



January 14, 2020

City Manager's Office  
Community Development & Sustainability Department  
City of Davis  
23 Russell Boulevard, Suite 2 | Davis, CA 95616

*Sent via email to:* Eric Lee (elee@cityofdavis.org), downtownplan@cityofdavis.org

Subject: Comments on Draft Downtown Davis Specific Plan (DDSP) Update

Eric,

As the owners of Trackside Center located at 901-919 3<sup>rd</sup> Street, we are herein submitting comments on the Draft Downtown Davis Specific Plan (DDSP) released on October 14, 2019. Some of these comments were previously presented by Trackside Center in our letters dated September 25, 2019 and December 23, 2019, but are summarized in this letter for consistency.

**General Comments**

1. Figure 40.13.070.A Downtown Code Zoning Map correctly shows Planning Development zoning for Trackside Center. As noted in our September 25, 2019 letter we are requesting that underlying zoning consistent with plans for adjacent properties to the north of Trackside Center and in recognition of our unique location facing 3<sup>rd</sup> Street, be placed upon our property. Said underlying zoning would become relevant in the unlikely event that the City of Davis' appeal of the Yolo Superior Court ruling against the City's approval of the Planned Development is not successful.
2. We believe the Draft DDSP may be in violation of California State Law, namely Senate Bill 330 The Housing Crisis Act of 2019. SB 330 was signed by Governor Newsom on October 9, 2019, becoming effective January 1, 2020. We request

that a comprehensive analysis be conducted to determine if any revisions to the DDSP need to be made to comply with SB 330. Additional details of the potential violations were presented in our letter dated December 23, 2019.

3. In section 1.1 Intent and Purpose, the statement “The Specific Plan recognizes that minor boundary adjustments will need to be made to facilitate effective implementation after the Plan is adopted,” is vague and problematic. The term “minor” should be defined by example(s) or the process for modifying the boundary should be defined.
4. It is our opinion that the Neighborhood Medium Zone: 3 Stories Max is short-sighted, and financially infeasible unless significant concessions or subsidies, such as affordable housing grants, are provided. Unfortunately, a plan that relies on undefined subsidies does not provide surety for development, one of goals of the plan. The Neighborhood Medium Zone: 3 Stories Max has resulted from decisions based on the lowest common denominator as opposed to providing a vision for increased housing density in a transit-oriented Downtown.
5. A transit-oriented Downtown Plan needs to include concessions for projects close to the Amtrak/MultiModal Station to achieve feasibility and come to fruition. Concession examples include but are not limited to reduction or complete elimination of onsite parking requirements, additional density, additional height, and/or fee reductions.
6. To aid in better understanding height impacts to adjacent neighborhoods we recommend a 3<sup>rd</sup> party sight line analysis be conducted which evaluates sight lines from various vantage points relative to variable building heights and upper story setbacks. For example, we believe that the impacts of a 5-story Neighborhood Large project located at the Amtrak parking lot, as currently envisioned in the plan (per Figure 40.13.070.A) will have similar or more visual presence to the closest homes in the adjacent neighborhood than a four-story building with a significant fourth floor step back would along the “G Street East Transition Lots.” A sight line

analysis would illustrate the projected visual presence of the redevelopment options as well as flesh out strategic ways to incorporate privacy screening.

#### **Section 4.6, G Street Corridor**

1. On Page 91, Subcategory "Recommendations for Designated Areas, East Transition Lots (East of Tracks) it is recommended to "Articulate massing to prevent buildings from being too long and/or deep." Too long and/or deep is a qualitative and biased opinion-based statement. It does not take into account the unique constraints that these properties already face, namely narrow frontage on their adjacent roadway, past/future aggregation of parcels, and the presence of the railroad. This approach renders the parcels useless from a feasible redevelopment strategy.
2. Table 4E, G Street Development Scenario and Intended Built Environment indicates that the G Street Neighborhood contains 18.8 Acres with the buildout intent of 168 housing units. This calculates to density of 8.9 dwelling units per acre. This is a **huge** underutilization for a downtown development corridor! Especially one in close proximity to a major transit hub. Sustainable downtown densities should be on the order of 20 to 40 dwelling units/acre at minimum. In addition, the current zoning documents for these sites indicate an average density of 40 dwelling units / acre for Opportunity Sites in the Core area; hence this is a violation of SB 330 as a density downzoning.

#### **Chapter 6, Mobility and Parking**

1. There are several programs in Section 6.7 that are great ideas to reduce downtown vehicle traffic, including the "Parking Cash Out" and "Free Transit for Employees and Residents;" however, there are no linking incentives for private development to implement said programs. For example, to incentivize a private development for the free transit program their on site parking requirement could

be reduced or eliminated allowing for more density and/or room for amenity open space.

2. Alley enhancements and/or activation is not mentioned in this chapter. The Downtown's currently underutilized alleyways have access to existing infrastructure, are an incredible resource and present an opportunity to increase density, enhance walkability and improve public safety. Alley activation in Sacramento, for example, has been a great success story.

### **Chapter 7, Infrastructure**

1. Figure 7.4, Tiers of Green Infrastructure Opportunities: Why is the Trackside parcel not labelled as "Anticipated Development/Redevelopment Parcels?"
2. There is no discussion of elimination of overhead utility lines and implementation strategies for undergrounding them.

### **Chapter 8, Implementation**

1. Benefit Assessment District: The Draft DDSP discusses potential funding from formation of a Benefit Assessment District (BAD). In concept, we believe a BAD is an excellent way to aid in funding infrastructure improvements that are beneficial to enhancing the downtown zones and therein catalyzing redevelopment and improving property values. However, based on the current recommended zoning for our property we would be opposed to formation of such a district since it would be an additional tax levied on properties that do not have financial development feasibility.
2. Community Facility District: For reasons similar to those presented above in regards to formation of a BAD, we also would not be in favor of formation of a Community Facility District levy based on the current Draft DDSP.

### **Form Based Code**

Neighborhood Medium (NM) 40.13.100:

1. The code is penalizing and limiting for properties that have assembled multiple parcels. It is unclear whether side yard setbacks apply to the individual parcels of an assembly or just the entire assemblage. If assembled, the Building Type is limited only to the Courtyard form, which reduces potential density. This is a downzoning relative to the current zoning for the G Street Transition properties and we believe in violation of SB 330.
2. The NM zone is focused on a row of lots that are oriented along a downtown street. It is not applicable to how most of the G Street Transition properties operate based on the constraints of the railroad, the availability of access from the alleyway, and the long axis orientation of the assembled parcels. This is a unique configuration in the Downtown and should have zoning/form based code that addresses these constraints. This inapplicability is evident in Figure 40.14.070.A which illustrates three adjacent parcels bounded by a Front Street, Side Street, and an Alley. It does not take into consideration the configuration where the Front Street is replaced with the railroad tracks as is present in the G Street Transition Corridor.
3. A minimum floor to ceiling height of 9' with a maximum height of 30 feet and 3 stories is physical infeasible in a multifamily scenario. This leaves only 1 foot of height for each floor for subflooring and routing of utilities and ductwork. We recommend that the overall building height allowance, for a building with ground floor residential be increased to be 10.5' per floor. Additionally, if the ground floor is non-residential the overall height should be allowed to increase for a maximum 15' floor to ceiling height for the ground floor to accommodate viable commercial uses, without reduction in total floors or height for said floors. These comments are applicable to the NM four story zone as well.

4. Due to the Courtyard restriction on the assembled parcels the NM 3 stories maximum at 30' is actually a misnomer. Section 40.14.070.K actually limits the maximum height to the top plate is 24 feet. This limits the buildings to being only 2 stories in height. This also applies to the NM zone without the 3-story restriction. So, if multiple parcels were assembled to be developed together and exceeded the overall width of 150' then the Courtyard building type would be required and only two stories would be allowed. This is clearly a downzoning and in violation of SB 330.
5. Currently there is not a height limitation on buildings in the downtown due to height currently being restrained by a Floor Area Ratio calculation. Placing a maximum height on buildings in the plan is likely a violation of SB 330.
6. The plan view diagram for the NM zone is not clear on how the alley is treated. Does the presence of an alley make the said parcel a corner lot?
7. Current zoning does not have a maximum lot coverage restriction, but 25% open space is required. The DDSP has a maximum lot coverage of 70%. In most cases, in conjunction with other proposed restrictions, this is likely a down zoning and is in violation of SB 330.
8. Current zoning for the G Street Transition properties allow for zero setback along the alley and along 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Streets. The DDSP places a minimum setback of 7' for the rear ½ of the lot for a corner lot and a 5' minimum for an interior lot. Placing new minimum setbacks on these properties, in conjunction with other proposed restrictions, is likely a down zoning and a violation of SB 330.
9. We requested an Architect to review the DDSP and the Form Based Code and apply it schematically to our property. The Architect was able to schematically plan for a total of 24 units with an average size of 800 SF. This would yield a total building square footage of 19,200. The property (without the lease area from UPRR) is approximately 22,869 square feet in area. This calculates to a Floor Area Ratio (FAR) of 0.84. The current zoning unquestionably allows for an FAR up to

1.5 with a bonus of 0.2 if there is a public open space. The DDSP in its current format restricts the ability to develop a building anywhere close to what is currently the maximum allowable FAR. This is a down zoning and a violation of SB 330.

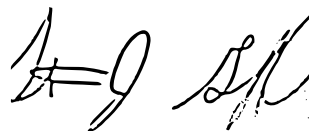
## Conclusions

1. As existing property owners of an “opportunity site” within the City’s only Federal Opportunity Zone, we believe the plan undervalues the unique opportunity of a dense, transit-oriented development located just steps from the Amtrak Station. 20 years from now when the horizon for the plan is approaching will we be satisfied with the underutilized site that this property will continue to be? We believe not.
2. We have noted in detail multiple restrictions in the Draft DDSP that are greater than currently exist. We believe the plan down zones the properties along the G Street Transition Area and recommend that revisions be made such that the plan is not in violation of SB 330, The Housing Crisis Act of 2019.
3. We consider the intent of the new plan to be a contract, one that everyone understands, believes treats parties fairly, and is economically feasible. At this point, we can not “sign on” to a contract that we believe is economically infeasible for our property. We do not intend to redevelop under this plan were it to be approved in its current form.

Sincerely,



Kemble K. Pope  
Project Manager | Trackside Center, LLC



Steven J. Greenfield  
Managing Member, Trackside Center, LLC