

DPAC November 14, 2019 Comments

Good evening Committee Members. My name is Steve Greenfield, I am a local business owner and 30-year resident of Davis. Tonight, I am speaking on behalf of over 30 local investors as one of the Managing Members of the 2/3 acre Trackside Center property located on the north side of 3<sup>rd</sup> Street between the RR tracks and the alleyway on the east edge of the Downtown Plan boundary.

I am NOT here to discuss the merits of ongoing litigation initiated by the Old East Davis Neighborhood Association (OEDNA) against the City and Trackside Center against the December 2017 approvals for a Planned Development to build a 4-story, mixed-use building which would add 27 residences, 9k SF Class A commercial space to the Downtown. The outcome of this litigation likely won't be known until 2021 or later.

**I am here for two reasons tonight: a request for contingency zoning for our property and general comments on the dangers of downzoning.**

Firstly, per our letter of September 25, 2019, we request that contingency zoning for our property be included in the Draft Plan for the City Council to act upon.

Why? Imagine a scenario in which the current litigation results in overturning our City Council-approved project AND the Downtown Plan does not place an underlying land use/zoning upon our property. The parcel would thus be left without any zoning designation or design guidelines, in essence, in limbo until a NEW property-specific zoning or Planned Development is brought forth.

This scenario is the antithesis of the City Council's stated goal for this committee: "clarification of development policies and codes in the Core Area" and is also at odds with the commonly shared belief that we shouldn't "plan by exception".

We are aware of the complicated proceedings that this Committee has wrestled with in regards to the eastern boundary of the Plan. We are very concerned that after residents of Old East Davis continued to monopolize the conversation at these hearings, the Committee downsized the consultant recommended eastern boundary parcels from 4-story to 3-story as a QUOTE "peace offering so we can move on" END QUOTE.

We can not support the practice of planning to the tune of the squeakiest wheel because all too often that means the lowest common denominator NOT the highest community benefit.

However, in recognition of the difficult task you've been assigned and the many passionate yet disparate perspectives you've heard, we'd like to offer a suggestion: include in the Draft Plan four different options for a contingency/underlying zoning for the Trakside Parcel:

1. Main Street Medium – up to 4 stories
2. Neighborhood Medium – up to 4 stories
3. Neighborhood Medium – 3 stories max.
4. Opticos Plan as presented at May 2, 2019 DPAC Meeting, up to 4 stories with a significant 4<sup>th</sup> floor stepback.

If these contingent zoning options are provided in the draft plan moving forward, then you'll be giving the entire community the opportunity to voice their opinions in the Public Comment segment of this process AND you'll give the City Council options which represent the full diversity of opinion to act upon.

We do NOT support simply suggesting that our parcel be given the same zoning as the parcels to the north of us, Neighborhood Medium – 3 Stories Max (Option 3 that I just stated). In fact, we don't support that designation for any of the properties on the eastern boundary of the plan.

**This brings me to my second point: downzoning is a dangerous precedent and harmful to the vitality of our community.**

When we first embarked on the Trakside Center redesign in 2015 through discussions with the OEDNA, the president of the association told us multiple times that when someone purchases a property with the intent for redevelopment that the property comes with a "contract" and that the contract should be honored and followed. They went on to say, "if you can't make it work within the boundaries of the contract then you shouldn't have bought the property." I would venture to say that there is some wisdom in those remarks, but we'll have to agree to disagree on whether or not our currently approved plan honors the current contract.

Now we are in the midst of creating a new contract, namely this Davis Downtown Specific Plan Update. Yet the Neighborhood Medium – 3 Stories Max designation isn't an update at all for these properties. By adopting the 3 Story designation, with its limiting form-based designs, this City would be downzoning these properties to a less intense use than envisioned 20-40 years ago. We would be doing so in the face of a statewide housing crisis, global climate change, and a community that has consistently wanted to grow via infill, therein resisting sprawl. We would be doing so ignoring advice from the project's economic consultant who expressed concern about the financial feasibility of a building height limited to 3 stories. Considering the new setbacks and stepback requirements, we would actually be "down-zoning" properties to less buildable square-footage than currently allowed, at arguably the most prime transit-oriented locations in the Downtown.

Contracts are meant to be agreed upon by affected parties, yet instead this plan rolls over to the insistent demands of individuals who don't own the properties in question. The committee is embarking on a recommendation without agreement from the underlying property owners. We don't agree with this contract. We have studied the numbers for 5 years, both coming out of the recession and now in full economic recovery. It just doesn't work. If our property is recommended for Neighborhood Medium – 3 Story contingent zoning, I can tell you, we just won't build it unless there is something akin to funding from something like the now defunct Redevelopment Agency funding or some other type of subsidy.

However, recognizing that you're in a difficult position, if you move forward with our suggestion to include the 4 options I previously mentioned, then you'll be allowing for a fair discussion at City Council.

So, in closing, I request and urge you to take up the discussion of what happens to one of the prime transit-oriented locations in the Downtown in the unlikely event that the California Appellate Court does not uphold the City Council's land use decision on our property.

Additionally, please give the City Council the options to create a feasible plan for the folks who are actually going to build the projects.

A true community-based plan includes input from those that "do", not just those with opinions.