 3) The Trackside project is enormous and is far too big for that location which should transition from the neighborhood to the denser downtown. 5
- 4) The Trackside proposed project is twice the size of the Chen building which is adjacent to the downtown Train Station. Imagine such an enormous project with all of the impacts next to single-family homes? 6
- 5) The Trackside Project proposal covers 77% of the property which the zoning does not allow but the developers are trying to change. The Trackside proposal would be 150% of what the zoning allows. 7

- 6) The current zoning in this area *meets* the densification objectives of the transportation-oriented projects called for in SACOG's Sustainable Communities Plan. No change in zoning on the site is necessary to achieve these goals. Yet, Trackside is demanding to over-densify bringing far more impacts. 8
- 7) New uses, loading, and traffic patterns in the I Street alley will create dangerous conditions for pedestrians, bicycles, and cars. 9

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

Please reject the inadequate CEQA environmental document. *It is an inappropriate use of SB 375, because the project does not comply with existing local plans.* This approach to CEQA prevents public involvement in a radical change to our community. Too many mitigation measures in the document are inadequately written to be enforced or to determine what needs to be done. 10

The Zoning Change demanded by Trackside needs to be rejected:

Don't set a precedent without community input! The proposed action would change zoning not just for the Trackside project is but on a half mile section of land next to the railroad tracks from Third Street to Fifth Street. The CEQA analysis omits this. 11

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

The enormous Trackside building, if approved, would loom over single-family residences next door, create unsafe conditions in the I Street alley, and destroy the character of one of Davis most historical neighborhoods. It is important that the City keeps its commitments of its zoning and local planning principles and policies. The Old East Davis neighborhoods, as all neighborhoods deserve to have City honor its promises and implement good planning. 12

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

Sincerely,



Ramona Swenson, Ph.D.

Response to Comment Letter 43: Ramona Swenson (08/11/17)

Response 43-1.

The comment is an introductory statement and expresses opposition to the project. The commenter also expresses general concerns about the process and the project size and location. The commenter states that if the SCEA/IS did not look at an appropriate area affected or did not analyze cumulative effects adequately then the document is inadequate and the project cannot be considered consistent with local plans. SCEA/IS Section X (Land Use/Planning) and XVIII (Mandatory Findings) adequately address impacts related to consistency with land use plans and cumulative impacts. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2 and 6.

Response 43-2.

The commenter expresses opposition to the project and states that the project is inconsistent with the General Plan, Zoning Code and DDTRN Design Guidelines. SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning) address project impacts relative to land use plans, zoning and the DDTRN Design Guidelines. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2.

Response 43-3.

The commenter states that the project does not comply with City Zoning. As discussed in the SCEA/IS, project entitlements include a rezone of the project site to a new Planned Development (PD) zoning district. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

As discussed in the SCEA/IS, project entitlements include a rezone of the project site to a new Planned Development (PD) zoning district. The new PD zoning, which addresses permitted uses and includes development standards for the project, such as setback, height, lot coverage, floor area ratio, and parking, is based on the existing Mixed-Use (M-U) Zoning for uses and standards with adjustments to address specific project items such as the parking and open space provided on the lease area. It ensures that the project will be consistent with the zoning and comply with the applicable development standards. As provided in Section 3.0 of this document, additional clarifying information has been incorporated in the SCEA/IS Section X (Land Use/Planning) page 77 that the proposed PD Zoning is based on the M-U Zoning. See Master Response 2.

Response 43-4.

The commenter states that the City's HRMC voted that the project was inconsistent with the design guidelines. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded

to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Pursuant to Municipal Code Section 40.23.050, the role and duty of the HRMC for this type of project for new construction within the conservation overlay district is to provide advisory review to the decision-making body. The HRMC reviewed the project at a meeting on December 12, 2016 and provided input. Additionally, the HRMC deliberations were reviewed as part of the preparation of SCEA/IS Section V (Cultural Resources) which adequately evaluated project impacts to cultural resources. See Master Response 3.

Response 43-5.

The commenter states that the project is too big for the location and should provide a transition. Project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning). The project is designed to relate to the surrounding area and provides transitions from the higher intensity downtown area to the residential neighborhood. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Master Response 2.

Response 43-6.

The comment is a general statement about the size of the project and the commenter asks us to imagine the impacts of such an enormous project next to single-family homes. The comment does not address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 43-7.

The commenter indicates the projects exceeds the amount of lot coverage allowed by the Zoning. As discussed in the SCEA/IS, project entitlements include a rezone of the project site to a new Planned Development (PD) zoning district. The new PD zoning, which addresses permitted uses and includes development standards for the project, such as setback, height, lot coverage, floor area ratio, and parking, is based on the existing Mixed-Use (M-U) Zoning for uses and standards with adjustments to address specific project items such as the parking and open space provided on the lease area. It ensures that the project will be consistent with the zoning and comply with the applicable development standards. As provided in Section 3.0 of this document, additional clarifying information has been incorporated in the SCEA/IS Section X (Land Use/Planning) page 77 that the proposed PD Zoning is based on the M-U Zoning. See also Master Response 2.

Response 43-8.

The commenter states the current zoning meets the density range called for in SACOG's Sustainable Communities Strategy Plan so that no change is needed, but the project's higher density will bring more impacts. The SCEA/IS identifies and adequately analyzes potential impacts and determined that project impacts would be less than significant. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed

response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 43-9.

The commenter states that the project use of the alley will create dangerous conditions for pedestrians, bicycles, and cars. Section XVI (Transportation/Circulation) of the SCEA/IS evaluates transportation-related impacts and determined that the project's transportation-related impacts would be less than significant. See also Master Response 5.

Response 43-10.

The commenter states that the CEQA analysis is inadequate because the project does not comply with local plans, that it is an inappropriate use of SB 375, and that too many mitigation measures are inadequately written. The comment that mitigation measures are inadequate is not specific enough to permit a detailed response. As described in the SCEA/IS, proposed mitigation measures would reduce potential impacts to a less than significant level. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 1.

SCEA/IS Section X (Land Use/Planning) evaluates project consistency with local land use plans and policies and determined that project impacts are less than significant. Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines. The project includes a rezone to a new Planned Development (PD) zoning for the project and would address and include project development standards, such as lot coverage, floor area ratio, setbacks, and parking. As described in SCEA/IS Section X (Land Use/Planning) with additional clarifying discussion provided and incorporated in Section 3.0 (Errata and Clarifications) of this document, the rezone to a new PD ensures consistency with the Zoning Code.

The comment that use of an SCEA is inappropriate because the project does not conform to local land use plans also appears to refer to the Determination of MTP/SCS Consistency Worksheet for the Trackside Center Project which determined that the project was consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by Sacramento Area Council of Governments (SACOG). Section 3.C of the Worksheet provides several options for finding that a project is consistent with the adopted MTP/SCS and states that, "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 project meets this criteria. Section 3.C.1 Option B (below) was selected in the Worksheet prepared for the Trackside Center Project and determined that the project was consistent with the applicable community type and characteristics.

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.

However, Option A (below) is also an option for projects:

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.

It includes criteria the project must be consistent with the local land use plan. However, the commenter has not demonstrated why Option A applies to the project and not Option B. As discussed in the SCEA/IS, the City has determined that the project meets the criteria as a qualified Transit Priority Project pursuant to the requirements of Public Resources Code sections 21155-2155.2 which provide for streamlined CEQA review through preparation of an SCEA. Concurrence of the project as a qualifying Transit Priority Project and consistency with the MTP/SCS adopted by the SACOG was provided by SACOG. An SCEA provides for appropriate and adequate environmental review and use of an SCEA does not require conformance with local land use plans and zoning as discussed above and demonstrated in the MTP/SCS Consistency Worksheet.

Response 43-11.

The commenter states that the project would change the zoning for the surrounding area and would set a precedent and that the SCEA/IS does not address it. The project entitlements include a zoning change to rezone the project site to a new Planned Development (PD) Zoning District. As discussed in SCEA/IS Section X (Land Use/Planning), the purpose of the PD District is to provide flexibility from rigid standards to allow for creative approaches in development. The new PD District and the associated development standards would apply only to the project site and would not affect surrounding parcels. See also Master Response 6.

Response 43-12.

The commenter expresses general concerns about the project's effect on the neighborhood and historic resources, its consistency with plans and guidelines, and impact of size on nearby residences, alley safety, and abandonment of houses. The general issues are addressed in earlier comments. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 44

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

Eric,

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

1. The Trackside Geotechnical investigation report identifies ground borings with rail tie remnants contaminated with creosote and petroleum odor. See borings #3, 4 and 5. 1

2. The Trackside phase #1 environmental site assessment report identifies ground water contamination known to be hazardous to the State Of California. The California regional water quality control board has been monitoring the Trackside site for Trichloroethylene and other volatile organic compounds that have contaminated the soil and groundwater. 2

3. The historical use of the Trackside property include the railroad, farm machinery manufacturing building and automobile repair shop. In addition to the contaminants, the managing partner of the previous owners have disclosed that there are underground tanks on the property. As the report states, (the only absolute way of determining presence, or lack of presence of contamination at the Trackside property, is to conduct a phase #2 investigation by laboratory analysis of soil and groundwater). Reports should also include full asbestos and lead based paint surveys on the existing buildings. 3

- In conclusion, the city should request a full environmental report to identify any hazardous material that could be released into the environment do to the construction of the Trackside building that could affect the health and safety of the neighborhood. 4

Thank you,
Ray Burdick

Response to Comment Letter 44: Raymond Burdick (08/11/17)

Response 44-1.

The commenter states that the geotechnical investigation report identifies ground borings with rail tie remnants “contaminated” with creosote and petroleum odor that are not addressed in the SCEA/IS. For clarification purposes, the Geotechnical Investigation report prepared by Geocon (January 2015) does not state that these borings were “contaminated” with such materials. While PCE has been detected in soil vapor samples at the project site’s northern boundary, the vapor is related to underlying groundwater contamination, not soil contamination. Other than one isolated geotechnical boring in the site’s northwestern corner, where the geotechnical consultant observed a petroleum odor in the sample, there is no evidence of soil contamination at the project site. If petroleum-impacted soils are encountered on-site during construction, adverse hazardous materials effects would not result because industry-standard, soil management measures would be implemented. For example, as is typical, any excavated soils that apparently contain petroleum would be temporarily stockpiled on-site for waste profiling and covered with plastic sheeting to minimize emissions of organic compounds to the atmosphere, and/or would be directly loaded into trucks for transportation to an appropriate, accepting disposal facility.

Similarly, any creosote-treated railroad ties encountered during construction would be properly removed by construction workers and transported to an accepting disposal facility. It is important to note that the weight of evidence suggests that aside from skin conditions likely associated with chronic irritation, creosote does not pose significant cancer or other health risk to workers.¹

Response 44-2.

The commenter states that Phase I ESA report identifies ground water contamination known to be hazardous to the State Of California. Groundwater monitoring in the project area is on-going due to the existence of nearby sources of contamination. As discussed in the Master Response, not only did the nearest monitoring well (MW-12) to the Tracksite site detect TCE below the regulatory Tier 1 ESL for groundwater, there is also no potential for construction of the Tracksite project to excavate to depth of groundwater. See also Master Response 4.

Response 44-3.

The commenter states that additional investigations and surveys are needed. Contrary to the comment, Section 5.3 of the Phase I ESA clearly states that no underground petroleum or solvent tank use has been reported on the project site.

Considering the age of the existing on-site structures, the Phase I ESA concluded that the structures may contain lead-based paint (LBP) or asbestos containing materials (ACM). If the existing structures do contain LBP or ACMs, demolition of the existing structures could result in the release of LBP or ACMs. Article 8.19 of the City’s Municipal Code regulates demolition activity in the City. Any project proposing demolition activity within the City must apply for and be granted a demolition permit, under Article 8.19, prior to the initiation of demolition activity. Prior to issuance of a demolition permit a site management plan must be submitted to the City. Section 8.19.020(a) of the City’s Municipal Code allows the Community Development and

¹ See <http://www.creosotecouncil.org/creosote-research/>; accessed October 9, 2017.

Sustainability Director or City Building Official to require other necessary information to be included in the site management plan. As such, the City could require that LBP and ACM surveys be completed, and appropriate measures incorporated into the site management plan to assure that proposed demolition would not result in the release of ACMs or LBP. See also Master Response 4.

Response 44-4.

The comment is a conclusion and summary statement about the comments that are already noted above with responses.

Comment 45

From: Rick Yaver [mailto:ryaver@crousesf.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!

1

Rick Yaver
916-798-2261 (cell)

Response to Comment Letter 45: Rick Yaver (07/17/17)

Response 45-1.

The commenter expresses support for the proposed project and states that project provides downtown housing, brings more businesses downtown, and that the developer worked with neighbors to reduce the scale of the project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 46

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.

1

Best Regards,

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

Response to Comment Letter 46: Robert Stevenson (07/19/17)

Response 46-1.

The commenter expresses support for the proposed project and states that project provides needed housing. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Comment 47

From: raymond burdick [mailto:burdickray@gmail.com]

Sent: Thursday, August 10, 2017 2:04 PM

To: Eric Lee <ELee@cityofdavis.org>; Rhonda Reed <Salmonlady@sbcglobal.net>; mark grote <Markngrote@gmail.com>

Subject: Trackside Proposal/SCEA Report

Eric,

The current SCEA report does not address the negative effects that the trackside proposal will have on my historic setting at 923 3rd st. Davis. Also known as the Montgomery house, a historic merit house. The report does not mitigate the following areas of concern. 1

A. My privacy will be adversely effected by the seemingly unending rows of balconies and windows overlooking my private property. 2

B. The Trackside project is a 50ft building from which residence and guests will broadcast excessive noise during social events etc. into the neighborhood. 3

C. Reflection and glare from the morning sun and artificial light in the evening from the building will degrade the ambience and natural setting of the Montgomery property. 4

D. The 50ft high building will significantly reduce my view of the skyscape looking towards the west from my backyard. 5

E. The size of the building will reduce the effectiveness of the delta breezes to cool my house, raising the temperature and reducing air quality in the neighborhood. 6

The SCEA report does not adequately address all the effects that the Trackside building will have on my property in old east Davis. My historic merit house should be protected and all the adverse conditions should be identified by a complete ceqa report. 7

Thank you,
Rodney krueger

Response to Comment Letter 47: Rodney Krueger (08/11/17)

Response 47-1.

The commenter states that the SCEA/IS does not address the negative effects of the project on the setting of 923 3rd Street (Montgomery House), a historic resource. See SCEA/IS Section V (Cultural Resources) and Master Response 3 for a detailed discussion of the indirect impacts of the project on the setting of the Montgomery House which determined that the impacts would be less than significant.

SCEA/IS Section V (Cultural Resources) identifies and adequately analyzes potential impacts to historical resources. There are three designated historic resources within 300 feet of the project site that were included in the analysis of indirect impacts. They include the Montgomery House (923 3rd Street), a Merit Resource; William-Drummond House (320 I Street), a Landmark Resource; and Schmeiser House (334 I Street), also a Landmark Resource. As described in extensive detail in Section V of the SCEA/IS, the three historic properties in the vicinity of the project site are not historically significant because of the setting and feeling of their surroundings, but rather, the rationale for establishing the three historic properties in the project vicinity as historic resources is based principally on each property's architecture and to some degree who occupied each of the residential houses. As pointed out in the 2015 Historic Resource Effects Analysis, when these three properties were surveyed and determined to be eligible for listing as historic resources, there is little discussion about how important the setting is in the official historic record for each of the aforementioned properties.

Response 47-2.

The commenter expresses concern that the project does not adequately address privacy issues that will be impacted by the proposed balconies and windows. Privacy conflicts are not a specific physical environmental impact requiring analysis under CEQA. It is a planning issue that may be addressed as part of the planning review of the Design Review. However, as discussed in SCEA/IS Section I (Aesthetics) privacy concerns were considered in the architecture of the project and care has been taken to protect the privacy of future residents and existing neighbors with a variety of proposed solutions including trees, increased setbacks and screened balconies. For example the second story balconies facing the alley are designed with a solid balcony screen wall and is located 38 feet from the residential property at 921 3rd Street which sits between the project site and the commenter's house (Montgomery House) located at 923 3rd Street. The third story balconies are setback even further. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 47-3.

The commenter expresses concern that the project will create excessive noise. SCEA/IS Section XII (Noise) adequately analyzes noise impacts related to the project including operational noise (pages 85-86). It notes that the proposed residential and commercial uses would be consistent with the zoning and the surrounding residential and commercial uses. Although the project uses would contribute noise to the area, the uses would not result in any unusual or conflicting noise for the area. The uses are subject to the City noise ordinance and the impact is considered less than significant.

Response 47-4.

The commenter expresses concern that morning glare from the building and nighttime lighting will degrade the area setting. SCEA/IS Section I (Aesthetics) adequately analyzes the aesthetic impact related to light and glare. It notes that the proposed residential and commercial uses would be consistent with the zoning and the surrounding residential and commercial uses. Although the project uses would contribute light to the area, the uses would not result in any unusual source of light for the area. The uses are subject to the City outdoor lighting control ordinance and a detailed lighting plan with photometrics is required as part of the building and improvement plan review. It ensures that lighting impacts are less than significant.

The project has limited potential to result in a significant increase in daytime glare. For a mixed use project, such as the one proposed, daytime glare is most likely to result from two sources: reflective building materials and vehicle windshields. The project proposes to utilize a combination of natural building materials, including wood and plaster, on the building facades. Areas of metal railings and balconies are proposed, however, these metal materials would not be highly reflective in order to compliment the exterior design palate, and to comply with the City's design requirements and standards. The project also proposes to construct a covered parking facility. As such, vehicles parked on the project site would be within a significantly enclosed structure, which would limit the potential for daytime glare to emit from large concentrations of vehicle windshields. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 47-5.

The commenter expresses concern that the project will significantly reduce the commenter's view of the skyline from his backyard. As discussed in SCEA/IS Section I (Aesthetics), there are no designated scenic vistas or scenic highways that would be impacted by the project. The project will result in a change to the visual character of the area, but the proposed building is an attractive, well-designed building located in mixed-use urbanized area and will not substantially degrade the visual quality of the area. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 47-6.

The commenter expresses concern that the project will block the delta breezes to his house and thereby raising the temperature and reducing the air quality of the neighborhood. Air quality impacts are addressed in SCEA/IS Section III (Air Quality) which determined that for operational air quality impacts, the project does not meet YSAQMD screening thresholds that would indicate it would exceed thresholds of significance for operations and the potential impact would be less than significant. There is no evidence that the project would result in a significant localized air quality impact. To the extent that the project may affect the local air flow, it is not evident that there would be an adverse effect with the delta breeze often blowing in a north-south direction while the project is located west of the subject house. The comment does not specifically address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 47-7.

The comment is a concluding statement that the SCEA/IS does not address all the effects the project will have on the commenter's property and that the commenter's historic house should be protected. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See SCEA/IS Section V (Cultural Resources) and Master Response 3 for a detailed discussion of the historical impacts.

Comment 48

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:

1

- Block my view of sunset and open sky to the west. 2
 - 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. 3
 - Create a restaurant like KetMoRee and need a bouncer and metal detectors to prevent another murder 4
 - Have windows on Trackside building reflecting morning light into my home 5
 - Block the evening delta breeze that really cools things off in my home 6
 - Forever change the setting and feel of my home and my neighborhood and can never be undone. 7
- 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. 8

Follow the guidelines and you will have little opposition.

Thank you,

Rodney Krueger
923 3rd St.

Response to Comment Letter 48: Rodney Krueger (07/13/17)

Response 48-1.

The comment is an introductory statement that describes concerns about the project and process and expresses objections to the project. It does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 48-2.

The commenter expresses concern that the project will block views of the sunset and open sky. As discussed in SCEA/IS Section I (Aesthetics), there are no designated scenic vistas or scenic highways that would be impacted by the project. The project will result in a change to the visual character of the area, but the proposed building is an attractive, well-designed building located in mixed-use urbanized area and will not substantially degrade the visual quality of the area. The comment does not specifically address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 48-3.

The commenter expresses concern that the project will create traffic and parking problems. SCEA/IS Section XVI (Transportation and Circulation) evaluated transportation-related impacts and traffic issues and determined that project impacts would be less than significant.

City parking policies seek to maximize the efficient use of parking and commercial land in the Core Area and discourages the provision of excessive on-site parking for commercial uses. The use of in lieu parking fees and appropriate off-site locations allows for a district-wide parking strategy and measures to help support City objectives for the Core Area as the City's retail, office, and cultural center with residential uses. As detailed in the Traffic Impact and Parking Analysis Report (page 52) prepared for the project, the nearby parking garage located at 4th and G Streets is considered underutilized with reported occupancy rates ranging from 10% to 59% throughout the day.

The project provides 27 on-site parking spaces for residents and 3 on-site parking spaces for managers of the retail spaces. The remaining 17 required parking spaces based on the retail square footage will be provided as in lieu parking fees or at a nearby off-site parking site, such as the parking garage located at 4th and G Street, subject to City approval. The combination of on-site parking with in lieu fees or approved off-site spaces would comply with parking requirements as provided in the proposed PD Zoning for the site, Municipal Code Section 40.15 (M-U District), and Section 40.25 (Parking Requirements). As such, the project will provide adequate parking that meets City parking requirements and would not result in a significant parking impact. See also Master Response 5.

Response 48-4.

The commenter expresses concern that the project will have a restaurant with a bouncer and metal detectors. The comment does not address the adequacy of the SCEA/IS. The comment is

noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 48-5.

The commenter expresses concern that morning glare from the building and nighttime lighting will degrade the area setting. SCEA/IS Section I (Aesthetics) adequately analyzes the aesthetic impact related to light and glare. The project has limited potential to result in a significant increase in daytime glare. For a mixed use project, such as the one proposed, daytime glare is most likely to result from two sources: reflective building materials and vehicle windshields. The project proposes to utilize a combination of natural building materials, including wood and plaster, on the building facades. Areas of metal railings and balconies are proposed, however, these metal materials would not be highly reflective in order to compliment the exterior design palate, and to comply with the City's design requirements and standards. The project also proposes to construct a covered parking facility. As such, vehicles parked on the project site would be within a significantly enclosed structure, which would limit the potential for daytime glare to emit from large concentrations of vehicle windshields. The comment does not specifically address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 48-6.

The commenter expresses concern that the project will block the delta breezes that cool his house. Air quality impacts are addressed in SCEA/IS Section III (Air Quality) which determined that for operational air quality impacts, the project does not meet YSAQMD screening thresholds that would indicate it would exceed thresholds of significance for operations and the potential impact would be less than significant. There is no evidence that the project would result in a significant localized air quality impact. To the extent that the project may affect the local air flow, it is not evident that there would be an adverse effect with the delta breeze often blowing in a north-south direction while the project is located west of the subject house. The comment does not specifically address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 48-7.

The commenter expresses concern that the project will change the setting and feel of his home and neighborhood. SCEA/IS Section I (Aesthetics), addresses potential aesthetic impacts. It recognizes that the project will result in a change to the visual character of the area, but the proposed building is an attractive, well-designed building located in mixed-use urbanized area and will not substantially degrade the visual quality of the area. The comment does not specifically address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 48-8.

The comment is a concluding statement that expresses objections to the project and references compliance with the DDTRN Design Guidelines. However, it does not specifically address the

adequacy of the SCEA/IS. SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning) and Master Response 2 address project impacts relative to the DDTRN Design Guidelines and its relationship with the City's land use plans. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 49

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

1

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.

2

"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.

3

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).

4

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.

5

Thanks,
Sarah Kate Kaltenbach

Response to Comment Letter 49: Sarah Kaltenbach (07/13/17)

Response 49-1.

The comment is an introductory statement that the project will diminish the historical setting of the Old East Davis Neighborhood. SCEA/IS Sections I (Aesthetics), V (Cultural Resources), X (Land Use/Planning) evaluate and provide a detailed discussion of the indirect impacts of the project on the setting of the historical resources and the Old East Davis conservation district and determined that the impacts would be less than significant. See also Master Response 2 and Master Response 3 for further discussion. Additional clarifying information is incorporated in the Land Use/Planning Section regarding the DDTRN Design Guidelines as provided in Section 3.0 (Errata and Clarifications) of this document.

Response 49-2.

The commenter cites HRMC deliberations on the project relative to the historic resources and the Historic Resources Effects Analysis prepared for the project and notes the HRMC's votes that the project was not consistent with the DDTRN Design Guidelines and that the HRMC did not accept the HRE analysis of impacts on historic resources and setting. The comment does not directly address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Pursuant to Municipal Code Section 40.23.050, the role and duty of the HRMC for this type of project for new construction within the conservation overlay district is to provide advisory review to the decision-making body. The HRMC reviewed the project at a meeting on December 12, 2016 and provided input. Additionally, the HRMC deliberations were reviewed as part of the preparation of SCEA/IS Section V (Cultural Resources) which adequately evaluated project impacts to cultural resources. See Master Response 3.

Response 49-3.

The commenter discusses the role of Old East Davis as part of historic setting of the three designated historic resources near the project site. The comment does not directly address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Master Response 3.

Response 49-4.

The commenter states that new development can have both direct and indirect impacts and cites a San Diego Land Development Manual regarding Historic Resources Guidelines about indirect impacts. The comment does not directly address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. SCEA/IS Section V (Cultural Resources) evaluated both direct and indirect impacts to cultural resources and determined that the impacts were less than significant. See Master Response 3.

Response 49-5.

The commenter states that the Trackside Center building is out of scale with the nearby homes, that it would be visually imposing on the viewsheds of the historic homes, and would have indirect adverse impacts on the setting of Old East Davis. Aesthetic and historic impacts and project design and compatibility are addressed in SCEA/IS Sections I (Aesthetics), V (Cultural Resources), and X (Land Use/Planning) which determined that the potential impacts would be less than significant. See also Master Response 2 and Master Response 3.

Comment 50

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. 1

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. 2

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. 3

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. 4

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 5

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.

5
cont.

Thank you for your time,
Stephen Kaltenbach
327 I Street

Response to Comment Letter 50: Stephen Kaltenbach (07/13/17)

Response 50-1.

The comment is an introductory statement that the project will increase vehicle volumes and uses of the alley and create a busy street without adequate right-of-way. SCEA/IS Section XVI (Transportation and Circulation) adequately analyze transportation-related impacts and determined that impacts would be less than significant.

The traffic analysis estimated approximately 91 daily project-related trips entering the alley and 91 project-related trips exiting. While most of the commercial trips related to the proposed project would not be anticipated to use the alley, all residential trips related to the proposed project would be anticipated to use the alley to access the project site. Trip generation numbers and air quality analysis of operational uses take into account service trips such as trash, deliveries, and mail. The alley functions as a service alley for the project site, but service-related alley trips to serve the project for trash and deliveries would represent a small portion. For example, Davis Waste Removal which provides trash and recycling service estimated a total of 8 trips per week to serve the project for trash, recycling, and green waste.

SCEA/IS Table 16.13 summarizes the expected alley traffic based on alley traffic counts and project trip generation numbers. Up to 449 total daily alley trips are expected with the proposed project based on the Total Base plus Project Traffic using the higher October 2015 alley traffic counts. A “worst case” conservative estimate of total peak hour alley trips estimates 48 a.m. peak hour trips and 169 p.m. peak hour trips based on project trip generation estimates (Table 16.3) of 36 total a.m. peak hour trips and 101 p.m. peak hour trip plus actual alley traffic counts taken in October 2015. This worst-case estimate includes all the projected a.m. and p.m. peak hour project trips. However, most of these trips are never expected to enter the alley as already discussed about the project’s use of the alley for commercial trips versus residential trips. The volumes shown reflect the peak hour trips expected to visit the site; however, as there is only on-site parking specifically for residents, and minimal on-street parking within the alley, there is no expectation that the project traffic would utilize the alley when looking for parking. Considering the diversion of commercial trips away from the alley, and the addition of residential trips to the alley, KD Anderson & Associates, Inc. concluded that operation of the proposed project would add a total of 94 net new trips to the alleyway over the course of an entire day.

City LOS standards identifies LOS ‘E’ acceptable within the City and LOS ‘F’ acceptable in the Core Area. According to SCEA/IS Table 16.2, the LOS volume threshold for a local street in vehicles per hour (vph) is LOS ‘C’ at 360 vph, LOS ‘D’ at 510 vph, and LOS ‘E’ at 610 vph. The City does not identify an LOS threshold or volume thresholds for an alley. However, an alley which primarily provides access for services and for residences and businesses along the alley would be expected to have less traffic than a Local Street. The “worst case” peak hour alley trips of 48 a.m. peak hour trips and 169 p.m. peak hour trips, with actual peak hour trips expected to be fewer, are well below a LOS ‘C’ (360 vph) for a Local Street, let alone the LOS’ ‘E’ (610 vph) threshold. The expected peak hour alley traffic with the project are well below any LOS threshold standards compared to a Local Street, Collector, or Arterial traffic volumes and would not result in a significant impact relative to alley traffic emissions. See also Master Response 5 for further discussion.

Response 50-2.

The commenter disagrees with the analysis that commercial-related trips in the alley will be reduced compared to current conditions. Discussion of alley traffic in Section XVI (Transportation and Circulation) pages 114 through 120 of the SCEA/IS and Master Response 5 explain that project-related alley traffic will predominantly consist of 161 residential trips at the site because of the associated residential parking provided on-site. The additional 20 commercial-related alley trips expected comprise a smaller portion with only 3 of the 30 on-site parking spaces to be available to managers of the retail spaces. Parking for commercial trips would be located off-site and result in a limited number of alley trips compared to the existing use of the alley for the project site which consists entirely of commercial trips. Commercial trips generated by the site will utilize on-street parking, surface lot parking or the parking structure at 4th and G Streets. This is consistent with other downtown retail uses. See Response 50-1 above and also Master Response 5 for further discussion.

Response 50-3.

The commenter cites safety impacts from increased alley traffic, the difficult turning radius for alley garages, and impacts to the adjacent accessory unit on the alley from noise, lights, and exhaust. As discussed in Response 50-1 and Master Response 5, 181 project-related daily alley trips are anticipated, but only 94 net new daily alley trips compared to current conditions. Alley traffic and project trips do not result in substantial traffic levels or create level of service concerns with regards to impacts. Final improvement plans for the alley design requires review and approval by the City Public Works Department for City standards and safety considerations. See also Master Response 5 which includes an exhibit showing turning radius movements from adjacent garages with alley improvements. A one-way southbound alley design as recommended to the developer by neighbors is an option. As clarified in the additional information provided in Section 3.0 (Errata and Clarifications) of this document, it does not result in any new or additional impacts and would be expected to further ameliorate safety and access concerns.

As discussed on page 38, the project which is a mixed-use residential and commercial development does not trigger screening guidelines related to localized air quality impacts and the residential use, which is a sensitive land use, is not sited near a substantial source of pollutants. On page 36 under Operational Impacts, the SCEA/IS notes that the project does not exceed YSAQMD screening thresholds where operational impacts would be considered significant. Additionally, alley traffic service levels do not meet screening thresholds where localized CO emissions would be expected to violate standards. The potential impacts from localized emissions in the alley related to the project would be less than significant. The number of anticipated alley trips, even in a worst case scenario, is well below any thresholds or standards of concern. Additional clarifying discussion regarding localized emissions related to project alley trips has been incorporated in Section III (Air Quality) page 37, as provided in Section 3.0 (Errata and Clarifications) of this document. It references the discussion and analysis of alley trips in Section XVI (Transportation/Circulation) which determined that project-related alley impacts would be less than significant. Master Response 5 further addresses concerns about alley traffic and access to residential properties and garages.

Response 50-4.

The commenter cites project processing concerns and states that that the scope of the City's Bicycle, Transportation, and Street Safety Commission (BTSSC) meeting on the project which was held on October 13, 2016, was excessively narrow. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. The BTSSC is an advisory body to the City Council on transportation-related matters and provided input on both specific project issues such as the alley design and general project issues. Comments from the BTSSC on the project are provided to the decision-making body as part of the planning review process.

Response 50-5.

The commenter cites Planning Commission deliberations on June 8, 2016 regarding a different project for an accessory dwelling unit on the alley at 437 I Street and Planning Commission comments on that unit's parking access. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 51

Eric Lee, City Planner

Sherman Initial Study Comments

August 10, 2017

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

1

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

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

2

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

3

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

4

5

- visitors is not sufficient because it does not consider traffic and pollutants from service vehicles using the alley and using the loading and unloading zone.
- III. Insufficient mitigation measures are identified to protect the “sensitive receptor” granny flat during construction. Mitigation measures are improperly deferred. 6
 - IV. The Project does not comply with the General Plan and Applicable Specific Plans, including the Davis Downtown and Traditional Neighborhood Guidelines. The city Historical Resources Management Commission unanimously found that the project does not comply with the Neighborhood Guidelines. 7
 - V. The finding that the project is in harmony with the character of the Old East Davis neighborhood is unsupported. Moreover, Trackside has not demonstrated the appropriate standards for open space. 8
 - VI. There is insufficient evidence to make mandatory findings regarding cumulative considerable impacts on adjacent property and on the whole of Old East Davis. 9

I. TRAFFIC SAFETY

The auto, bicycle, and pedestrian traffic system is not adequately designed to meet anticipated traffic and provide the minimum amount of interference with each other. See p. 77, Initial Study. Both impact assessment and mitigation are improperly deferred. The City cannot certify the environmental document and approve the project before impacts have been identified, analyzed, and mitigated. 10

1. Moving vehicle traffic through the alley would be a mere 2 ½ feet from existing zero lot line structures. The safety of this traffic lane has not been evaluated. See Option 3 presented to the Traffic Safety Commission showing a 10’ shared vehicle and Bike lane 2.5 feet from Old East structures. (OPTIONAL ALLEY CONFIGURATIONS TRACKSIDE CENTER prepared by Cunningham Engineering.) Without proper analysis of safety issues, Option 3 was presented to and adopted by the Traffic Safety Commission. The 10’ shared vehicle and Bike lane for vehicle traffic traveling north in the alley 2.5 feet from Old East structures and the granny flat needs to be analyzed and mitigated. 11

Likewise, the impact of service and delivery vehicles needs to be considered. The traffic study which analyzes passenger vehicle trips by residents and retail employees and shoppers needs a more comprehensive study of the impact of service and delivery vehicles on traffic as well as on air pollution. 12

2. How moving vehicle traffic will navigate around the Trackside trash enclosure, its loading and unloading zone with service and delivery vehicles, and the entrance and exit to covered Trackside parking, as well as keep an appropriate distance from the granny flat, is not and was not considered. 13

3. No consideration has been given to pollution problems caused by service vehicles using the loading and unloading zone or the problems resulting from idling delivery vehicles. See, for example, the following article regarding pollution from idling. <http://www.mercurynews.com/2017/06/15/from-uber-drivers-to-zuckerbergs-security-officers-palo-alto-has-an-idling-problem/>. 14

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

15

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

16

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

Deferring mitigation is not acceptable in a streamlined procedure.

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

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

17

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

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

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

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

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

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

18

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

19

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

Davis Muni Code Article 40.22.010 provides in part:

20

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

40.22.020 provides:

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

A. Trackside exceeds the density allowed by the CASP.

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

21

Trackside cannot use the leased property to compute density.

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

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

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

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

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

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

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

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

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

22

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

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

Accordingly, the Initial Study cannot make this required finding.

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

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

23

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

24

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

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

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

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

25

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

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

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

Thank you for your consideration,

Steve and Lois Sherman

Response to Comment Letter 51: Steve and Lois Sherman (08/10/17)

Response 51-1.

The comment is an introductory statement and describes the commenter's property at 319 and 321 I Street with an accessory dwelling unit across the alley approximately 30 feet from the project site. The commenter states that the accessory dwelling unit is not shown on several of the project's schematics. Page 1 of the SCEA/IS provides a general description of the surrounding area and notes the nearby single-family properties though it does not call out specific structures. Analysis of impacts in specific sections of the SCEA/IS, such as Section XII (Noise) page 88, references the accessory dwelling unit when applicable. Additionally, Appendix D of the SCEA/IS includes project context maps which show surrounding properties and uses such as the residential properties east of the site with their residential structures. The comment does not specifically address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 51-2.

The comment is an introductory statement that increased traffic, parking lights, smells, noise from trash pickup, fumes from delivery trucks and idling motors are significant impacts on the accessory dwelling unit that are not properly considered in the Initial Study. The commenter identifies a list of project issues and provides more detailed comments later. However, the comment is not specific enough to warrant a detailed response. The SCEA/IS adequately analyzes potential impacts and determined that project impacts would be less than significant or less than significant with mitigation. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 51-3.

The commenter states that the City opted to use an expedited review procedure in assessing the project's environmental impacts. As discussed in the SCEA/IS, the project meets the criteria as a qualified Transit Priority Project pursuant to the requirements of Public Resources Code sections 21155-2155.2 which provides for streamlined CEQA review through preparation of an SCEA. Concurrence of the project as a qualifying Transit Priority Project and consistency with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by the Sacramento Area Council of Governments (SACOG) was provided by SACOG. The comment does not specifically address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 1.

Response 51-4.

The comment is an introductory topic statement about transportation impacts regarding analysis of traffic safety, the adequacy of the traffic system to meet anticipated traffic, conflict with existing structures on the alley, and adequate mitigation. Specific comments are provided later in the comment letter. See Responses to Comments 51-10 through 51-16 below.

Response 51-5.

The comment is an introductory topic statement about air quality impacts regarding pollutants from vehicle traffic, idling service and delivery vehicles, and alley traffic from other service vehicles. Specific comments are provided later in the comment letter. See Response to Comment 51-17 below.

Response 51-6.

The comment is an introductory topic statement about insufficient mitigation measures to protect the nearby accessory dwelling unit during construction. Specific comments are provided later in the comment letter. See Responses to Comments 51-18 and 51-19 below.

Response 51-7.

The comment is an introductory topic statement about project does not comply with City land use plans and design guidelines. Specific comments are provided later in the comment letter. See Responses to Comments 51-20 through 51-22 below.

Response 51-8.

The comment is an introductory topic statement regarding project compatibility with the Old East Davis Neighborhood. Specific comments are provided later in the comment letter. See Responses to Comments 51-23 and 51-24 below.

Response 51-9.

The comment is an introductory topic statement about cumulative project impacts on the adjacent property and the Old East Davis neighborhood. Specific comments are provided later in the comment letter. See Response to Comment 51-25 below.

Response 51-10.

The commenter refers to page 77 of the SCEA/IS and states that the auto, bicycle, and pedestrian traffic system is not adequately designed to meet anticipated traffic or designed to minimize interference with each other. This reference on page 77 is one of the required findings established in City Municipal Code Article 40.22 to approve a Final Planned Development. SCEA/IS Section XVI (Transportation and Circulation) adequately analyzes transportation impacts and determined that project impacts would be less than significant. The comment is not specific enough to warrant a detailed response which is further addressed in Response to Comments 51-11 through 51-16. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. The commenter also states that mitigation is improperly deferred. See Response to Comment 51-16.

Response 51-11.

The commenter expresses safety concerns about the proximity of alley traffic travelling near existing zero lot line structures. (Transportation and Circulation) evaluates impacts from project-related trips and alley access and use. The project including proposed alley changes have been reviewed by City staff and has included review by the City's Bicycle, Transportation, and Street Safety Commission. A turning radius exhibit demonstrating adequate vehicle access to the nearby residential garages along the alley is included in Master Response 5. Furthermore, as

discussed in the Master Response and in additional discussion provided in Section 3.0 (Errata and Clarifications) of this document, a one-way southbound alley is also a design option and would move the vehicle travel lane away from the residential properties and provide a buffer on the east side of the alley between the travel lane and the alley structures with a bicycle lane.

The commenter states that proper analysis of safety issues was not provided to the City's Bicycle, Transportation, and Street Safety Commission (BTSSC) when they reviewed the project on October 13, 2016. The BTSSC is an advisory body and reviewed the project relative to transportation issues, including safety issues, and provided input which has been forwarded to the Planning Commission and City Council for their consideration in review of the project.

Response 51-12.

The commenter states that the impact of service and delivery vehicles needs to be considered as well as their impact on air pollution. Transportation and Circulation Section XVI of the SCEA/IS adequately analyzes transportation impacts. As described in Table 16-3, the project is expected to generate 551 total daily retail-related trips and 161 total daily residential-related trips. Trip generation numbers and analysis for the residential and commercial uses includes service trips and deliveries for garbage, recycling, mail and FedEx service, and other deliveries which are a small component of overall trips. Clarifying information has been added to the Transportation Section page 101 as provided in Section 3.0 (Errata and Clarifications) of this document.

As discussed on page 38, the project which is a mixed-use residential and commercial development does not trigger screening guidelines related to localized air quality impacts and the residential use, which is a sensitive land use, is not sited near a substantial source of pollutants. On page 36 under Operational Impacts, the SCEA/IS notes that the project does not exceed YSAQMD screening thresholds where operational impacts would be considered significant. Additional clarifying discussion regarding localized emissions related to project alley trips has been incorporated in Section III (Air Quality) page 37, as provided in Section 3.0 (Errata and Clarifications) of this document. It references the discussion and analysis of alley trips in Section XVI (Transportation/Circulation) which determined that project-related alley impacts would be less than significant. Master Response 5 further addresses concerns about alley traffic.

Response 51-13.

The commenter states that vehicle traffic navigation around the trash enclosure and loading zone, and parking entrance were not considered. The alley is a "back of house" service alley providing access to the rear of the commercial and residential properties for vehicles, services, and deliveries, but allows for shared mode use. As detailed in SCEA/IS Section XVI (Transportation/Circulation), the 30-foot alley right-of-way is adequate to meet City standards and accommodate the proposed parking spaces, travel lane, and bicycle lane. The design allows for access to the trash enclosure and parking entrance. Final improvement plans for the alley design requires review and approval by the City Public Works Department for City standards and safety considerations. See also Master Response 5 which further addresses alley traffic and includes an exhibit showing turning radius movements from adjacent garages with alley improvements.

Response 51-14.

The commenter states that no consideration has been given to pollution problems from service vehicles and idling vehicles. The commenter references a news article about idling problems in Palo Alto. See also Response to Comment 51-12 above which addresses air quality impacts. As noted previously, trip generation numbers include service and delivery vehicle for the associated uses. The project land use and trip generation or impacts related to levels of service do not meet thresholds that trigger significant localized air quality impacts.

The traffic analysis for the project estimated approximately 91 daily project-related trips entering the alley and 91 project-related trips exiting. While most of the commercial trips related to the proposed project would not be anticipated to use the alley, all residential trips related to the proposed project would be anticipated to use the alley to access the project site. Trip generation numbers and air quality analysis of operational uses take into account service trips such as trash, deliveries, and mail. The alley functions as a service alley for the project site, but service-related alley trips to serve the project for trash and deliveries would represent a small portion. For example, Davis Waste Removal which provides trash and recycling service estimated a total of 8 trips per week to serve the project for trash, recycling, and green waste. As described in Response 51-12 for the operational air quality impact of the project does not meet the screening threshold where it would be expected to exceed thresholds of significance for operational impacts. Additionally, alley traffic service levels do not meet screening thresholds where localized CO emissions would be expected to violate standards. The potential impacts from localized emissions in the alley related to the project would be less than significant. The number of anticipated alley trips, even in a worst case scenario, is well below any thresholds or standards of concern.

As noted in the article cited by the commenter, idling vehicles contribute pollutants and can be a source of concern if numerous enough. Detailed modeling or preparation of a Health Risk Assessment is warranted for projects where sensitive receptors would be expected to be exposed to significant pollutants of concern due to close proximity to heavy pollutant-generating uses, high traffic roadways, or identified "hot spots." These conditions do not apply to the project. The YSAQMD CEQA Handbook recommends that new sensitive land uses should avoid being sited within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles per day because of the associated health risk. This kind of land use conflict for sensitive receptors does not apply to the project. As previously discussed in the above responses and in Section III (Air Quality), the project does not meet the screening thresholds which would indicate additional analysis is required for CO impacts or due to a land use conflict with sensitive receptors. There is no evidence that the anticipated 449 total daily alley trips with the project would generate substantial pollutants or pose a significant health risk to sensitive receptors.

Response 51-15.

The commenter states that impacts in the alley for adequate turning radius into existing garages is not addressed. See Response to Comment 51-13.

Response 51-16.

The commenter states that no mitigation is offered for safety problems and that Mitigation Measure 8 is deferred mitigation. The current alley configuration has no striping or identified

travel lanes and has minimal traffic improvements. Alley improvements are not required for the project which could use the alley in its current configuration. The SCEA acknowledges that there can be conflict between different modes. However, the proposed improvements are expected to improve safety and circulation for users of the alley. Improvements in the alley clarify use of the alley by the transportation modes. The alley proposal is a conceptual design and requires development of detailed improvement plans which will be reviewed by the Public Works Department. The potential impact of the Project with regard to traffic safety is less than significant without mitigation. The one-way alley configuration has been reviewed by City Engineering staff who determined that it would meet City street design standards. Public Works review of engineered improvement plans is a standard requirement as part of the construction documents and ensures that the design and construction of alley improvement will comply with existing City requirements and standards and provide adequate safety. Public Works review of these improvement plans is, at most, to be considered an improvement measure as it is not required to reduce a potential CEQA impact. Therefore, project impacts would be **less than significant** and no mitigation is required.

SCEA/IS Section XVI (Transportation and Circulation) provides detailed analysis of impacts from project-related trips and alley access and use. See also Master Response 5 for additional discussion.

Response 51-17.

The commenter states pollutants from vehicle traffic, idling service vehicles and delivery trucks is not addressed. See Responses to Comments 51-12 and 51-14.

Response 51-18.

The commenter states that mitigation measures to protect the commenter's accessory dwelling unit on the alley are insufficient and that page 89 of the Initial Study makes passing reference to the construction effects from vibration on the accessory dwelling unit. The comment is not specific enough to warrant a detailed response. SCEA/IS Section XII (Noise), pages 89 to 91, adequately evaluates and mitigates for potential vibration impacts. It identified potentially significant vibration impacts from construction compaction machinery on nearby residential structure, which it referred to as a "significant receptor." The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Section 3.0 (Errata and Clarifications) of this document includes clarifying information incorporated in the SCEA/IS. Clarification is provided on page 89 regarding the reference to "sensitive receptors" which is an air quality analysis term to clarify that in the discussion of vibration impacts, the term refers to the effects on people and buildings as described in Table 12.6. It also clarifies that the nearest sensitive receptor which is referred to on page 89 applies to the commenter's accessory dwelling unit.

Clarifying information is also incorporated in the vibration discussion on page 90 of the SCEA/IS about the construction of the pier foundation system proposed for the project. The additional information demonstrates that because of more detailed analysis of the system and the

distance of the foundation work from the nearest residential structure, the foundation work would not be expected to exceed thresholds of concern.

Response 51-19.

The commenter argues that Mitigation Measure 7 addressing vibration impacts is deferred mitigation and is too vague and no specific mitigation is identified. The commenter incorrectly states that: "No specific mitigation is identified - instead "one or more" measures *might* be required." SCEA/IS Mitigation Measure 7 in Section XII (Noise) identifies several measures that ensure that vibration caused by construction machinery would not exceed the significance threshold level of 0.2 in/sec p.p.v. where damage to buildings may occur. For example, the majority of the project site and construction work will occur a distance greater than 50 feet from the nearby accessory dwelling unit which would allow use of construction equipment such as a vibratory compactor without resulting in a significant impact.

SCEA/IS Table 12.7 summarizes vibration levels for different construction equipment. It is only when that work occurs within 25 to 30 feet the structure that the anticipated vibration would start to reach a level of significance. In that case, other compacting machinery is identified that has a lower peak particle velocity than a vibratory compactor and may be used at closer distances. Rather than stating that "measures *might* be required" as indicated by the commenter, Mitigation Measure 7 states that "one or more, but not limited to, the following mitigation measures **shall** (emphasis added) be utilized to reduce the impact of construction vibration." The mitigation measure is specific and is not deferred. See also Response to Comment 51-18.

Response 51-20.

The commenter states that the Municipal Code requires Planned Developments to comply with the General Plan and applicable Specific Plans. As noted by the commenter, approval of project entitlements such as the Rezone to a Planned Development requires a finding of consistency with the land use plans. The comment does not specifically address the adequacy of the SCEA/IS and is not specific enough to warrant a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

SCEA/IS pages 2 to 3 and Section X (Land Use/ Planning) identify the project's Core Area Specific Plan land use designation of Core Retail with Offices and discuss project consistency with the land use plans and policies and determined that project conflicts with land use plans were less than significant. See also Master Response 2.

Response 51-21.

The commenter states that the proposed Core Area Specific Plan (CASP) Amendment to allow a density of 51.4 units per acre on the site inappropriately relies on the leased area and involves a transfer of density and that it does not comply with the CASP. As noted by the commenter, project entitlements include a CASP Amendment for the project density of 51.4 units/acre without the lease area or 39 units per acre with the leased area. It does not involve a transfer of density. The proposed density with and without the leased area is identified in the SCEA/IS on page 2 as part of the project description and the project entitlements as well as on page 75 as part of the discussion of project consistency with the CASP. The amendment ensure that the project

will be consistent. The SCEA/IS includes further discussion of project consistency with General Plan and CASP policies. See also Master Response 2.

Response 51-22.

The commenter states that the building and site design are not compatible with neighborhood design guidelines and cites design guidelines addressing scale, transition, and input by the City's Historic Resources Management Commission. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines, and HRMC deliberations are discussed in SCEA/IS Section I (Aesthetics), Section V (Cultural Resources), and Section X (Land Use/Planning). See also Master Response 2 and Master Response 3.

As discussed in the SCEA/IS, the design of the project is sensitive and responsive to the adjacent uses. Along the eastern edge of the proposed building, the architecture is designed to create a traditional residential look-and-feel. The building is massed away from the east and north in a series of stepbacks. On Third Street, a "Main Street" traditional storefront component would dominate the pedestrian experience with the top floor set back from view. Along the railroad, the plaza would be anchored by an existing cork oak tree. The architecture of this façade would be more industrial in nature, reflecting the site's history and railroad adjacency.

Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines. Section 3.0, Errata and Clarifications, includes additional discussion that has been added to Section X, Land Use/Planning on the role of the DDTRN Design Guidelines as guidelines and relationship to zoning.

Compliance with the Design Guidelines is a primarily an aesthetic issue. The project is designed to relate to the surrounding area and provides transitions from the higher intensity downtown area to the residential neighborhood. It does not require one hundred percent compliance with the guidelines. The project requires Design Review approval by the City which utilizes the DDTRN Design Guidelines to ensure the design of new development is appropriate. The SCEA/IS acknowledges that the project will alter the existing visual character of the area, but that it would not substantially degrade the visual quality of the site.

On the east alley side of the project site which faces the residential neighborhood and the adjacent single-story residence at 921 3rd Street, the proposed Trackside Center building offers a single-story elevation along the alley and transitions and steps back the upper floors. The project site is separated from the adjacent residential property by the 30-foot wide alley. Additional building separation is provided by the 15-foot setback from the alley right-of-way of the adjacent residence and the 8 foot setback to accommodate the sidewalk from the alley right-of-way of the proposed building, except for the portion of the garage for the trash enclosure room. A total separation of 53 feet is provided between the first story of the Trackside Center building and the

nearby residence. The project's second and third story east elevations step back 7 feet further with the fourth floor another 17 feet back from the alley. The project also steps back the upper stories on the north side.

Project entitlements, including consideration of the Design Review, require review and action by the City Council. Pursuant to Municipal Code Section 40.23.050, the role and duty of the HRMC for this type of project for new construction within the conservation overlay district is to provide advisory review to the decision-making body. The HRMC reviewed the project at a meeting on December 12, 2016 and provided input which has been forwarded to the Planning Commission and City Council for their consideration during review of the project. Additionally, the HRMC deliberations were reviewed as part of the preparation of SCEA/IS Section V (Cultural Resources) which adequately evaluated project impacts to cultural resources.

Response 51-23.

The commenter states that the project is not in harmony with the character of the Old East Davis neighborhood and refers to page 77 of the SCEA/IS. This reference on page 77 is one of the required findings established in City Municipal Code Article 40.22 to approve a Final Planned Development. See Response to Comment 51-22 which discusses aesthetics, land use, and general compatibility.

Response 51-24.

The commenter states that the project does not provide appropriate open space and that use of the leased area for density is contrary to the Municipal Code. Project entitlements include a Rezone to a new Planned Development District that is based on the existing Mixed-Use (M-U) zoning, but includes adjustments to the development standards for the project including open space. It takes into account possible loss of the leased area and ensures consistency with the Zoning. See Response to Comment 51-21.

Response 51-25.

The commenter states that there is insufficient evidence to make the mandatory findings regarding cumulative impacts. The commenter believes that the project will set a precedent for future projects on adjacent properties like the Davis Ace Rock Yard north of the project site and have cumulative impact on the neighborhood. Except for a current project on the nearby Davis Ace Hardware site on the west side of the train tracks that involves a carport and additional parking spaces, no redevelopment projects are currently approved or proposed on any nearby parcels. Projects are reviewed on a case-by-case basis and any future projects in the area would be considered based on the merits of the individual project.

Proposed project entitlements include a zoning change to rezone the project site to a new Planned Development (PD) Zoning District and a Core Area Specific Plan (CASP) Amendment to allow additional density on the site. As discussed in SCEA/IS Section X (Land Use/Planning), the purpose of the PD District is to provide flexibility from rigid standards to allow for creative approaches in development. The new PD District and its associated development standards are based on the existing Mixed-Use (M-U) Zoning District with adjustments to address specific project items such as the parking and open space provided on the lease area. The PD Zoning and the CASP Amendment only apply to the project site. They do not affect development on others

parcels and would not result in a significant cumulative impact. SCEA/IS Section XVII (Mandatory Findings of Significance) addresses the project's cumulative impacts and determined that they would be less than significant. Additional clarifying information regarding cumulative impacts has also been incorporated as provided in Section 3.0 (Errata and Clarification) of this document. See also Master Response 6.

Comment 52

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.

1

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.

2

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.

3

We Object.

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

4

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.

5

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

6

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

7

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

8

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

9

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.

10

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

11

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.

12

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.

13

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.

13
cont.

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.

14

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.

15

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.

16

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.

17

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.

17
cont.

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

Response to Comment Letter 52: Steve and Lois Sherman (07/10/17)

Response 52-1.

The comment is an introductory statement and describes the commenter's property at 319 and 321 I Street with an accessory dwelling unit across the alley approximately 30 feet from the project site. The commenter states that the accessory dwelling unit is not shown on several of the project's schematics. Page 1 of the SCEA/IS provides a general description of the surrounding area and notes the nearby single-family properties though it does not call out specific structures. Analysis of impacts in specific sections of the SCEA/IS, such as Section XII (Noise) page 88, references the accessory dwelling unit when applicable. Additionally, Appendix D of the SCEA/IS includes project context maps which show surrounding properties and uses such as the residential properties east of the site with their residential structures. The comment does not specifically address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 52-2.

The comment is an introductory statement that increased traffic, parking lights, smells, noise from trash pickup, fumes from delivery trucks and idling motors are significant impacts on the accessory dwelling unit that are not properly considered in the Initial Study. The commenter identifies a list of project issues and provides more detailed comments later. However, the comment is not specific enough to permit a detailed response. The SCEA/IS adequately analyzes potential impacts and determined that project impacts would be less than significant or less than significant with mitigation. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 52-3.

The comment is an introductory statement that the reconfigured alley is inappropriate for the proposed uses. The comment does not specifically address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. SCEA/IS Section XVI (Transportation and Circulation) adequately analyzes transportation impacts and determined that project impacts would be less than significant. See also Master Response 5.

Response 52-4.

The comment is an introductory topic statement about traffic impacts on zero lot line properties. Specific comments are provided later in the comment letter. See Response to Comment 52-11 below.

Response 52-5.

The comment is an introductory topic statement about impact of proposed alley parking on access to existing residential garages. Specific comments are provided later in the comment letter. See Response to Comment 52-12 below.

Response 52-6.

The comment is an introductory topic statement that alley traffic should flow north to south. Specific comments are provided later in the comment letter. See Response to Comment 52-13 below.

Response 52-7.

The comment is an introductory topic statement that the project should not have a loading or unloading zone. Specific comments are provided later in the comment letter. See Response to Comment 52-14 below.

Response 52-8.

The comment is an introductory topic statement that the project should not have trash pickup in the alley. Specific comments are provided later in the comment letter. See Response to Comment 52-15 below.

Response 52-9.

The comment is an introductory topic statement that commercial uses in the alley should be restricted. Specific comments are provided later in the comment letter. See Response to Comment 52-16 below.

Response 52-10.

The comment is an introductory topic statement that the project should not rely on the lease area to meet development standards. Specific comments are provided later in the comment letter. See Response to Comment 52-17 below.

Response 52-11.

The commenter states that the increased traffic will impact garages and structures on the residential properties along the alley. SCEA/IS Section XVI (Transportation and Circulation) evaluates impacts from project-related trips and alley access and use. The project including proposed alley changes have been reviewed by City staff and has included review by the City's Bicycle, Transportation, and Street Safety Commission. City review and approval of the final alley improvement design for compliance with City standards ensures that the alley design will provide adequate access. See Master Response 5. A turning radius exhibit demonstrating adequate vehicle access to the nearby residential garages along the alley is included in Master Response 5. Furthermore, as discussed in the Master Response and in additional discussion provided in Section 3.0 (Errata and Clarifications) of this document, a one-way southbound alley is also a design option and would move the vehicle travel lane away from the residential properties and provide a buffer on the east side of the alley between the travel lane and the alley structures with a bicycle lane.

Response 52-12.

The commenter states that proposed parking will restrict full access to existing residential garages and spaces on the east side of the alley. As detailed in SCEA/IS Section XVI (Transportation/ Circulation), the 30-foot alley right-of-way is adequate to meet City standards and accommodate the proposed parking spaces, travel lane, and bicycle lane. The design allows for access to the trash enclosure and parking entrance. Final improvement plans for the alley design requires review and approval by the City Public Works Department for City standards and

safety considerations. City review of the final alley design ensures that safety impacts would be less than significant. See also Master Response 5 which further addresses alley traffic and includes an exhibit showing turning radius movements from adjacent garages with alley improvements. See also Response 52-11 and Master Response 5.

Response 52-13.

The commenter states that the alley traffic should flow north to south. As discussed in the Master Response and in additional discussion provided in Section 3.0 (Errata and Clarifications) of this document, a one-way southbound alley is also a design option being considered as recommended by the commenter.

Response 52-14.

The commenter states that congestion, noise, and fumes from the proposed loading zone in the alley will impact the nearby residences and create safety issues. See Responses to Comments 51-11 through 51-14 in the commenter's subsequent Comment Letter 51 dated August 10, 2017.

Response 52-15.

The commenter states that there will be noise, odors, and nuisance from trash collection. The comment does not specifically address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Responses to Comments 51-11 through 51-14 in the commenter's subsequent Comment Letter 51 dated August 10, 2017 for discussion of service vehicles.

Response 52-16.

The commenter states that businesses on alley will create noise impacts. SCEA/IS Section XII (Noise) adequately analyzes noise impacts and determined that project impacts would be less than significant. The project is a mixed-use residential and commercial development located in a mixed-use area. Uses would be consistent with and compatible with surrounding uses. Business operations are subject to the City's Noise Control Ordinance which ensures that operational noise impacts will be less than significant. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 52-17.

The commenter states that the mass and scale of the project is inappropriate and that is inappropriately relies on the lease area for development standards computations. Analysis of the project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are addressed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning). See also Master Response 2.

As discussed in the SCEA/IS, the design of the project is sensitive and responsive to the adjacent uses. Along the eastern edge of the proposed building, the architecture is designed to create a traditional residential look-and-feel. The building is massed away from the east and north in a series of stepbacks. On Third Street, a "Main Street" traditional storefront component would dominate the pedestrian experience with the top floor set back from view. Along the railroad, the

plaza would be anchored by an existing cork oak tree. The architecture of this façade would be more industrial in nature, reflecting the site’s history and railroad adjacency.

The project description in the SCEA includes a description and information on the leased area with project data information on project density and floor area ratio with and without the leased area. Project entitlements and the new PD zoning for the site have taken into account the possible loss of the leased land and ensure that the project will remain consistent with development standards including, but not limited to, density, lot coverage, floor area ratio, open space, and parking. The project and proposed building are designed to be able to function on their own without the leased area in the unlikely event that the leased area is no longer available. Additional information discussing the lease area has been incorporated in SCEA/IS Section X (Land Use) as provided in Section 3.0 (Errata and Clarifications) of this document.

Comment 53

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

Dear Eric Lee,

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

1

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

2

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

1. The Trackside project proposal *does not* comply with City zoning for that site. Planning by exception is bad planning.

3

2. The City of Davis Historical Resources Commission *unanimously* voted that the Trackside project was inconsistent with the historical preservation design guidelines in our General Plan.

4

3. *The Trackside project is enormous and is far too big for that location* which should transition from the neighborhood to the denser downtown.

5

4. *The Trackside proposed project is twice the size of the Chen building* which is adjacent to the downtown Train Station. Imagine such an enormous project with all of the impacts next to single-family homes?

6

5. The Trackside Project proposal covers 77% of the property which the zoning does not allow but the developers are trying to change. *The Trackside proposal would be 150% of what the zoning allows.*

7

6. The current zoning in this area *meets* the densification objectives of the transportation oriented projects called for in SACOG's Sustainable Communities Plan. No change in zoning on the site is necessary to achieve these goals. Yet, Trackside is demanding to over-densify bringing far more impacts.

8

7. New uses, loading, and traffic patterns in the I Street alley will create dangerous conditions for pedestrians, bicycles, and cars.

9

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

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

10

The Zoning Change demanded by Trakside needs to be rejected:

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

11

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

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

12

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

13

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

Sincerely, Todd and Jeanine Galles

Todd & Jeanine Galles

331 I Street

todd.galles@gmail.com

707.812.2667

Response to Comment Letter 53: Todd and Jeanine Galles (08/11/17)

Response 53-1.

The comment is an introductory statement and expresses opposition to the project. The commenter also expresses general concerns about alley traffic and access to their garage. SCEA/IS Section XVI (Transportation and Circulation) of the SCEA/IS evaluates transportation-related impacts and determined that the project's transportation-related impacts would be less than significant. City review and approval of improvement plans for the final alley design ensures that the reconfiguration will meet City standards and provide adequate safety. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 5.

Response 53-2.

The commenter objects to the project and states that the project is inconsistent with the General Plan, Zoning Code and DDTRN Design Guidelines. SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning) address project impacts relative to land use plans, zoning and the DDTRN Design Guidelines. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 2.

Response 53-3.

The commenter states that the project does not comply with City Zoning. As discussed in the SCEA/IS, project entitlements include a rezone of the project site to a new Planned Development (PD) zoning district. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

As discussed in the SCEA/IS, project entitlements include a rezone of the project site to a new Planned Development (PD) zoning district. The new PD zoning, which addresses permitted uses and includes development standards for the project, such as setback, height, lot coverage, floor area ratio, and parking, is based on the existing Mixed-Use (M-U) Zoning for uses and standards with adjustments to address specific project items such as the parking and open space provided on the lease area. It ensures that the project will be consistent with the zoning and comply with the applicable development standards. As provided in Section 3.0 of this document, additional clarifying information has been incorporated in the SCEA/IS Section X (Land Use/Planning) page 77 that the proposed PD Zoning is based on the M-U Zoning. See Master Response 2.

Response 53-4.

The commenter states that the City's HRMC voted that the project was inconsistent with the design guidelines. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded

to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Pursuant to Municipal Code Section 40.23.050, the role and duty of the HRMC for this type of project for new construction within the conservation overlay district is to provide advisory review to the decision-making body. The HRMC reviewed the project at a meeting on December 12, 2016 and provided input. Additionally, the HRMC deliberations were reviewed as part of the preparation of SCEA/IS Section V (Cultural Resources) which adequately evaluated project impacts to cultural resources. See Master Response 3.

Response 53-5.

The commenter states that the project is too big for the location and should provide a transition. Project design and aesthetics and consistency with City land use plans and the DDTRN Design Guidelines are discussed in SCEA/IS Section I (Aesthetics) and Section X (Land Use/Planning). The project is designed to relate to the surrounding area and provides transitions from the higher intensity downtown area to the residential neighborhood. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See Master Response 2.

Response 53-6.

The comment is a general statement about the size of the project and the commenter asks us to imagine the impacts of such an enormous project next to single-family homes. The comment does not address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 53-7.

The commenter indicates the projects exceeds the amount of lot coverage allowed by the Zoning. As discussed in the SCEA/IS, project entitlements include a rezone of the project site to a new Planned Development (PD) zoning district. The new PD zoning, which addresses permitted uses and includes development standards for the project, such as setback, height, lot coverage, floor area ratio, and parking, is based on the existing Mixed-Use (M-U) Zoning for uses and standards with adjustments to address specific project items such as the parking and open space provided on the lease area. It ensures that the project will be consistent with the zoning and comply with the applicable development standards. As provided in Section 3.0 of this document, additional clarifying information has been incorporated in the SCEA/IS Section X (Land Use/Planning) page 77 that the proposed PD Zoning is based on the M-U Zoning. See also Master Response 2.

Response 53-8.

The commenter states the current zoning meets the density range called for in SACOG's Sustainable Communities Strategy Plan so that no change is needed, but the project's higher density will bring more impacts. The SCEA/IS identifies and adequately analyzes potential impacts and determined that project impacts would be less than significant. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed

response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 53-9.

The commenter states that the project use of the alley will create dangerous conditions for pedestrians, bicycles, and cars. Section XVI (Transportation/Circulation) of the SCEA/IS evaluates transportation-related impacts and determined that the project's transportation-related impacts would be less than significant. City review and approval of improvement plans for the final alley design ensures that the reconfiguration will meet City standards and provide adequate safety. See also Master Response 5.

Response 53-10.

The commenter states that the CEQA analysis is inadequate because the project does not comply with local plans, that it is an inappropriate use of SB 375, and that too many mitigation measures are inadequately written. The comment that mitigation measures are inadequate is not specific enough to permit a detailed response. As described in the SCEA/IS, proposed mitigation measures would reduce potential impacts to a less than significant level. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 1.

SCEA/IS Section X (Land Use/Planning) evaluates project consistency with local land use plans and policies and determined that project impacts are less than significant. Consistency with land use plans does not require compliance with every single policy. The project implements the intent of the City's land use plans and the SCEA/IS addresses project consistency with policies. It identifies project consistency with policies to encourage housing, economic development, and a mix of uses in the Core Area to maintain it as the City primary center, to support infill development, to encourage high-intensity residential and commercial development near activity centers, promote urban/community design, provide an architectural "fit", and encourage a variety of housing. The SCEA/IS addresses the DDTRN Design Guidelines and role of the guidelines. The project includes a rezone to a new Planned Development (PD) zoning for the project and would address and include project development standards, such as lot coverage, floor area ratio, setbacks, and parking. As described in SCEA/IS Section X (Land Use/Planning) with additional clarifying discussion provided and incorporated in Section 3.0 (Errata and Clarifications) of this document, the rezone to a new PD ensures consistency with the Zoning Code.

The comment that use of an SCEA is inappropriate because the project does not conform to local land use plans also appears to refer to the Determination of MTP/SCS Consistency Worksheet for the Traskside Center Project which determined that the project was consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by Sacramento Area Council of Governments (SACOG). Section 3.C of the Worksheet provides several options for finding that a project is consistent with the adopted MTP/SCS and states that, *"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 project meets this criteria. Section 3.C.1 Option B (below) was selected in the Worksheet prepared for the Traskside Center Project and determined that the project was consistent with the applicable community type and characteristics.

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.

However, Option A (below) is also an option for projects:

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.

It includes criteria the project must be consistent with the local land use plan. However, the commenter has not demonstrated why Option A applies to the project and not Option B. As discussed in the SCEA/IS, the City has determined that the project meets the criteria as a qualified Transit Priority Project pursuant to the requirements of Public Resources Code sections 21155-2155.2 which provide for streamlined CEQA review through preparation of an SCEA. Concurrence of the project as a qualifying Transit Priority Project and consistency with the MTP/SCS adopted by the SACOG was provided by SACOG. An SCEA provides for appropriate and adequate environmental review and use of an SCEA does not require conformance with local land use plans and zoning as discussed above and demonstrated in the MTP/SCS Consistency Worksheet.

Response 53-11.

The commenter states that the project would change the zoning for the surrounding area and would set a precedent and that the SCEA/IS does not address it. The project entitlements include a zoning change to rezone the project site to a new Planned Development (PD) Zoning District. As discussed in SCEA/IS Section X (Land Use/Planning), the purpose of the PD District is to provide flexibility from rigid standards to allow for creative approaches in development. The new PD District and the associated development standards would apply only to the project site and would not affect surrounding parcels. See also Master Response 6.

Response 53-12.

The commenter expresses general concerns about the project's effect on the neighborhood and historic resources, its consistency with plans and guidelines, and impact of size on nearby residences, alley safety, and abandonment of houses. The general issues are addressed in earlier comments. The comment does not directly address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 53-13.

The comment is a concluding statement that objects to the project. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Comment 54

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.

1

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

2

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).

2
cont.

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.

3

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

4

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.

5

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.

6

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.

7

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 OEDNeighborhood. How can you mitigate on-going, daily noise levels?

8

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

Response to Comment Letter 54: Valerie Jones and Joel Brungardt (07/13/17)

Response 54-1.

The comment is an introductory statement and questions whether the proposal should be considered a revision, what type of renters it will attract, and whether the commercial spaces will be able to be leased. The comment does not address the adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 54-2.

The commenter expresses general concerns about the mass and scale of the project and the direction of growth in the downtown area with this development located next to a residential district. The commenter believes that the size of the project near smaller residential structures creates significant and adverse effects on the conservation district in Old East Davis.

SCEA/IS Sections I (Aesthetics), V (Cultural Resources), X (Land Use/Planning) evaluate project impacts related to aesthetics, historical resources, and land use/planning and included analysis of the project design, consistency with plans, policies and design guidelines, and relationship and effect on surrounding context and neighborhood. The SCEA/IS determined that impacts would be less than significant or less than significant with mitigation. Concerns about general City growth is a planning policy issue that can be considered as part of the planning review for the project or in the development of applicable land use plans. The project is a mixed-use project located in a mixed-use commercial site. The project is consistent with the allowable uses for the site and is consistent with policies for infill development of underutilized sites and intensification of the Core Area. See also Master Response 2 and Master Response 3.

Response 54-3.

The commenter states that the project appears to have several sides with zero setbacks which the commenter does not support and that the large structure is not appropriate at this location. The project includes a Rezone to a new Planned Development District and will be consistent with applicable zoning standards. Proposed building setbacks to property lines without the lease area are 0 feet on the front (3rd Street), 1 foot on the east side (alley), 10 feet on the west side; and 10 feet on the rear (north side). SCEA/IS Section I (Aesthetics) evaluates aesthetics issues as discussed above. The comment does not specifically address the adequacy of the SCEA/IS and is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 54-4.

The commenter states that the project is too tall and too large compared to nearby residences and that there will be a loss of sunshine and can impact solar panels on adjacent properties. Project impacts on nearby properties relative to aesthetics and historical resources are analyzed in SCEA/IS Sections I (Aesthetics) and V (Cultural Resources) which determined that the project will alter the visual character of the area, but that impacts would be less than significant. As detailed in the analysis and in Master Responses 2 and 3, the project design includes transitions, building articulation, and upper floor setbacks to modulate for the building's larger size.

Section V also addresses building shadowing. The shadow study recognizes that the building will cast a shadow, but shows that throughout most of the year and most of the daytime, the project would not cast a substantial shadow over the residential area, particularly in conjunction with existing trees that already cast shadows on the residences.

Additionally, building shading has the potential to affect existing solar panels located on a residential garage on the east side of the alley from the project site. The system can expect approximately 10% total reduction in production due to project shading. The shadow study discussed in Section V, Cultural Resources, shows that the project would provide additional shading during the year on nearby properties to the east in the late afternoon and evening. The affected property is located adjacent to the downtown area and a transition area where larger, more intense development is envisioned and allowed. Minor shading effects are to be expected. While the project shading would reduce the production efficiency of the solar panels on the adjacent site by approximately 10%, it still allows for sufficient beneficial production and would not be considered to be a significant impact. Clarifying information has been incorporated in Section XI (Mineral and Energy Resources) of the SCEA/IS relative to these solar panels as provided in Section 3.0 (Errata and Clarifications) of this document. Section XI addresses potential impacts to energy resources and determined that the project would have a less than significant impact relative to conflicts with an adopted energy conservation plan and the use non-renewable resources.

Response 54-5.

The commenter expresses general concerns about parking by the project and believes that the neighborhood already experiences parking problems. City parking policies seek to maximize the efficient use of parking and commercial land in the Core Area and discourages the provision of excessive on-site parking for commercial uses. The use of in lieu parking fees and appropriate off-site locations allows for a district -wide parking strategy and measures to help support City objectives for the Core Area as the City's retail, office, and cultural center with residential uses. As detailed in the Traffic Impact and Parking Analysis Report (page 52) prepared for the project, the nearby parking garage located at 4th and G Streets is considered underutilized with reported occupancy rates ranging from 10% to 59% throughout the day.

The project provides 27 on-site parking spaces for residents and 3 on-site parking spaces for managers of the retail spaces. The remaining 17 required parking spaces based on the retail square footage will be provided as in lieu parking fees or at a nearby off-site parking site, such as the parking garage located at 4th and G Street, subject to City approval. The combination of on-site parking with in lieu fees or approved off-site spaces would comply with parking requirements as provided in the proposed PD Zoning for the site, Municipal Code Section 40.15 (M-U District), and Section 40.25 (Parking Requirements). As such, the project will provide adequate parking that meets City parking requirements and would not result in a significant parking impact. See also Master Response 5.

Response 54-6.

The commenter questions why the project needs to be so large and if it would set a precedent for similar future projects with the amendment and rezone. Projects are reviewed case-by-case based on their merits and no projects are proposed on nearby parcels. Project entitlements and changes,

such as the Rezone and CASP Amendment, address the project site only and have limited applicability. Corrections and clarifications have been provided in the Section 3.0 (Errata and Clarifications) of this document for changes related to floor area ratio which clarifies that any changes would only apply to the subject site. The comment does not address adequacy of the SCEA/IS. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. See also Master Response 6.

Response 54-7.

The comment is a general statement objecting to the project and mentions issues with parking, mass and scale, and design guideline consistency. Discussion of the role and relationship off the DDTRN Design Guidelines and consistency issues are addressed in SCEA/IS Sections I (Aesthetics), V (Cultural Resources), and X (Land Use/Planning). See also Master Response 2.

Response 54-8.

The commenter expresses concerns about mitigation measures for dust, noise, and gasses and impacts on the neighborhood. SCEA/IS Sections III (Air Quality), XII (Noise), XV (Transportation and Circulation), and Master Response 5 identify and address project impacts related to dust, noise, and vehicle emissions. Potential impacts on the nearby residences were determined to less than significant or less than significant with mitigation. Mitigation Measure 6 addresses temporary construction noise and Mitigation Measure 7 addresses vibration-causing machinery during construction and reduce the project impacts on the neighborhood from noise and vibrations to a less than significant level with mitigation. The comment is not specific enough to permit a detailed response. The comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

3.0 - ERRATA AND CLARIFICATIONS

This section consists of minor edits and changes to the SCEA/IS in response to public comments received, as well as minor staff edits. The changes provide clarification and additional information for the SCEA/IS, but do not alter the analysis or conclusions of the document. Additional supporting information referenced includes:

- Supplemental Environmental Data Summary Regarding Soil Contaminant Impacts, dated September 18, 2017. Geocon Consultants, Inc.
- Supplemental Memo for Southbound Alley Access, dated August 22, 2017. KD Anderson and Associates, Inc.

Changes were made to the following pages as noted below and are identified with revision marks (underline for new text and ~~strike through~~ for deleted text).

SCEA Determination, First Page.

Make following correction:

Project Location: The Project site ~~consists of~~ is approximately 0.69 acres consisting of 0.525 acres at 901-919 3rd Street (Assessor's Parcel Number: 070-324-002) and 0.167 acres of an adjacent railroad lease area located in the City of Davis, County of Yolo (Assessor's Parcel Number: 070-324-002).

Page 2.

Add paragraph after first sentence:

commercial businesses on the west side of the adjacent railroad tracks, and a mix of small commercial and retail businesses on the south side of 3rd Street.

After completion and release of this SCEA/IS, the existing public parking spaces in the alley along the Project site were removed by the City and the curbs painted red. The Project still proposes to provide improvements for public parking spaces in the alley right-of-way. The final number and configuration would be subject to standard City review and approval as right-of-way improvements. Additionally, the 48-inch diameter elm tree that was located on the east side of the alley from the Project site was identified in the Project materials because of its proximity to the Project. However, it is located off-site and the tree was removed in August 2017 due to a bark beetle infestation and would no longer be affected by the Project. The references to these items were not changed as they were part of the existing conditions when this document was prepared.

First paragraph:

The proposed Project would remove two existing one-story commercial buildings and site improvements and construct a new four-story mixed-use building. The 47,983 square-foot building would consist of 8,950 square feet of retail space on the ground floor and 27 apartment units on the upper three floors. Project site improvements include surface parking, an outdoor plaza on the west side, landscaping, drainage, sidewalks, pedestrian and bicycle facilities. The

existing two-way alley would become one-way. Project plans show one-way northbound alley circulation though a one-way southbound is also an option. The Project makes use of a lease area from the Union Pacific Railroad Company along the west side of the Project site where the outdoor plaza and several parking spaces would be located. See Figure 3 for the proposed Site Plan.

Under Project Entitlements heading:

- Amendment to the Core Area Specific Plan to address the proposed density of 39 dwelling units/~~gross~~ acres (51.4 du/acre without lease area) ~~and floor area ratio~~;
- Rezone of the site to a new Planned Development (PD) Zoning based on the existing Mixed-Use (M-U) Zoning; and

Page 13.

In discussion of General Plan Mitigation Measure TC-2.1 for Project Specific Traffic Studies:

A project-specific traffic study has been prepared for the Traskside Center Project. Project impacts related to this topic are addressed in Section XVI (Transportation) ~~and includes Mitigation Measure 8 for review of the final alley design to address potential safety issues.~~ Project impacts are less than significant.

Page 22.

Under Environmental Factors Potentially Affected uncheck box for Transportation/Circulation:

Transportation/ Circulation

Page 28.

1st paragraph:

As described in greater detail in Section ~~xx~~-V (Cultural Resources), the existing buildings on the Project site are not designated as Merit Resources or Landmarks.

2nd paragraph under Impact Analysis:

The longest axis of each building, which are nearly identical in size, runs ~~north to south east to west~~ with the front façade of the southernmost building facing 3rd Street.

Page 29.

Figure 1.1.View of project site looking ~~southeast~~northeast.

Page 30.

Figure 1.2.View of project site looking ~~northeast~~northwest.

Page 31.

Within the alley, ~~T~~he Project proposes a traffic reconfiguration to one-way ~~north~~, retains the existing number of parking spaces within the alley, and adds a loading zone and aesthetic improvements to create a charming and pedestrian accessible “European-style” alley.

Page 37.

Add after 3rd paragraph:

Analysis of transportation impacts as discussed in Section XVI (Transportation/Circulation) included evaluation of alley access and alley traffic and determined that Project-related alley impacts would be less than significant. The traffic analysis estimated approximately 91 daily Project-related trips entering the alley and 91 Project-related trips exiting. Trip generation numbers and air quality analysis of operational uses take into account service trips such as trash, deliveries, and mail. The alley functions as a service alley for the Project site, but service-related alley trips to serve the Project for trash and deliveries would represent a small portion. For example, Davis Waste Removal which provides trash and recycling service estimated a total of 8 trips per week to serve the Project for trash, recycling, and green waste. As described under the Operational Impacts, the Project does not meet the screening threshold where it would be expected to exceed thresholds of significance for operational impacts. Additionally, alley traffic service levels do not meet screening thresholds where localized CO emissions would be expected to violate standards. The potential impacts from localized emissions in the alley related to the Project would be less than significant.

Page 39.

Add after last paragraph.

Additionally, according to the comment letter from Rhonda Reed, dated August 11, 2017, an active Swainson's hawk nest was confirmed in 2016 at 4th and I Streets in the top of a Deodar cedar and active Red-shouldered hawk nest was detected by the commenter in a fan palm tree on private property at 3rd Street and the alley near the Project site.

Page 61.

Additionally, a shadow study was conducted to demonstrate the shadowing created by the proposed 4-story building. It shows shadows over the nearby residential properties on the east side of the alley in the late afternoon and evening throughout the year. Of the three historic resources, only the nearest one, the Montgomery House property at 923 3rd Street, would be shadowed during the latest part of the day and only during certain seasons. For example, there would essentially be no shadowing on it from the Project in Winter before dusk due to the sun's location in the southern horizon. In the Summer, the study shows that the building's shadow has yet to reach the Montgomery House by 5:00 p.m. ~~However,~~ No evidence exists that increased shadowing as a result of the proposed Trackside Center Project will "adversely affect" any of the three historic properties by altering the properties' significant character defining features, namely the architecture of each property. Shadowing only becomes a concern for historic properties when the increased shadowing, or perhaps lack of shadow, will adversely affect the property directly by damaging historic fabric or altering the use or function of the property.

Page 70

Modify item b) to check "less than significant impact".

| VIII. HAZARDS AND HAZARDOUS MATERIALS | Potentially Significant Impact | Less Than Significant w/ Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---------------------------------------|--------------------------------|--|------------------------------|-----------|
|---------------------------------------|--------------------------------|--|------------------------------|-----------|

Would the project:

| VIII. HAZARDS AND HAZARDOUS MATERIALS | Potentially Significant Impact | Less Than Significant w/ Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

Page 71.

Add additional discussion:

Response a), b): Less Than Significant. Historic land uses in the area surrounding the Project site have resulted in soil contamination in the vicinity of the Project site. As part of the California Building Industry Association v. Bay Area Air Quality Management District case (CBIA case), the California Supreme Court granted limited review to the question: Under what circumstances, if any, does CEQA require an analysis of how existing environmental conditions will impact future residents or users (receptors) of a proposed project? In the opinion published on December 17, 2015, the Supreme Court looked closely at the language and legislative intent in CEQA, and found that “agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions.” (California Building Industry Assn. v. Bay Area Air Quality Management Dist. (2015) 62 Cal.4th 369, 377-378.) As a result, the existence of contaminated soil or groundwater within the vicinity of a proposed project is not, “without any accompanying disturbance or other physical change” to the contamination, considered “a significant impact requiring CEQA review and mitigation.” (Parker Shattuck Neighbors v. Berkeley City Council (2013) 222 Cal.App.4th 768, 781 [holding development of a project on a site identified on the Cortese list and that included contaminated soil would only constitute a significant impact for the purposes of CEQA if the proposed project disturbed the contaminated soil].)

A Phase I Environmental Site Analysis of the site prepared by Bole and Associates examined the existing site and buildings and the historic uses. It identified the nearest active Leaking Underground Storage Tank (LUST) site at 1010 Olive Drive, approximately 1,450 feet from the Project site. It noted that the site is undergoing remediation and that groundwater flows would tend to flow away from the subject Project site. ~~The report also identified in the project vicinity a site at 920 Third Street undergoing remediation for soil and groundwater contamination. It also~~

noted that groundwater flows away would be away from the subject project site. It did not identify any hazardous environmental conditions requiring further analysis. In addition, Geocon Consultants prepared an *Environmental Data Summary* for the proposed Project, dated September 18, 2017, which summarizes known contamination sites in the area, and analyzes potential impacts related to such existing contamination (please see Attachment 1).¹ As discussed in the Geocon Summary, several sources of groundwater contamination exist within the vicinity of the Project site, and extensive monitoring of existing contamination has been conducted in the Project area. The following summarizes the most relevant data for the Trackside Project site.

I Street Development

The nearest facility to the Trackside Project site with groundwater monitoring data is the I Street Development at 920 Third Street, located so the south across Third Street. Groundwater monitoring well 12 (MW-12), associated with the I Street Development, is located along the Trackside Project site's southeastern boundary.

Groundwater monitoring from MW-12 in September 2012 detected Trichloroethene (TCE) at a concentration of 3 micrograms per liter ($\mu\text{g/L}$). Additionally, a monitoring well (MW-11) within 3rd Street, south of the Trackside site, detected TCE at a concentration of 7.9 $\mu\text{g/L}$. No other volatile organic compounds were detected in groundwater samples from these wells.

The San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) has established Tier 1 Environmental Screening Levels (ESL) for TCE in groundwater at 5.0 $\mu\text{g/L}$.² The TCE concentration in groundwater at the border of the Trackside site, measured by MW-12, is below the Tier 1 ESL, but the groundwater at MW-11, south of the Project site, exceeds the SFBRWQCB's Tier 1 ESL. To further assess areas with TCE concentrations in excess of the Tier 1 ESL, the SFBRWQCB has established a Tier 2 ESL of a groundwater concentration of 170 $\mu\text{g/L}$, which conservatively estimates whether a risk of vapor intrusion of TCE exists. Considering the Tier 2 ESL of 170 $\mu\text{g/L}$, the groundwater concentration at the southeastern boundary of the Project site of 3 $\mu\text{g/L}$ and the concentration of 7.9 $\mu\text{g/L}$ at MW-11 would be far below the Tier 2 ESL, and vapor intrusion of TCE into the proposed Project site would not be anticipated to occur during construction or operation of the proposed Project.

Not only is the TCE level measured at the southeastern boundary of the Trackside Project site (e.g., MW 12) below the Tier 1 ESL of 5 $\mu\text{g/L}$, but on-site construction would not result in excavation to the depth of groundwater. Groundwater in the Project area averaged a depth of approximately 38 feet.³ Construction activity associated with the proposed Project is anticipated to involve disturbance of the upper 10 to 15 feet of soil. In addition, construction activity associated with the proposed Project would be limited to the Project site, and, thus, the proposed Project would not have the potential to disturb off-site soils near MW-11 where groundwater

¹ Geocon Consultants, Inc. *Environmental Data Summary: Trackside Center*. September 18, 2017.

² California Environmental Protection Agency, San Francisco Bay Regional Water Quality Control Board. *ESL – Environmental Screening Levels*. Available at http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.shtml. Accessed September 27, 2017.

³ Geocon Consultants, Inc. *Environmental Data Summary: Trackside Center*. September 18, 2017.

TCE levels are in excess of the Tier 1 ESL. Considering the foregoing analysis, construction and operation of the proposed Project is not anticipated to exacerbate the existing TCE contamination by exposing future residents to vapors or exposing construction workers to contaminated groundwater.

Cable Car Wash

The Cable Car Wash facility is located approximately 200 feet south of the Tracksite site. This facility received regulatory case closure in 2014 for a former leaking underground storage tank (LUST). The relevance of the Cable Car Wash site to the Tracksite analysis has to do with the fact that as part of the contamination analysis, several soil vapor (SV) and groundwater (GW) monitoring borings were advanced very near to the Tracksite site, including two borings on the western boundary of the Tracksite site (SV/GW-2 and SV/GW-3), one boring at the northeastern corner of the Tracksite site (SV-5), and one boring near the southeastern corner of the Tracksite site (SV/GW-6). Groundwater samples from the borings did not detect perchloroethylene (PCE) or TCE at concentrations exceeding laboratory detection limits.

In addition to groundwater analysis, soil vapors were analyzed from the aforementioned monitoring sites. Samples collected at a depth of seven feet at SV-5 detected PCE at concentrations of 1.7 µg/L, while samples taken at a depth of 20 feet detected PCE at a concentration of 1.3 µg/L. Following the detection of PCE vapor, the PCE vapor concentrations were compared to the ESL for PCE in soil vapor for commercial/industrial projects. The commercial/industrial ESL for PCE vapors is 2.1 µg/L; therefore, the soil vapor concentrations detected at the Tracksite site boundaries do not exceed the applicable ESL for PCE vapors.

Although the Tracksite Project would be a mixed-use development that includes both retail space and residential space, several factors make the use of the commercial/industrial ESL appropriate. The entire ground floor of the proposed Project would be composed of retail space and parking areas on top of an intact concrete slab. Considering the applicability of the commercial/industrial ESL and the concentrations discussed above, construction and operation of the proposed Project would not expose workers or residents to PCE vapors in excess of the applicable standards.

It should be noted that, according to Geotracker data, since 2007, the direction of groundwater flow in the Project area has shown a predominant trend towards the southeast. Because the I Street Development and the Cable Car Wash sites are south of the Tracksite site, groundwater movement, and, thus, movement of contaminated groundwater from the aforementioned sites, would be generally away from the Tracksite site.

Conclusion

The existence of TCE within groundwater in the Tracksite site vicinity is considered an existing condition under CEQA. In light of the California Supreme Court's recent decision discussed above, the presence of TCE and PCE would only be considered to result in a significant CEQA impact if the Tracksite Project would exacerbate the existing conditions. The foregoing discussion has shown that the Tracksite Project would not exacerbate existing hazardous

conditions. Not only did the nearest monitoring well (MW-12) to the Trackside site detect TCE below the regulatory Tier 1 ESL for groundwater, there is also no potential for construction of the Trackside Project to excavate to depth of groundwater. With respect to soil vapor, it has been shown that the soil vapor concentrations of PCE along the Trackside site's boundaries are below the commercial/industrial ESL for PCE; and thus, not a risk to future ground floor retail tenants.

Therefore, the Project is considered to have a **less than significant impact** relative to exposure to hazardous materials.

Response b)(c)-h): No Impact. The proposed Project consists of four-story mixed use commercial and residential building with parking, and common areas. It would be located on an existing developed site in the downtown area. The commercial and residential use does not involve the use or creation of any hazardous materials or emissions. There are no known hazardous materials or history of hazardous materials on-site. It is not located in proximity to any airport or landing strip. It would not interfere with any emergency evacuation plan or expose people or structures to a significant risk. Therefore, the Project is considered to have **no impact**.

Page 75.

Add in fifth paragraph:

However, the CASP does not address FAR for the Project site and it is instead established by Zoning. Proposed FAR of 1.6 for the gross Project area (2.1 without the lease area) would comply with the development standards of the proposed PD zoning with or without the lease area. ~~complies with the 1.7 FAR allowed for a mixed-use project with the FAR plaza bonus.~~

Page 77.

Addition to second paragraph:

The proposed Project mixed-use building would be consistent with the General Plan policies for land use, infill development, downtown housing, and economic development. The policies in the General Plan and CASP describe desired outcomes, but do not require compliance with every single policy for general conformance. Project entitlements related to the Zoning and CASP Amendment ensure consistency with the Project's density and zoning standards. Therefore, the Project impacts relative to land use plans and policies are considered to be **less than significant**.

Zoning

The Project site is zoned Mixed-Use (M-U) District in Article 40.15 of the City of Davis Municipal Code. The Project includes a rezone of the site from Mixed-Use to a Planned Development. Article 40.22 of the Davis Municipal Code establishes processing, preliminary development plan (Project application) content requirements, and standards for the Planned Development district. The proposed PD Zoning will be based on the existing M-U Zoning for permitted uses and standards with adjustments to address specific Project items such as the parking and open space provided on the lease area.

Page 78.

Correction in first paragraph and add following paragraphs:

With continued compliance with Article 40.2220 through the public hearing and approval process, the Project would be consistent with the City's Zoning Code.

The Project site is also located in the Downtown and Traditional Neighborhood Overlay District (Municipal Code 40.13A), also known as the Conservation District. The Conservation District was established as part of the implementation of the DDTRN Design Guidelines. A conservation district differs from a designated historic district which would have specific historical standards for all structures within the historic district. A conservation district was adopted rather than a historic district in order to allow more flexibility in redevelopment standards while allowing compatible new construction. Specifically, City of Davis Municipal Code Section 40.13A.010 states that:

The purpose of the downtown and traditional residential neighborhood overlay district and design guidelines are as follow:

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

The Conservation District ties into the City's Historical Resources Management Ordinance (Municipal Code 40.23), which refers to it as the "conservation overlay zoning district" or "conservation district." It includes the following definition:

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

DDTRN Design Guidelines.

The Project requires approval of a Design Review application with review of the Project's compliance with the Davis Downtown and Traditional Neighborhood (DDTRN) Design Guidelines. The Design Guidelines establish general guidance and are intended to provide flexibility. They do not require 100% compliance. Potential inconsistency with a guideline or disagreement about compliance with a particular guideline does not rise to the level of a significant land use impact. Approval of a Design Review requires review of Project consistency

with the Design Guidelines and ensures that the potential conflicts with the applicable land use plan, policy or regulations vis à vis the Design Guidelines are less than significant.

Language in the Municipal Code states that when the guidelines conflict with the existing zoning standards, the more restrictive applies. The Project includes a rezone to a new Planned Development which addresses and includes development standards for the Project, such as setback, height, lot coverage, floor area ratio, and parking. It ensures that the Project will comply with the applicable zoning standards. Discussion of the Design Guidelines in relation to aesthetics and visual impacts and cultural resources is also discussed in detail in Section I (Aesthetics) and Section V (Cultural Resources).

The Project area includes 0.167 acres of railroad right-of-way, which the Project site currently leases and would continue to lease to use for a plaza area, parking, and landscaping. However, the Project and proposed building are designed to be able to function on their own without the leased area. Project approvals and the new PD zoning for the site have taken into account the possible loss of the leased land and ensure that the Project will remain consistent with development standards including, but not limited to, density, lot coverage, floor area ratio, open space, parking.

Page 78.

Addition in second paragraph:

The Project may deviate from certain design guidelines, but the proposed building respects the mass and scale of the surrounding area and buildings and would be consistent with the applicable standards. The Project has resulted in public controversy and disagreement about the Project's consistency with City land use policies and Design Guidelines, particularly regarding the Project's density, size, height, mass and scale. However, as demonstrated above tThe Project meets the intent of the applicable land use plans and policies and would be consistent with PD zoning. Therefore, the potential impacts are considered to be less than significant.

Page 79.

| XI. MINERAL AND ENERGY RESOURCES | Potentially Significant Impact | Less Than Significant w/ Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| XI. MINERAL AND ENERGY RESOURCES | Potentially Significant Impact | Less Than Significant w/ Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| use plan? | | | | |
| c) Conflict with an adopted energy conservation plan or use non-renewable resources in a wasteful and inefficient manner? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

RESPONSES TO CHECKLIST QUESTIONS

Responses a)-eb): No Impact. There are no known mineral resources located on the Project site or in the vicinity that would be affected by the proposal. ~~The project would not conflict with any adopted energy conservation plan and would not use non-renewable resources in a wasteful manner. The project will comply with the City’s Climate Action and Adaptation Plan and Building Code requirements which ensure that resources are not used in a wasteful or inefficient manner.~~ Therefore, the Project is considered to have **no impact**.

Responses c): Less Than Significant Impact. The Project would not conflict with any adopted energy conservation plan and would not use non-renewable resources in a wasteful manner. The Project will comply with the City’s Climate Action and Adaptation Plan and Building Code requirements which ensure that resources are not used in a wasteful or inefficient manner. However, the shadow study discussed in Section V (Cultural Resources), shows that the Project would provide additional shading during the year on nearby properties to the east in the late afternoon and evening. One of the adjacent properties contains solar panels located on a residential garage on the east side of the alley from the Project site would expect approximately 10% total reduction in production due to Project shading. The affected property is located adjacent to the downtown area and a transition area where larger, more intense development is envisioned and allowed. Minor shading effects are to be expected. While the Project shading would reduce the production efficiency of the solar panels on the adjacent site by approximately 10%, it still allows for sufficient beneficial production and would be considered to be a **less than significant impact**.

Page 90.

Add after paragraph 1:

Additionally, the Project proposes to improve the bearing capacity of the soil through the use of installing a Rammed Aggregate Piers for the building which involves drilling and ramming compaction activities in a series of lifts which results in high frequency vibrations during the construction process. A technical bulletin by Geopier on vibration and noise levels concludes that this type of construction would fall within a level where the risk of potential damage to buildings is tolerable at 0.2 in/sec p.p.v. at distances greater than 30 feet from installation locations and that noise levels from all Rammed Aggregate Pier systems are consistent with construction-type activities (Geopier Technical Bulletin No 9: Vibration and Noise Levels). The proposed building foundations are separated from the nearest residential property by the alley with a minimum distance of 30 feet. The actual distance to any residential structures is greater

due to the setback of the proposed Trackside Center building as well as setbacks or the residential structures. Therefore, the potential vibration from construction activities of the piers would not exceed the 0.2 in/sec p.p.v. threshold at the proposed distances where it create a potentially significant vibration impact.

Page 95.

Correct boxes to check Less Than Significant Impact:

| XVI. TRANSPORTATION AND CIRCULATION | Potentially Significant Impact | Less Than Significant w/ Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in any rail, waterborne or air traffic impacts? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

safety of such facilities?

- g) Create hazards or barriers for pedestrians or bicyclists?

This analysis of traffic and transportation is based on the *Traffic Impact and Parking Analysis* prepared for the Project by KD Anderson and Associates, Inc. (August 30, 2016) and the traffic memo for *Supplemental Information Regarding Trip Generation* prepared by KD Anderson and Associates, Inc. (January 12, 2017), and the traffic memo for *Supplemental Information regarding Southbound Access*, prepared by KD Anderson and Associates, Inc. (August 22, 2017).

Page 101.

Thus, this analysis takes a “worst case” approach by identifying the probable trip generation for current uses based on trip generation rates but not deleting those trips from the current volumes in subsequent analysis. Trip generation numbers include service-related trips for trash, mail, and deliveries and constitute a minimal number of the total trips.

Page 101.

Trip Assignment. Traffic generated by the Project was assigned the study area street system based on the projected distribution percentages and the assumed directional distribution of traffic in the alley. The Project is initially proposed to have one-way northbound flow in the alley with vehicles entering from 3rd Street and exiting at 4th Street, but includes one-way southbound as an option.

Diversion of Alley Traffic. If the alley is made one-way northbound, then existing southbound traffic will be diverted. Review of current traffic counts indicates that seven vehicles are affected in the a.m. peak hour and 21 vehicles are affected in the p.m. A portion of this traffic would be trips already being made by the existing uses on the Project site. A one-way southbound alley would reverse the flow. The change in direction along the alley is not expected to be noticeable as the same number of vehicles would be expected to enter from one side and depart at the other. With a southbound directional flow, all vehicles leaving the alley turn onto 3rd Street.

Page 102.

Clarification to Table 16.3 Project Trip Generation to clarify the headings:

- AM Peak Hour
- PM Peak Hour

Page 114.

2nd paragraph:

1-Way Circulation Layout. The Project proposes one-way flow in the alley with vehicles entering from 3rd Street and exiting onto 4th Street in the northbound direction or in reverse under a southbound option.

4th paragraph:

Along the alley Project frontage the Project proposes to provide an 8-foot ~~9-inch~~ sidewalk to allow pedestrian access to the building. Parking will be maintained along the west side of the alley, adjacent to the sidewalk. The alley's cross section along the Project frontage is 30', thereby providing a 28' wide vehicular travel way. This cross section will extend along the Project's frontage, which runs approximately halfway to 4th Street. Beyond the Project frontage, striping and signage improvements on the alley will be provided to match the Project frontage. ~~the existing alley layout is expected to remain without any improvements proposed for the project.~~

5th paragraph:

One-way circulation will allow northbound bicycle traffic to access the Project's bike lobby by riding along the left side of the alley and not having to be concerned with approaching traffic. ~~The City may also want to consider installing~~ a contra-flow bicycle lane along the alley. ~~This~~ will provides connectivity and access for bicyclists traveling in both directions to the Project. In addition, the contra flow lane will reduce wrong-way riding which could occur under the one-way alternative. The contra flow lane would be placed adjacent to the sidewalk and parking adjacent to the travel lane. A 6-foot contra flow lane with 2-foot buffer to on-street parking will allow a single travel lane along the east side of the alley.

Southbound circulation is also an option. By flipping the access southbound, the contra flow lane would be removed as bicycle traffic will be in the direction of travel and would be part of the alley traffic. A northbound bike lane could be installed along the east side of the alley, consistent with directional travel with striping to delineate each direction. Given the expected low volume of auto and bicycle traffic on the alley, the installation of bike facilities would not appear necessary while also setting a precedent for bike lanes in other low speed alleys.

Last sentence:

Retail shops are proposed on the bottom floor, with access along 3rd Street, ~~the project a~~ An 8-foot ~~9-inch~~ sidewalk will be constructed along the Project frontage in the alley to....

Page 115.

After first sentence:

An 8-foot parking lane will remain on the east side of the alley and a 15-foot lane will be provided for northbound traffic or as described above for one-way southbound option. Pedestrian access along the alley would continue to be mostly limited to pedestrians accessing the Project, and primarily from 3rd Street or the 'X' and commercial parking spaces along the Project frontage. The sidewalk along the Project frontage will provide a separate facility. There is not expected to be any change regardless of the direction of automobile travel within the alley.

Add clarifying paragraphs:

One-Way Flow. One-way traffic flow in the alley should improve traffic operations along the alley and at the parking lot driveway by minimizing the number of potential conflict points. Traffic leaving the driveway will make a left turn to the north. Parking north of the site should be unaffected by this modification. Sight distance to the south will be adequate as once a vehicle exits the building footprint they will have visibility down the alley to 3rd Street. With one-way traffic flow, bicyclists heading to the Project's bicycle lobby can 'take the lane' when bicycling

down the alley and would not need to be concerned about aligning themselves against on-coming traffic.

With one-way flow a “contra-flow” bicycle lane should also be considered along the alley. A contra-flow travel lane could be installed along the west side of the alley to provide direct bicycle access to the site from the north as with one-way alley traffic bicyclists would have to travel along G or I Streets and loop around to 3rd Street. Under this alternative the contra-flow lane would require elimination of parking along the east side of the alley in front of the Project. It would appear that three spaces would be removed considering no parking would be allowed near the existing garages on the east side of the alley. The presence of a contra-flow bicycle lane would have to be identified for traffic exiting the parking lot. The contra flow lane would also improve sight distance to the south for motorists exiting the parking lot. A contra-flow lane may increase modal choice by creating convenient direct access from the north.

Shifting the access 180 degrees and providing access from 4th Street southbound to 3rd Street is a viable alternative that would not affect level of service conditions at any of the study intersections. Under this alternative the contra flow bicycle lane would be removed and a northbound bicycle lane could be added along the east side of the alley, consistent with correct directional travel. Pedestrian access would remain as proposed with sidewalk access to the site along 3rd Street and the alley frontage.

If the Project access to the site is shifted to the north, traffic patterns from the downtown Davis area would also shift with Project traffic from west and north Davis turning onto 4th Street instead of 3rd Street to enter the alley. This traffic is mostly associated with the residential portion of the Project as on-site parking is unavailable for the retail customers. Additionally, the X-permit parking travel patterns will also shift, with vehicles entering from the north along 4th Street and exiting onto 3rd Street. With this shift in direction, the 3rd Street / F Street intersection may operate incrementally better as vehicles leaving the site heading west or north would travel through the intersection along 3rd Street or make a right turn onto F Street. Left turning traffic heading towards I-80 would affect the intersection; however, this approach has less delay than the eastbound and southbound approaches which are more affected under the current northbound driveway alignment.

The change in direction along the alley is not expected to be noticeable as the same number of vehicles would be expected to enter from one side and depart at the other. With a southbound directional flow, all vehicles leaving the alley turn onto 3rd Street. 3rd Street is a major east-west bikeway for downtown and UC campus traffic. Clear lines of sight need to be maintained to allow all users to be seen.

Changing the direction of flow to southbound may be constructive to reducing traffic along the alley as customers to the retail elements are likely to approach the site along 3rd Street due to the building location. Intuitively, Motorists would be more likely to find a parking space along the street or within a parking lot / structure rather than thinking they may get ‘lucky’ by circling around the block to enter the alley to find a ‘close-in’ space.

Page 119.

The Trackside Center Project is proposing that the alley be converted to one-way ~~northbound~~ traffic only. Under the one-way northbound scenario, All traffic will enter the alley from 3rd Street while all traffic will exit at 4th Street. The one-way southbound scenario would be reversed. Under one-way flow, the alley traffic will generally even out compared to two-way traffic. Table 16.13 illustrates the projected traffic conditions in the alley under two-way and one-way travel. Project traffic and distribution in the table is based on the 161 daily residential trips generated by the Project. It would result in approximately 80 Project-related residential trips entering the alley at 3rd Street and approximately 81 Project-related residential trips exiting at 4th Street. The table also includes an additional 10 inbound and outbound Project traffic trips assumed for employee changeover related to the retail use. Under two-way flow this would result in 25 additional trips at the 3rd Street access to the alley and 69 additional trips at the 4th Street side as a result of the Project. If the alley is converted to one-way only 46 additional trips will occur on the south end with 48 additional trips on the north end as a result of the Project.

The traffic analysis evaluated access to the alley and residential parking spaces from 3rd Street one-way northbound to 4th Street. Under this scenario the roadway network will operate acceptably with sidewalk available for pedestrians along the 3rd Street and alley Project frontages. Bike lanes will be maintained along 3rd Street and a contra-flow bike lane is proposed along the alley Project frontage to provide site access for bicyclists riding southbound in the alley. All intersections will operate at LOS C or better under Existing plus Project conditions. Under Cumulative plus Project conditions the 3rd Street / F Street intersection will decline to LOS F conditions in the p.m. peak hour without and with the Project. The worst delays include the eastbound and southbound approaches to the intersection.

If the Project access to the site is shifted to the north, traffic patterns from the downtown Davis area would also shift with Project traffic from west and north Davis turning onto 4th Street instead of 3rd Street to enter the alley. This traffic is mostly associated with the residential portion of the Project as on-site parking is unavailable for the retail customers. Additionally, the X-permit parking travel patterns will also shift, with vehicles entering from the north along 4th Street and exiting onto 3rd Street. With this shift in direction, the 3rd Street / F Street intersection may operate incrementally better as vehicles leaving the site heading west or north would travel through the intersection along 3rd Street or make a right turn onto F Street. Left turning traffic heading towards I-80 would affect the intersection; however, this approach has less delay than the eastbound and southbound approaches which are more affected under the current northbound driveway alignment.

The change in direction along the alley is not expected to be noticeable as the same number of vehicles would be expected to enter from one side and depart at the other. With a southbound directional flow, all vehicles leaving the alley turn onto 3rd Street. 3rd Street is a major east-west bikeway for downtown and UC campus traffic. Clear lines of sight need to be maintained to allow all users to be seen.

Page 120

Add after Table 16.13:

Parking

City parking policies seek to maximize the efficient use of parking and commercial land in the Core Area and discourages the provision of excessive on-site parking for commercial uses. The use of in lieu parking fees and appropriate off-site locations allows for a district -wide parking strategy and measures to help support City objectives for the Core Area as the City's retail, office, and cultural center with residential uses. As detailed in the Traffic Impact and Parking Analysis Report (page 52) prepared for the Project, the nearby parking garage located at 4th and G Streets is considered underutilized with reported occupancy rates ranging from 10% to 59% throughout the day.

The Project provides 27 on-site parking spaces for residents and 3 on-site parking spaces for managers of the retail spaces. The remaining 17 required parking spaces based on the retail square footage will be provided as in lieu parking fees or at a nearby off-site parking site, such as the parking garage located at 4th and G Street, subject to City approval. The combination of on-site parking with in lieu fees or approved off-site spaces would comply with parking requirements as provided in the proposed PD Zoning for the site, Municipal Code Section 40.15 (M-U District), and Section 40.25 (Parking Requirements). As such, the Project will provide adequate parking that meets City parking requirements and would not result in a significant parking impact.

Page 122-123

Make following corrections and additions:

Response a), d), f), g): Less Than Significant With Mitigation. The Project does not conflict with any policies for transit, bicycles or pedestrians. The Project provides bicycle parking and adequate bicycle/pedestrian access and connections to existing facilities from 3rd Street which is part of City's street grid for the downtown and adjacent residential area. It also connects to the existing bicycle lanes on 3rd Street and the City's extensive bicycle network.

The Project would add vehicle, bicycle, and pedestrian trips to the alley and proposes improvement measures which would be consistent with City standards and improve safety and use of the alley by clarifying the transportation mode use. The proposed alley configuration would provide a 10-foot wide one-way traffic lane between 3rd and 4th Streets for shared vehicle and bicycle use and a 7-foot wide contra flow bicycle lane for bicycles traveling in the opposite direction. The Project proposes parking spaces in the alley along the Project site. The parking spaces ~~provides a~~ would abut up against a proposed 8-foot wide sidewalk adjacent to the alley for pedestrian access along the Project site. ~~and proposes a southbound contra flow bicycle lane on the alley between 3rd and 4th Streets for bicycle access.~~

The City's 2016 Street Standards adopted by the City Council in October 2016 identifies requirements for streets and bike paths in the City. Applicable standards include alleys 20 feet wide minimum, travel lanes 10 feet wide, bike lanes 7 feet wide minimum, parking lane 7 feet wide maximum. The existing 30-foot wide alley is able to accommodate the proposed travel lane, bicycle lane, and parking that meet City street standards and also still provide a 2-foot buffer between the traffic lane and contra flow bicycle lane plus a 3-foot buffer between the contra flow bicycle lane and the residential properties along the alley. A section of the alley showing the conceptual improvements with the one-way southbound flow configuration is provided in Figure 16.1 below.

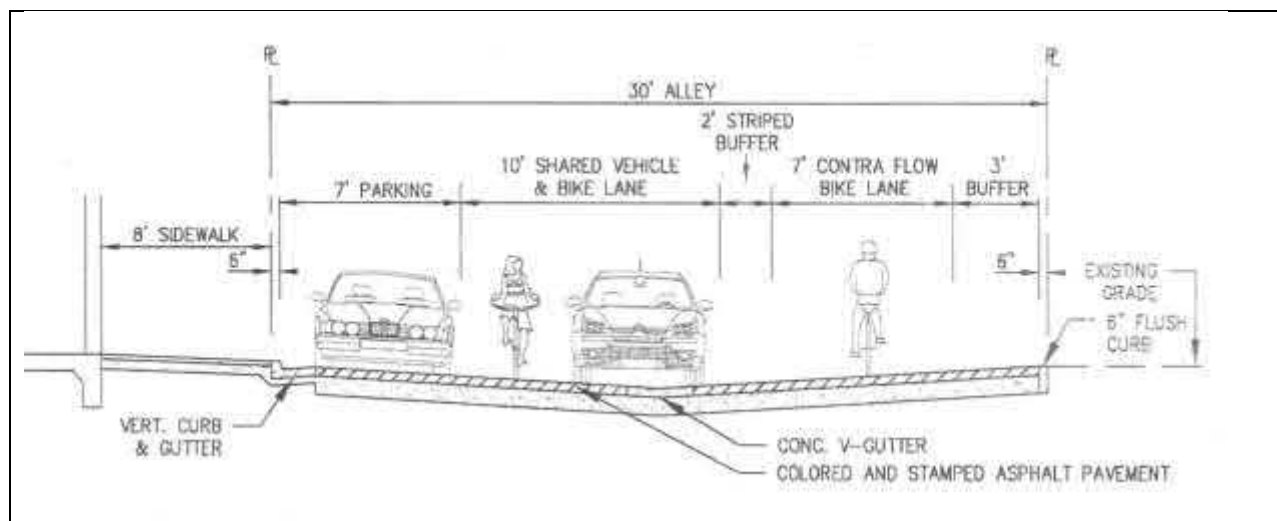


Figure 16.1 - Alley Concept with Southbound Vehicle Lane and Northbound Bike Lane looking North.

The proposed one-way alley and the contra-flow bicycle lane would improve traffic alley operations along the alley and at the parking lot driveway by minimizing the number of conflict points. The contra-flow bike lane would likely be used more as a multi-use path, similar to facilities throughout the City, which allows both pedestrian and bicyclist travel. ~~However, the project would add pedestrian and bicycle trips to the alley and result in changes to the alley configuration and traffic flow to a one-way northbound direction. A one-way southbound configuration for the alley would provide bicycle access in the shared southbound traffic lane and a northbound contra flow bicycle lane on the east side of the alley near the residential properties. It allows for typical directional flow with travel occurring on the right hand side. The buffer areas provide additional separation and safety between modes and uses. The proposed sidewalk on the Project site accommodates the adjacent parking spaces in contrast to the existing alley conditions which has commercial structures and power lines and poles located on the property line and interfering with potential parking spaces.~~

The Project also results in additional alley traffic, primarily from the proposed residential use, although Project traffic would be partially offset by fewer commercial trips on the alley related to the Project site compared to the existing conditions. Additionally, proposed modifications and improvements to the alley are expected to even out the alley traffic. The current alley configuration has no striping or identified travel lanes and has minimal traffic improvements. Alley improvements are not required for the Project which could use the alley in its current configuration. However, the proposed improvements are expected to improve safety and circulation for users of the alley. The potential impact of the Project with regards to traffic safety is less than significant without mitigation. The one-way alley configuration has been reviewed by City Engineering staff who determined that it would meet City street design standards. Public Works review of engineered improvement plans is a standard requirement as part of the construction documents and ensures that the design and construction of alley improvement will comply with existing City requirements and standards and provide adequate safety. Public Works review of these improvements plans is, at most, to be considered an improvement

measure as it is not required to reduce a potential CEQA impact. Therefore, Project impacts would be **less than significant** and no mitigation is required.

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

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

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Add after paragraph 3:

With respect to changes to the visual character of the area and allowable development in the neighborhood, Project impacts are addressed in Sections I (Aesthetics), V (Cultural Resources), and XV (Land Use/Planning). As discussed, the Project involves a visual change, but does not result in a significant impact. Improvements on the nearby Davis Ace Hardware site on the west side of the train tracks involve a new carport structure and additional parking spaces. However, no redevelopment projects are currently approved or proposed on any nearby parcels. Projects are reviewed on a case-by-case basis and any future projects in the area would be considered based on the merits of the individual project. Proposed Project entitlements include a zoning change to rezone the Project site to a new Planned Development (PD) Zoning District and a Core Area Specific Plan (CASP) Amendment to allow additional density on the site. As discussed in SCEA/IS Section X (Land Use/Planning), the purpose of the PD District is to provide flexibility from rigid standards to allow for creative approaches in development. The new PD District and its associated development standards are based on the existing Mixed-Use (M-U) Zoning District with adjustments to address specific Project items such as the parking and open space provided on the lease area. The PD Zoning and the CASP Amendment only apply to the Project site. They do not affect development on others parcels and would not result in a significant cumulative impact.