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Sent via email to: Eric Lee (elee@cityofdavis.org), Ash Feeney (afeeney@cityofdavis.org), Mike Webb (mwebb@cityofdavis.org), Davis City Council (citycouncilmembers@cityofdavis.org), Meg Arnold

Subject: Downtown Davis Specific Plan ("DDSP"), DPAC and Plan Comments

Eric,

This is a joint letter representing the owners of the corridor of land within the DDSP boundary located along the east side of the railroad tracks between 3rd and 5th Streets. Please forward this communication to all members of the DPAC as soon as possible and include in your next Agenda Packet.

At the outset, we'd like to repeat in writing what we've all expressed verbally in Public Comment at DDSP meetings. We thank the members of the DPAC for giving their time, energy, experience and enthusiasm to the community in the form of this public service. We recognize that the DPAC continues to wrestle with complex and often controversial issues and we commend them for their tireless efforts.

Conflicts of Interest and Committee Procedures

Representatives of the properties were in attendance at the December 10, 2019 Downtown Planning Advisory Committee (DPAC) meeting and we were astounded at the conversation regarding potential conflicts of interest. To suggest that anyone on that committee has any more of a conflict of interest than another is ludicrous. The entire committee was formed on the basis of hearing all views on the future development plan for the Downtown¹, so wouldn't that include non-resident property owners/investors in the Downtown? The suggestion that a homeowner resident within close proximity of the Downtown has any more or less of a conflict is demonstrably false. Financial ramifications of future development to neighboring properties will occur, regardless of whether you believe the ramifications to be positive or negative.

To further suggest that individuals and/or groups living within or in proximity to the plan area should have stronger voices in the plan preparation also shows a conflict of interest. In fact, during the formation of the DPAC committee the surrounding neighborhoods

insisted to the City Council on have a voting member from each neighborhood because of the effects the plan would have on them. Thus, three voting members on the committee have conflicts of interest by self-definition. But that is the very point of the committee: to hear all of the voices. The elected officials that will have the pleasure of making the final decisions on this plan fully understand that this is indeed the make-up of the committee.

The above discussion doesn't even take into account that there are downtown business owners on the committee, some of which are also homeowners within adjacent neighborhoods. Is that not similarly a conflict of interest? There is also at least one property owner on the committee that earns business income from their property in the form of short-term rentals. And what of those committee members with immediate family members who own properties or business in the affected areas? The point being that each member has a viewpoint based on who they are representing, which is exactly what the City Council requested in the first place. If one were to draw 500' radii circles around each of the committee members' financial interests, we venture to say that the result would be a plan area that looked like swiss cheese.

Procedurally, we object to the practice of notes being handed from the public to committee members after public comment has ended. This represents an unfair procedural practice. It seems appropriate for a committee member to seek clarification from a member of the public, but notes from the audience seem to create an additional conflict. We request that this practice be eliminated during the committee meetings.

Downtown Plan Comments

Additional detailed comments on the contents of the Draft Plan will be provided prior to the end of the comment period as we continue to review the details of the form-based code. In the interim we offer the following comments regarding the plan and the process.

As we understand it, this planning exercise is charged with producing a planning document to assist the City in bringing Downtown Davis into the 21st century – reflecting best practices in transportation, environmental stewardship, and transit-oriented development. To accomplish this in our modern world requires that we focus on initiatives to encourage reinvestment in, and to ensure continuation of, our Downtown as the central economic and cultural hub for the community.

We must be visionary and reach beyond our comfort zone, not simply codify neighborhood visions that are more than 20 years out of date. Many of these older notions pre-date major shifts in public policy and new challenges to successful implementation: Measure J, climate change, 20+ years of building code revisions, the dramatic rise in construction costs and land values, the current housing crisis, new

priorities for public transit, the evolution of UC Davis and current generational trends in living style.

As Downtown commercial property owners without a designated spokesperson at the table, many of the Downtown owners' major concerns – ranging from the priorities for enhanced public transit infrastructure investments as well as actively engaging our university neighbors to better understand their vision for the Downtown – relating directly to successful implementation of the plan, have been largely missing from the monthly conversations. Let the record reflect that these and additional comments were formally submitted to the committee in written form and during public comment by Doby Fleeman on June 14, 2018.

By way of contrast, in recent meetings, we have observed a process where one group of neighboring property owners have resorted to verbal and written public attacks and unfounded accusations directed at city staff, committee members and other members of public, as well as verbal bullying and intimidation during public comment. As soon as another opinion is voiced, the chorus of "that's not the consensus" is a common refrain. We must all ask ourselves a simple question: is it even possible for consensus, rather than cooperation or compromise, to create the highest and best outcomes in our community for the next twenty years?

An example of this incongruity clearly occurred in the last two meetings of the DPAC; namely discussion about Downtown transition zones at the east and west. It is very clear that consensus will not be reached on the Committee nor between property owners and the neighborhood representatives. Both parties will be affected by the final plan, yet the property owners within the plan area are the only ones that can implement the plan on their property. We do not believe that the draft plan's framework for future redevelopment is feasible, and we do not plan to redevelop within the current context of the plan . . . period.

And so we ask: Does the process include some pathway to resolving certain inevitable conflicts? Is there to be any priority or decision hierarchy established to help guide and determine preferred uses or outcomes when inevitable conflicts are identified? Wouldn't the City want to have those that are charged with implementing the plan believe that the vision is feasible and looks toward the future?

We believe that a consensus decision-making process can be useful and worthwhile *if* everyone agrees on the complete and thorough utilization of this method at the outset of a process. Unfortunately, the concept of consensus is now being utilized by a neighborhood group as a means to chastise, degrade and alienate those that don't share their specific vision for Downtown. Again and again, we've seen the basic tenants of the

consensus method (egalitarian treatment of all participants, cooperation and inclusivity) thrown out the window along with common courtesy.

Consensus and unanimity are not synonymous; compromise and consensus are not the same. Since consensus was not the stated goal at the formation of this Committee and since it has been randomly applied, we're left with compromise to fill the void.

We do not understand the inability for compromise from the neighbors regarding a significantly stepped back fourth story along the rail corridor. Sight lines are a matter of simple geometry. Even in the absence of trees and existing buildings, with appropriate architecture, a stepped back fourth floor simply is not visible from the ground, even several blocks away. Add in trees and existing buildings and the visibility of building elements are vastly reduced. Thus, it remains unclear what forms the basis of their objection? Just saying it is "too big" is the old answer. Perhaps some consideration of a compromise, that us implementers can get behind, would go a long way!

Transit Focused Decisions/Vision

With the City lacking a PBID (Property Based Improvement District) organization, the neighborhood of Downtown Commercial Property owners is left at substantial disadvantage during this type of extended, committee planning process. This has presented a problem since the beginning of the DPAC process – where the neighborhood of Downtown Commercial property owners was never formally recognized or assigned a designated "voice at the table".

While City Staff and the independent consultants devoted generous resources and significant time to interviewing and including individual property owners, the regular monthly meetings, discussions and decisions of the committee did not include an assigned, representative voice for the Downtown Commercial property owners.

This distinction may be lost on a casual observer, and the organizers of the planning process may not have seen the need, but a review of the committee's final recommendations, together with plans and priorities for implementation, reveal troublesome aspects and missed opportunities from this lack of "at the table" engagement.

Given the many land use, planning, and parking constraints established by the City, along with the need to address climate change, a transportation centric focus for the work of this committee appears a fundamental necessity. How else is the Downtown expected to evolve and transform? A substantial increase in the density of housing units within easy biking and walking distance of public transit is fundamental to encouraging the success of transit, not to mention the health of downtown businesses.

Yet, how much discussion, planning and visioning has been devoted to exploring possible scenarios for repositioning the Downtown based upon serving the transportation needs of prospective high-density residential housing, new commercial and retail office space and additional volume of visitors to Downtown entertainment venues?

Along these same lines, shouldn't the physical proximity to the multi-modal Davis Amtrak Station of the eastern transition area be a formative component in whatever decision is to be made? This question goes to the heart of whether there is any formal commitment of the City to strengthen public transit options to the serve the Downtown. The implementation section of the plan includes ride hailing, pedestrian and bicycle facilities, but its real focus is on creating place-making amenities such as the "Davis Square." This amenity may attract more visitors to the downtown, but as it removes valuable parking spaces it will only exacerbate the problem if there isn't an equal focus on implementing investment in public transit improvements and prioritizing significant residential units and commercial development in their proximity.

In closing, we urge the DPAC, City Staff and the City Council to: fully clear the air on the topic of "conflicts of interest", enforce procedural fairness and, most importantly, establish a pathway to resolve the conflicts between status quo, external forces and a feasible redevelopment plan for Downtown.

Sincerely,



Kemble K. Pope

Managing Members | Trackside Center, LLC



Steve Greenfield



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Downtown Property Owners



William "Doby" Fleeman

¹Note that the plan is called the Davis Downtown Specific Plan (emphasis added).