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MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## Central Valley Regional Water Quality Control Board

20 September 2016

Ike Njoku  
City of Davis  
23 Russel Boulevard, Suite 2  
Davis, CA 95616

CERTIFIED MAIL  
91 7199 9991 7035 8362 8691

### COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, LINCOLN 40 PROJECT, SCH# 2016082073, YOLO COUNTY

Pursuant to the State Clearinghouse's 29 August 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environment Impact Report* for the Lincoln 40 Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### I. Regulatory Setting

##### Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

#### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

#### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).



Stephanie Tadlock  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

## Johnny Ramirez

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**From:** Ike Njoku <INjoku@cityofdavis.org>  
**Sent:** Tuesday, September 27, 2016 3:14 PM  
**To:** 'Buffenbarger, Jacob@DOT'  
**Cc:** 'Scott Morgan'; Nick Pappani; 'Paul Gradeff'; 'Bert Casten (bertcasten@aol.com)'; 'Maynard Skinner'; 'Willis W. Ritter III'; Roxanne Namazi; Brian Abbanat; Brian Mickelson  
**Subject:** RE: Caltrans Comments Lincoln40 Apts  
**Attachments:** Caltrans\_Comments(1).pdf

Dear Mr. Buffenbarger,

Thank you for the comment. It will be included to your attached initial comments.

Sincerely,

Ike  
Ike Njoku, Planner & Historical Resources Manager  
Department of Community Development & Sustainability  
23 Russell Boulevard, Suite 2  
Davis, CA 95616



Phone: (530) 757-5610; Extension 7230 — Fax: (530) 757-5660 — Email: [injoku@cityofdavis.org](mailto:injoku@cityofdavis.org)

**“Knowing what’s right doesn’t mean much unless you do what’s right.” Theodore Roosevelt**

"Integrity is doing the right thing, even when no one is watching." -C. S. Lewis

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**From:** Buffenbarger, Jacob@DOT [mailto:Jacob.Buffenbarger@dot.ca.gov]  
**Sent:** Tuesday, September 27, 2016 2:58 PM  
**To:** Ike Njoku  
**Cc:** Scott Morgan  
**Subject:** Caltrans Comments Lincoln40 Apts

Mr. Njoku,

Our previous comments regarding the Lincoln40 Apts project stand.

Please refer to our previous letter dated July 14<sup>th</sup> as our current official CEQA comments for this letter. These are attached.

In addition, we recommend that the City explore improving the current surface condition of East Olive Drive for the use of vehicles and bicycles as well as pedestrians, especially on the eastern portion of Olive Drive. Also, given the limited parking in the area, the existing Class II bike facility is at times unusable due to parked vehicles in the lane. We recommend addressing this issue to improve the safety and convenience of current and future area bicyclists. In addition, the existing sidewalk on the north side should be extended to the easterly limits of the project. Please contact me if you have any questions.

Thanks,



**Jacob Buffenbarger**  
Transportation Planner  
Caltrans District 3 - Division of Planning and Local Assistance  
Office: (916) 263-1625  
Mobile: (415) 747-9938  
Email: [Jacob.Buffenbarger@dot.ca.gov](mailto:Jacob.Buffenbarger@dot.ca.gov)

**Caltrans Mission:** *Provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability.*

**Caltrans Vision:** *A performance-driven, transparent, and accountable organization that values its people, resources and partners, and meets new challenges through leadership, innovation, and teamwork.*



**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3 – SACRAMENTO AREA OFFICE  
2379 GATEWAY OAKS DRIVE, STE 150 – MS 19  
SACRAMENTO, CA 95833  
PHONE (916) 274-0635  
FAX (916) 263-1796  
TTY 711



*Serious drought.  
Help save water!*

July 14, 2016

03-YOL-2016-00001

03-YOL-80 / 0.39

Mr. Ike Njoku  
City of Davis  
23 Russell Blvd, Suite 2  
Davis, CA 95616

**Lincoln40 Apartments**

Dear Mr. Njoku:

Thank you for including the California Department of Transportation (Caltrans) in the application review process for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

This application package for multiple permits was submitted to the city of Davis in order to construct a 130 unit student (oriented) housing facility on a 5.92 acre property, located on East Olive Drive, east of the Richards Blvd./Olive Drive intersection in the city of Davis, Ca. The 708 bed facility will include 239 parking spaces. The project is designed to be a transit/pedestrian/bike oriented community, given the limited number of planned parking spaces and its close proximity to downtown. Our comments are based on the application package.

***Transportation Impacts***

The eventual Draft Environmental Impact Report (DEIR) should include an analysis of the impacts of multimodal travel demand expected from the proposed project. Given that Caltrans' current guidelines are in the process of being updated in response to the provisions of Senate Bill 743 and the associated technical advisory issued by the Governor's Office of Planning and Research, a transportation impact study (TIS) scoping meeting with District staff could be used to discuss the most appropriate methodology for this analysis. At a minimum, the analysis should provide the following:

1. Vicinity maps, regional location map, and a site plan clearly showing project access in relation to nearby roadways and key destinations. Ingress and egress for all project components should be

clearly identified. Clearly identify the State right-of-way (ROW). Project driveways, the State Highway System and local roads, intersections and interchanges, pedestrian and bicycle routes, car/bike parking, and transit routes and facilities should be mapped.

2. Schematic illustrations of walking, biking and auto traffic conditions at the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for AM and PM peak periods. Operational concerns for all road users that may increase the potential for future collisions should be identified and fully mitigated.

We recommend the Scope of the TIS cover the following elements:

On Richards Blvd./Olive Drive intersections, as well as Olive Drive:

- Any queue which creates a speed differential on the freeway from the off-ramp
- Any queue that over-fills its allocated storage
- Provide SYNCHRO output for Length of Queue for all off-ramp analyses
- Any storage which blocks a driveway or intersection
- Impacts for bicyclists and pedestrians

We appreciate the project proponent's commitment to reducing Vehicle Miles Traveled (VMT) generated by the project, especially given the limited transportation network connections at this site location. We encourage the DEIR keep these same commitments to reducing VMT.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Jacob Buffenbarger, Intergovernmental Review Coordinator at (916) 236-1625 or by email at:

[Jacob.Buffenbarger@dot.ca.gov](mailto:Jacob.Buffenbarger@dot.ca.gov).

Sincerely,



ERIC FREDERICKS, Chief  
Office of Transportation Planning – South Branch

## NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Fax (916) 373-5471  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC



RECEIVED  
SEP 14 2016  
City of Davis  
Community Development

September 12, 2016

Ike Njoku  
City of Davis  
23 Russell Blvd, Suite 2  
Davis, CA 95616

RE: SCH#2016082073, Lincoln40 Project, Yolo County

Dear Mr. Njoku:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

**CEQA was amended significantly in 2014.** Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

#### AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public

agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
- a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
- a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

#### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

- b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: [sharaya.souza@nahc.ca.gov](mailto:sharaya.souza@nahc.ca.gov).

Sincerely,



Sharaya Souza  
Staff Services Analyst  
cc: State Clearinghouse



YOCHA DEHE  
CULTURAL RESOURCES

RECEIVED  
OCT 03 2016  
City of Davis  
Community Development

September 27<sup>th</sup>, 2016

Ike Njoku  
City of Davis  
23 Russell Blvd, Suite 2  
Davis, CA 95616

RE: Lincoln40 Project

Dear Mr. Njoku:

Thank you for your project notification letter dated August 17, 2016 regarding cultural information on or near the proposed Lincoln40 Project, Davis, Yolo County, CA. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area. We wish consult with the City of Davis regarding this project.

Please provide our Cultural Resources Department with a project timeline, detailed project information and the latest cultural study for the proposed project. As the project progresses, if any new information or cultural items are found, we do have a process to protect such important and sacred artifacts. Upon such a finding, please contact the following individual:

Mr. James Sarmiento  
Cultural Resources Manager  
Yocha Dehe Wintun Nation  
Office: (530) 723-0452, Email: [jsarmiento@yochadehe-nsn.gov](mailto:jsarmiento@yochadehe-nsn.gov)

Please refer to identification number YD – 08242016-01 in any correspondences concerning this project.

Thank you for providing us with project information and the opportunity to comment. Please contact Mr. Sarmiento at your earliest convenience to coordinate a date and time for the consultation meeting.

Sincerely,

James Kinter  
Tribal Secretary  
Tribal Historic Preservation Officer

Yocha Dehe Wintun Nation

PO Box 18 Brooks, California 95606 p) 530.796.8400 f) 530.796.2143 www.yochadehe.org



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**From:** Chris Alford [<mailto:chris@yolohabitatconservancy.org>]

**Sent:** Tuesday, September 27, 2016 12:22 PM

**To:** Ike Njoku

**Cc:** [Jennifer.nguyen@wildlife.ca.gov](mailto:Jennifer.nguyen@wildlife.ca.gov); [eric.tattersall@fws.gov](mailto:eric.tattersall@fws.gov); [mike.thomas@fws.gov](mailto:mike.thomas@fws.gov); 'Chris Alford'; 'Petrea Marchand'; 'Marcus Neuvert'; 'Buss, Stephanie@Wildlife'; [susan@yolohabitatconservancy.org](mailto:susan@yolohabitatconservancy.org)

**Subject:** Response to Lincoln40 Project Notice of Preparation of a Draft EIR

TO: Ike Njoku

City of Davis, Community Development and Sustainability Department

SUBJECT: Response to Lincoln40 Project Notice of Preparation of a Draft EIR

The Yolo Habitat Conservancy appreciates the opportunity to provide comments on the proposed Lincoln40 Project Site located east of Richards Boulevard between Olive Drive and the Union Pacific Railroad tracks in the City of Davis that includes the following 11 separate parcels (APNs): 070-280-010, -012, -013, -014, -015, -016, -017; 070-290-001, -002, -003, and -004. Our concerns in these matters generally relate to considerations of impacts on species that are covered in the Draft Yolo Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP), which is currently in development. The 5.92 acre in-fill project site is currently developed with twenty-three residential units that include both single-family homes and an apartment complex. The site contains numerous trees, including mature trees that may be suitable nest sites for Swainson's hawk and other species.

Attached is a map showing actual Swainson's hawk nesting sites found in the area surrounding the proposed project, along with a table listing modeled acres of habitat\* at this location for species covered in the Draft Yolo HCP/NCCP. Note that there is one documented Swainson's hawk nest sites within the 1-mile buffer of the proposed project. The Yolo Habitat Conservancy's habitat model did not identify any habitat for Swainson's hawk or any of the twelve species included in the Draft Yolo HCP/NCCP on the proposed project site. Modeled habitat within 1 mile of the site has been identified as occurring primarily along riparian edges for the following species: Swainson's hawk, white-tailed kite, and Western pond turtle. None of the modeled habitat identified is located adjacent to the proposed project site.

These comments should not be construed as providing a complete environmental evaluation or assessment of environmental impacts for the proposed project. The information provided by the Yolo Habitat Conservancy references regional scale species habitat models that the Yolo Habitat Conservancy has developed for species covered in the Draft Yolo HCP/NCCP Plan. It is recommended that site-scale evaluations be conducted in order to obtain information at the level of detail necessary to accurately determine potential habitat impacts of the proposed project.

This information is also being sent to staff of the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service, who monitor these projects.

Please contact me or Susan Garbini ([susan@yolohabitatconservancy.org](mailto:susan@yolohabitatconservancy.org)) if you have any questions.

Thank you,

-Chris

*Chris Alford*

*Deputy Director, Yolo Habitat Conservancy*

611 North Street, Woodland, CA 95695

[www.yolohabitatconservancy.org](http://www.yolohabitatconservancy.org)

Phone: 530.848.6211



# Yolo Habitat Conservancy

County of Yolo • City of Davis • City of Winters • City of West Sacramento  
City of Woodland • University of California, Davis

**Lincoln40 Project**

Comments re: Scope of the EIR

Name: Peter Stanzler  
Address: 1075 Olive Drive, SPC 26  
Davis, CA 95616

Organization: Friends of Olive Drive

RECEIVED

SEP 27 2016

City of Davis  
Community Development

The following comments are broken down into 3 parts:

1. How Lincoln40, as proposed, violates the *City of Davis General Plan* and the *Gateway/Olive Drive Specific Plan*.
2. Traffic concerns
3. Air Quality concerns
4. Summary

**A. Violations of the *City of Davis General Plan*:**

1. **Section 2.1** - *Maintaining Davis as a small, University-oriented city.*

The scope of the proposed Lincoln40 is enormous. A massive student-oriented luxury resort paving over 6 acres of urban forest. If approved, over forty low-income residents of Olive Drive will be displaced, many still with no idea of the circumstances.

The Lexington Apartments already occupy an area designated as high density on Olive Drive. Rezoning the Lincoln40 property would tilt the entire neighborhood towards high density virtually eliminating the mixed-use specifications for Olive Drive and for downtown.

**Recommendation:** Core area height restrictions should be maintained at four stories. The lot should maintain current zoning of medium density.

- 
2. **Section 2.1 A** - *To provide for growth to meet the needs for housing for those whose work or study activities are to have been focused in Davis, and to address regional fair-share housing needs.*

Offering the developer a scant \$2 million in lieu fees when the city lacks affordable housing is egregious.

**Recommendation:** Other wealthier neighborhoods in Davis would be outraged if over 40 of their residents were displaced by a proposed development and would likely stage a protest at city hall. Given the socio-economic status of our residents, the city is aware they are not capable of doing the same. This unbalance should be recognized in the EIR and by the City of Davis.

The site should remain zoned for medium density and should provide affordable housing instead of offering in-lieu fees. Displaced renters on the Lincoln40 property should be provided housing options to stay on Olive Drive. Many other Davis neighborhoods reject affordable housing projects. Residents of Olive Drive welcome more affordable housing.

**Recommendation cont.**

Core area height restrictions should remain intact.

To meet the demand for fair-share housing, restrictions that favor affordable housing should be maintained.

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**3. Section 2.2 C - Retain the Core Area as a multi-function downtown serving as the city's *social/cultural* center, primary retail business and professional office district in a manner that enhances pedestrian activity.**

Culture is a vital part of downtown Davis as evidenced by several art galleries, Friday Art Walks, concerts, downtown events and music at eating establishments.

Olive Drive provides much of the culture that makes downtown appealing: This street is the home of many artists and musicians you hear and see downtown. A six-acre luxury resort would create greater demand for existing affordable rentals on Olive Drive, eventually driving rent prices upward. This will result in an eventual loss of downtown culture.

**Recommendation:** Preserve the integrity of the Olive Drive community. Maintain the current medium density zone designation of the Lincoln40 property. Create an affordable housing environment favorable to liberal art majors and low-income residents.

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**4. Section 2.2 J - Limit development to large sites and nonresidential uses with *generous landscaping*.**

Despite fancy architectural drawings of Lincoln 40, the plan will result in the removal of over 100 trees, many of significant size (>12").

As evidenced by other Highbridge Properties student housing projects<sup>1</sup>, there is a preference for parking lots devoid of trees and landscaping. Trees and vegetation are expensive to maintain and trees expose vehicles to damage for which developers can be held liable. The developer will make every effort to squeeze in as many parking spots onto the property as possible to address parking concerns thus eliminating space for trees and vegetation.

**Recommendation:** Every effort should be made to preserve the urban forest of Olive Drive. Removing such a great number of trees eliminates the benefits trees provide in fighting climate change by providing a carbon sink for air pollution.

Construction near the heritage cork oaks (*Quercus suber*), should maintain a distance of 10 feet beyond the drip line. Urban trees are threatened throughout California in a response to stress caused by draught<sup>2</sup>. Older trees take many years to show signs of damage.

Every effort should be made to see a majority of trees preserved and protected on the lot. Current plans for Lincon40 do not reflect this.

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<sup>1</sup> /progress910.com

<sup>2</sup>/ The State of California's Street Trees, *USDA*, April 2015

**5. Section 2.7 E - Provide locations for small businesses that cannot afford rents necessary to support high-quality, business park environments.**

Luxury end apartments do little to maintain the economic stability of the surrounding neighborhood most likely resulting in higher rent for both residents and small businesses on Olive Drive.

**Recommendation:** Additional small businesses are welcome on Olive Drive, more so than the proposed Lincoln40 development. By combining several lots for one purpose, Lincoln40 defies the General Plan preference for mixed uses of the core area and Olive Drive. More small businesses should be encouraged on Olive Drive.

**B. Violations of the Gateway/Olive Drive Specific Plan**

**The proposal for Lincoln 40 essentially guts the Gateway/Olive Drive Specific Plan. This eighty-two-page city document, established 20 years ago, took 4 years to implement, involving multiple committees and subcommittees, including a 27 member advisory committee.**

Specifically:

**1. Bike and Pedestrian Access-** This section proposes an at-grade bike undercrossing at the end of Hickory Lane (page 21).

**Recommendation:** To mitigate hazards presented by an additional 700 commuters on Olive Drive, an at-grade crossing at the end of Hickory Lane should be built.

Estimated to cost over \$3 million, the at-grade crossing should be built at the behest of the developer. Past objections by the railroad have not been fully addressed and should be taken into consideration.

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**2. Historical Resource Preservation -** This section deals with maintaining the historical context of East Olive Drive. (Also addressed in the Land Use Overall Goals found on page 29)

Under the section on Resources:

*(5) Develop a plan, which preserves the historic and biotic qualities of the area, while:*

*a. Respecting and promoting the historical character and ambiance of the East Olive Drive neighborhood.*

*b. Respecting and promoting historical and cultural resources, including natural landforms, and integrating these into the development of the specific plan.*

*Section B Vision for the Specific Plan (page 29)*

*"The vision for both the East and West Olive Drive is to maintain and enhance their existing unique character"*

Continuing... (Pg. 32)

*"The vision for East Olive Drive is to maintain the fine grained mix of uses and small-scale character of this historic area"*

Continuing...(pg. 32)

***"The guiding policy for the East Olive Drive Subarea is:***

***Any improvement or development within the existing neighborhood of East Olive Drive must be compatible with the unique qualities of this neighborhood"***

According to the Specific Plan, Olive Drive is to be maintained as a "historical district", preserving buildings, trees and highway markers. The Lincoln40 property is bordered both by Slatter's Court and the SP Depot. At 5 stories the main structure of Lincoln40 would be visible from downtown and Interstate 80 and would dominate the skyline of the Olive Drive neighborhood.

Lincoln 40, as proposed, will not maintain the historical character of the neighborhood and in fact, takes away from the character of Olive Drive.

A luxury resort for students with a Copa Cabana designed pool, fancy exercise rooms, yoga facilities, fireplaces among modern high-grade furnishings in lounges, is a poor fit for Olive Drive, a poor fit for college students, and a poor fit into downtown.

**Recommendation:** Maintain the character of the Olive Drive neighborhood. Maintain current city height limits. Offer affordable housing by denying the developer in lieu fees in place of providing affordable housing. Maintain qualities of the neighborhood that fit within the *Specific Plan for East Olive Drive*.

It is unfortunate that many residents of Davis view Olive Drive as the "dumpy" part of town inhabited by "dirt bags" (Davis Vanguard, Sept. 2015). How wrong they are.

These are the some of the types of people living on Olive Drive whose lives could drastically be affected if Lincoln40 is approved:

- Low-income UCD service employees
- Low-income downtown business employees
- Disabled
- Low-income retired
- Researchers
- Gardeners
- Medical technicians
- Teachers
- Students (all levels)
- Artists
- Chefs
- Musicians
- Yoga instructors
- Construction workers

Olive Drive provides the most affordable housing in Davis and the only place many low-income residents can afford to live. There is cohesiveness among residents here lacking in other parts of town. Due to economic deficiencies and lower education level, our neighborhood lacks the resources to fight proposed changes to our surroundings.

The EIR and the City of Davis need to recognize the inequities faced by this neighborhood in fighting development as compared to wealthier neighborhoods in town. **Olive Drive should not become City of Davis's sacrificial lamb**, considering the winning efforts of other Davis neighborhoods against proposed developments. The unique character of our neighborhood should be maintained, celebrated and preserved. The cork oaks lining Olive Drive are the largest specimens in the area and every effort should be made to see no harm comes to them along with every effort to preserve the surrounding urban forest.

The process of the EIR, found in CEQA guidelines, should include an assessment of the impact of development projects on the socio-economic status of the surrounding area stating:

*"Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. Although primarily directed at physical changes, CEQA regulations require that socioeconomic consequences of the physical change be analyzed. This means evaluating the impacts on an existing community, on religious practices, and on business activity brought on by the physical changes directly related to the project."*

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### 3. Significant Biological and Historical Resources

#### **Open Space**

*"There are small pockets of vacant land in the East Olive Drive Area, which serve as the only open area for residents. Due to the density of residential development in the area, these pockets form a valuable resource for preserving and enhancing the residential land uses in the area"*  
(page 44)

Lincoln 40 eliminates the remaining open space on Olive Drive. We do not have a park like many other neighborhoods in town. The open space on East Olive Drive is habitat for many bird species. In the spring, this becomes evident with a flurry of nesting activity.

**Recommendation:** Although development of the site is inevitable, the utmost attention should be given to retaining as many trees as possible. The EIR should also include a thorough wildlife study prior to any development. Open space should be valued and not completely paved over.

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### 4. General Design Guidelines

This six-page section provides specific guidelines for the neighborhood to abide by. They are numerous, but can be summarized by the final sentence:

*"The East Olive Drive district is to be developed in keeping with the cottage character."*

**Recommendation:** It is not realistic to desire cottages instead of apartments on the Lincoln40 lot, but whatever project is placed on the site; architectural aspects of design should include fitting in with the current character of the neighborhood.

Removal of trees along the border with Slatter's Court will have adverse effects on current residents living along Slatter's Court's eastern border. Residents will lose privacy, shade, and the ambience of living in an urban forest. Slatter's Court in general, would become an urban forest "island".

Preference should be made to retain as many trees as possible. On-site development should be specific to the open area found centrally on the property, as many trees as possible should be retained, primarily those surrounding the houses adjacent to Hickory Lane.

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### Traffic Concerns

Adding over 700 additional commuters to Olive Drive will have a major impact on local traffic. The intersection at Richards/Olive *must be* mitigated prior to approval to any project on Olive Drive. At current levels the intersection backs up at several times throughout the day becoming dangerous to pedestrians and bicyclists. Drivers seeking to beat red lights take right turns at excessive speeds when visibility is often poor. Bike lanes approaching the intersection narrow down to two feet in width congesting riders and cars at the intersection in both directions. This occurs even on weekends when school is not in session.

Lincoln40 proposes only 239 parking stalls for over 700 residents. If an at-grade crossing is allowed at the end of Hickory Drive it will further reduce the number of parking spots offered. This will result in Lincoln40 residents parking cars along Olive Drive, congesting the area and taking away from the quieter ambience and safety that currently exists. Parking restrictions may encourage bike and pedestrian use, but cannot prevent renters from having cars. Therefore, these parking concerns must be addressed.

**Recommendation:** It should be easy to project the driver/pedestrian/bike ratio by studying current levels of vehicular use from both the Lexington and Arbor Tree apartments; two other mixed-use apartments found on Olive primarily occupied by students. Adequate parking should be provided and should not affect the amount of cars parking on Olive Drive. Further congestion on Olive Drive increases hazards to bicyclists and pedestrians.

Additional concerns need to be addressed: With potential drunk drivers leaving the new brewery at the east end of Olive, and additional cars parallel parking and making U-turns, the potential dangers to bicyclists will increase tenfold on Olive Drive.

The Lincoln40 developers should pay for an at-grade crossing from Hickory Lane; especially considering the large increase of commuters will originate from the development. It would reduce some traffic impacts on the Richards/Olive intersection.

The EIR should address possible scenarios in the event Caltrans chooses to close the east of end of Olive Drive to off-ramp traffic.

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### Air Quality Concerns

Air quality on Olive Drive is already the worst in Davis. We live at the confluence of Interstate 80, Richards Boulevard, Olive Drive and the train depot. Residents of Olive Drive sacrifice their health for affordable living.

Slatter's Court and the Lincoln40 property sit adjacent to the train depot. When trains accelerate from the station, their emissions spike. Diesel fumes often drift into Slatter's Court as a result. Trains decelerating for the curves entering downtown often squeal, the particulate matter from the dust settles on our furniture and in our lungs. Residents of Lincoln40 would be exposed to the same effects.

**Recommendation:** A proper, long term, site specific air quality study should be conducted prior to approval of any project on Olive Drive. Cars from residents of Lincoln40 and the new brewery on east Olive will certainly add to the toxic mix. Projections for poorer air quality are expected and should be addressed in the EIR.

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## Summary

Residents of Olive Drive are outraged at the prospects of Lincoln40 being placed in our neighborhood. Due to our relatively low-income demographic and the fact that the majority of us are renters, residents are rightfully concerned Lincoln40 will lead to inevitable increases in rents and that the neighborhood will become more dangerous with the projected major increase in vehicular traffic. We are also concerned about the loss of our neighborhood's historical character, threats to our open space and urban forest, threats to our physical health, and threats to our safety.

Gentrification involves a collection of systematic changes to neighborhoods that intend to maximize profit by serving a higher class of people while alienating the middle class and pushing out lower income individuals and families. The obvious priority of the Lincoln40 proposal is to maximize profits for the developer, not to house students of UC Davis. The argument presented here is not a fight against developing the property, that is inevitable, instead the final approved development should maintain Olive Drive's current medium density zoning for mixed use, it's current socio-economic status and it's unique historical character. This is the progressive City of Davis, the needs and desires of lower-income people should not be abused or ignored or a great injustice will be committed.

Lincoln40 does not fit in with the character of our Olive Drive neighborhood and is designed to convert the lot to high density housing for students from wealthy families. It is against the law to provide discriminate housing specific to students, therefore there is no guarantee the occupants of Lincoln40 will be students. Lincoln40 offers amenities that would be attractive to *anyone* with an upper-income background, and given it's proximity to Interstate 80, not necessarily someone employed in the general vicinity.

Instead, the property should maintain it's current medium density zoning. The housing offered should be affordable. Many other Davis neighborhoods would fight the city if an affordable housing project were proposed for their neighborhood. We on Olive Drive welcome it and the city could use the property to house all the additional low-income workers (university and downtown) who will be needed to maintain a vibrant downtown and to support the ever-growing university.

Davis is an AG town. We supposedly celebrate cows, dachshunds, and farmer's markets. Lincoln40 is a bad fit. It is luxury apartment resort complex designed to house students from wealthy families. How does this fit in with an AG based town? How does placing a large Copa Cabana styled pool adjacent to Olive Drive contribute to the unique historical character of Olive Drive? The development will destroy not only the current demographic of Olive Drive, but also it's character and urban forest.

The University has the capacity to increase student housing on over 7000 undeveloped acres, so the argument favoring a conversion to high-density housing is egregious. Apparent pressure to build Lincoln40 comes not just from the developer and city planners, but also many citizens of Davis standing to profit from it, some formerly involved in city politics. This creates an air of suspicion into the true intent of this development.

Olive Drive residents should not suffer the consequences of poor planning on the part of the University of California Board of Regents and the City of Davis. Lincoln40 is a poor fit for the city and a poor fit for our neighborhood as planned; the proposal should be rejected and revised. We urge the city to maintain current zoning regulations, provide more affordable housing for low-income residents, mitigate traffic prior to approval that is paid by the developer, and to maintain the cultural and historical character of Olive Drive. Please send the Lincoln40 proposal back to the drawing board to create a better fit for our neighborhood.

Thank you,  
Peter Stanzler  
*Friends of Olive Drive*

**LINCOLN40 PROJECT  
ENVIRONMENTAL IMPACT REPORT (EIR) SCOPING MEETING**

**COMMENT FORM**

To document the author of comments received, please provide the following information. Thank you.

Name: Mark GROTE

Address: 408 J Str. Davis 95616

Organization (if applicable): Old East Davis Neighborhood Association  
(board member at large)

Please provide us with your written comments on the scope of the EIR by **5:00 PM, September 27, 2016.**

1. A fundamental problem that must be solved if the project is to be successful is safer and more direct bicycle communication to downtown and campus. Therefore the EIR must take on an analysis of bike trips and consider improvements/modifications to routes -- or new routes, such as under or over the railroad track. Olive Dr. to Russell has significant bike safety problems.
2. The EIR must also analyze impacts of overflow parking, as it is likely that student tenants of the proposed building will look for alternative places to park cars -- other than the parking places provided on site. The number of provided plates is likely to be inadequate to accommodate all tenant cars.
3. The EIR must examine the noise impacts of any barrier erected between the proposed building and train tracks. A concrete barrier would likely produce echo effects to the north of the train tracks, which would impact the sound environment of the Old East Davis neighborhood.

Send comments to:

**Ike Njoku, Planner and Historical Resources Manager  
City of Davis Community Development and Sustainability Department  
23 Russell Boulevard, Suite 2  
Davis, CA 95616  
injoku@cityofdavis.org**

LINCOLN40 PROJECT  
ENVIRONMENTAL IMPACT REPORT (EIR) SCOPING MEETING

COMMENT FORM

To document the author of comments received, please provide the following information. Thank you.

Name: JOE BRUNGARTOT & VALERIE JONES

Address: 434 J ST DAVIS 95616

Organization (if applicable): OLD EAST DAVIS NEIGHBORHOOD ASSOC.  
(MEMBERS AND RESIDENTS)

Please provide us with your written comments on the scope of the EIR by 5:00 PM, September 27, 2016.

#1 CONCERNS REGARDING OLIVE & RUSSELL  
INTERSECTION - TRAFFIC IN & OUT

#2 SECOND EGRESS FROM LINCOLN 40 TO  
DOWNTOWN - RAILROAD OVERCROSS OR  
UNDERCROSS IS NEEDED TO MINIMIZE  
ADDITIONAL TRAFFIC @ OLIVE & RUSSELL

#3 KEEPING TREES ALONG RAILROAD TRACKS  
TO DEADEN SOUND, NOT CUT TREES IN  
ORDER TO BUILD CONCRETE SOUND WALL.

#4 THE NEED FOR A "REAL MARKET" FOR  
THE NEIGHBORHOOD. ONLY NEARBY STORE  
IS A CONVENIENCE STORE - WITH 3  
MAJOR APARTMENT COMPLEXES - A DECENT  
MARKET COULD CONSOLIDATE SOME TRAFFIC

Send comments to:

Ike Njoku, Planner and Historical Resources Manager  
City of Davis Community Development and Sustainability Department  
23 Russell Boulevard, Suite 2  
Davis, CA 95616  
injoku@cityofdavis.org

SEP 27 2016

**LINCOLN40 PROJECT  
ENVIRONMENTAL IMPACT REPORT (EIR) SCOPING MEETING**

City of Davis  
Community Development

**COMMENT FORM**

To document the author of comments received, please provide the following information. Thank you.

Name: DONALD + CARLOS ASBILL

Address: 1075 OLIVE DR. SPC. #14 DAVIS, CA.

Organization (if applicable): WE HAVE SUBSEQUENTLY READ THE COMMENTS SHEETS  
SUBMITTED BY THE FRIENDS OF OLIVE DR. AND FEEL  
THAT THEY FULLY ADDRESS ALL OF OUR CONCERNS ABOUT LINCOLN40

Please provide us with your written comments on the scope of the EIR by **5:00 PM, September 27, 2016.**

WE ATTENDED THE PUBLIC MEETING AT CESAR CHAVEZ AND  
WERE APPALLED. FIVE STORIES? |||? ||? HOW CAN THIS  
PROJECT EVEN BE CONSIDERED? THEY WANT TO KILL A BUNCH  
OF BEAUTIFUL OLD TREES FOR WHAT? LUXURY APARTMENTS?  
DAVIS' RENT PRICES ARE ALREADY SKY HIGH COMPARED TO  
ALL THE SURROUNDING AREAS - SACRAMENTO INCLUDED. ISN'T  
OLIVE DR. DESIGNATED FOR LOW INCOME HOUSING? IF NOT, IT  
SHOULD BE. WHO IS GOING TO WANT TO PAY "LUXURY RENT" TO  
LIVE NEXT TO THE TRAIN TRACKS - ALL HOURS EXTREMELY LOUD  
TRAIN TRAFFIC AND CARCINOGENIC DIESEL EXHAUST!! CUTTING  
DOWN EXISTING TREES AND ADDING A LARGE AMOUNT OF  
NEW CAR TRAFFIC TO THE AREA SOUNDS LIKE THE KIND  
OF POLICY THAT HAS LED US TO THE BRINK OF ENVIRON-  
MENTAL DISASTER. WE NEED TO BE FINDING SOLUTIONS,  
NOT ADDING TO THE PROBLEMS.

GREEDY DEVELOPERS WITH NO RESPECT FOR NATURE  
+ THE ENVIRONMENT AND THE EXISTING RESIDENTS SHOULD  
NOT BE ALLOWED TO SWOOP IN AND STEAMROLL THE AREA  
FOR A QUICK BUCK.

ALL THE OLD TREES SHOULD BE SAVED. THEY HAVE LIVED  
HERE FOR MANY, MANY YEARS. THEY ARE AND SHOULD  
REMAIN AN INTEGRAL PART OF THE OLIVE DR. COMMUNITY, IMPORTANT TO BOTH  
Send comments to: HUMAN AND WILDLIFE RESIDENTS.

**Ike Njoku, Planner and Historical Resources Manager  
City of Davis Community Development and Sustainability Department  
23 Russell Boulevard, Suite 2  
Davis, CA 95616  
injoku@cityofdavis.org**

## LINCOLN40 PROJECT NOP COMMENTS VIA EMAILS

comments re: Lincoln40 - Message (HTML)

File Message

Ignore Delete Reply Reply All Forward More Meeting Move Actions Mark Unread Categorize Follow Up Translate Select Zoom

Delete Respond Move Tags Editing Zoom

From: cynthia goldberg <hgpig@comcast.net> Sent: Sat 9/17/2016 3:31 PM  
To: Ike Njoku  
Cc:  
Subject: comments re: Lincoln40

Dear Mr. Njoku,

I appreciate this opportunity to comment on the Lincoln 40 project and will offer a few concerns here.

First, some context. I have lived in Davis for 25 years, most of that time in our own house in the older part of North Davis. I work at UC Davis Internship and Career Center directly with students and have a strong awareness of the housing needs they have. I also have a strong awareness of their need for cars to get to jobs and internships, volunteer work, research sites, field work, and recreation.

I frequent a business on Olive Drive and am painfully aware of the nasty traffic pattern there. I have been concerned for a long time about the dangerousness of this intersection for drivers, bikers, and pedestrians. As I read the shenanigans of this plan which will all add many more cars to an already critically overcrowded intersection, I continue to be puzzled as to why no plans are in place to improve the safety in the Olive Drive/ Richards Underpass area. I have only heard plans to increase traffic with vague words about traffic improvements. So I voted no on the Nishi Project. If I had a chance to vote on it, I would vote against any plans for increased business or housing in that area until I knew there was a traffic improvement plan in place, not promised, but funded and begun. I know the order of events is often that there has to be overuse before DOT will fund improvements, but at this point, after 25 years of bad-and-worse congestion, I don't care, it has to change.

Into that mix is the UC Davis plan to increase enrollment without a matching increase in student housing. This is equally frustrating. I like the idea of the Lincoln 40 project as far as I know from the Davis Enterprise articles except... for the parking and traffic flow issues being badly addressed. Adding 708 beds aka students is great. But only adding 234 parking spaces is, well, pardon me, stupid. It would be lovely if the only issue were if a student might need a car "IN" Davis. I appreciate the plans with Unitrans to assure that students can have a Unitrans route to get to campus and around town. But...most of the students I know need cars for other reasons. Jobs. Getting home on the weekend. Internships. Visiting friends. Getting places not on the bus route. Shopping. Assuming that nearly 3/4 of the residents will leave cars behind when they move to Davis is a bit naive. So instead they will find places to park their cars. Vacant lots. Store parking lots. Friends' apartment complexes. Residential streets. I have been a college student. I have parented a college student. I have worked with many college students. They will not be car-free in Davis just because their apartment complex does not offer parking.

So from my view, this plan has too many 'beds' and not enough parking spaces. I won't be supportive of this until that imbalance is changed to a more favorable ration. You force change in driving habits by reducing parking spaces. That fails to look at what students are actually doing with their cars. They are not driving to and from campus; for that most students bike or bus or walk. But on campus that puts the emphasis on internships (6000 students each year do internships!), jobs, community service and that draws its students from towns hundreds of miles away....making it hard to rent an apartment with a parking space is foolish. How would a student get home to Arnold or Lassen or Yreka or Santa Maria without a car? How will they intern at farms in rural Yolo County or at a business in Rancho Cordova without a car?

There are many other ways to discourage car use. Encourage students to keep their car parked by offering good ways to get to campus like Unitrans. Offer discounted rent for no cars or charge a fee for renting a parking space. Have a satellite parking area where students can leave cars in long term parking and retrieve them when needed for special situations.

And underlying all of this is figuring out a better way to rebuild that nasty intersection, soon.

Thank you for reading.

Cynthia Goldberg, M.Ed.  
Davis, CA 95616

## Johnny Ramirez

---

**From:** Ike Njoku <INjoku@cityofdavis.org>  
**Sent:** Tuesday, September 06, 2016 11:48 AM  
**To:** 'sureshkumar@surewest.net'  
**Cc:** 'Paul Gradeff'; Ashley Feeney; Nick Pappani  
**Subject:** RE: Lincoln 40project environmental impact report and scoping meeting

Dear Kumar,

Thank you for your comments.

Sincerely,

Ike Njoku, Planner & Historical Resources Manager  
Department of Community Development & Sustainability  
23 Russell Boulevard, Suite 2  
Davis, CA 95616



Phone: (530) 757-5610; Extension 7230 — Fax: (530) 757-5660 — Email: [injoku@cityofdavis.org](mailto:injoku@cityofdavis.org)

**“Knowing what’s right doesn’t mean much unless you do what’s right.” Theodore Roosevelt**

"Integrity is doing the right thing, even when no one is watching." -C. S. Lewis

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**From:** sureshkumar@surewest.net [mailto:sureshkumar@surewest.net]  
**Sent:** Tuesday, September 06, 2016 10:07 AM  
**To:** Ike Njoku  
**Subject:** Lincoln 40project environmental impact report and scoping meeting

Good morning,

Thank you for this notice of meeting I am all in favor of this project which will ease housing cost on poor students and Davis residents. It is sad that with increasing population why is it hard to understand that housing is essential to succeed for any community.

Please believe in common citizens and help them with jobs, use of space, housing and so many other benefits coming out of this project.

Thank you

Suresh Kumar

1046 Olive dr

Davis, CA 95616

RECEIVED  
SEP 23 2016  
City of Davis  
sent

# LINCOLN40 PROJECT ENVIRONMENTAL IMPACT REPORT (EIR) SCOPING MEETING

## COMMENT FORM

To document the author of comments received, please provide the following information. Thank you.

Name: MARGOT ROSEBKE

Address: 3328 Laguna Ave DAVIS, CA

Organization (if applicable): \_\_\_\_\_

Please provide us with your written comments on the scope of the EIR by **5:00 PM, September 27, 2016.**

Given that a number of seniors and/or low income persons will be displaced from their homes please address mitigation measures to be taken so that these citizens are assured proper housing for the long term.

Send comments to:

**Ike Njoku, Planner and Historical Resources Manager  
City of Davis Community Development and Sustainability Department  
23 Russell Boulevard, Suite 2  
Davis, CA 95616  
injoku@cityofdavis.org**



RECEIVED

LINCOLN40 PROJECT  
ENVIRONMENTAL IMPACT REPORT (EIR) SCOPING MEETING

SEP 27 2016  
City of Davis  
Community Development

COMMENT FORM

To document the author of comments received, please provide the following information. Thank you.

Name: Seanna McLaughlin

Address: 1075 Olive Drive Apt #16

Organization (if applicable): N/A

Please provide us with your written comments on the scope of the EIR by **5:00 PM, September 27, 2016.**

The Lincoln 40 project poses a number of major concerns to myself and a number of my neighbors in the Slatter's Court community. As long term residents in this neighborhood are aware, traffic on and off of Richards Blvd. is a major issue which would be exacerbated by this project. Car accidents and late night traffic would also be a concern. Personally, my most pressing concern would be the loss of privacy that would occur. Two five story buildings would completely change the land directly abutting the East side of Slatter's Court. There are few remaining trees here already, and the ones on the East side of the property provide our community with shade, privacy and light/noise reduction, not to mention the birds and animals that live in them. With upwards of 700 new students living less than 200 feet away, noise levels would also rise, which I don't believe most residents here would support. This project does not seem to provide low income options - these will be luxury apartments - Davis needs more low income housing - Olive Drive would be the perfect place for this. We do not support/need any more massive luxury apartment projects especially in South Davis.

Send comments to:

Ike Njoku, Planner and Historical Resources Manager  
City of Davis Community Development and Sustainability Department  
23 Russell Boulevard, Suite 2  
Davis, CA 95616  
injoku@cityofdavis.org

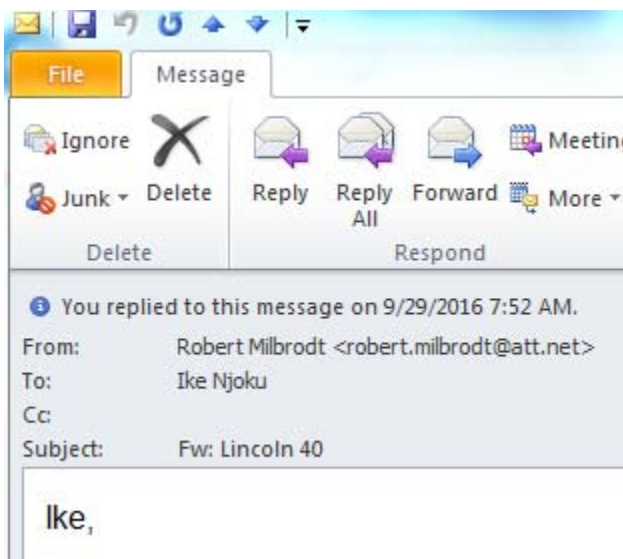
## Johnny Ramirez

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**From:** Ike Njoku <INjoku@cityofdavis.org>  
**Sent:** Thursday, September 29, 2016 8:54 AM  
**To:** 'Robert Milbrodt'  
**Cc:** Nick Pappani  
**Subject:** RE: Lincoln 40

Bob,

Thanks for the prompt response. When I saw “forward” in the subject line, I thought it was accidentally sent to someone else who forwarded it to me.



---

**From:** Robert Milbrodt [mailto:robert.milbrodt@att.net]  
**Sent:** Thursday, September 29, 2016 8:41 AM  
**To:** Ike Njoku  
**Subject:** Re: Lincoln 40

Ike,

I did not submit my comments for the NOP, just missed the deadline. However, I believe these are issues that should be considered.

I can meet any day or time the week of Oct 10

Let me know which day/time works best for you.

Thanks

Bob

On Thursday, September 29, 2016 7:52 AM, Ike Njoku <[INjoku@cityofdavis.org](mailto:INjoku@cityofdavis.org)> wrote:

Hi Bob,

Thanks for your email. I would like to ascertain if you intended this email to be part of the comments on the Notice of Preparation (NOP) for the project's EIR, or if you are only interested in discussing the items you have outlined below with me. I ask because some the comments, such as traffic and circulation questions, are best addressed by City Traffic experts.

Notwithstanding, I would be glad to meet with you at your convenience to discuss the project and hear your thoughts on how to resolve the issues you have raised about the proposed project. Please provide me some days and time next week and week after that would work best for you.

I have attached a couple documents from the applicant that might explain some aspects of the proposed project.

Best regards,

Ike

---

**From:** Robert Milbrodt [<mailto:robert.milbrodt@att.net>]

**Sent:** Wednesday, September 28, 2016 7:41 PM

**To:** Ike Njoku

**Subject:** Fw: Lincoln 40

Ike,

I would like to know whether or how the City plans to address the sense of community that might be created by the proposed or alternative project designs for the Lincoln 40 site.

Will the Olive Drive exit be closed? If so, how will a cul de sac alter the sense of community in that area?

Many of the proposed units are 4 bedroom 4 bath, or 5 bedroom 5 bath. What kind of community is that likely to create? How do similar designs perform near other campuses? Do they become "frat house" environments, and is that desirable?

How will the proposed project, vs alternative designs, facilitate completion of a grade separated crossing under the train tracks to connect Olive to downtown?

Could I meet with you sometime within the next week or two to discuss the project? I would like to show you some suggestions for resolving these and several other issues.

If so, let me know days and times that work best for you.

Thank you,

Bob Milbrodt  
530.758.9150

## Johnny Ramirez

---

**From:** Ike Njoku <INjoku@cityofdavis.org>  
**Sent:** Wednesday, September 28, 2016 7:50 AM  
**To:** Nick Pappani  
**Cc:** Bert Casten; Maynard Skinner; Willis Ritter  
**Subject:** FW: Lincoln 40 - EIR Comments

Hi Nick,

Here another NOP comment sent in yesterday via Eric Lee.

Paul – yesterday was the last day of comments.

Thanks,

Ike

-----Original Message-----

**From:** Eric Lee  
**Sent:** Tuesday, September 27, 2016 5:11 PM  
**To:** 'Alan C. Miller'  
**Cc:** Ike Njoku  
**Subject:** RE: Lincoln 40 - EIR Comments

I will pass these on to the Ike. Thank you.  
-Eric

-----Original Message-----

**From:** Alan C. Miller [mailto:sleeper@omsoft.com]  
**Sent:** Tuesday, September 27, 2016 4:57 PM  
**To:** Eric Lee  
**Subject:** Lincoln 40 - EIR Comments

Eric,

Please accept these as formal EIR comments for Lincoln 40 project.  
If this goes to someone else in your department, please forward.

These comments are on the issue of transportation.

The lack of parking is of concern. There must be an extra charge to park a car and clear instruction to tenants that they cannot store a car at the site. However, there is another factor that is often left out of the equation of parking, and that is visitors. Olive Drive is extremely limited for open parking, and there will be major impacts from 780 young persons having visitors. This has been a problem with other complexes less constrained. I would like to see some data on how this is handled and what peak quantities to expect, say on a Friday night. A few token visitor spots is not OK.

With so little parking, another pedestrian and bike route will be necessary (already is) to get persons without cars to the downtown.

A passage is shown along the west side, but the possibility of using Hickory Lane should be left in consideration as well, alongside the entry. In addition, the design of the Olive Drive side of the tracks entrance to the pedestrian tunnel must have a wide entrance to allow a modern 'sweeping' entrance to allow for ADA ramp and safety site lines, and must be checked by a design engineer so that it lines up with the "Rose Garden" entrance on the Amtrak Station side of the future tunnel, and allow for the addition of a center platform, or a far-side platform from the station, to be able to shut off the dangerous crossing of the tracks to reach a train.

The City needs to consider safe routes to school. A passage only to downtown would create a dangerous route for students from Olive to reach the Junior High School. They would have to go behind the parked cars behind ACE on H Street after crossing the west wye tracks, then cross the tracks again on Third Street. Instead, the tunnel should open to downtown, but also extend under the east leg of the wye and come up at the foot of J Street, turning J Street into a bicycle corridor all the way up to the H Street Tunnel bicycle track on J Street. This would provide a safe route to school to both the Junior High School or through the H Street tunnel to the High School.

As a bonus, it would open up a passage from downtown 2nd Street to 2nd Street east of L Street for bicycles, as well as from Old East and downtown to the bicycle route east of Olive Drive along the freeway towards Sacramento, which is nearly isolated unless one backtracks to Richards or drags their bike illegally across the tracks from 2nd Street east of Pole Line.

The major caveat of this tunnel is that a funding plan and first phase engineering plan must be in place before the project is approved. This is something I must emphasize, to avoid a debacle like the Cannery to H Street connection, which was thought at first to be doable and fundable when The Cannery was approved, but actually wasn't. The advantage to projects such as this is they provide opportunities for infrastructure improvements funded at least partially by the development. If the infrastructure is not fully in place before approval, it will be lost, or poorly implemented.

Therefore, the City must have this pedestrian/bike plan fully vetted and a path to completion fully worked out.

The Davis Arch Design for Olive/Richards would also help with bicycle/ped/auto traffic and should be implemented as part of the mitigation of the traffic (from all modes) impact of this project.

Sincerely submitted,

Alan C. Miller  
530-312-7320

**LINCOLN40 PROJECT  
ENVIRONMENTAL IMPACT REPORT (EIR) SCOPING MEETING**

**COMMENT FORM**

To document the author of comments received, please provide the following information. Thank you.

Name: Phonda Reed

Address: 320 I Street, Davis

Organization (if applicable): \_\_\_\_\_

Please provide us with your written comments on the scope of the EIR by **5:00 PM, September 27, 2016.**

- Hickory lane ROW should not be vacated - It should be used or re-aligned to provide access through to underpass/overpass to cross Railroad tracks and access downtown. It was unclear that easement dedication would achieve this purpose.
- Parking is inadequate - mass transit/trains are functionally 1 mile away.
- Student-oriented should not mean "rental by the bed". These should be living units that can function as homes, not dorms, unless you call them dorms. Other market sectors should be able to find living space here as well as students.
- North facing side of building should have variable depths to avoid reflecting sound from tracks into the Old East Davis Neighborhood.
- Need to designate visitor parking, and account for it.
- Figure out a voucher system to provide affordable housing in this complex - integrate don't segregate.
- Building height is tall but oriented to limit impact on neighboring properties (especially with parking lot buffer...

Send comments to:

**Ike Njoku, Planner and Historical Resources Manager  
City of Davis Community Development and Sustainability Department  
23 Russell Boulevard, Suite 2  
Davis, CA 95616  
injoku@cityofdavis.org**

### Comments and concerns for the scope of Lincoln30 Draft EIR Comments

- 1) **Lincoln40 is far too dense for the traffic and circulation impacts it would bring and not enough parking for cars or bikes provided.** The Lincoln40 project is FAR too dense with trying to jam in 473 apartments with too many 4 bedroom/4 bath apartments and some 5 bedroom/5 bath apartments which should not even be allowed since neither of these excessively large apartments are rentable to non-students. Most of these apartments allow “double occupancy per bedroom, increasing the number of residents to up to 708 which would bring enormous traffic and circulation impacts to Olive Drive. These apartments need to be marketable to non-student Davis residents as well. Otherwise this invites a single room occupancy situation for non-students which has its own multitude of complications and problems.
- 2) **Traffic impact from the Lincoln40 Project, which is too big for the site, and has major Olive Drive/Richards Blvd. access and egress, traffic and circulation issues.** Traffic and circulation is currently bad enough now. Adding potentially 708 additional residents to the further most east end of Olive Dr. would bring a massive increase of car and bicycle traffic on a street which cannot handle it. Shoehorning in this many units with the enormous number of bedroom will simply not work, particularly in an already impacted Olive Drive which has major access and egress issues. The size of the project and the number of bedrooms must be significantly reduced due to the small parcel size and these access and egress issues. How is this enormous number of new resident and the traffic and circulation supposed to work on Olive Drive and Richards Blvd.?
- 3) **Dispersed bicycle traffic will slow down car traffic flow.** Dispersed bicycle traffic trying to cross at traffic light intersections will subsequently cause more interruptions of the traffic light cycles particularly at Olive Drive and Richards Blvd., and Richards Blvd. and First Street. This will slow down the flow of car traffic and worsen the current traffic back-up along the Richards Corridor.
- 4) **A mix of studio apartments as well as 1,2,3 and perhaps a very few 4 bedrooms (if any) apartments is needed for use by non-students and students, but no 5 bedroom apts. should be included.** The Lincoln40 project has been designed as if it will only house students, yet the project cannot legally restrict the project to students only, or else this is a form of discrimination against non-students. Non-students, such as our community’s workforce and families, generally cannot afford to rent 4-to 5-bedroom apartments. The cost of that rent would allow them to, instead, purchase a home and pay off a mortgage rather than rents in this or any 4-5-bedroom multi-family apartment complex. This project has a format of primarily 4 bedroom/4 bath plus eight 5 bedroom apartments designed specifically for students. The 5 bedroom apartments are excessive in size and need to be eliminated. This format of rental housing is not flexible to be as rentable to non-student residents such as our City’s workforce and families needing housing rental housing on our City. The 4-5 bedroom apartments belong on a college campus, not in our City since they are not marketable to non-students.

Therefore, it is not in our City’s best interest to build multi-family housing that virtually, only students who pool their financial resources can afford to rent. This is temporary living for students, not so for non-students. Therefore, the Lincoln40 project needs to have a mix of studio, one, two and three bedrooms which are flexible in their use to non-students now and in the future. Although there is a demand for student housing now, UCD is undergoing its LRDP update and planning to provide significantly more on-campus housing. Having a primarily 4-bedroom multi-family project like Lincoln40, which even is allowing “doubling up” per bedroom in most units, is *not* a good or flexible design for our City to be available to be rented by our City’s rental housing needs by non-student workforce and families.

Furthermore, our General Plan speaks to having a diversity of housing within any development and the Lincoln40 project is being designed exclusively for students and is luxury housing as well, when the need is for more non-luxury housing which is more affordable.

- 5) **Single Room Occupancy format for entire Lincoln40 project is an issue.** It appears that Lincoln40 is renting by the bedroom. This makes the entire project essentially a Single Room Occupancy (SRO) format. This type of situation can be used and is appropriate on a university campus such as UCD, but is not appropriate for an entire apartment complex of with 708 beds for rent located in the City which should be available to non-students as well as students to rent. Lincoln40 wants to target students but it cannot legally restrict itself to housing only students. Lincoln40 apartments need to have a traditional and flexible design of studio, 1, 2 and 3 bedroom apartments primarily because the rental housing market in the City needs to have a design which makes the apartments practical and available to non-students such as our workforce and families, as well as students. Lincoln40, particularly this huge complex for 708 residents, *should not* be designed entirely for multiple non-students living in one apartment renting individual beds, or rooms in one apartment. This is not an appropriate design, and not flexible for non-student rental housing.
- 6) **The Student College Bubble and student college debt crisis factor.** Furthermore, the City should not be building student designed apartments due to the economic issue of the student debt crisis in our country where students are accumulating massive college debt and after graduating, they cannot pay this debt off.

Bloomberg recently reported that while that landlords may be profiting now, but this college student enrollment bubble is likely burst due to college debt.

*“College enrollment has been declining in the years since the Great Recession, even as investment in off-campus student housing has soared. At some point, there will be so many student apartments that the industry will lose its appeal as a safe haven, Burke said.”*

So the bottom line is that student designed housing like what Lincoln40 is proposing with 4 bedroom/4 bath and 5 bedroom apartments up to 1,797 square feet needs to be built on the college campuses like UCD, not in the City because it is not flexible for rental by non-students. There would be far less demand for student-designed apartments as UCD builds more on-campus housing as they have committed to recently, and if college enrollment declines at UCD as economists are reporting across the nation due to the student college debt crisis. All rental housing built in our City needs to be designed so that it would be marketable to non-students including our workforce and families.

- 7) **Grossly insufficient car parking spaces.** The project has insufficient parking. With 708 potential residents, the parking requirement should be based upon this 708 number substituted as “bedroom number” since this project is a very atypical design, housing far more occupants than any other multi-family project given the size of the very high density of the project and the ‘doubling up” factor in so many of the apartments, particularly the 3 and 4-bedroom apartment. This in turn, double the number of occupants and the number of parking slots needed. No tandem parking should be allowed since this project is too dense as it is and would hamper movement of cars trying to exit particularly. At the very least the South Davis Specific Plan updated and increased parking ratios for multifamily housing needs to be applied at Lincoln40 as well as City-wide for any multi-family project.
- 8) **Insufficient bike parking spaces.** The number of parking slots for bikes needs to be increased to accolade covered bicycle or “long term “covered bicycle parking for every possible occupant. Currently 177 are not covered and those could be used for guests, but all occupants need to have a covered long-term bicycle parking slot particularly for the adverse weather times of wet and cold in winter and extreme heat in summer.
- 9) **Major improvements to East Olive Drive needed to be paid for by the developer for the massive traffic Lincoln40 would impose.** The Entire East end of Olive Drive would need to be improved by the developers (since Lincoln40 is at the furthest eastern end of Olive Drive) to allow better car and bicycle traffic flow, including improving the bike lane access for the many hundreds of bikes that would circulate daily.



- 10) **Complaint Resolution mechanism set up between City - Lincoln40 Management.** Terms to limit any additional occupants beyond the 708 must be mandated and have a monitoring and enforcement mechanism by the management. The City must set up a mechanism for complaints from the public being addresses and fines and litigation if needed to enforce this. This project is already way too dense with too many occupants than the Olive Drive. Street can handle for the traffic and circulation it would impose.
- 11) **Water meter per apartment mandate.** INDIVIDUAL WATER METERS PER APARTMENT MUST BE MANDATED, particularly since each bedroom has a bathroom. Water meters in multifamily housing is now legally required since it has recently passed the Senate. Senator Lois Wolk was the author and our City should have the ordinance in effect now before any more multi-family apt, complexes are approved. If these individual water meters were not installed there would be NO incentive for water conservation and with each bedroom having its own bathroom, the water usage will be enormously more compared to any other 130-unit multi-family since it has 473 bedrooms allowing double occupancy in most, equaling as many as 708 residents.
- 12) **Affordable housing units must be required instead of allowing in-lieu fees.** ALL THE REQUIRED AFFORDABLE HOUSING UNITS MUST BE INCLUDED IN THE PROJECT AND NO BUY-OUT ALLOWED WITH IN LIEU FEES. The fact that this project is actually removing a significant amount of lower cost (affordable) housing is bad enough. It is incomprehensible that the developers have the audacity to ask to buy their way out of providing any affordable housing, which is an added insult. NO MULTI-FAMILY HOUSING UNIT SHOULD BE ALLOWED TO BUY ITS WAY OUT OF PROVIDING AFFORDABLE HOUSING UNLESS IT WAS LESS THAN 3 UNITS. AFFORDABLE HOUSING IS NEEDED IN DAVIS NOW MORE THAN EVER.
- 13) **Grade separated crossing over or under railroad tracks required to be paid for and built by developers.** A grade-separated crossing for bikes and pedestrian crossing over or under the railroad tracks must be paid for and built by the developers before construction or before any occupancy of the project.
- 14) **Lincoln40 luxury apartments and fitting in on Olive Drive?** Upon researching Highbridge developments, it appears that Highbridge builds very high-end luxury apartments. This video on line shows an example <http://progress910.com/>. I am questioning whether this type of expensive, 4-bedroom/4-bath room apartments "fit" in the Oliver Drive area, particularly when lower cost housing would be removed from the site evicting those lower income residents and replacing that affordable housing with very expensive luxury apartment when Davis needs lower cost rental housing, not higher cost luxury apartments. Particularly when we need more affordable rental units for our City workforce and families.
- 15) **Preserve as many trees as possible.** Preserve as many trees as possible for aesthetics and privacy. Assure that any construction will not harm any of the existing trees. Add more trees and assure that their placement will not interfere with any solar aspects of the project as they mature into the future. Assure that solar placement will not cause the need for major pruning or damage to any existing trees. Also any construction on the site must protect these trees or they must pay significant fines, not just replacement of a tree that will take decades to grow for the privacy and aesthetics.
- 16) **Public safety vehicular access and egress issues.** The Lincoln40 enormous size and design shoehorned in at the eastern-most end of Olive Drive does not work either for public safety service vehicular traffic, such the large fire trucks as well a police cars trying to get to the site in an emergency yet the Olive Drive street will, predictably, be backed up with traffic all the time with 708 more residents who are certain to have more than 239 cars which is the inadequate amount of car parking spaces proposed. Add this to the ridiculous proposal of tandem parking proposes which will just jam up access and egress to the Lincoln40 site even more.

- 17) **Lincoln40 needs to use as many “green” and sustainable design features as possible.**
- 18) **Determine is Olive Drive exit will be closed by Cal-Trans at some time in the future.** There has been discussion in the past regarding Cal trans possibly closing off the Olive Drive exit from I-80. Since this would affect ingress significantly and make the east end of Olive drive a cul-de-sac essentially, this issue needs to be researched and determine it this closure is going to happen. If so it greatly impacts whether Lincoln40 can even be considered at this site.
- 19) **EIR parking structure as an alternative needs to be included in EIR.** A multi-story parking structure with a pedestrian/bike over pass over the railroad tracks to the down town needs to be included as an alternative project.
- 20) **Second EIR alternative.** Another EIR alternative should be lower density traditional multi-family housing with studios, 1, 2 and 3 bedroom apartments to diminish the traffic, circulation and parking issues and it should have far more affordable housing included.
- 21) **Third EIR Alternative.** Retain the medium density housing status and build moderate and lower income housing that currently in demand on the site.
- 22) **Fourth EIR Alternative.** Use the site as an urban farm to reduce the carbon emissions from I-80.

Please include these comments and concerns for the EIR scoping process.

Eileen M. Samitz

[emsamitz@dcn.org](mailto:emsamitz@dcn.org)

(530) 756-5165

**LINCOLN40 PROJECT  
ENVIRONMENTAL IMPACT REPORT (EIR) SCOPING MEETING**

**COMMENT FORM**

To document the author of comments received, please provide the following information. Thank you.

Name: ISABEL SHASKAN

Address: 1225 OLIVE DR Apt E & F

Organization (if applicable): \_\_\_\_\_

Please provide us with your written comments on the scope of the EIR by **5:00 PM, September 27, 2016.**

1) Local birds, migrating birds, owls & raptors hunt for food in the existing field. My huge ash tree & the nearby acorn tree are home to a food for many. (The ash tree has lost its silver marker.) I have lived here since 1967. I have watched this population diminish particularly with the addition of Lexington Apts. The field is also home to snakes & mice, opossums, squirrels & even a skunk. Lincoln 40 is the destruction of one more open space.

2) I have to wait & wait to leave my apartment driveway as Arbor Apt residents & people taking "a shortcut" to downtown Davis from I-80 drive to Richards Blvd. I also have to wait at Richards Blvd. How many more cars is Lincoln 40 adding to this traffic?

Send comments to:

**Ike Njoku, Planner and Historical Resources Manager  
City of Davis Community Development and Sustainability Department  
23 Russell Boulevard, Suite 2  
Davis, CA 95616  
injoku@cityofdavis.org**

- Shaskan on Lincoln 40 -

- 3) Most of the residents of Koebes Apts are low income. In fact some - four - of the apartments were moved from another location to augment Koebes Apts. Why is there no affordable housing in Lincoln 40?
- 4) Freight trains with 100 cars pass all day & night. They have ear splitting whistles as well as exhaust. All the cars on Olive Dr. also emit considerable exhaust.

## Johnny Ramirez

---

**From:** Ike Njoku <INjoku@cityofdavis.org>  
**Sent:** Tuesday, September 27, 2016 4:35 PM  
**To:** Nick Pappani  
**Cc:** 'Paul Gradeff'; 'Bert Casten (bertcasten@aol.com)'; 'Maynard Skinner'; 'Willis W. Ritter III'  
**Subject:** FW: Lincoln40 EIR Scoping comments

**From:** Colin Walsh [mailto:colintm@gmail.com]  
**Sent:** Tuesday, September 27, 2016 4:32 PM  
**To:** Ike Njoku  
**Subject:** Lincoln40 EIR Scoping comments

Attn: Ike Njoku,  
Planner and Historical Resources Manager  
City of Davis Community Development and Sustainability Department  
23 Russell Boulevard, Suite 2  
Davis, CA 95616  
[injoku@cityofdavis.org](mailto:injoku@cityofdavis.org)

Comments re: Scope of the Lincoln40 EIR

Submitted by: Colin Walsh  
627 Buchanan St., Davis, CA 95616

### **Alternative uses to be considered in the EIR.**

**First EIR Alternative Use. Use the site for parking for the downtown and Amtrak station should be considered as an alternative use in the EIR.**

The Calori properties where the Lincoln40 apartments are being considered represents the only empty lot adjacent to the train station and with easy access to the downtown that should instead be developed into a parking lot or parking structure which could serve the following functions:

- More available parking at the Davis Amtrak station would **get cars off interstate 80**. Currently parking at the Davis Amtrak station fills by 6:30am on weekdays leaving commuters looking for other places to park. Commuters come to the Davis train station from Davis and surrounding communities, frequently coming from as far as Yuba city to take the train to San Francisco.

- **Improved peripheral parking** for Down town would help get cars off the main downtown grid making it friendlier for bikes and pedestrians in the downtown. More peripheral parking could actually make the downtown a better place to bike and walk. The Calori lot on Olive Drive represented the best opportunity for Davis to do that. The Calori lot would be the easiest place on Olive Drive to connect to the train station and could provide train parking getting commuter traffic out of downtown and out of the choke point tunnel on Richards.

The corner of the Calori lot is only 400' from the Tres Hermanas patio and it would have served downtown well to have parking with easy access to downtown, but without the cars ever having to come into the downtown.

**Second EIR Alternative Use. A parking garage for the downtown and train station combined with housing.** This mix of uses for the Calori lot could have the apartments combined with a parking garage. This parking garage although smaller, could have the same benefits as the parking garage mentioned above.

**Third Alternative Use for EIR.** Use the site for an urban orchard to reduce carbon emissions from 1-80.

**Fourth Alternative US for EIR.** Middle density affordable housing more compatible with the existing surrounding uses.

**Fifth Alternative Use for EIR. A 50' wide landscape buffer on the west side of the Calori lot** should be considered. This buffer can serve to mitigate the loss of some of the habitat when the buildings are built. This buffer can also mitigate the impacts on the adjacent property to the west.

**Sixth alternative.** A much smaller apartment complex in line with adjacent land uses.

## **Other Considerations for the EIR:**

**The Lincoln40 should be evaluated with at-grade separated bicycle and pedestrian crossing to the downtown.**

Having a diffuse large number of bikes crossing Richards at Olive Drive at many different times will have a significant impact by frequently interrupting traffic flow on Richards. Lincoln40 is being proposed as student housing. Students have a more diffuse schedule with class start times at varied increments throughout the day. Because of the diffuse nature of student schedules it will have an increased impact on the Richards Blvd traffic. It only takes one cyclist or pedestrian to push the crossing button at Richards and trigger the light change. The light changes are timed the same no matter how many cyclists are crossing. Because of this time to button push relationship, individual riders spread out over a longer period greatly increase the delay in cross traffic at Richards.

The Richards subway pedestrian and bicycle tunnel is already crowded with cyclists and pedestrians crossing in opposite directions. This is already existing dangerous situation. Cyclists often swerve around pedestrians in to the oncoming lane to get around faster, but there is no room if a cyclist or pedestrian is coming from another direction. Adding more cyclists and pedestrians to this crossing from the Lincoln40 will only serve to increase this problem. Already some cyclists choose to travel on the road rather than the cycle/pedestrian subway. This creates further danger for the cyclist and slows traffic, increasing pollution.

**Removal of parking spaces to allow for grade separated crossing must be considered.** The North-West corner of the parking lot is set aside to provide space for a grade separated crossing. If this grade separated crossing is built it will result in the loss of 20+ parking spaces in the parking lot. This loss of parking should be considered in the EIR.

**The proposed Lincoln40 site has extensive trees and wildlife habitat on the site.** The EIR must include a description of the physical environmental conditions in the vicinity of the project as they exist. This should include a full evaluation of the habitat on the Calori site. This must include the extensive urban forest, Swenson Hawk habitat and habitat for many and varied other species. The vast majority of trees and habitat will be lost if the current proposed apartment buildings are constructed. Alternatively housing or alternative uses can be built while maintaining and protecting the existing trees.

**Meaningful affordable housing mitigation** Currently the Calori properties have several affordable housing units on it. Many of these units would be destroyed to build the new Lincoln40 apartments. Any new development should be required to replace the affordable housing destroyed when the development is built. The city required affordable housing or in lieu fee should be in addition to this replacement.

**Effective water metering.** If this complex is to be rented by the room and all rooms have bathrooms, then the EIR should consider installing a water meter per bedroom to most effectively minimize and track water usage. The EIR should also look at the other alternative of installing a water meter per apartment instead. In either scenario, water conservation must be motivated by water meters and all water costs need to be billed to tenants.

**Nearby train impacts.** This EIR should consider impacts from the adjacent train activity. Both impacts from daily train use including, air noise and light. Trains entering and leaving the Davis station break and accelerate adjacent to the proposed project. Consideration should be given for both increased diesel exhaust from acceleration and fine metal particulate from braking. Further, this EIR should consider the impact on the property from catastrophic failure on the adjacent train line including diesel, oil and other chemical spills.

**Project Objective: Student Housing.** To the extent the project objective is to house students, it is important to consider the potential drop of demand for student housing in the event the University builds extensive additional

housing, or there is a collapse in the student debt market leading to reduced university attendance. Consider this article <http://www.wsj.com/articles/more-than-40-of-student-borrowers-arent-making-payments-1459971348> when reconsidering this as a project objective, it is important to consider the number of rooms per apartment and if the apartments would be practical as non-student housing. 4 and 5 bedroom apartments as exist in this proposal being located in the City are far less desirable and far less marketable outside of student uses, and make the project less flexible for alternative uses should the student housing objective change. These 4 and 5 bedroom, each with a bathroom apartments belong on-campus, not in the City where they need to be rentable to non-students. Otherwise, this is a form of discrimination against non-student residents. Housing in the City needs to be designed and available to a variety of resident, not only students.

**Growth inducing impacts of the proposed project must be considered.** To the extent this project causes an increase in value to the adjacent properties, particularly Slaters Court immediately to the west might cause that property to be redeveloped as denser as well as higher cost gentrified housing, this induced growth must be considered when evaluating the Lincoln40 project. Further, to the extent the increased population on Olive Drive leads to an increase in offered services on Olive Drive this induced growth and impacts must also be considered.

**Cumulative Effects.** Effects that are cumulative between the Lincoln40 and other nearby projects must be considered. The city has very recently approved both a large hotel expansion and additional 55,000+ square feet of commercial use within 1,500 feet of the proposed project. To make this more difficult the other projects EIRs are currently tied up in litigation. Further there has not been proper consideration for traffic impacts on the already congested Olive Drive and Richards Blvd.- I-80 Interchange. Factors from these vastly densifying projects need to be considered in the Lincoln40 EIR.

**Economic and Social Effects:** “Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. Although primarily directed at physical changes, CEQA regulations require that socioeconomic consequences of the physical change be analyzed. This means evaluating the impacts on an existing community.”

<http://www.dot.ca.gov/ser/vol1/sec5/ch36eir/chap36.htm#required>

In relation to the Lincoln40 project there are 2 specific ways this seems to apply:

- 1) the project removes people of one lower income socio-economic group in favor of building for another without providing even a fraction of replacement lower cost affordable housing.
- 2) the project puts 2 very different socio-economic groups side by side of having some of the lowest cost non-student affordable housing in the City directly adjacent to high cost luxury student housing.



3) Furthermore, the lifestyle differences of housing over 700 students creating an enormous dorm atmosphere literally adjacent to the amongst the lowest income residents in the community is yet another obvious incompatibility.

**Affordable housing must be included:** The applicant is asking to be allowed to pay in-lieu fees to buy Lincoln40's way out of including affordable housing. Since Davis is in need of more affordable housing and this project is removing some of the most affordable housing in the community, it is unacceptable that affordable housing is not being included. Replacing displaced affordable housing should be a baseline for the project, with additional affordable housing or fees added on top of it.

-----Original Message-----

From: Jon C Watterson [mailto:[joncwatterson@gmail.com](mailto:joncwatterson@gmail.com)]

Sent: Friday, September 16, 2016 4:30 PM

To: Ike Njoku

Subject: Lincoln40 EIR

Ike,

I appreciated the opportunity to see plans for the Lincoln40 project at the workshop last night. I gave some of my general project ideas to the stenographer who was present. However I wanted to follow up with some specific EIR suggestions.

Discussion with developer representative led me to believe that vehicle parking would be de emphasized in favor of biking, walking and mass transit. Further, the limited car parking is to be designated for short term visitors, deliveries, handicap, zip car etc. If this is the case then I suggest:

1. Analysis of vehicle traffic impact take into account the reduced vehicle numbers planned for the project
2. Counts and analysis of bike and pedestrian traffic at main intersections of Olive/Richards, 1st/E st /Richards and 1st/ D St be studied
3. To accommodate increased bike transportation a grade separated crossing of the railroad tracks to I st and/or J St and/or Amtrak station and resulting bike and pedestrian traffic should be studied.

Thank you the opportunity to provide input.

Jon Watterson

[joncwatterson@aol.com](mailto:joncwatterson@aol.com)

**LINCOLN40 PROJECT  
ENVIRONMENTAL IMPACT REPORT (EIR) SCOPING MEETING**

**COMMENT FORM**

To document the author of comments received, please provide the following information. Thank you.

Name: Bob Wertzberger

Address: 1075 Olive Dr #17

Organization (if applicable): \_\_\_\_\_

Please provide us with your written comments on the scope of the EIR by **5:00 PM, September 27, 2016.**

Lincoln 40 doesn't look like it belongs on Olive Drive. It's way too big. It should also be affordable.

Traffic will be a nightmare! Fix Olive Richards first.

Keep Olive the way it is!

**RECEIVED**  
SEP 27 2016  
City of Davis  
Community Development

Send comments to:

**Ike Njoku, Planner and Historical Resources Manager**  
**City of Davis Community Development and Sustainability Department**  
**23 Russell Boulevard, Suite 2**  
**Davis, CA 95616**  
**injoku@cityofdavis.org**

# LINCOLN40 PROJECT ENVIRONMENTAL IMPACT REPORT (EIR) SCOPING MEETING

## COMMENT FORM

To document the author of comments received, please provide the following information. Thank you.

Name: MATT WILLIAMS

Address: 1727 POMONA DRIVE DAVIS, CA

Organization (if applicable): \_\_\_\_\_

Please provide us with your written comments on the scope of the EIR by **5:00 PM, September 27, 2016.**

THE SINGLE MOST IMPACTFUL ASPECT OF A PROJECT LIKE THIS ~~COMES~~ FROM THE USE OF AUTOMOBILES. IF THE RESIDENTS USE PUBLIC TRANSPORTATION AND/OR BICYCLES TO GET TO AND FROM THE UCD CAMPUS THEN AUTOMOBILE IMPACTS WILL BE SIGNIFICANTLY MITIGATED. ONE EIR ALTERNATIVE SHOULD BE (DARE I SAY MUST BE) A ZERO RESIDENTS CARS ALTERNATIVE, AND UNIT WOULD COME WITH A FREE PARKING SPACE AND THE LIMITED (APPROXIMATELY 50) SPACES WOULD BE EXCLUSIVELY FOR ZIP CARS AND VISITOR'S SHGS WOULD BE MITIGATED. UNITS WOULD BE MITIGATED. ~~THE~~ STUDENTS WHO BICYCLE WILL BE HEALTHIER AND HEALTH CARE COSTS WILL BE MITIGATED. RIDERSHIP ON UNITS WOULD INCREASE WHICH WOULD BE A PLUS. THE CITY'S BIKER MODE SHARE WOULD INCREASE, WHICH IS CONSISTENT WITH THE BEYOND PLATINUM BICYCLE PLAN.

IN A CITY THAT HAS A SHORTAGE OF HOUSING BUT NO SHORTAGE OF AUTOMOBILES CREATING TRAFFIC DEDICATING 320 SQUARE FEET TO A PARKING SPACE COULD BE BETTER USED TO PROVIDE TWO ADDITIONAL BEDROOMS TO HOUSE RESIDENTS.

Send comments to:

Ike Njoku, Planner and Historical Resources Manager  
City of Davis Community Development and Sustainability Department  
23 Russell Boulevard, Suite 2  
Davis, CA 95616  
injoku@cityofdavis.org

THAT SHOULD ALSO BE AN ALTERNATIVE THAT INCLUDES A GRADE SEPARATED CROSSING ACROSS THE UPRR RIGHT OF WAY.

THE TRAFFIC IMPACT ON THE RICHARDS/POWELL WATERWAY WOULD BE MITIGATED.



LINCOLN40 PROJECT  
ENVIRONMENTAL IMPACT REPORT (EIR) SCOPING MEETING

COMMENT FORM

To document the author of comments received, please provide the following information. Thank you.

Name: David D Young

Address: 1075 Olive Dr., #73 Davis

Organization (if applicable): \_\_\_\_\_

Please provide us with your written comments on the scope of the EIR by **5:00 PM, September 27, 2016.**

Olive Drive is already overimpacted by traffic which at times is in a state of "gridlock". If the units available are mainly for the very affluent chances are the residents will be more likely to use their cars more, which I have seen by residents of "The Lexington" a apartment building built in the relatively recent past. If there are more units available to low income people this may not be the case. I have chosen to just walk & use public transportation & am what is called "low impact" environmentally. What are the realistic options for connecting Olive Drive to

Send comments to:

downtown or the residential area just to the east of it? Some

Ike Njoku, Planner and Historical Resources Manager  
City of Davis Community Development and Sustainability Department  
23 Russell Boulevard, Suite 2  
Davis, CA 95616  
injoku@cityofdavis.org

people have to go quite a bit out of their way, if they walk or bike on Olive Drive

**LINCOLN40 PROJECT  
ENVIRONMENTAL IMPACT REPORT (EIR) SCOPING MEETING**

**COMMENT FORM**

To document the author of comments received, please provide the following information. Thank you.

Name: David D Young

Address: 1075 Olive Dr., #73 Davis CA

Organization (if applicable): \_\_\_\_\_

Please provide us with your written comments on the scope of the EIR by **5:00 PM, September 27, 2016.**

I believe that as many standing trees as possible should be left alone to preserve the nature of Olive Drive. Also, building over 3 stories is out of the nature of Olive Drive. There should be some low income units in the mix & not only units affordable to very affluent individuals. Generally speaking Olive Drive is where many working-class people live as that is what I am, a Food Services Career Employee at UCD.

Send comments to:

**Ike Njoku, Planner and Historical Resources Manager  
City of Davis Community Development and Sustainability Department  
23 Russell Boulevard, Suite 2  
Davis, CA 95616  
injoku@cityofdavis.org**

CITY OF DAVIS

COMMUNITY DEVELOPMENT AND  
SUSTAINABILITY DEPARTMENT

NOTICE OF PREPARATION OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT  
AND SCOPING MEETING

FOR THE  
LINCOLN40 PROJECT

SEPTEMBER 15, 2016

DAVIS, CALIFORNIA

REPORTED BY:

ESTHER F. SCHWARTZ  
CSR 1564

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**ATTENDEES**

**CITY OF DAVIS:**

IKE NJOKU  
ASHLEY FEENEY

**HIGHBRIDGE PROPERTIES/APPLICANT:**

PAUL GRADEFF

**RANEY PLANNING & MANAGEMENT, INC:**

NICK PAPPANI  
CINDY GNOS  
ANGELA DA ROSA

**PUBLIC GIVING ORAL STATEMENTS:**

JON WATTERSON  
2319 POPPY LANE  
DAVIS, CALIFORNIA

DAVID YOUNG  
1075 Olive Drive, No. 73  
Davis, California

MICHAEL HARRINGTON  
430 D STREET  
DAVIS, CALIFORNIA

---oOo---





1           Also, one guy was suggesting that originally  
2 they were, not necessarily this group, planning to  
3 build houses or cottages. And I think that's more  
4 true to the nature of that side of Olive Drive so  
5 far, anyways, because it's basically houses and  
6 cottages.

7           Also, I've heard that there's the high income  
8 luxury sort of -- luxury, high income people, and  
9 they need to have something for the lower income  
10 people.

11           And I think it's also very polluted here as it  
12 is. They got to take that into consideration. And  
13 also, I notice that the newer students are affluent  
14 and more likely to use -- the income level of the  
15 students I think is going up and they're more likely  
16 to use cars than bicycles. Some of the more  
17 affluent ones. Olive Drive, I will not even attempt  
18 to ride a bicycle on. I just walk and take  
19 transportation myself.

20           I guess the main thing is to leave as many  
21 trees that are in good condition in the areas where  
22 they have what they've proposed as being a buffer  
23 zone. They said there would be some sort of buffer  
24 zone between where the building and Slatter Court.  
25 One guy was pointing out all kind of trees were

1 going to be taken down. I think as many trees  
2 standing as possible is better in relation to  
3 keeping the nature of Olive Drive, as Olive Drive  
4 has been.

5 I don't think they should build taller than  
6 three stories. If anything goes through, no taller  
7 than three stories, I think. And from what I've  
8 heard, it's currently not zoned for any more than  
9 something like five. That's something that I have  
10 heard.

11 I guess that's all I've got to say. That's  
12 good enough. I'm a UCD foodservice worker and a  
13 caterer. Those are my positions. We are today  
14 here, like, since 2001. I'm right across the fence  
15 from where this will be called -- but I am not right  
16 next to it. I think trees are very important.

17 MR. HARRINGTON: I am Mike Harrington, and I  
18 appreciate the opportunity to offer my comments  
19 tonight on the Lincoln40 Proposed Project. I am  
20 interested in the preservation of the historic  
21 neighborhood in East Olive Drive, especially the  
22 sections that are the residential areas for the most  
23 poor people in Davis. This neighborhood has been  
24 here for almost a hundred years. And as we add new  
25 apartments and housing over here, it's gentrifying

1 the neighborhood and pushing out the poor who live  
2 here. There are many people who are also disabled  
3 and seniors, and I am concerned about those  
4 populations having an affordable place to live in  
5 Davis.

6 I am also concerned that the additional  
7 traffic from this project may adversely impact the  
8 traffic flow through the Richards Boulevard subway  
9 tunnel. I think that this site would be an ideal  
10 large public parking lot supplying parking for  
11 downtown Davis and Olive Drive, including the new  
12 commercial areas in West Olive Drive. And a parking  
13 lot put here instead of housing and a foot bridge  
14 and bike bridge could be built from the Lincoln  
15 area over/across the tracks to the downtown train  
16 section area. That would greatly facilitate the  
17 free movement of people in and out of the downtown  
18 area and serve to connect Olive Drive back with its  
19 historic routes and freedom travel into the  
20 downtown. But about ten years ago the Union Pacific  
21 Railway constructed a very high barrier fence that  
22 basically has eliminated people from informally  
23 crossing the tracks when trains are not in the  
24 neighborhood.

25 I think that the EIR should contain an

1 additional transportation alternative where, instead  
2 of the project being built there, it is a parking  
3 lot. Putting that there would serve Amtrak and  
4 Olive Drive and downtown and would be connected with  
5 the foot and bicycle bridge over and under the  
6 railroad tracks into the Amtrak Train Station area.

7         If the project applicant and the City want to  
8 build some housing here, then I would suggest that  
9 the housing be located away from Slatter Court and  
10 be buffered from Slatter Court by parking and trees  
11 and vegetation and natural barriers. And the houses  
12 be not too big that it overwhelms the area with  
13 hundreds, and even thousands, of new people.

14         On the transportation element of the EIR, I  
15 would hope that they perform a new traffic study  
16 using freshly gathered data from the actual movement  
17 of bicycles, people and cars and trucks in this  
18 area. I think that the traffic study should have  
19 various options. One of them being the Nishi  
20 Project, that was recently voted down, is placed in  
21 there with all of the proposed buildings and people  
22 and traffic in there. I think that the data that  
23 Nishi used for its EIR are misleading, false and  
24 flat-out wrong. And so I recommend this project not  
25 use those data, and, in fact, perform their own

1 studies on every aspect of the traffic study.

2 The City Council in February of 2016 had two  
3 motions. One of them was to approve the 47 acres of  
4 Nishi, to bring it into the City. And that would be  
5 something to the subject of Measure A, which was  
6 voted down. The second motion approved a massive  
7 new development on West Olive Drive, and the figure  
8 I have in my mind is at least 55,000 square feet of  
9 additional development above what is already there.  
10 So that certainly has to be in the traffic study.

11 And then the traffic study should include an  
12 option where the Mace Ranch, RAMCO, Innovation  
13 Center, as it was proposed before it was pulled.  
14 The developer has traffic that comes into the city.  
15 And I am assuming that traffic would impact this,  
16 the Richards corridor. The cars would get onto I-80  
17 from Mace Boulevard and get off at Richards  
18 Boulevard, and then come into the City through the  
19 Richards subway. So that needs to be studied with  
20 Nishi, with the 55,000 additional square feet of  
21 development in West Olive Drive. And then, also,  
22 the traffic study should include there being a  
23 parking lot here and what that would mean in terms  
24 of the flow of people and vehicles in and out of  
25 this area.

1 I think that the EIR section concerning  
2 preservation of historical resources should perform  
3 a very careful study of this neighborhood and the  
4 history of this wonderful neighborhood on East Olive  
5 Drive and how adding all of these houses of new  
6 people will impact the integrity of the historic  
7 neighborhood.

8 The EIR should also study what happens if the  
9 low income senior and disabled residents are pushed  
10 out of this area and where would they go to live.  
11 So I think that the EIR should have an option for  
12 how would it work if there was a sizable parking lot  
13 and new apartments or other housing that is  
14 one-third to one-half the size of what is proposed  
15 right now; and then you would have a bridge over the  
16 railroad tracks or under the railroad tracks. And  
17 then all of that should be studied if there is no  
18 bridge. In fact, all of the options should be  
19 studied if no bridge under or over the railroad  
20 tracks, other than the existing Richards subway.

21 I think that is all I have to say at this  
22 time. I would like to add my email to the record as  
23 michael@mikeharringtonlaw.com, and my phone number,  
24 if the project applicants or staff wish to call me,  
25 is (530) 759-8440.

1 I wish to thank the project applicant and the  
2 City for providing this opportunity tonight to give  
3 them my input on their important project. Thank you  
4 very much. And, Madam Court Reporter, very nice,  
5 and thank her for coming here tonight so we can  
6 provide our testimony.

7 (No further oral comments.)

8 (Public meeting concluded at 8:00 p.m.)

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA                    )  
  )        ss.  
COUNTY OF SACRAMENTO                )

I, ESTHER F. SCHWARTZ, certify that I was the official Court Reporter for the proceedings named herein, and that as such reporter, I reported in verbatim shorthand writing those oral comments offered;

That I thereafter caused my shorthand writing to be reduced to printed format, and the pages numbered 3 through 10 herein constitute a complete, true and correct record of the proceedings.

IN WITNESS WHEREOF, I have subscribed this certificate at Sacramento, California, on this 16th day of September 2016.

\_\_\_\_\_  
ESTHER F. SCHWARTZ  
CSR NO. 1564