

**Appendix 2.1**  
**Notice of Preparation (NOP) and**  
**NOP Comment Letters**



DEPARTMENT OF COMMUNITY DEVELOPMENT AND SUSTAINABILITY

23 Russell Boulevard, Suite 2 – Davis, California 95616  
530/757-5610 – TDD: 530/757-5666



**Date:** October 7, 2020

**Subject:** Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting for the Downtown Davis Specific Plan and Associated Form-Based Code

**To:** State Clearinghouse  
State Responsible Agencies  
State Trustee Agencies  
Other Public Agencies  
Organizations and Interested Persons

**Lead Agency:** City of Davis  
Department of Community Development and Sustainability  
Planning Division  
23 Russell Boulevard, Suite 2  
Davis, CA 95616  
Phone: (530) 757-5610  
Contact: Eric Lee  
Email: [Eleee@cityofdavis.org](mailto:Eleee@cityofdavis.org)

**Notice of Preparation:** This is to notify the public agencies and the general public that the City of Davis, as Lead Agency, will prepare an environmental impact report (EIR) for the Downtown Davis Specific Plan and Associated Form-Based Code (referred to collectively as the “proposed project”). The City is interested in the input and/or comments of public agencies and the general public as to the scope and content of the environmental information that should be evaluated in the EIR. Public agencies will need to use the EIR prepared by the City when considering applicable permits, or other approvals for the proposed project.

**Project Title:** Downtown Davis Specific Plan and Associated Form-Based Code

**Project Location:** Commercial core and mixed-use area of Downtown Davis, University Avenue-Rice Lane neighborhood, the Amtrak Station, the Davis Commons site, and select parcels in the Old North and Old East Neighborhoods

**Scoping Meeting:** Thursday, October 29, 2020 starting at 6:00 PM, the City of Davis Department of Community Development and Sustainability will conduct a **digital** public scoping meeting to solicit input and comments from public agencies and the general public on the proposed EIR for the Downtown Davis Specific Plan and Associated Form-Based Code.

**This public scoping meeting will be held digitally via Zoom, an online video/audio conferencing platform. Meeting participants can join by desktop, tablet, or smart phone with Internet connection. The meeting will include a presentation describing the proposed Downtown Specific Plan and Associated Form-Based Code, followed by an opportunity for members of the public to comment on environmental topics which should be discussed and analyzed in the EIR. The public scoping meeting can be accessed online via this link: <https://zoom.us/j/99222857453>.**

If you have any questions regarding this scoping meeting, contact Eric Lee at [elee@cityofdavis.org](mailto:elee@cityofdavis.org), or (530) 757-5610. Additional information about the proposed project is available at the following City webpage:

<https://www.cityofdavis.org/city-hall/community-development-and-sustainability/planning-and-zoning/downtown-davis-plan>

**Comment Period: Consistent with the time limits mandated by State law, your input, comments, or responses must be received in writing and sent at the earliest possible date, but not later than 5:00 PM on November 5, 2020.**

**Comments/ Input:** Please send your input, comments, or responses (including the name for a contact person in your agency, if applicable) to:

Attn: Eric Lee, Planner  
City of Davis Department of Community Development and Sustainability  
23 Russell Boulevard  
Davis, CA 95616  
[Elee@cityofdavis.org](mailto:elee@cityofdavis.org)

**If sending input, comments, or responses via email, please write “Davis Downtown Specific Plan and Associated Form-Based Code NOP Comments” in the subject line.**

### **Project Location and Existing Uses**

The proposed project encompasses 32 blocks of approximately 132 total acres in the Davis Downtown Core Area (hereby referred to as “project area”). The project area includes the University Avenue-Rice Lane neighborhood and select parcels in the Old North and Old East neighborhoods. The boundary of the project area extends beyond that of the previous Core Area Specific Plan and includes the Davis Commons site and the Amtrak Station (see Figure 1).

Existing uses in the project area include residential, retail, mixed-use with retail on the ground floor, office, mixed-use with office on the ground floor, general commercial, industrial, parks, and public spaces. Surrounding uses include University of California, Davis to the west, residential to the north, residential to the east, and both residential and commercial to the south. The Amtrak rail line borders the south of the project area.

### **Project Background**

Development in the project area is currently overseen by the 1996 Core Area Specific Plan (CASP). The CASP was adopted as a visioning document for development in the Downtown, guided by a comprehensive set of maps, policies, guidelines, and implementation strategies. These included topics related to land use, circulation, streetscape, and implementation. While the CASP is comprehensive in nature, it is not a regulatory document and implementing the vision of the CASP has been difficult due to inconsistencies with the Core Area zoning designation. Furthermore, the City recognizes the need to update the CASP to reflect changes in the existing conditions and the community’s vision of the downtown area.

### **Project Description**

The proposed project is intended to implement the community’s vision for the Downtown into a variety of opportunities for reinvestment and future development through a 2040 horizon year. The proposed project would replace the former 1996 CASP, and includes more regulatory authority, largely through the form-based code, which is included as part of the proposed project. For access to the entire proposed project, visit the City of Davis website at: <https://www.cityofdavis.org/city-hall/community-development-and-sustainability/planning-and-zoning/downtown-davis-plan>.

Development

The proposed project allows for the addition of 1,000 residential units and 600,000 square feet of nonresidential development in the project area by 2040. The breakdown of recommended residential units and non-residential square feet of development for each area within Downtown is illustrated in Table 1 below. It should be noted that these numbers are estimates, and are not intended to serve as caps for development in each area. Central Park would be preserved with its current use. Because the project area is largely built out, the proposed project assumes development would occur as either infill of vacant lots, or as redevelopment of existing buildings or additional building on underutilized sites.

**TABLE 1            RECOMMENDED DEVELOPMENT PROGRAM BY AREA**

<b>Area</b>	<b>Residential Units</b>	<b>Non-Residential Square Feet</b>
Heart of the Downtown	513	330,700
G Street	168	111,400
North G Street	102	59,800
North-West Downtown	78	34,000
South-West Downtown	106	48,700
University Avenue- Rice Lane	33	15,400

Land Use and Development Characteristics of the Proposed Project

The Downtown Davis Specific Plan is proposed with the intent to provide for increased residential development and additional commercial opportunities while building on the unique character of Downtown Davis by ensuring future growth is compact, sustainable, supportive of a rich economy, and that necessary improvements are made to the transportation network to ensure safe and equitable access by all travel modes. The Downtown Davis Specific Plan reflects a community interest in maintaining and improving the character of the Downtown in its role as the community’s retail and office core and as established by the remaining historic structures. The Downtown Davis Specific Plan pays special attention to the existing urban character and adjacent residential neighborhoods, proposes modifications to the public realm, and provides clear direction for future development that will ensure the Downtown has a rich character and sense of place.

The Form-Based Code is the mechanism by which the Downtown Davis Specific Plan would be able to assure these goals are met as development occurs. As shown on Figure 2, the proposed project includes eight primary land use designations, with additional regulations pertaining to existing resources and various design elements. Building configurations and maximum heights would include detached, attached, and a mix of both detached and attached, with heights ranging from between two- and five-stories with limited seven-story buildings permitted in select locations. A total of six special areas are identified in the proposed project as areas which because of their location or size, are deemed important to implementation of the proposed project. As shown on Figure 3, these sites include the Davis Commons, Davis Amtrak Station, E Street Plaza Block, E/F Street Parking Lot, East Transition Lots, and the North End Site: Seventh Street and G Street.

Historic Resources

The proposed project identifies strategies to protect and preserve the existing historic resources in the project area while encouraging adaptive use and sensitive redevelopment. This would be achieved through designated conservation overlay districts which would protect the traditional neighborhood characteristics, discourage demolition of historic structures, identify historic preservation incentives, and plan for standards for infill construction that are compatible with existing historic structures, including adjacency to resources.

### Mobility

The proposed project includes several mobility provisions which encourage improvements to the public realm through a downtown circulation plan incorporated into the proposed project. These improvements would include preserving a safe and enjoyable pedestrian network, promotion of bicycling and transit, and the concentration of automobile transit on thoroughfare roadways. Improvements include streetscape improvements, grade-separated bicycle and pedestrian crossings, signalized intersections, intersection reconfiguration, protected and shared-use cycle tracks, and signal coordination. The proposed project additionally includes preparation for ride-hailing and autonomous vehicles and enhanced parking management

### Infrastructure

The proposed project includes policies which encourage the improvement of infrastructure within the project area. Such improvements include requiring low impact development and green infrastructure, stormwater management, water use, reuse, and conservation, and infrastructure for water supply and sanitary sewer water.

### Form-Based Code

The proposed project includes a Downtown Form-Based Code (the “Downtown Code”) which implements the vision in the Downtown Specific Plan and General Plan by setting forth standards for building form and land use while including design regulations such as signage and landscaping. The Downtown Code is established through Article 40.13: Downtown Zones and Article 40.14: Supplemental to Downtown Zones. The Downtown Code preserves several Articles in Chapter 40, Zoning, of the Davis Municipal Code. However, the Downtown Code replaces or modifies several Articles in Chapter 40, Zoning, of the Davis Municipal Code, which include:

- 40.05 Core Area Infill District
- 40.13 Core Area Design Combining District (only within the project area)
- 40.13A Downtown and Traditional Neighborhood Overlay District (modifies)
- 40.14 Central Commercial District
- 40.15 Mixed Use District
- 40.25 Parking and Loading Area, Public Garages and Parking Lots (modifies)

For access to the entire Draft Form-Based Code, visit the City of Davis website at:

[https://www.cityofdavis.org/city-hall/community-development-and-sustainability/planning-and-zoning/downtown-davis-plan.](https://www.cityofdavis.org/city-hall/community-development-and-sustainability/planning-and-zoning/downtown-davis-plan)

### **Areas of Potential Impacts**

The California Environmental Quality Act (CEQA) Guidelines Section 15128 allows environmental issues, for which there is no likelihood of significant impact, to be “scoped out” and not analyzed further in the EIR. Given the urban nature of the project area, the proposed project would not result in a significant impact on several environmental topics. Further, some environmental topics have been previously considered and evaluated as part of the City of Davis General Plan EIR. As all projects must be consistent with the General Plan, the General Plan EIR analysis will adequately address impacts of the proposed project in some environmental topic areas. The EIR will evaluate the following environmental topics.

<b>Environmental Topics</b>	<b>Evaluated in EIR</b>	<b>Not Evaluated in EIR</b>
Aesthetics	X	
Agriculture and Forestry		X
Air Quality	X	
Biological Resources		X
Cultural Resources		X
Historic Resources	X	
Energy	X	

Environmental Topics	Evaluated in EIR	Not Evaluated in EIR
Geology and Soils		X
Greenhouse Gas Emissions	X	
Hazardous Materials		X
Hydrology/Water Quality	X	
Land Use/Planning	X	
Mineral Resources		X
Noise	X	
Population/Housing	X	
Public Services	X	
Parks and Recreation	X	
Transportation	X	
Tribal Cultural Resources	X	
Utilities/Service Systems	X	
Wildfire		X

### Requested Actions

This section presents the discretionary and ministerial actions that would be required to implement the proposed project.

#### *Discretionary Approvals*

Implementation of the proposed project would require the following entitlements from the City of Davis:

- Certification of the EIR and adoption of the Mitigation Monitoring and Reporting Program. Before the City can approve the proposed project, the City must certify that the EIR was completed in compliance with the requirements of CEQA, that the decision-making body has reviewed and considered the information in the EIR, and that the EIR reflects the independent judgement of the City of Davis. Approval of the EIR also requires adoption of a Mitigation Monitoring and Reporting Program (MMRP), which specifies the methods for monitoring mitigation measures required to eliminate or reduce the project's significant effects on the environment. The City would also be required to adopt Findings of Fact, and for any impacts determined to be significant and unavoidable, a Statement of Overriding Considerations, as part of project approval.
- Downtown Davis Specific Plan. The project includes adoption of the Downtown Davis Specific Plan, which can be viewed on the City's website at: <https://www.cityofdavis.org/city-hall/community-development-and-sustainability/planning-and-zoning/downtown-davis-plan>
- Zoning Code Amendment. The proposed project would require an amendment to the City of Davis Zoning Code to adopt the proposed Form-Based Code for the project area.
- General Plan Amendment. The Downtown Davis Specific Plan is the General Plan land use for the downtown area with the specific plan land uses and policies incorporated by reference in the General Plan and would require a General Plan Amendment.

#### *Ministerial Permits*

Implementation of the proposed project would require ministerial permits from the City of Davis, which are included but not limited to the following:

- Demolition permits for any future redevelopment applications for buildings that are not historic or more than 45 years old.
- Administrative Design Review for projects that meet all Design Review standards and do not require any kind of discretionary action or interpretation.

- Tree modification or removal permits for any trimming, modification, or removal of trees protected under Chapter 37 of the City of Davis Municipal Code.
- Encroachment Permit for any construction within the public rights-of-way.
- Building Permits for construction of new buildings consistent with the Form-Based Code.

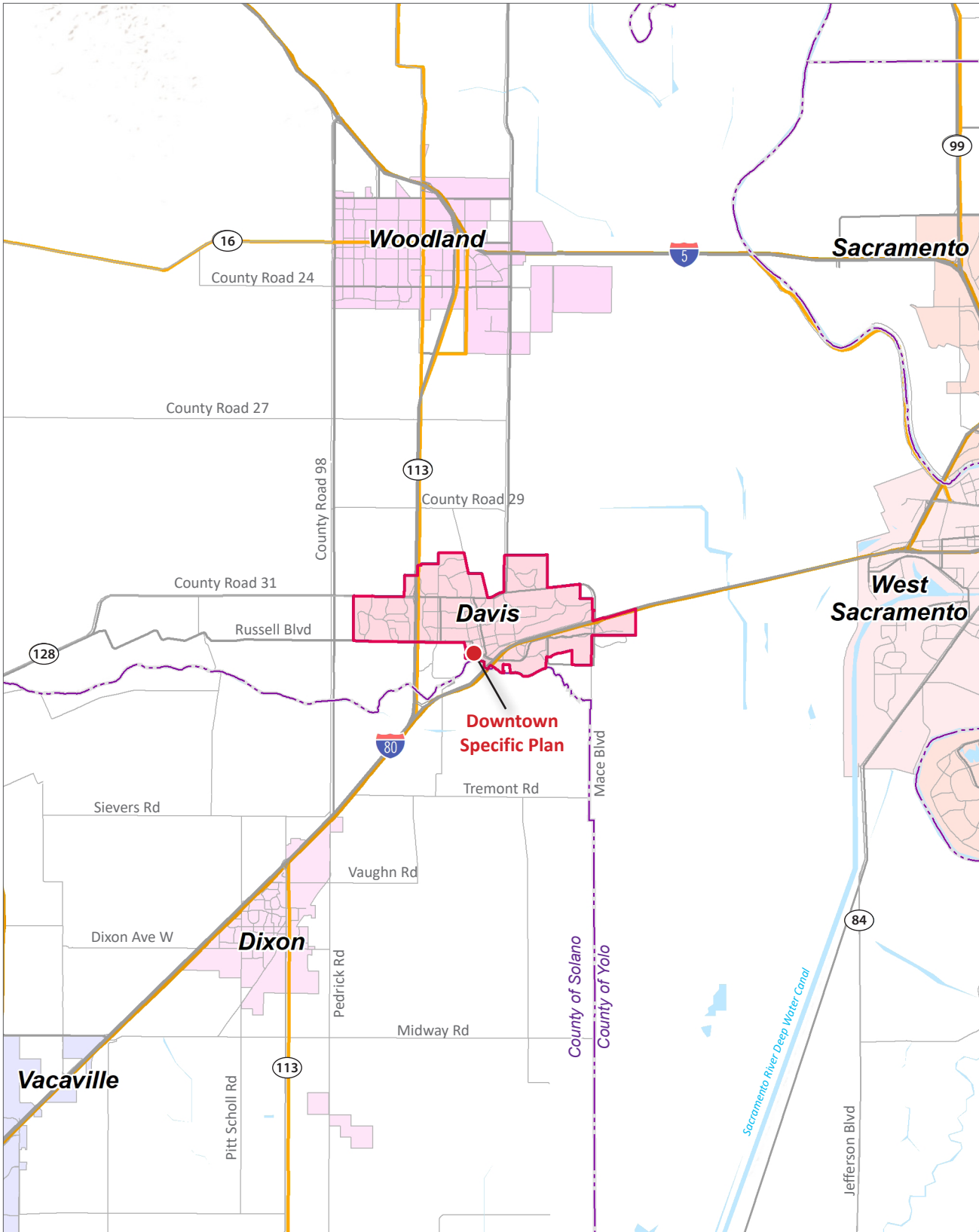
### **CEQA Streamlining**

The Legislature has adopted several statutory provisions to streamline environmental review. CEQA Section 15183 is intended to streamline the environmental review for projects that are consistent with the densities established by existing zoning or general plan policies with a certified EIR. According to CEQA, because the proposed project is consistent with the General Plan and the General Plan EIR, it qualifies for the CEQA streamlined environmental review as allowed in Section 15183. It is the intent of the proposed project to result in streamlined project consideration and approval.

### **Figures**

- 1 Regional Context
- 2 Proposed Land Use Designations
- 3 Specific Plan Area and Existing Downtown Neighborhoods



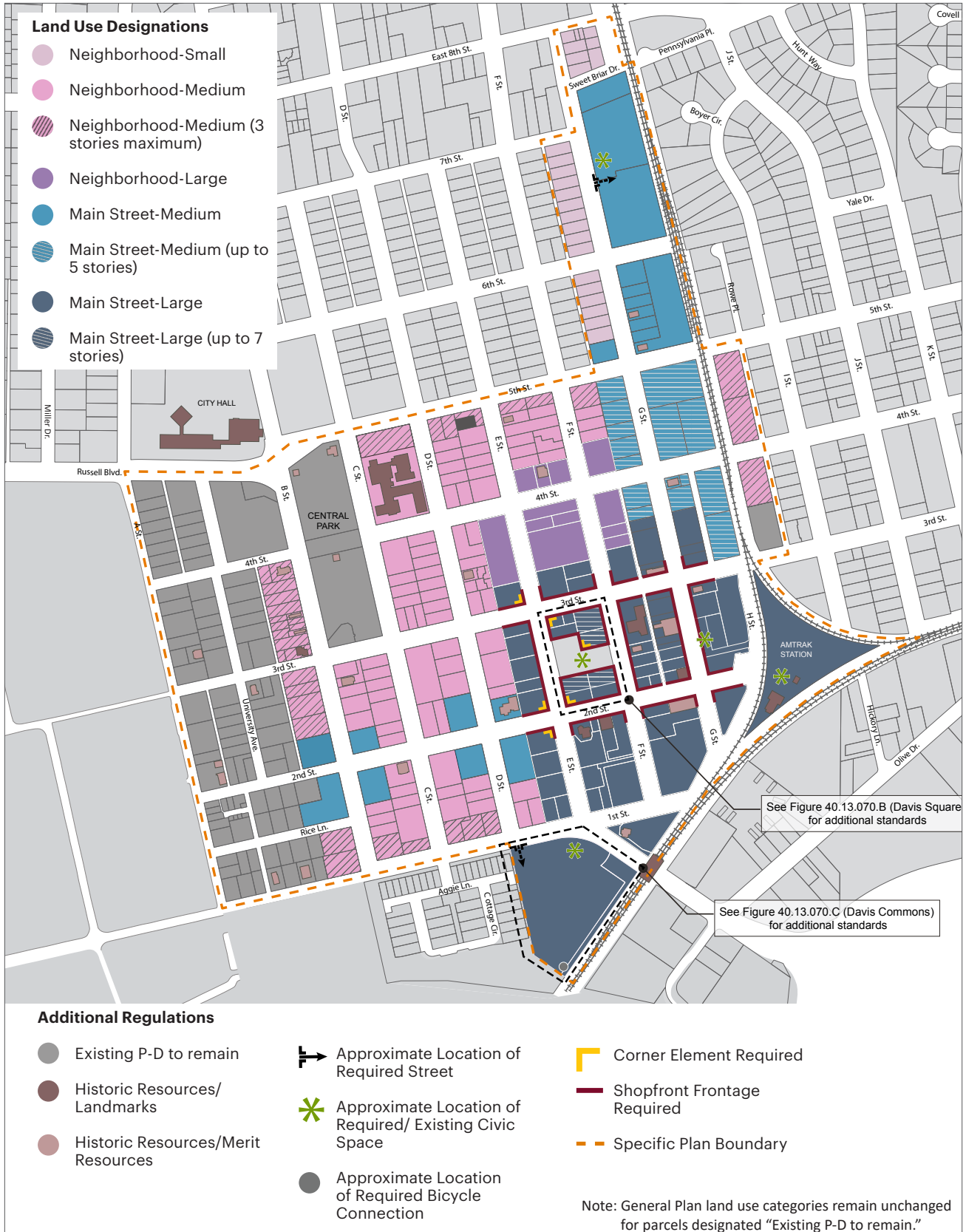


Source: ESRI, 2020

Note: Unincorporated county areas are shown in white.



Figure 1  
Regional Context

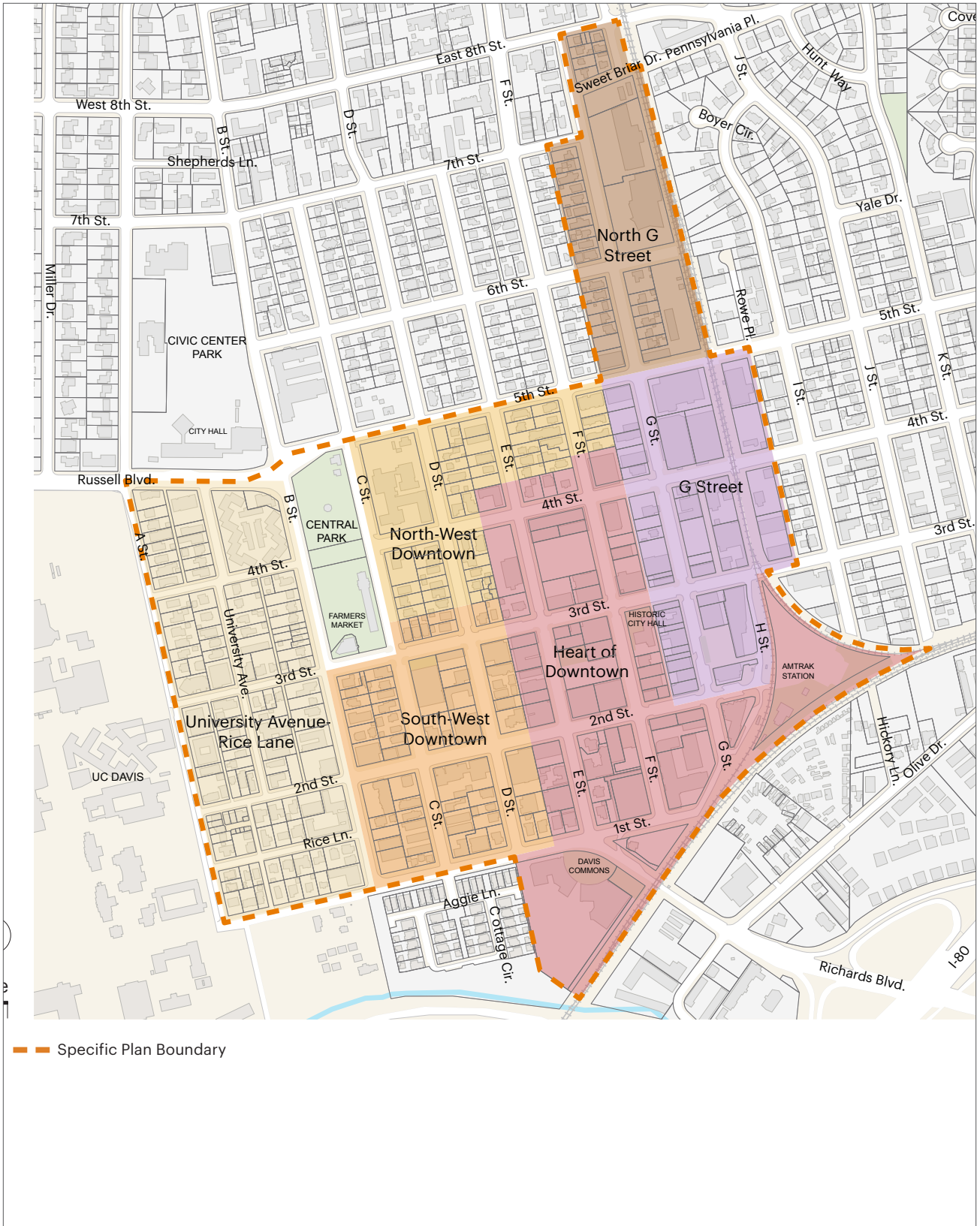


0 600  
Scale (Feet)



Source: City of Davis, 2019

Figure 2  
Proposed Land Use Designations



Source: City of Davis, 2019

Figure 3  
Specific Plan Area and Existing Downtown Neighborhoods





## NATIVE AMERICAN HERITAGE COMMISSION

RECEIVED

October 7, 2020

OCT 13 2020

City of Davis  
Community DevelopmentCHAIRPERSON  
**Laura Miranda**  
LuiseñoEric Lee  
City of Davis  
23 Russell Boulevard, Ste 2  
Davis, CA 95616VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash**Re: 2020100103, Downtown Davis Specific Plan and Associated Form Based Code Project, Yolo County**

Dear Mr. Lee:

SECRETARY  
**Merr Lopez-Kelfer**  
Luiseño

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a 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 § 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, § 5064 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 within the area of potential effect (APE).

PARLIAMENTARIAN  
**Russell Atebery**  
KarukCOMMISSIONER  
**Marshall McKay**  
WintunCOMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
ApacheCOMMISSIONER  
**Julie Tumamait-Stensile**  
ChumashCOMMISSIONER  
**[Vacant]**COMMISSIONER  
**[Vacant]**EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

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, a notice of negative declaration, or a 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.**

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

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 §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 §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 §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 §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 §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 non-federally 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 §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §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 §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 §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 §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 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, § 15064.5(f) (CEQA Guidelines § 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 § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 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 or need additional information, please contact me at my email address: [Nancy.Gonzalez-Lopez@nahc.ca.gov](mailto:Nancy.Gonzalez-Lopez@nahc.ca.gov).

Sincerely,



Nancy Gonzalez-Lopez  
Cultural Resources Analyst

cc: State Clearinghouse



**From:** Lynn Christensen [REDACTED]  
**Sent:** Thursday, October 22, 2020 11:37 AM  
**To:** Eric Lee <ELee@cityofdavis.org>  
**Subject:** "Davis Downtown Specific Plan and Associated Form-Based Code NOP Comments"

Hello,

As the property owners of the building located at [REDACTED] Davis, CA 95616, we would prefer that our building not be designated as a "Merit Resource". The Downtown Davis Specific Plan had suggested that our building could qualify as a Merit Resource. We do not feel that the building meets the requirements of an Historical designation. It is a cinder block building that was a dentist/doctor's office in the 50's. There are no outstanding architectural features or any historical significance.

The original owners of the building at [REDACTED] also built their house on Russell Blvd in the same style as the office building using the same cinder block construction. The Davis Planning Commission recently approved the demolition of this house, so the lot could be redeveloped. The house was not considered historical. The same style of office building should not be considered historical either.

As property owners, we would prefer the flexibility to develop our property without the constraints of an historical designation.

Thank you for your time,

Lynn Christensen  
Laura Christensen  
[REDACTED]  
Davis, CA 95616  
[REDACTED]

## **Thoughts on the Proposed Downtown Specific Plan, The Pandemic, and Attracting Needed Investment.**

The City of Davis and the Citizens of Davis are re-engaging in an effort to review and adopt a Downtown Specific Plan. This effort has been underway for nearly 4 years; on January 10, 2017, the City Council directed the City Staff to proceed with Core Area Plan, Zoning and Design Guideline Amendments. By way of background, the plan is intended to create a vision for downtown Davis through 2040. The plan is designed to create a guide for long term development policies and address recurring challenges and establish a vision for the kind of place that the community desires. I would like to challenge us to consider the plan in light of the Pandemic and encourage updating it to be more resilient and with an eye towards stimulating investment.

This process has been underway for four years, or in other words almost the entire time that Donald Trump has been president. A high school graduate could have finished their undergraduate degree at UCD in this time period. Or maybe a better way to think about it is that we have gone from a period of full employment and Goldilocks economy to Pandemic, Lockdown and Recession all while working to draft this plan.

No doubt about it, this planning effort has been really extensive. A Downtown Plan Advisory Committee (DPAC) was established with more than 20 community members. Well-meaning people volunteered their time and expertise. An outstanding consultant team was assembled that included Opticos Design, Aim Consulting, BAE Urban Economics, Fehr and Peers, Siegman and Associates, Lotus Water, Placeworks, Caravaglia Architecture, Farr Associates, Urban 3 and more. City Staff included City Manager Mike Webb, Director of Community Development and Sustainability Ashley Feeney, Director of Community and Business Engagement Diane Parro, and Planner and Project Manager Eric Lee and others. There have been numerous public forums and workshops, 25+ is my guesstimate and hundreds of citizens have participated. There are nearly 60 different formal written comments to the Draft EIR – 6 other City Commissions have formally responded to the Draft Plan and Draft EIR. Clearly, this has been a herculean effort. No expense has been spared. I hope we choose to measure success by the creation of a good implementable plan and not by process alone. No one can doubt the process or professional approach to date.

This coming week, the last week in October of 2020, there will be a Public Workshop on October 28<sup>th</sup> for the Draft Plan with the Davis Planning Commission. The purpose of the workshop will be to receive an updated staff report, to receive public comments, and particularly to focus on; **Built Environment, Historic Resources, and Mobility and Parking**. In addition, there will be a Notice of Preparation Public Hearing “Scoping Meeting” to receive comments on the adequacy of the Environmental Review, on Thursday October 29<sup>th</sup>. It is anticipated that in December there will be another Planning Commission Workshop dealing with Infrastructure, Implementation. And then a third workshop on the Draft Form Based Code will be calendared. The final EIR is scheduled to be ready in May or June of 2021 and the City Council will hear and review the final plan and document in June or July of 2021.

What do we have and what is missing? Are we about to get a Downtown Specific Plan which will stimulate economic investment into our downtown? Is this a plan to preserve the status quo or to guide us for the next two decades? This initial document was prepared prior to the Pandemic and I don't believe addresses many potential threats and opportunities brought on by the public health crisis and the resulting economic and business changes. Here are some matters that I would like to recommend be considered as the Plan is coursing its way towards adoption.

- Theatres are closed, filing for bankruptcy, and most believe that this venue for the delivery of entertainment is destined to go the way of Vaudeville Shows. New movie releases will likely be streamed or on demand and the multi-screen and independent art cinema is likely to become as common as a Blockbuster video store. A recent LA Times article reports that 70% of the theatres are likely to file for bankruptcy. Downtown Davis has 3 theatre locations. One is City owned and two have large parking garages built to support the movies. Let's update the Downtown Plan to encourage and stimulate redevelopment of the theatres for other uses. The theatre industry is asking for a taxpayer bail-out. Let's face the facts and plan for better uses.  
<https://www.latimes.com/entertainment-arts/business/story/2020-09-30/hollywood-fears-for-movies-theaters-survival-amid-covid-19-pandemic>
- Amtrak Ridership through the Davis Station is reported to be down 87.5% during the Pandemic. Revenue is off 87.3%. Amtrak is warning of severe cutbacks in service and projecting multi-billion dollars losses for 2021. Amtrak ridership and the Capitol Corridor line are important pieces of infrastructure which should potentially be considered for adaptive reuse. There is plenty of parking and updating the plan to consider additional uses on this City owned Depot site is probably a good idea.  
<https://csanders429.wordpress.com/2020/08/21/pandemic-still-depressing-capitol-corridor-ridership/>
- When many of us think about downtown Davis we think about restaurants and the owners, chefs, and servers who provide us with our favorite foods and beverages. Most of downtown's restaurants have been clobbered! I hope I am wrong, but I wouldn't be surprised if 40%-75% of them fail in the coming year. Many of them are barely surviving right now, and most who are surviving are doing so because they have been able to establish outdoor seating in the street or public sidewalks. Parking for take-out and ease of pick-up and delivery isn't addressed in the current plan. Each one of the restaurants needed a "special permit" to build their outside seating. Our proposed plan doesn't do anything to streamline outdoor eating or pick up or delivery. Unfortunately, few if any of the on street outdoor dining venues appear to be a fit place to share a meal when the weather turns cold. The New York Times reported on a City program that has become a vital lifeline and allowed more than 10,000 restaurants and bars to take over sidewalks, streets and other public spaces in NYC. And to do so in a manner that will allow their use on cold winter days. Why don't we have a competition for design ideas

to allow attractive, permanent outdoor facilities? The City of Chicago just did that and came up with great ideas and designs.

<https://www.restaurantbusinessonline.com/operations/winners-chosen-chicagos-outdoor-dining-design-contest>

- The proposed Plan has to have a realistic, honest conversation about Historic Resources. The Draft Plan identifies 25 buildings which are Historic in the downtown. It also has indicated that 7 more buildings should be added for Historic purposes. There is a suggestion that the bike lanes on 3rd Street also be designated Historic. As drafted, now the Plan will maintain existing historic protections including Historic Resource Management Commission (HRMC) review of significant project proposals “within 300 feet of designated historic resources”. The HRMC asked for clarification in their comments to the Plan; *“that the Downtown Plan and Code would supplement the current HRMC process rather than replacing it.”* It then goes on to suggest that no building or investment can be built within 300 feet of those 32 buildings without supplemental review, hearings, potentially new EIR’s on each project? I challenge the City Staff and consultants to map out the historic buildings and draw a 300-foot radius map from each site. Show that map to the public and to the property and business owners. Also show what impact a 300-foot buffer would have along the bike paths on Third Street from B to K Street. I believe that the math would show that there is at least a ½ acre buffer around each property that is “potentially historic”. Much of the downtown would need additional review and delay from investment. Let’s have a crucial conversation. Let’s have a plan and environmental document that is clear about what is a truly historic resource. Let’s solve or eliminate the setback idea. Adopting a plan full of duplication, creating special interest silos, and conflicting policies will not serve our downtown or lead to reinvestment and the resources for preservation. We have to find a balance! The National Main Street Center identifies that a better approach to Historic Preservation is called for. They point out that “we’re falling short in two specific ways: Firstly, our core preservation tools do not serve all kinds of preservation well—and in fact can undermine our broader efforts to save buildings and support the people and enterprises that enliven those buildings. Secondly, our financing mechanisms for building rehabilitation are inadequate to the task”.  
<https://www.bloomberg.com/news/articles/2019-02-08/why-historic-preservation-needs-a-new-approach>
- The University of California and the students and the events at our campus used to attract 40,000+ students to campus and our town and hundreds of thousands of visitors to Picnic Day, Whole Earth Festival, sporting and cultural events and to scientific and professional meetings. Those students and their parents and visitors are in many regards the lifeblood of demand for goods and services in our downtown and throughout our community. Attendance is virtual now in many regards, and most events have been canceled or curtailed. Our Plan has to envision slow-downs, recessions and unfortunately Pandemics. Figuring out how to bring more housing, more residences and more diversification and investment to downtown Davis should be the priority. Linking campus to the community should have greater focus as well.

- I think it is important that we recognize that the Pandemic and the public health response and good urban planning including planning related to climate change, embrace similar methodologies. Pandemic and the planning of resilient cities and regions by Reza Banai, of the Elsevier Public Health Emergency Collection of the National Institute of Health makes this point very well I believe. The emergence of the coronavirus Pandemic motivated that recent paper, September 15, 2020, which revisits the nexus of public health and the city, itself a main source of a pandemic which similarly threatens the lives and properties of the world population gradually through climate change. The paper argues that pandemics expose both the vulnerability and resilience of the urban system. The discussion of the urban system and the pandemic is comparative, with the recent coronavirus and climate change, a persistent, long-lasting pandemic. The paper notes implications for reconfiguring the resilient urban system of the future effectively with pandemic as change agent and the comprehensive plan and its regulatory zoning ordinance as implementation tool. Pandemics, while exposing the vulnerabilities of the urban system, are also a driver of positive change in planning resilient urban form of the future. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7490286/>

In closing, I hope that we can quickly build upon the four years of work that are invested in the proposed Downtown Specific Plan. I hope that we can simplify the plan and heighten the focus upon attracting investment. I hope that we adopt a plan that sets a course on the future for downtown Davis that is resilient, innovative, dynamic and attractive. I think it is time to update the plan and have urgency in its adoption and implementation. I hope that we can incorporate and learn from many of the changes brought about by this horrible Pandemic. We have an opportunity to streamline and stimulate investment for the next 20 years. Or we can continue to fight decades long battles about our downtown and do so in a piecemeal approach, trying to make everyone happy, adopting conflicting public policies. If we choose the latter, this proposed plan that is still 9+ months away from adoption, will gather dust and be out of date before it is adopted. Much is at risk! We can do this!

Jim Gray, October 25, 2020

Jim Gray is a longtime Davis resident, and commercial real estate broker and developer.



Jennifer Anderson  
Property owner  
Andeman Company, DA Land LLC  
And BS Management, LP  
[REDACTED]  
Davis, CA 95616

October 27, 2020

City of Davis  
23 Russell Blvd  
Davis, CA 95616

Re: Davis Downtown Specific Plan and EIR

Dear City Planning Department, City Council Members,

We would like to provide a few comments on the provided Davis Downtown Specific Plan that is to have an EIR completed.

1. Our properties located at [REDACTED] are very proximate to the Multimodal station and should be allowed to be built out to 7 stories. We need housing in Davis – and this area is a key focus of the State of California near transportation hubs. This would provide for greater flexibility to meet more options on the property improvements.
2. [REDACTED] is not a historical resource on the 2010 list and should not be on the list of potential resources. While it is an older building it is not an efficient or energy wise building, nor of strong architectural value.
3. [REDACTED] are all in the Downtown Business Improvement District and have been required to pay dues as businesses. They were commercial service areas for decades – housing manufacturers in early years. They are now in a “designated opportunity zones” and should be allowed to build out to the fullest potential. We are concerned that “guidelines” will limit build out and not be affordable to construct. Note that access to these parcels is limited to the street frontage as the alley is not easily navigable by all types of vehicles.
4. The area called “transition” to East Davis – from 3<sup>rd</sup> Street to 5<sup>th</sup> Street east of the rail tracks, was approved by the DPAC on a full vote to designate the entire area at 4 stories. This needs to be amended in the design for the EIR. The impact of 3 stories versus 4 stories with height limits - impacts the viability of construction and loss of potential housing.

We are available if you have further questions or wish further explanation. We need to improve our downtown NOW – and additional transit housing will make a difference.

We have seen several great developments in other communities that tie in the downtown and the transit hubs to the community. We are very hopeful that this plan will encourage such development on some of our properties. The ZONING and PLAN design make a difference. Do not place roadblocks, create opportunities.

Kind regards,

Jennifer Anderson  
Property Owner in the Davis Downtown for decades!  
We are not “outside looking in” but there!

Davis Planning Commission, Mike Webb, Ash Feeney, Jessica Lynch, Sherrie Metzger, Eric Lee  
City of Davis  
October 28, 2020

Via email

### **Hibbert Lumber Yard response to NOP for Downtown Davis Specific Plan**

We hope that this meeting finds you well. We want to thank the Planning Staff for your time earlier this week to have a Zoom Call with Becky Hibbert, Jane Hadley, and Molly Anne Snyder, the “Hibbert Sisters” and property owners of the former Hibbert Lumber site at [REDACTED] north/east corner of the 5<sup>th</sup> and G Street in downtown Davis and ourselves. My partner Nahz Anvary and I and our firm are acting as advisors and commercial brokers to the Hibberts as they are exploring their options for the site.

Clearly, the Hibberts have been major Stakeholders in downtown Davis and are generally supportive of the Downtown Specific Plan.

As a part of the Scoping and consideration of the refinement of the Downtown Plan we have these specific Comments as it relates to the proposed Downtown Specific Plan and to the Hibbert Property.

1. As we discussed with you earlier, we believe that this site should be evaluated and considered for a variety of potential future uses. Future Flexibility should be designed into a plan that has a proposed time horizon of 20 years. Future uses could include a commercial/retail/office use/mixed use property similar to the USDA/ Yackzan/ Theatre Project directly across the street on the south east corner. Also, a potential highest and best use for the property might be multi-family housing or vertical mixed use residential. It also might be a good site for a creatively designed single family infill project. Finally, this could become a future public building site- parking lot, city or school district services or other type of Federal/State or Local Government Building. We believe that the Zoning should allow flexibility and that the EIR should contemplate a mix of possible alternatives. As you are aware this might be one of the largest sites available for creative development in the downtown.
2. On page 169 of the Draft Plan it states that sites should be *reserved for future public parking lots*. The Hibbert Lumber site is specifically identified for that potential purpose. As we discussed we have no opposition to the Site being considered as a future Private or Public Parking Lot. We just want the record and the Plan to be clear that is not the only intended use for the property. If the city or a private parking lot developer wants to buy the lot for that purpose it should be but one of many potential uses.
3. As we understand it, there is no current identified Historic Resources on the premises. We realize that some areas of the downtown are within a Conservation Overlay District, but we hope that an updated plan will streamline and be clear on which properties are in fact “historic resources”. We believe that the Plan and EIR is contemplating an



Update. At page 122 of the Draft Plan there is a reference to the Commercial Building that housed the retail aspect of the lumber yard having Character Defining Features and states that *“Special Consideration may be needed ... is being evaluated as a potential historic resource.”* Furthermore, it states on page 123 of the Plan that Garavaglia Architecture is doing a survey that may determine that the building(s) could be designated a Merit Resource. As a follow-up to our meeting you furnished us with a copy of a 6-page report prepared by Garavaglia for the City. We have quickly reviewed it and we are reserving our right to more fully address the report and its recommendations in the future. It appears from our reading and from the findings of the evaluation that neither the building nor its architecture is particularly nor the people associated with it is particularly significant from a Historic Resources point of view. The report states that the subject property does not appear to be individually eligible for listing on the National or California Register of Historic places either because of People, or Architecture Design (Criteria B/2 and C/3) and apparently it is being considered for inclusion because of “Events”. The purported event is; “Selling lumber during a period of post-World War 2 Growth and residential growth associated with the expansion of the University of California Campus.” We acknowledge that lumber was sold from this as well as many sites in the Sacramento and San Joaquin Valley after World War 2 but that seems like a minimal reason for designating this a Historic Resource. We encourage you to not designate this as a Merit Resource and inclusion on the local register. (Garavaglia Report page 4 A/1 Events.) We strenuously object to this potential designation!

4. There have been comments with regards to the interface between this site and the North Davis residential neighborhood. We want to work with architects, planners and developers to come up with an attractive plan and series of improvements. Please note that to the south there are large commercial buildings, to the west there are commercial and mixed-use buildings, to the east is the railroad track and “old industrial fabric”. To the north is the Davis Food Coop retail center. We believe that neither a prescribed step-back nor setback to two stories does not seem appropriate at this site. Of course good design and planning will be sensitive to size and massing as the individual use and plan evolves.
5. We would hope that the plan and the Form Based Zoning for this site would include up to 5 stories similar with other areas in the Downtown Plan.

We respectfully submit these comments for your consideration.

Becky Hibbert, Jane Handley, Molly Anne Snyder

**Jim Gray, CCIM, LEED AP & Nahz Anvary, CCIM**  
Senior Vice Presidents, Shareholders

**KIDDER MATHEWS**

455 Capitol Mall, Suite 160, Sacramento, CA 98814

☎ Jim 916.947.5142 | ☎ Nahz 916.284.8385

[jim.gray@kidder.com](mailto:jim.gray@kidder.com) | [vcard](#) | [profile](#) | LIC N° 00775072

[nahz.anvary@kidder.com](mailto:nahz.anvary@kidder.com) | [vcard](#) | [profile](#) | LIC N° 01468557

[kidder.com](http://kidder.com)

October 28, 2020

Mark N. Grote, Secretary  
Old East Davis Neighborhood Association  
[REDACTED]

Planning Commission  
Sherri Metzker, Principal Planner  
Jessica Lynch, Senior Planner  
Eric Lee, Planner

Re: Comments for the Downtown Plan workshop

Dear Commissioners, Sherri, Jessica and Eric:

On behalf of the board members of the Old East Davis Neighborhood Association, I am writing to provide comments for discussion during the Planning Commission's October 28, 2020 Draft Downtown Davis Specific Plan workshop. Three numbered items, including two specific requests for the Planning Commission, are below.

1. Neighborhood Medium building forms for the Core Transition East having a maximum height of three stories, as in Figure 4.13 (pg. 74) of the October, 2019 Draft Downtown Plan, make appropriate transitions between the downtown and adjacent single-story homes in Old East Davis.

Two- and three-story projects are viable in and near the downtown, as evidenced by the recent completion of such projects, as well as by Planning Commission and City Council approval of two- and three-story projects in the pipeline. The BAE economic study for the Downtown Plan was based on existing density maxima and FARs, and therefore appeared to create incentives for large buildings containing large residential units. We suggest that the removal of density restrictions would allow more units per square foot within smaller building envelopes, increasing developers' return on investment for buildings that would not overwhelm neighborhoods. This would call for site-specific zoning in the Core Transition East, but these parcels have unique con-

figurations anyway: the zoning premise for the draft Form-Based Code assumes broad street fronts, and consequently the building forms for the bulk of the planning area do not work well on the deep, narrow lots that characterize the Core Transition East. The BAE study additionally showed that for-sale units would increase return on investment over rental units.

2. Site-specific building forms for the Core Transition East, as discussed informally by Opticos Design at the final DPAC meeting on January 23, 2020, are potentially more workable at these sites than the standard Neighborhood Medium building forms described in the Draft Downtown Plan, because of the unusual parcel configurations in the Core Transition East. The site-specific forms could be of modest scale while using parcel dimensions more efficiently, therefore potentially being acceptable to all parties. These alternative forms were the subject of an April 7, 2020 letter to the Planning Commission from the Old East Davis Neighborhood Association, attached to these comments. Planning Commission remarks on April 7, 2020 included requests to City staff for study of the Opticos site-specific forms in the Downtown Plan environmental documents. Although OEDNA has since followed up with questions to City staff regarding the site-specific forms, the City has not committed to studying them. ***We respectfully request that the Planning Commission ask City staff again to work with stakeholders to develop the Opticos site-specific building forms for the Core Transition East.***

3. The late-stage DPAC recommendation for “adjustment” of the draft downtown regulating plan, to allow four-story development in the Core Transition East (Recommendation 4 in the February 5, 2020 Summary of DPAC Recommendations), was upheld on a sharply-divided vote of DPAC members at the final DPAC meeting on January 23, 2020. The Core Transition East parcels were called out specifically for increased height, while transition areas in the University/Rice Lane neighborhood remained at a three-story maximum height, and the west side of G St. transitioning to Old North Davis remained at a two-story maximum height. There does not appear to be a concern about the viability of smaller-scale buildings in these other transition areas. Buildings in the Core Transition East should be comparable in scale to buildings in other transition zones across the planning area, as the land use principle—transitioning downward in scale

from downtown to adjacent neighborhoods— is the same. City staff seek the implicit assent of the Planning Commission that there is “general support for DPAC’s recommended adjustments” (October 28 Staff Report, pg. 05A-5, item B and subsequent text). *We respectfully request that the Planning Commission affirm that three-story maximum building forms for the Core Transition East, as in the October, 2019 Draft Downtown Plan, are preferred.*

Sincerely,

A handwritten signature in black ink that reads "Mark Grote". The signature is written in a cursive, slightly slanted style.

Mark Grote

OEDNA Secretary

April 7, 2020

Mark N. Grote, Secretary  
Old East Davis Neighborhood Association  
[REDACTED]

City of Davis Planning Commission  
Sherri Metzker, Staff Liaison

Re: Requesting discussion of Opticos Design's concepts for the Core Transition East

Dear commissioners and Staff Liaison Metzker: On behalf of the Old East Davis Neighborhood Association, I am writing to request that, during your April 14, 2020 meeting with the City Council, you discuss concepts for building forms in the Core Transition East presented informally by Opticos Design at the final Downtown Plan Advisory Committee meeting.

In their final meeting, DPAC recommended that: "*...the review of the first draft of the Downtown Plan and Zoning Code [be moved] from DPAC to the Planning Commission for further consideration. Furthermore, that appropriate Plan amendments be considered that consider the comments received to date and that these amendments are widely distributed to the community when available.*" (The recommendation as recalled by Old East Davis neighbors present at the meeting.)

We suggest that concepts for area-specific building forms, on parcels that transition between neighborhoods and the downtown core, are appropriate topics for Planning Commission consideration, as part of refining and moving the Downtown Plan forward. Several such areas—including the Core Transition East, the Core Transition West, and the G-Street North Transition Area—present challenges for balancing economic viability with appropriate contextual design. However, we are confident that these challenges can be surmounted with targeted efforts by Opticos and stakeholders.

Unique building concepts for parcels of the Core Transition East were introduced informally by Opticos principals and technical staff at the final DPAC meeting on January 23, 2020, in

response to questions and discussion at the meeting. Several meeting participants observed that the general building forms in the draft Form-Based Code are not well-suited to the special design challenges of the Core Transition East, and this was acknowledged by Opticos representatives. However, the concepts discussed at the January 23 DPAC meeting have not been formalized or included in documents available for community members and decision-makers. Please see our March 23, 2020 letter to the City Council and city staff, attached here, for basic background and details.

Thank you for your attention to these matters.


Sincerely,

A handwritten signature in black ink that reads "Mark Grote". The signature is written in a cursive, slightly slanted style.

Mark Grote

OEDNA Secretary

March 23, 2020

Mark N. Grote, Secretary  
Old East Davis Neighborhood Association  


City Council  
Mike Webb, City Manager  
Ashley Feeney, Assistant City Manager

Re: A way forward for the Core Transition East in the Downtown Plan update

Dear Council Members, City Manager Webb and Assistant City Manager Feeney:

On behalf of the board members of the Old East Davis Neighborhood Association, I am writing to review and comment on discussion of the Core Transition East that took place at the final DPAC meeting on January 23, 2020. I focus especially on solutions offered at the meeting by Opticos staff for the unique planning and building challenges posed by the Core Transition East, and suggest a way forward for the City, property owners and neighbors. Two numbered items, including a specific request in item 2, are below.

**1. Opticos staff has informally sketched building forms for the Core Transition East that are adapted to the unusual layout and context of these parcels, have the potential to meet property-owners' needs for building capacity, and to be accepted by Old East Davis neighbors.**

The parcels of the Core Transition East present unique design challenges that are not met by the general building forms of the draft Form-Based Code. Some of the unusual features of these parcels are:

- a) They are large, although adjacent to small, single-story homes and in close proximity to historical resources.

- b) They have narrow street-frontage widths, although their depths extend to half blocks.
- c) The adjacent alleys are not side-streets. The alleys are much narrower than side-streets and have zero lot-line dwellings and garages along their edges.

Old East Davis neighbors having drafting and design skills participated in public Form-Based Code workshops in late 2019, and sketched building types using the new code-- as applied to parcels of the Core Transition East-- under the supervision of Opticos facilitators. Building types proposed for the Core Transition East, including *Cottage Courts*, *Multiplexes*, *Townhouses* and *Courtyards*, are rather awkward on these parcels and do not use the parcel dimensions efficiently, due to specifications in the draft Downtown Plan and Form-Based Code developed for more conventional parcel dimensions and contexts.

OEDNA recognizes that the draft Form-Based Code, as currently applied to the Core Transition East, creates challenges for achieving housing densities and retail volumes that would allow for successful mixed use development. It is our understanding that some property owners of Core Transition East parcels are also dissatisfied with the proposed building forms, based on their comments at recent DPAC meetings. Additionally, OEDNA expects development in the Core Transition East to exemplify good planning principles of transitional building scale and form, as well as neighborhood compatibility.

At the January 23, 2020 DPAC meeting, in response to discussion and questions from committee members about the Core Transition East, Opticos staff suggested potentially viable strategies for dealing with the unique design challenges of these parcels. Opticos staff acknowledged the limitations of the Form-Based Code as applied to the Core Transition East, and it was apparent that their budget prevented consideration of site-specific design for these parcels. Opticos technicians present at the January 23 meeting began immediately to produce schematic building



forms, following the broad suggestions of Opticos senior staff. At present, these schematics exist only informally, and are not available to decision-makers.

Based on OEDNA board members' recollections of the schematics developed by Opticos at the January 23 DPAC meeting, we have produced a conceptual sketch for a block of the Core Transition East, shown below, similar to what was suggested by Opticos.



The sketch is a view, looking toward the downtown core, of a full block within the Core Transition East, containing two parcels. Each parcel is “virtually” divided into two sub-parcels, with a discrete building on each sub-parcel— a concept used by Opticos to place buildings of

neighborhood scale on large parcels. The buildings have greater mass along the railroad tracks, stepping down significantly via smaller-scale wings to the single-story homes across the alley. According to our understanding, building layouts and orientations as sketched above are not currently allowed by the draft Form-Based Code in the Core Transition East. Opticos staff provided these concepts at the “spur of the moment” and could likely present other working alternatives based on their experience. We suggest that these concepts, if implemented in the Downtown Plan and Form-Based Code, may provide a viable way forward for the City, property owners and Old East Davis neighbors.

Opticos representatives were not present at DPAC meetings between February and October of 2019, due to budget limitations. OEDNA believes that the difficulties DPAC faced during this period, with regard to the Core Transition East and other transitional areas, would have been avoided if Opticos had been present.

**2. OEDNA requests that the City make funds available for Opticos to further develop and finalize building forms for the Core Transition East, in collaboration with property owners and Old East Davis neighbors, in time for these revisions to be presented to the Planning Commission and City Council as they consider next steps for the Downtown Plan and Form-Based Code.**

As the January 23, 2020 DPAC meeting concluded, Old East Davis neighbors approached Opticos staff, asking if their suggestions and schematics for the Core Transition East could be developed and formalized. As appropriate, Opticos staff responded that any such request must be conveyed by the City.

OEDNA believes that a viable way forward exists for the Core Transition East, acceptable to property owners as well as to Old East Davis neighbors. We further believe that Opticos has the vision, expertise and experience that are needed to produce solutions. If the City and property owners are willing partners, we will work collaboratively and in good faith with the help of

Opticos staff, to develop building forms for the Core Transition East meeting multiple needs. Given the public health measures in effect as of this date for the City of Davis and other cities in northern California, we understand that on-line collaboration and meeting tools are likely to be necessary. We can adapt to these circumstances.

Please contact me by e-mail at the address above to keep me updated about the status of this request. Thank you for your attention to this.

Sincerely,

A handwritten signature in black ink that reads "Mark Grote". The signature is written in a cursive, slightly slanted style.

Mark Grote

OEDNA Secretary

**From:** Anthony Ruebner [REDACTED]  
**Sent:** Wednesday, October 28, 2020 3:35 PM  
**To:** Planning Commission <PlanningCommission@cityofdavis.org>  
**Cc:** Eric Lee <ELee@cityofdavis.org>; Jessica Lynch <JLynch@cityofdavis.org>; Ashley Feeney <AFeeney@cityofdavis.org>  
**Subject:** Public Comment - Downtown Plan - Depot Building, 7 Stories

Dear Planning Commissioners,

As one of the owners of the Depot property - the triangular parcel at 2nd St. between G & H St. that's adjacent to the Amtrak station - we request the Planning Commission support its increased densification from five to seven stories.

In Section 4.3 of the Staff Report, Item 5 defines the proposed Expanded Core Height Area, increasing density from five to seven stories. The Depot property is located within this defined boundary.

This is an exceptional location for increased densification. The property is located adjacent to the Amtrak station with no contiguous neighbors. It 's uniquely suited to be a cornerstone for creative and innovative design and development, enhancing the connection between the Amtrak station and our downtown.

Again, we encourage you to support including the Depot property within the Expanded Core Height Area boundaries, and its increased densification from five to seven stories.

Sincerely,

Anthony Ruebner

Anthony Ruebner  
Depot Property, Member





Kemble K. Pope & Steve Greenfield, *Managing Members*  
Trackside Center, LLC  
2940 Spafford St., Suite 202 | Davis, CA 95618

City of Davis Department of Community Development and Sustainability  
23 Russell Boulevard, Suite 2 | Davis, CA 95616  
*Sent via email to:* Eric Lee (elee@cityofdavis.org)

Subject: Notice of Preparation Comments for Downtown Davis Specific Plan (“DDSP”) EIR

October 29, 2020

To Eric Lee,

As owners of property within the boundaries of the DDSP we are here in providing the following input to be considered during preparation of the DDSP EIR:

**DAVIS DOWNTOWN SPECIFIC PLAN COMMENTS**

**Compliance with The Housing Crisis Act of 2019 - Senate Bill (SB) 330**

We are concerned that the DDSP, in its current status, may violate The Housing Crisis Act of 2019 (SB 330), which prohibits a city from enacting a development policy, standard, or condition that would change the general plan land use designation, specific plan land use designation, or zoning of a parcel to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances as in effect January 1, 2018. We have described just one specific example of this concern below in the section titled “Form Based Code.”

The draft DDSP may not adequately address consistency with existing City planning documents and State law. We believe a detailed analysis should be conducted as soon as possible to determine if any portions of the plan may need to be revised in order to comply with SB 330.

**Zoning for Trackside Center (901 to 919 3<sup>rd</sup> Street)**

The zoning for the Trackside Center property located at 901 to 919 3<sup>rd</sup> Street, and the adjacent land leased from Union Pacific Railroad, is correctly shown within the boundary of the DDSP as an existing Planned Development (PD). However, based on ongoing litigation initiated by the Old East Davis Neighborhood Association, the PD zoning remains at risk. In a formal letter dated 09/25/2019 (sent via email to Ash Feeney), Trackside Center requested that contingency zoning for said property be included in the DDSP that would be in place in the unlikely event that the existing PD is legally dismissed. The Downtown Plan Advisory Committee (DPAC) also recommended the contingency zoning approach with the same zoning standards as the adjacent properties along the railroad corridor. However, this serious concern is not addressed in the draft DDSP.

The Project Description (i.e. the DDSP) should be amended to include contingency zoning on the Trackside property so the EIR analyzes both scenarios.

**Height Analysis Alternatives for the Area East of the Railroad Tracks**

The DPAC recommended that the proposed zoning for the properties within the boundaries of the DDSP located immediately east of the railroad tracks be Neighborhood Medium up to four stories. The DDSP currently caps this corridor at three stories maximum. For the City Council to evaluate any potential differences in environmental impacts of a three- or four-story maximum height, the EIR should evaluate the four-story option as an Equal Weight Alternative. Potential differences in impacts, if any, should be evaluated across all categories of the EIR.

**Railroad Corridor Exterior Noise Analysis**

Train warning horns used for the at-grade crossings at 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Streets emit infrequent, short term, high intensity sound. The train crossings and accompanying warning blasts typically occur only four times per weekday (twice in the

early morning and twice in the evening) and last only for a few seconds at each intersection. Noise analysis methodology averages recorded sound decibels over increments of an hour. Even though the warning horn peak decibel levels only last for seconds, when averaged over time they exceed Davis General Plan (GP) exterior noise level criterion for residential land uses. According to professionals in this field, the current GP criterion for exterior noise are outdated and do not represent current best practices to encourage dense, transit-oriented redevelopment in urban centers.

The DDSP EIR should analyze the effects of these short term, infrequent, high intensity noise events and consider practical and feasible mitigations. Alternatives such as incorporating a higher noise threshold for the proposed dense urban environments in the DDSP or pursuit of a Federal Railroad Administration Quiet Zone should be reviewed.

This topic was first raised in mid-2017 and early 2018 with City officials and were assured that it would be addressed in the DDSP.

## FORM BASED CODE

### G Street Transition/Railroad Corridor Properties

Detailed comments on the Form Based Code (FBC) were presented to the City by the undersigned on January 14, 2020. We have attached said comments for reference and inclusion in the DDSP EIR analysis.

Our overarching concern is that the FBC has not adequately considered the unique configuration and physical constraints of the G Street Transition/Railroad Corridor properties on the east side of the railroad. The FBC provides design parameters for the traditional small lot configurations originally mapped in the Downtown in 1933 (Book 3, Pg 71). These lots are typically on the order of 50' wide by 115' – 120' deep, oriented with the narrow dimension facing a downtown roadway. Along the outer portions of the downtown, alleyways exist that provide rear access in addition to their street frontage.

The railroad corridor properties generally consist of assemblies of the smaller traditional lots. The lack of access on one side of these lots due to the presence of the active rail corridor has created a development pattern that is rotated 90 degrees, such that the assembled properties have the alleyway along their side, with street frontage only along one adjacent side street. In addition, all of these properties lease additional land from UPRR which cannot be used for buildings or access. Neither the DDSP nor the FBC identify this lease situation or acknowledge its additional built space constraints nor the opportunities presented for open space within a redevelopment project area.

Although the DDSP does identify these larger assemblies of properties as “Large Lots” in Figure 4.11 (Pg 73) and depicts six “Main Street Small, Medium, and Large” configurations as examples, it places Neighborhood Medium zoning on the corridor, limited to three stories. The FBC further constrains the properties by showing lot configuration parameters such as setbacks and building orientations based on the small lot configurations. It then further limits the allowable building type to Courtyard, which for the Neighborhood Medium zone only allows two stories per Section 40.14.070.K. Even if this were in error and intended to be three stories to be consistent with the DDSP Regulating Plan (Figure 4.13) the FBC limits three stories to 30' in height which effectively eliminates the ability to construct a mixed use configuration, leaving a residential option only.

So, instead of providing a multitude of form and building types, the FBC underutilizes these large parcels by effectively limiting them to 3 story courtyard residential structures with tuck under parking accessed from the alleyway. In this configuration, as stated in the attached letter, the calculated density within the G Street Neighborhood is approximately 8.9 units per acre, an appalling underutilization and down-zoning for the next 20+ years of transit-oriented redevelopment in our urban core.

We request that form based options be revisited to take the physical constraints of these unique properties into account so their utilization as transit-oriented developments can be fully achieved.

Sincerely,



Kemble K. Pope



Steve J. Greenfield

Attachment: “Comments on Draft Downtown Davis Specific Plan Update, dated January 14, 2020.



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.

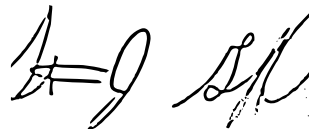
## Conclusions

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

**From:** Alan C. Miller [REDACTED]  
**Sent:** Thursday, October 29, 2020 6:52 PM  
**To:** Eric Lee <ELee@cityofdavis.org>  
**Subject:** Comments on DPAC - #1

Submission for DPAC Scoping Meeting:

Overall the DPAC meetings went well and there was widespread consensus – with one major exception. The primary disappointment in the plan/meetings was that the most contentious issue was a de-facto replaying of the Trackside conflict – i.e., what is the reasonable maximum height for buildings along the 1/2-block width between the railroad tracks and the H/I Alley?

The buildings along the east side of the railroad tracks – that are in the downtown planning area and also in Old East Davis – are in the DPAC plan at a three (3) story max, which the neighborhood agrees with. Yet, after the plan was completed, the committee voted for a four (4) story max, after the plan was published. What was seen at the large public meeting (at the Community Church) that released the DPAC plan was three (3) stories max – so unless you knew that DPAC committee later voted (by a fractured vote) for a higher border, you would think that (3) stories was the consensus. This was deceptive and wrong. Adding to the insult is that the University Ave area transition max was not raised to four (4) stories.

Opticos was much praised for their expertise, yet two of their primary planning concepts were ignored – no, outright flushed – by the DPAC committee, by ignoring the “missing middle” and “smooth transition” concepts for the eastern border of downtown. The Old East neighborhood is OK with a reasonable build – at a three-story (3) to one-story (1) transition across the H/I Alley. Four (4) to One (1) across the width of the narrow H/I Alley cannot not be considered a reasonable transition, and ignores the ‘missing middle’.

There may be a workable solution to this. At the end of the last DPAC meeting, Opticos consultants were asked if they could work with the Old East neighborhood, the City, and the Trackside Partners, and come up with a building-blocking strategy and design that could meet neighborhood and developer needs – **Opticos said: YES, THAT IS WHAT THEY DO.** Yet, this plausible solution of true mediation for this contentious issue has seemingly gone by the wayside.

I strongly suggest that this option to mediate the east-border transition using the professionals at Opticos be implemented. This could be done first for the Trackside parcel. If that goes well, a similar strategy could be used to negotiate an agreeable solution for the remainder of the east-border transition parcels.

Sincerely Submitted,

Alan C. Miller, Resident  
Old East Davis

**From:** Alan C. Miller [REDACTED]  
**Sent:** Thursday, October 29, 2020 6:54 PM  
**To:** Eric Lee <ELee@cityofdavis.org>  
**Subject:** For DPAC Scoping #2

DPAC Scoping:

I wished to make a technical clarification on a statement made by Cheryl Essex in the discussion on the 1/2-block strip east of the railroad tracks. The statement was that the strip was "in" downtown.

This strip is unique, and is in the downtown planning area. This 1/2-block strip is also in Old East Davis. The strip is ***not***, however, 'in downtown'. The border between Old East Davis and downtown is the railroad tracks. The fallacy that this area is in downtown came up repeatedly regarding the Trackside issue.

The inclusion of this 1/2-block strip east of the railroad was included in the downtown planning area with the  **blessing of Old East Davis**  in the early 2000's. This came as part of a proposal put forward by Jennifer Anderson for a mixed-use development of two to three stories from 3rd to 5th Streets (ramping up from 3rd and 5th to three stories on each side of 4th Street). After a couple of meetings, the neighborhood endorsed Jennifer Anderson's plans.

This good faith endorsement and cooperative agreement between Old East Davis and Jennifer Anderson came back to bite the neighborhood in the arse when the Trackside project was proposed years later at significantly greater mass and scale than the project proposed by Anderson. Many who did not know the history of the inclusion of these properties in the downtown planning area now claimed the area was no longer in Old East Davis. This fallacy cannot be allowed to continue to be misunderstood by those involved in city planning.

To reiterate, these parcels are in the downtown planning area, and *also in the Old East Davis neighborhood*.

Thank you for your understanding on this technical, but most important, clarification.

Sincerely,

Alan C. Miller

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

From: Alan Miller [REDACTED]  
Sent: Thursday, October 29, 2020 6:55 PM  
To: Eric Lee <ELee@cityofdavis.org>  
Subject: For DPAC Scoping - #3

CAUTION: External email. Please verify sender before opening attachments or clicking on links.

DPAC Scoping:

Shared vehicle space for cars and bikes at these low speeds are much safer than the 'historic' bicycle lanes - which are dangerous. The bike lanes on 3rd, and in many places in Davis, are not wide enough to keep bicycles out of the 'door' zones. A few months ago I was 'doored' in downtown Sacramento. It was like getting hit by a cannonball from the side, and I was knocked sideways - and luckily got a leg out to take the brunt of the fall. However, I no longer ride in such 'historic' bike lanes - I ride in or along the car lane.

"Historic" bike lanes are out-dated and dangerous. I support the shared-vehicle design.

Sincerely,

Alan C. Miller



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

From: Alan C. Miller [REDACTED]  
Sent: Thursday, October 29, 2020 6:56 PM  
To: Eric Lee <ELee@cityofdavis.org>  
Subject: DPAC Scoping #4

CAUTION: External email. Please verify sender before opening attachments or clicking on links.

DPAC Scoping:

I am by profession the branch chief for service planning for intercity passenger rail and connecting bus services for the State of California.

The "1/4 -mile rule" regards walking to the station to get on a train - not for transferring between rail and a connecting bus, especially as passengers may have baggage or not be well abled.

We do our best to place bus transfer bays as close to the trains as possible, and have recently moved bus bays even closer in Oakland and Emeryville - a walk shorter than the length of the train.

The single point of access to the station triangle makes bringing buses nearer to the trains difficult and probably impractical. The current location along the "H Street" alley works sufficiently well.

Hopefully, Yolo Bus can be encouraged to reroute their 42-A&B buses to this location in the near future.

With the onset of regularized scheduling of the Capitol Corridor in the near future (trains come at regular intervals - the same time after the hour every hour or two hours), the ability to use timed shuttles radiating out to the far-reaches of Davis to feed the regular train schedules becomes much more feasible, practical and efficient -- so a redesign of the "H Street" alley for additional bus bays may be needed.

Sincerely,

Alan C. Miller

**From:** Alan Miller [REDACTED]  
**Sent:** Thursday, October 29, 2020 7:08 PM  
**To:** Eric Lee <ELee@cityofdavis.org>  
**Subject:** DPAC Scoping #5 - Comment's on Jim Gray's Comments

DPAC Scoping,

These comments are in response to Jim Gray's article on the DPAC from the Davis Vanguard on 2020-10-27. These are as written in the Davis Vanguard.

--Alan C. Miller

**Alan Miller** [October 27, 2020 at 9:37 am](#)

Amtrak ridership and the Capitol Corridor line are important pieces of infrastructure which should potentially be considered for adaptive reuse. There is plenty of parking and updating the plan to consider additional uses on this City owned Depot site is probably a good idea.

I have great respect for Jim Gray and really appreciate this article. However, I assure all that the Capitol Corridor isn't going anywhere and the rail and station infrastructure will all be needed and will continue to be used for passenger rail. It is true that ridership is down significantly for passenger rail, and the Capitol Corridor has been particularly hard hit because a high percentage of ridership is tech-job oriented and those riders have been able to work at home — some likely permanently.

I oversee passenger rail service planning for California. We have world-class teams keeping a pulse on ridership trends in the pandemic and working on alternative scenarios for rebuilding ridership as the pandemic eases, including a focus on emerging post-pandemic travel patterns and building an efficient network based on European scheduling principals. Thus, there will also be a need to expand transfer facilities at the site as the new schedule patterns will allow efficient transfer to a web of shuttles feeding into the system.

The State of California has declared passenger rail as an essential and growing element in meeting future transportation and environmental goals, and the pandemic has allowed us to take a pause and work with our agency partners in focusing on the future. I assure you these are not just words: the Capitol Corridor and other state rail services will return strong and will better serve a wider array of travelers.

There is plenty of parking at the station today, yes, as there is in all of downtown, but that will reverse as the pandemic eases — even if some former daily riders continue to work at home — because the parking lot was far over capacity on weekdays pre-pandemic. While I agree some additional uses could be found for this site, it is a challenging piece of land to build on including the single point of auto access and that won't be changing any decade soon.

1. **David Greenwald** [October 27, 2020 at 11:50 am](#)

If people reduce the amount of commuting because they can telecommute either full or part time – how does that impact things? I think it's a legit question that we may not have the answer to.

1. **Alan Miller** [October 27, 2020 at 12:47 pm](#)

Some people will continue to work at home post-pandemic. The question no one knows is how many. Also, how much will business travel be reduced when in-person meetings can be replaced successfully with Zoom calls — probably a significant permanent reduction.

Our strategy has been to divide ridership into categories and watch trends in real time. The difficulty is there is no way to predict – yet – what recovery timing or relative return of ridership by category will be. We are already seeing trends – and a slight but steady uptick in ridership.

MTC (Metropolitan Transportation Commission) in the Bay Area has already declared work-at-home and virtual meetings as a strategy in combating traffic and emissions, so a reduction in commuting itself is not a bad thing – though it hurts ridership in the near-term. The recovery strategy will involve targeting non-commute markets, which are showing a stronger rebound.

2. **Jim Gray** [October 27, 2020 at 1:37 pm](#)

Alan and Vanguard Readers. I am not in anyway suggesting doing away with or failing to recognize what a great resource we have in our Amtrak Depot. Until recently I was a “frequent rider” to meetings in the Bay Area and to Sacramento. My goal in using the Train Depot example is to point out that ridership- tourism, dollars spent in downtown by Train passengers has been dramatically impacted and reduced. We also have a Depot parking lot and related buildings that are in my opinion not particularly enhanced or vibrant. The Depot and the land, I believe, is owned by the City and I am amazed that we haven't done a better job of envisioning “possibilities” and trying to attract mixed use private investment to the Depot. As we recover and go forward wouldn't it be great if our Depot was dynamic, mixed use, and attracted visitors from throughout the region. Also it is amazing to me that we haven't really spent time planning to better link the trains with the UCD Campus.

In our journeys we have all seen great mixed use Depots. Trains, Food and Beverages, good landscape and public art. We have a bit of that but it could be so much more.

I think we also have to be aware that Heavy Passenger Trains are a bit of a dinosaur and require large amounts of public subsidy. I know that Biden takes the trains and loves Amtrak — one more reason to hope he becomes the next president.

1. **Alan Miller** [October 27, 2020 at 5:57 pm](#)

As we recover and go forward wouldn't it be great if our Depot was dynamic, mixed use, and attracted visitors from throughout the region.

Yes. What that looks like – that's not been nailed down, and I doubt agreed upon, nor funded.

Also it is amazing to me that we haven't really spent time planning to better link the trains with the UCD Campus.

There should be a direct bus that runs the same hours as the trains. This will be made much easier with future, regularized train scheduling patterns.

I think we also have to be aware that Heavy Passenger Trains are a bit of a dinosaur and require large amounts of public subsidy.

You didn't really just say that, did you? This fallacy has been around since the Nixon years, and that way of thinking is what is dinosaur. My entire career is based upon rail being our future, and I firmly believe that. The truth that those of know in the industry – is that highways are massively funded, and airline tickets subsidized by the federal subsidy to the air traffic control system and local airport builds. Vibrant travel options are good for the economy in all forms – you said so yourself in describing how much downtown is missing with the fewer passengers.

I know that Biden takes the trains and loves Amtrak — one more reason to hope he becomes the next president.

I wish I could comment on that, but will keep my mouth shut until retirement.

**DEPARTMENT OF TRANSPORTATION**

District 3  
703 B Street  
MARYSVILLE, CA 95901-5556  
PHONE (530) 634-7616  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

November 3, 2020

GTS #03-YOL-2020-00129  
SCH #2020100103

Eric Lee  
Planner  
Community Development and Sustainability  
City of Davis  
23 Russell Boulevard  
Davis, CA 95616

**Downtown Davis Specific Plan Area and Associated Form-Based Code – Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)**

Dear Mr. Lee:

Thank you for including the California Department of Transportation (Caltrans) in the 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 (SHS) 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.

The Downtown Davis Specific Plan Area and Associated Form-Based Code (Project) intends to implement the community's vision for the Downtown area into a variety of opportunities for reinvestment and future. The Specific Plan would replace the existing Core Area Specific Plan, and the Form-Based Code would modify the City's existing municipal code for development in the downtown core area. The Project includes streamlining measures and allows for the addition of 1,000 residential units and 600,000 square feet of nonresidential development. As the project area is largely built out, the proposal assumes development would occur as either infill of vacant lots, or as redevelopment of existing buildings or additional building on underutilized sites. Based on the information received, Caltrans provides the following comments.

## **Right of Way**

All work proposed and performed within the State's right of way must be in accordance with Caltrans' standards and would require an encroachment permit prior to commencing construction. Please contact [d3rwmaprequest@dot.ca.gov](mailto:d3rwmaprequest@dot.ca.gov) for any right of way map requests or information needs.

## **Traffic Operations**

Caltrans District 3 Traffic Operations requests to be involved in the scoping of the transportation analysis for the proposed project due to its proximity and potential impacts to the SHS. Based on multiple traffic data sources, such as PeMS, INRIX, Google traffic applications, and field observations, the I-80 corridor as well as the Richards and Mace Boulevard Interchanges are anticipated to be impacted operationally with an increase in volumes (particularly during the P.M. peak period). This may also affect bicycle and pedestrian movement at the interchanges. Additionally, Caltrans would like to discuss ride hailing vehicles impacts to multimodal conflicts and congestion. The project should refer to the Transportation Impact Study Guidelines (TISG) and the Local Development-Intergovernmental Review (LD-IGR) Safety Guidelines when proceeding with the study of this development.

## **Forecasting/Modeling**

The trips generated from this Project is significant and may impact the SHS. The addition of 1,000 single family residential units is expected to generate close to 9,440 daily trips (740 A.M. peak hour trips and 990 P.M. peak hour trips). Trip generation rates for the non-residential development could not be calculated because the land uses are not defined for the 600,000 square feet. Caltrans District 3 Forecasting/ Modeling requests to also be involved in the transportation analysis scoping meeting and would like to receive more clarification on the 600,000 square feet non-residential land use. The vehicle miles traveled (VMT) analysis should be conducted in accordance with the Senate Bill (SB) 743 Office of Planning and Research (OPR) guidelines. In the report, please include the number of phases of the development, the approximate construction start date, the full build out expected, and the mitigation measures that will be implemented to reduce VMT.

Eric Lee  
November 3, 2020  
Page 3

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 Anissa Raja, Intergovernmental Review Coordinator, at (530) 741-4507 or by email at: [anissa.raja@dot.ca.gov](mailto:anissa.raja@dot.ca.gov).

Sincerely,

*Alexander Fong*

ALEX FONG  
Acting Branch Chief, Transportation Planning – South  
Planning, Local Assistance, and Sustainability  
Caltrans District 3

Cc: State Clearinghouse

## MEMO

TO: Eric Lee, Planner – City of Davis  
FROM: Greg Rowe, Planning Commissioner  
DATE: November 2, 2020  
SUBJECT: NOP Scoping Comments - Davis Downtown Specific Plan (“Downtown Plan”)

This memo conveys my comments on topics for consideration in the EIR analysis for the Downtown Plan. I acknowledge, as stated during the October 29 scoping meeting, that the Downtown Plan EIR will not include a typical alternatives analysis, but nonetheless offer herein some thoughts on topics that can hopefully be somehow addressed in the DEIR. Also provided are thoughts on how the DEIR can address how implementation of the Downtown Plan will be impacted by the permanent societal effects of COVID-19 (also referred to as SARS-2), which is referenced in Jim Gray’s recent memo and books referenced herein. As a recently published book states, “A new pathogen has been introduced into our species, and in some form, it will now circulate among us forever.”<sup>1</sup>

### **1. EIR Alternatives:**

- a. Transportation: Evaluate a robust transportation system as an EIR alternative; i.e., an Enhanced Transit and Active Transportation alternative.
- b. Area on East side of Railroad Tracks, between 3<sup>rd</sup> and 5<sup>th</sup> Streets: The block between 5<sup>th</sup> and 4<sup>th</sup> Streets, and bounded on the west by the tracks and Rowe Place on the east, is defined in the NOP as “Neighborhood Medium (3 stories maximum). The same designation applies to the northern half of the block immediately south. Given concerns registered in the past by the OEDNA, an alternative of no more than two stories should be included.
- c. Vehicle Storage: A theme that has been repeated relative to both the Downtown Plan and other projects is that while higher density development may equate to less daily driving, many people will still need a place to store their car for those times when it is needed. Perhaps this concern could be addressed by using some underutilized parcels on the periphery of downtown for safe, secure long-term vehicle parking (including charging stations). This concept can hopefully be discussed in the EIR.
- d. Increased Housing Opportunities Alternative: This scenario would assume a greater number of residential units than the number shown on page 3 of the NOP. More housing downtown would enable more people to work downtown and reduce commuting by vehicle. As revealed during the COVID-19 situation, reduced vehicle use has had a corollary positive impact on air quality in many sections of the nation, so perhaps there will be more interest in living close to work, along with opportunities for nearby shopping and leisure activities.

---

<sup>1</sup> *Apollo’s Arrow: The Profound and Enduring Impact of Coronavirus on the Way We Live*. Nicholas A. Christakis. Little Brown Spark, October 2020, page 31.



2. **North G Street Area:** It is my understanding that the “Hibbert Lumber Block, which comprises a portion of the North G Street Area,” has been termed a “Designated Special Area.” I believe this large land area between 5<sup>th</sup> and 6<sup>th</sup> Streets, holds tremendous development potential, and therefore warrants detailed analysis in the EIR. As suggested by Becky Hibbert during the DPAC meetings, development of the former hardware store and lumber yard property should include the assumption that the six residential-size parcels, west of the lumber yard and fronting on G Street, should be included in any redevelopment project.
- a. **Mixed Use:** Up to 4-story mixed use; commercial on the bottom floor, with rental apartments or townhomes on the upper floors.
    - i. **Five Floor Alternative:** An alternative that includes up to five floors should also be included. To address potential concerns by neighbors to the east, this alternative could assume that the fifth floor would be “stepped back” from the railroad tracks.
    - ii. **Residential Only Alternative:** Given the long-term decline in retail sales at traditional “brick and mortar” stores, there may be limited potential for mixed-use in the North G Street area. Therefore, a “Residential Only” alternative should be included. In other words, evaluate impacts on the Downtown Plan if residential uses comprised all floors, including the first floor of future buildings that until now were contemplated to have retail and other commercial functions on the first floor.
      1. **Vertical Single-Family Homes:** This recommendation is based on the successful 45-home development in Sacramento by Black Pine Builders, “The Brownstones at Curtis Park Village.” These homes are three stories, with large garages on the first floor (big enough for vehicle parking plus multiple bicycles, kayaks, home gyms, etc.). They feature 3 -4 bedrooms, 2192 – 2537 square feet, some with elevator capacity. They are described as “An urban aesthetic that does not sacrifice the amenities and space often lost with downtown living.” The homes are close together, have no yards requiring maintenance, but feature walk-out balconies, and rooftop patios. Instead of “Brownstone” architecture, the design could be adapted to Davis, perhaps Craftsman, to create a seamless transition to the Old North Davis neighborhood. (A similar concept could be the homes on the west side of B Street, across from Central Park.)
3. **Development Feasibility of Higher Buildings:** I support the concept that allowing (and promoting) four-story buildings would make development more financially feasible. Some observers oppose higher buildings on the basis that there are plenty of two and three-story buildings that were successfully developed in downtown Davis. This argument overlooks the fact that those structures were developed when building costs were substantially lower (including land, labor and materials) and regulatory requirements were much less complex and costly (more stringent building codes, ADA, etc.). Higher buildings would allow more people to live downtown, including UCD faculty and staff who would find it easier to walk to campus. The economies of scale offered by higher buildings would conceivably make it more financially

feasible to provide affordable housing for downtown service and retail personnel. An EIR examination of shorter buildings (2 – 3 stories) versus higher buildings (4 – 5 stories and even up to 7 stories) may help settle the divergent opinions expressed during DPAC meetings regarding the feasibility and desirability of higher buildings.

4. **DOWNTOWN PLAN CEQA CONSIDERATIONS IN A POST-PANDEMIC WORLD:** On October 26 long-time commercial real estate broker and resident Jim Gray provided a memo recommending reconsideration of the basic assumptions underlying the Downtown Specific Plan (Plan) in light of newly understood long-term potential threats and opportunities resulting from COVID-19. His observations, along with the probability that a variety of COVID-19 impacts will be permanent,<sup>2</sup> means that some aspects of the Plan may already be outdated. It is highly unlikely that the “new normal” means a return to the conditions of October 2019, when the Downtown Plan was published.

In addition, COVID-19 appears to be a continuation of recent epidemics (H1N1, MERS, SARS, etc.). As Christakis states in his new book, pandemics “...inevitably recur. We should pay attention” (p. 35). Future pandemics of varying intensity and severity are likely, due to factors cited by a number of authors<sup>3</sup>, which include a large and still growing world population<sup>4</sup>, readily available and inexpensive intercontinental travel that can cause rapid viral spread, and the ability of emerging infectious diseases to leap to humans from animals. I realize that during the October 26 *Davis Vanguard* webinar on the Downtown Plan that DPAC Chair Meg Arnold and Downtown Plan consultant Matt Kowda said the Plan reflects the moment in time when it was written and that we cannot presuppose the future or repurpose the Downtown Plan for an uncertain future. However, I contend (based on the books and articles I’ve read), that dealing with rapidly spreading infectious diseases will be a part of daily life for the foreseeable future. It means, as one participant said, that plans for downtown should be “risk based,” and perhaps intended to serve the needs of local residents rather than trying to attract people from elsewhere.

As noted in a recent article, pandemics expose the vulnerabilities of the urban system but can also be a driver of positive change in planning the resilient urban form of the future.<sup>5</sup> I therefore concur with Mr. Gray that a number of factors and assumptions in the Downtown Plan warrant reconsideration so we can plan and build a resilient downtown better capable of meeting the challenge of future diseases. Mr. Gray’s comments are summarized below and attached.

---

<sup>2</sup> “The Long Shadow of the Pandemic: 2024 and Beyond.” The Saturday Essay, by Nicholas Christakis, M.D., Ph.D., MPH. *Wall Street Journal*, October 16, 2020. A book by the author was published in October, titled *Apollo’s Arrow – The Profound and Enduring Impact of Coronavirus on the Way We Live* (see footnote 1). The author is Director of the Human Nature Lab at Yale University.

<sup>3</sup> Relevant books include: *Deadliest Enemy – Our War Against Killer Germs*, Michael T. Osterholm and Mark Olshaker, 2017 with a 2020 preface on Covid-19; *The Coming Plague – Newly Emerging Diseases in a World Out of Balance*, Laurie Garrett, 1994; *The Great Influenza – The Story of the Deadliest Pandemic in History*, John M. Barry, 2004.

<sup>4</sup> World population doubled from 3 billion to 6 billion in the 35 years between 1964 and 1999, is now 7.8 billion and still growing at just over one percent annually (equally a doubling time of just 70 years).

<sup>5</sup> The “Pandemic and the Planning of Resilient Cities and Regions,” Reza Banai. *Cities – The International Journal of Urban Policy and Planning*. Published online 15 September 2020.

- a. Theatres and Other Large Venue Indoor Events: It is evident that community transmission by airborne viral spread is more likely when people are exposed to high numbers of other people in confined spaces. (Part of the problem, as noted by Christakis (p. 13), is that we can't rely on people's symptoms to know who has COVID-19.) Many movie theatres may never reopen, and live venue events are unlikely to resume in the same manner as before. We need to examine how to repurpose theatres and associated parking structures. The DEIR should therefore, as Gray suggests, look at the possibility that only one (or maybe two) of the current three movie theatres in Davis will ever reopen. We should also examine, in a similar fashion, the advisability of holding large public events associated with UC Davis—such as Picnic Day, Earth Day and academic conferences—is also questionable.
- b. Public Transit Usage is Down Including Amtrak: The Plan assumes continued and perhaps even higher Amtrak ridership, but since the pandemic the number of riders at the Davis Amtrak station is more than 87% below pre-COVID levels. This mirrors trends elsewhere in the County. Assumptions of human traffic and business activity near the train station need to be revisited, and hopefully thoroughly examined in the DEIR. (I nonetheless agree with the owner of the Depot Property, 2<sup>nd</sup> Street between G and H) that the plan should contemplate a potential height of 7 stories rather than 5 stories.)
- c. Restaurants and Bars: Revised thinking about patronage at these businesses is also unfortunately needed. Restructuring the physical layout and business model of such businesses will undoubtedly be needed. Part of the fundamental problem associated with people congregating in such facilities is that "...SARS-2 is transmissible before symptoms show up, and "...a meaningful percentage of carriers can spread the disease for two to four days before they are symptomatic" (Christakis, p. 48 and 49).

Thank you for considering my comments. Below is the memo provided by Jim Gray.

**Thoughts on the Proposed Downtown Specific Plan, The Pandemic, and Attracting Needed Investment. By Jim Gray, October 26, 2020**

**Bold added by Greg Rowe**

The City of Davis and the Citizens of Davis are re-engaging in an effort to review and adopt a Downtown Specific Plan. This effort has been underway for nearly 4 years; on January 10, 2017, the City Council directed the City Staff to proceed with Core Area Plan, Zoning and Design Guideline Amendments. By way of background, the plan is intended to create a vision for downtown Davis through 2040. The plan is designed to create a guide for long term development policies and address recurring challenges and establish a vision for the kind of place that the community desires. **I would like to challenge us to consider the plan in light of the Pandemic and encourage updating it to be more resilient and with an eye towards stimulating investment.**

This process has been underway for four years, or in other words almost the entire time that Donald Trump has been president. A high school graduate could have finished their undergraduate degree at UCD in this time period. Or maybe a better way to think about it is that we have gone from a period of full employment and Goldilocks economy to Pandemic, Lockdown and Recession all while working to draft this plan.

No doubt about it, this planning effort has been really extensive. A Downtown Plan Advisory Committee (DPAC) was established with more than 20 community members. Well-meaning people volunteered their time

and expertise. An outstanding consultant team was assembled that included Opticos Design, Aim Consulting, BAE Urban Economics, Fehr and Peers, Siegman and Associates, Lotus Water, Placeworks, Caravaglia Architecture, Farr Associates, Urban 3 and more. City Staff included City Manager Mike Webb, Director of Community Development and Sustainability Ashley Feeney, Director of Community and Business Engagement Diane Parro, and Planner and Project Manager Eric Lee and others. There have been numerous public forums and workshops, 25+ is my guesstimate and hundreds of citizens have participated. There are nearly 60 different formal written comments to the Draft EIR – 6 other City Commissions have formally responded to the Draft Plan and Draft EIR. Clearly, this has been a herculean effort. No expense has been spared. I hope we choose to measure success by the creation of a good implementable plan and not by process alone. No one can doubt the process or professional approach to date.

This coming week, the last week in October of 2020, there will be a Public Workshop on October 28<sup>th</sup> for the Draft Plan with the Davis Planning Commission. The purpose of the workshop will be to receive an updated staff report, to receive public comments, and particularly to focus on; **Built Environment, Historic Resources, and Mobility and Parking**. In addition, there will be a Notice of Preparation Public Hearing “Scoping Meeting” to receive comments on the adequacy of the Environmental Review, on Thursday October 29<sup>th</sup>. It is anticipated that in December there will be another Planning Commission Workshop dealing with Infrastructure, Implementation. And then a third workshop on the Draft Form Based Code will be calendared. The final EIR is scheduled to be ready in May or June of 2021 and the City Council will hear and review the final plan and document in June or July of 2021.

What do we have and what is missing? Are we about to get a Downtown Specific Plan which will stimulate economic investment into our downtown? Is this a plan to preserve the status quo or to guide us for the next two decades? **This initial document was prepared prior to the Pandemic and I don't believe addresses many potential threats and opportunities brought on by the public health crisis and the resulting economic and business changes.** Here are some matters that I would like to recommend be considered as the Plan is coursing its way towards adoption.

- **Theatres are closed**, filing for bankruptcy, and most believe that this venue for the delivery of entertainment is destined to go the way of Vaudeville Shows. New movie releases will likely be streamed or on demand and the multi-screen and independent art cinema is likely to become as common as a Blockbuster video store. A recent LA Times article reports that 70% of the theatres are likely to file for bankruptcy. Downtown Davis has 3 theatre locations. One is City owned and two have large parking garages built to support the movies. **Let's update the Downtown Plan to encourage and stimulate redevelopment of the theatres for other uses.** The theatre industry is asking for a taxpayer bail-out. Let's face the facts and plan for better uses. <https://www.latimes.com/entertainment-arts/business/story/2020-09-30/hollywood-fears-for-movies-theaters-survival-amid-covid-19-pandemic>
- **Amtrak Ridership through the Davis Station is reported to be down 87.5% during the Pandemic.** Revenue is off 87.3%. Amtrak is warning of severe cutbacks in service and projecting multi-billion dollars losses for 2021. **Amtrak ridership and the Capitol Corridor line are important pieces of infrastructure which should potentially be considered for adaptive reuse.** There is plenty of parking and updating the plan to consider additional uses on this City owned Depot site is probably a good idea. <https://csanders429.wordpress.com/2020/08/21/pandemic-still-depressing-capitol-corridor-ridership/>
- **When many of us think about downtown Davis we think about restaurants and the owners, chefs, and servers who provide us with our favorite foods and beverages. Most of downtown's restaurants have been**

**clobbered!** I hope I am wrong, but I wouldn't be surprised if 40%-75% of them fail in the coming year. Many of them are barely surviving right now, and most who are surviving are doing so because they have been able to establish outdoor seating in the street or public sidewalks. **Parking for take-out and ease of pick-up and delivery isn't addressed in the current plan.** Each one of the restaurants needed a "special permit" to build their outside seating. **Our proposed plan doesn't do anything to streamline outdoor eating or pick up or delivery.** Unfortunately, few if any of the on street outdoor dining venues appear to be a fit place to share a meal when the weather turns cold. The New York Times reported on a City program that has become a vital lifeline and allowed more than 10,000 restaurants and bars to take over sidewalks, streets and other public spaces in NYC. And to do so in a manner that will allow their use on cold winter days. **Why don't we have a competition for design ideas to allow attractive, permanent outdoor facilities? The City of Chicago just did that and came up with great ideas and designs.** <https://www.restaurantbusinessonline.com/operations/winners-chosen-chicago-outdoor-dining-design-contest>

- The proposed Plan has to have a realistic, honest conversation about Historic Resources.** The Draft Plan identifies 25 buildings which are Historic in the downtown. It also has indicated that 7 more buildings should be added for Historic purposes. There is a suggestion that the bike lanes on 3rd Street also be designated Historic. As drafted, now the Plan will maintain existing historic protections including Historic Resource Management Commission (HRMC) review of significant project proposals "within 300 feet of designated historic resources". The HRMC asked for clarification in their comments to the Plan; *"that the Downtown Plan and Code would supplement the current HRMC process rather than replacing it."* **It then goes on to suggest that no building or investment can be built within 300 feet of those 32 buildings without supplemental review, hearings, potentially new EIR's on each project?** I challenge the City Staff and consultants to map out the historic buildings and draw a 300-foot radius map from each site. Show that map to the public and to the property and business owners. Also show what impact a 300-foot buffer would have along the bike paths on Third Street from B to K Street. **I believe that the math would show that there is at least a ½ acre buffer around each property that is "potentially historic". Much of the downtown would need additional review and delay from investment.** Let's have a **crucial conversation. Let's have a plan and environmental document that is clear about what is a truly historic resource. Let's solve or eliminate the setback idea. Adopting a plan full of duplication, creating special interest silos, and conflicting policies** will not serve our downtown or lead to reinvestment and the resources for preservation. We have to find a balance! The National Main Street Center identifies that a better approach to Historic Preservation is called for. They point out that "we're falling short in two specific ways: Firstly, our core preservation tools do not serve all kinds of preservation well—and in fact can undermine our broader efforts to save buildings and support the people and enterprises that enliven those buildings. Secondly, our financing mechanisms for building rehabilitation are inadequate to the task". <https://www.bloomberg.com/news/articles/2019-02-08/why-historic-preservation-needs-a-new-approach>
- The University of California and the students and the events at our campus used to attract 40,000+ students to campus and our town and hundreds of thousands of visitors to Picnic Day, Whole Earth Festival, sporting and cultural events and to scientific and professional meetings. Those students and their parents and visitors are in many regards the lifeblood of demand for goods and services in our downtown and throughout our community. **Attendance is virtual now in many regards, and most events have been canceled or curtailed.** Our Plan has to envision slow-downs, recessions and unfortunately Pandemics. Figuring out how to bring more housing, more residences and more diversification and investment to downtown Davis should be the priority. Linking campus to the community should have greater focus as well.
- I think it is important that we recognize that the Pandemic and the public health response and good urban planning including planning related to climate change, embrace similar methodologies. Pandemic and the planning of resilient cities and regions by Reza Banai, of the Elsevier Public Health Emergency Collection of the National Institute of Health makes this point very well I believe. The emergence of the coronavirus Pandemic motivated that recent paper, September 15, 2020, which revisits the nexus of public health and the city, itself a

main source of a pandemic which similarly threatens the lives and properties of the world population gradually through climate change. **The paper argues that pandemics expose both the vulnerability and resilience of the urban system.** The discussion of the urban system and the pandemic is comparative, with the recent coronavirus and climate change, a persistent, long-lasting pandemic. The paper notes implications for reconfiguring the resilient urban system of the future effectively with pandemic as change agent and the comprehensive plan and its regulatory zoning ordinance as implementation tool. Pandemics, while exposing the vulnerabilities of the urban system, are also a driver of positive change in planning resilient urban form of the future. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7490286/>

In closing, I hope that we can quickly build upon the four years of work that are invested in the proposed Downtown Specific Plan. I hope that we can simplify the plan and heighten the focus upon attracting investment. I hope that we adopt a plan that sets a course on the future for downtown Davis that is resilient, innovative, dynamic and attractive. I think it is time to update the plan and have urgency in its adoption and implementation. I hope that we can incorporate and learn from many of the changes brought about by this horrible Pandemic. We have an opportunity to streamline and stimulate investment for the next 20 years. **Or we can continue to fight decades long battles about our downtown and do so in a piecemeal approach,** trying to make everyone happy, adopting conflicting public policies. If we choose the latter, this proposed plan that is still 9+ months away from adoption, will gather dust and be out of date before it is adopted. Much is at risk! We can do this!

Jim Gray, October 25, 2020

Jim Gray is a longtime Davis resident, and commercial real estate broker and developer.

**From:** Richard McCann [REDACTED]  
**Sent:** Thursday, November 5, 2020 5:58 PM  
**To:** Eric Lee <ELee@cityofdavis.org>  
**Subject:** Comment on Downtown Plan EIR Scoping

I only have a short comment on the Scoping for the EIR.

In developing the environmental impacts, the EIR should identify and highlight not only the negative environmental consequences but also the positive environmental benefits of implementing the Plan compared to the baseline, current and business as usual cases. The cumulative impacts case also should highlight both negative and positive environmental consequences as well. The cumulative case should include impacts on all of Yolo County, not just within Davis outside of the Downtown. Finally, the EIR should measure the both the negative and positive aspects of the sustainability measures listed in Chapter 8 of the Plan. These measures should be included front and center as the primary mitigation measures for any negative environmental consequences.

Thank you

Richard McCann  
[REDACTED]

November 5, 2020

Mark N. Grote, Secretary  
Old East Davis Neighborhood Association

████████████████████  
*Via E-mail*

Eric Lee, Planner  
Re: Downtown Plan NOP Comments

Dear Eric:

I am writing in my capacity as Secretary of the Old East Davis Neighborhood Association to provide comments on the Notice of Preparation for the Downtown Plan EIR. These comments incorporate January 14, 2020 written comments on the Draft Downtown Plan and Form-Based code from the OEDNA board, as well as a March 23, 2020 letter from the OEDNA board to the City Council (both of which are appended to this letter), calling out items for study in the EIR derived from these earlier documents. Five numbered items follow below.

**1. The EIR must study the impacts of the Downtown Plan on the setting and feeling of Davis' historical resources, including resources in neighborhoods adjacent to the Plan area.**

Under federal and California historic resource management policies, *setting* is an aspect of a historic property's integrity, and refers to "...the physical environment of a historic property...setting refers to the *character* of the place in which the property played its historical role. It involves *how*, not just where, the property is situated and its relationship to surrounding features and open space..." (*How to Apply the National Register Criteria for Evaluation*, U.S. National Park Service 1997).



Federal and California policies define a historic property's *feeling* as the "...expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character." (*ibid*)

New development can have both direct and indirect impacts on nearby historical resources. Indirect impacts include: "the introduction of visual, audible or atmospheric effects that are out of character with the historic property or alter its setting, when the setting contributes to the property's significance. Examples include, but are not limited to, the construction of a large scale building, structure, object, or public works project that has the potential to cast shadow patterns on the historic property, intrude into its viewshed, generate substantial noise, or substantially increase air pollution or wind patterns" (*San Diego Land Development Manual - Historical Resources Guidelines*, p.10).

Because the Downtown Plan may allow significantly taller and larger buildings than currently exist in the downtown core, buildout under the plan is likely to have direct and indirect impacts on Davis' historical resources— those located in the downtown core as well as those in the traditional residential neighborhoods adjacent to the plan area: University Avenue/Rice Lane, Old East Davis and Old North Davis. These impacts must be disclosed and analyzed in the Downtown Plan EIR.

In a January 14, 2020 written comment on the Draft Downtown Plan by the Old East Davis Neighborhood Association Board (appended to this letter), we noted in item 1c that historic structures in Old East Davis and Old North Davis were not identified on maps in the Draft Downtown Plan. The spatial relationships of parcels in the plan area to these resources— with consideration, at minimum, of the 300-foot radius typical for study of impacts on historic resources— must be noted in the Downtown Plan EIR, and incorporated in the EIR's analysis of impacts.

**2. The EIR must state how planning and design review, currently required for all new development projects in the downtown area as a statutory obligation under the B and 3rd Project EIR, will carry forward into the Downtown Plan.**

Because of significant impacts on historic setting identified in the EIR for the B and 3rd Visioning Process, design review--including review under the Downtown Davis and Traditional Residential Neighborhoods Design Guidelines--is currently required for *all new development* in the Conservation Overlay District (Mitigation Measure 4.3-9(a) of the B and 3rd EIR). This review is a statutory obligation of the City under CEQA. Land-use and zoning regulations for the Conservation Overlay District are expected to be replaced by the Downtown Plan and Form-based code, for those parts of the Overlay District within the Downtown Plan area. Yet the draft Downtown Plan does not describe how planning and review processes related to the existing Conservation Overlay District will carry over functionally to the Downtown Plan upon its adoption.

The Downtown Plan EIR must describe and analyze how the City will continue to meet its obligations, deriving from the B and 3rd EIR, to carry out mitigations for significant impacts on historic setting.

**3. Site-specific building forms for the Core Transition East, such as those described informally by Opticos Design at the final DPAC meeting on January 23, 2020, should be included in the set of alternatives for these parcels in the EIR.**

Site-specific building forms for the Core Transition East are potentially more workable at these sites than the standard Neighborhood Medium building forms described in the Draft Downtown Plan, because of the unusual parcel configurations in the Core Transition East. The site-specific forms could be of modest scale while using parcel dimensions more efficiently, therefore potentially being acceptable to all parties. These alternative forms were the subject of a March 23, 2020 letter to the City Council from the Old East Davis Neighborhood Association board, appended to this letter. These site-specific forms should be studied in the set of alternatives for the

Downtown Plan EIR. The Old East Davis Neighborhood Association is willing and available to discuss and develop these forms collaboratively with the City and other stakeholders, in order to facilitate their inclusion in the Downtown Plan EIR.

**4. The EIR must study impacts of the Downtown Plan on the City's tree canopy and urban greenspace.**

In a January 10, 2020 written comment on the Draft Downtown Plan (available at the City's website for Public Comments Received on the Draft Plan), the Tree Davis Board of Directors described several deficiencies in the Draft Plan's provisions for trees and urban greenspace. They noted in particular that: 1) the City's Tree Ordinance was not included in the Draft Plan; 2) the Urban Forestry Division's inventory of street and landmark trees was not included as part of the existing conditions in the Draft Plan; 3) the Draft Plan's Form-Based Code lacked key specifications and goals for tree canopy and growing space.

In light of these omissions, the EIR must consider the inclusion of urban greenspace provisions in the Downtown Plan, and must explicitly address the Plan's impacts on the City's tree canopy.

**5. The EIR must study impacts of building construction under the Downtown Plan that may expose known hazardous materials, such as plumes and/or polluted groundwater.**

Several known hazardous materials sites are included in the plan area. Active cleanup sites in the plan area likely include, but are not limited to, The Enterprise site (SL185832945), the Davis Center Project (SL0611328818), and the Union Pacific Railroad-Davis Amtrak Station (SL185452916). Historical industrial and manufacturing uses on other parcels in the plan area may have left underground storage tanks or hazardous material remnants that could be exposed by building construction. The Downtown Plan EIR must disclose all known USTs and hazardous material sites, and must analyze the potential impacts of ground disturbance that would be a consequence of building on these sites.

Thank you for your attention to these comments.

Sincerely,

A handwritten signature in black ink that reads "Mark Grote". The signature is written in a cursive style with a large, stylized 'M' and 'G'.

Mark Grote

OEDNA Secretary

January 14, 2020

Mark Grote, Secretary  
Old East Davis Neighborhood Association  
[markngrote@gmail.com](mailto:markngrote@gmail.com)

*Via e-mail*

To: Eric Lee, planner, and the Downtown Plan Advisory Committee  
Re: Comments on the draft Downtown Plan and Form-based Code

Dear Eric and committee members:

On behalf of the board members of the Old East Davis Neighborhood Association, I submit the following comments on the draft Downtown Plan and Form-based Code. We thank city staff and DPAC for their patience and perseverance during this planning and visioning process.

The implementation of the Downtown Plan will have profound effects on the people of our neighborhood, our homes and the physical environment. In this light, we reaffirm and support the plan's concern with the "triple bottom line": people, planet and profit.

At this time we support the draft plan and code as published in *concept*, but not in *detail*. Our comments are concerned broadly with two elements of the plan--historic resources, and the Core Transition East--that are important areas of intersection between the downtown, the goals of the Downtown Plan, and Old East Davis. Sub-headings under the two main topics summarize our suggestions for further consideration or action as the draft plan goes forward.

## **1. Historic Resources.**

### **a. The Downtown Plan needs explicit policies and implementation actions for preserving the setting and feeling of Davis' historic resources.**

Under federal and California historic resource management policies, *setting* is an aspect of a historic property's integrity, and refers to "...the physical environment of a historic property...setting refers to the *character* of the place in which the property played its historical role. It involves *how*, not just where, the property is situated and its relationship to surrounding features and open space..." (*How to Apply the National Register Criteria for Evaluation*, U.S. National Park Service 1997).

Federal and California policies define a historic property's *feeling* as the "...expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character." (*ibid*)

Setting and feeling are tangible and practical aspects of *place-making*, as applied to historic resources.

The draft Downtown Plan references five purposes for the City's existing Conservation Overlay District, including the first purpose: to "Conserve the traditional neighborhood character, fabric and setting while guiding future development, reuse, and reinvestment". But there is no further mention of *setting* in the draft plan, and no mention in the draft plan of *feeling*. Setting and feeling are essential features of the historic resources in Davis' traditional residential neighborhoods: University Avenue/Rice Lane, which is entirely within the Downtown Plan area; Old East Davis and Old North Davis, parts of which are within the planning area. Setting and feeling are also relevant for areas of the downtown core with aggregations of historic properties, such as along Second Street between G and E Streets. All of these areas provide a setting for the historic resources they contain.

The draft plan offers only advisory language in sections bearing on setting and feeling, for example: "Particularly in areas with concentrations of historic resources and age-eligible buildings, zoning regulations and design guidelines should promote responsible development adjacent to historic resources (pg. 114, *Considerations for Future Development*). Phrases such as "should promote responsible development" are non-mandatory and, given likely competing interests, will ultimately be ineffective for historic resource preservation. Downtown Plan policies regulating the setting and feeling of historic resources must be explicit and enforceable.

Development policies in the draft plan specific to neighborhoods are also merely advisory, and suffer from language open to differing interpretations. For example, in the G Street neighborhood-- where five-story, block-scale building forms are allowed-- development adjacent to historic resources is guided by the policy: "Proposed building forms should be compatible with existing resources that are small- to medium-scale, largely one to two stories in height" (pg. 120). Here, both the weakness of the language "should be compatible", and the juxtaposition of five-story, block-scale buildings with small-to-medium, one-to-two story historic buildings, are dismaying. Similarly for the University Avenue-Rice Lane neighborhood, development is guided by the policy: "The proposed form and scale should consider compatible alterations to properties containing or adjacent to historic resources" (pg. 128). The phrase "should consider compatible alterations" is inadequate for effective historic preservation. The lack of enforceable language is a problem for policies specific to each neighborhood.

New development can have both direct and indirect impacts on nearby historical resources. Indirect impacts include: "the introduction of visual, audible or atmospheric effects that are out of character with the historic property or alter its setting, when the setting contributes to the property's significance. Examples include, but are not limited to, the construction of a large scale building, structure, object, or public works project that has the potential to cast shadow patterns on the historic property, intrude into its viewshed, generate substantial noise, or substantially increase air pollution or wind patterns" (*San Diego Land Development Manual - Historical Resources Guidelines*, p.10).

The Form-Based Code makes adjustments to ground-floor ceiling heights, setbacks, and stepbacks for buildings adjacent to historic resources (40.14.080.C), but these technical modifications are not adequate by themselves for the big-picture tasks of avoiding indirect impacts, or preserving a historical building's context and the character of its surroundings.

**b. The Downtown Plan needs explicit language stating how planning and review processes related to the existing Conservation Overlay District will evolve under adoption of the Plan. Lingering issues related to the application of “standards” in the Conservation Overlay District must be resolved in the Downtown Specific Plan.**

Because of significant impacts on historic setting identified in the EIR for the B and 3<sup>rd</sup> Visioning Process, design review—including review under the Downtown Davis and Traditional Residential Neighborhoods Design Guidelines—is currently required for *all new development* in the Conservation Overlay District (Mitigation Measure 4.3-9(a) of the B and 3<sup>rd</sup> EIR). This review is a statutory obligation of the City under CEQA. Land-use and zoning regulations for the Conservation Overlay District are expected to be replaced by the Downtown Plan and Form-based code, for those parts of the Overlay District within the Downtown Plan area. Yet the draft Downtown Plan does not describe how planning and review processes related to the existing Conservation Overlay District will carry over functionally to the Downtown Plan upon its adoption. Neither section 5.3 of the draft plan (Conservation Overlay District), nor the Implementation Actions in Table 8G for Historic Resources Management, take on this issue. This omission raises questions about the continuity of the City’s historic resource management practices, which must be addressed prior to the Downtown Plan’s environmental review.

The use of the term “conservation district” in the draft plan (e.g., pg. 221) is confusing and misleading, and the term is no better defined in the draft plan than it is in the City’s existing ordinances. Existing policies applying to the Conservation Overlay District, such as the DDTRN Design Guidelines, have been downplayed in City planning documents and presentations as not providing specific, mandatory standards. Hence it is critical that terms are defined and standards are clearly stated.

The note on page 130 of the draft plan stating that the planning area does not include Old East Davis and Old North Davis is incorrect. The planning area includes some portions of Old East Davis and Old North Davis. The note should be edited for accuracy.

On page 131 of the draft Plan, the unsupported claim that the Design Guidelines “remain unclear” should be deleted.

In Table 40.13.060.A of the draft Form-based code, the *status* of article 40.13A, Downtown and Traditional Neighborhood Overlay District, should read: “Replaced by Downtown Code *within Downtown Code boundaries.*” As written, replacement within the entire Overlay District is implied.

**c. Historic Resources located in adjacent neighborhoods, including Old East Davis and Old North Davis, should be identified on all maps in section 5.2 of the draft plan.**

The map showing historic resources, on page 116 of the draft plan, gives the impression that they exist only in the plan area. Subsequently the text description for the G Street Neighborhood (pg. 120) mentions that the adjacent Old East Davis neighborhood has “a number of” historic resources; and the

Old North Davis neighborhood, adjacent to the North G Street Neighborhood, is described as having “numerous eligible or potentially eligible” historic resources (pg. 122).

Historic resources in Old East Davis and Old North Davis should be identified on the map on page 116, and on the subsequent neighborhood-specific maps whenever they occur within the frame. The spatial relationships and contexts of historic resources are relevant features, and the draft plan maps are incomplete having omitted identified resources. In neighborhood-specific maps, all historic resources (including those in other downtown neighborhoods shown in other neighborhood-specific maps) should be identified whenever they occur within the frame.

The draft Downtown Plan does as suggested above for the 1967 bike lane. The bike lane exits the downtown plan area into Old East Davis and runs north along J Street. This is shown in the map on page 116, and in neighborhood-specific maps whenever it occurs within the frame. All identified historic resources should be treated in these maps as the draft Downtown Plan treats the 1967 bike lane.

**d. The form-based code has special regulations for buildings adjacent to historic resources, but “adjacency” should be clearly defined, and should relate to the whole physical context of a historic resource.**

Section 40.14.080.C of the Form-based code makes adjustments to ground-floor ceiling heights, setbacks, and stepbacks for buildings adjacent to historic resources, but based on the images shown there, it could be inferred that the adjustments only apply when *front facades* are on adjacent properties. Obviously, new buildings can impact historical resources from the side and rear, and these impacts can extend over distances spanned by alleys, which are common parcel-dividers in the downtown core, University Avenue/Rice Lane, Old East Davis and Old North Davis. Concerns about the ambiguity of “adjacency” in the Form-based Code are amplified by the omission in plan area maps, noted above, of historic resources located in adjacent neighborhoods.

**e. Specific standards for the height of a new building relative to the top-plate of an adjacent historic structure should be included in the Form-based Code.**

An example would be: “The maximum height of a new structure adjacent to a single-story historic structure shall not exceed two times the height of the historic structure’s top-plate.” The multiple, two times the height of the top-plate of an adjacent single-story historic structure, should decrease for taller adjacent historic structures, to avoid absurdly tall new buildings. We propose that the Historic Resources Management Commission develop these standards, perhaps in consultation with an architectural historian of their choosing.

**f. Policies for structures potentially eligible for historic designation, including “contributing” structures, should be explicit in the Downtown Plan. Structures recommended for designation**



**should be treated as historic under the Downtown Plan, pending definitive action from the HRMC and City.**

The City created the Conservation District designation as a mechanism to mitigate potential impacts to historic resources under the City's 2001 General Plan. At that time, the City included Landmark and Merit designations, and also included a "contributing structure" designation. The intention was that the Conservation District overlays would function similarly to an historic district designation, but would accommodate the variety of structures that existed, given the piecemeal development in Davis over time, rather than development of full blocks or tracts. As time has passed and CEQA interpretation has evolved, the City has taken the position that protection is only afforded those structures designated as Landmark or Merit, without formal consideration of whether earlier designated contributing structures should be "upgraded". We are concerned that the draft plan continues this practice.

Demolition is final. We recommend that structures recommended for designation, such as the KetMoree building and others, be treated as historic under the Downtown Plan, pending final decisions. Federal land-use law regulating the designation of wilderness areas provides a parallel approach, prohibiting road-building and logging in areas considered for designation during their study and review period.

**g. Policies to encourage and regulate adaptive re-use of historic structures should be included in the Downtown Plan.**

Adaptive re-use is part of the portfolio of best practices for historic resources management. It is a green building strategy that avoids excessive accumulation of building materials in landfills, and reduces environmental disturbance at building sites caused by demolition and foundation-digging.

## **2. Core Transition East.**

**a. The 2005 City Council actions including the railroad parcels in the core planning area, along with the planning documents related to those actions, give the existing entitlements and restrictions for these properties.**

In 2005, at the request of Jennifer Anderson (the owner of three of the four parcels along the railroad tracks), the City Council included four parcels in Old East Davis lying directly to the east of the Union Pacific Railroad tracks in the core planning area. The Council's actions included amendments to area plans to designate the parcels' land-uses as Retail with Offices, and an ordinance to rezone the parcels to Mixed Use (Resolution No. 05-220; Ordinances and planning documents in: June 23, 2005 Staff Report for the City Council).

The owner-- at that time-- of the southernmost parcel, consisting of 901-919 Third Street (currently the Trackage Center parcel), agreed to have this parcel included in the Core Area and re-zoned, along with

the three parcels owned by Anderson. Old East Davis neighbors participated in the City's planning process and agreed to the Council's actions, under specific provisions regarding the mass and scale of future buildings on these parcels which were stated in the resolution and ordinances, and detailed in the planning documents presented to the Council at that time.

The planning documents for these parcels allowed "buildings up to three stories and a floor area ratio of 1.5:1 (or 2.0:1 with bonuses)", and further stated that mixed use and residential structures above two stories were to "be carefully designed to avoid appearances of excessive bulk" (2005 Staff Report, pg. 27). The planning documents went on to state that "Provisions in the Design Guidelines and Core Area Specific Plan call for new infill development to respect the mass and scale of surrounding development" (2005 Staff Report pg. 27).

Along with restrictions on the mass, scale and number of stories, the housing density for Mixed Use residential projects on these parcels was capped at 30 dwelling units per acre, and Mixed Use residential projects were required to provide at least one on-site parking space per unit (2005 Staff Report). These density and parking provisions are still in effect for the parcels in the Core Transition East.

The City has processed only one planning application involving these parcels-- for the Trackside Center project-- since the 2005 amendments. The Trackside Center planning documents incorporated the 2005 land-use and zoning provisions implicitly, as defining the existing entitlements for this property (November 14, 2017 Staff Report for the City Council, pg. 05-7, Table 1; *ibid*, pg. 05-21, Table 2 "Base M-U Standard"). By analogy the 2005 provisions also define the existing entitlements for the parcels in the Core Transition East owned by Anderson.

The planning documents for the November 14, 2017 City Council hearing on the Trackside Center proposal included special provisions incorporated in the Planned Development application for this parcel, such as increased building height and density, as well as inclusion into the project area of land leased from the Union Pacific Railroad. A Planned Development application and Tier-3 review were required for the Trackside Project, because these special provisions went beyond the parcel's existing entitlements.

A decision filed on May 15, 2019 by the Yolo Superior Court ordered the City of Davis to vacate and rescind all approvals for the Trackside Project, though the City subsequently appealed this decision. The special provisions related to the Trackside Project's Planned Development application cannot be claimed as existing entitlements for this parcel (901-919 Third Street) while the City's appeal is pending. This parcel's existing entitlements are as described in the 2005 Staff Report.

The term "Main Street scale" was applied to the four Core Transition East parcels in the 2005 documents, but we caution that this phrase had a narrow meaning, referring only to setback distances (2005 Staff Report, pg. 13 and Attachment 3). "Main Street" in the 2019 draft Form-based Code refers to a collection of building forms sharing multiple features, notably mass and scale at the level of a city block. The 2005 documents did not envision block-scale buildings on the Core Transition East parcels.

**b. The existing entitlements and restrictions for the parcels in the Core Transition East, as well as other applicable City policies, require that building forms and land uses on these parcels make an appropriate transition from Old East Davis to the commercial core.**

At least six unique, substantive references to transitional building scales and land-uses, as applied to the railroad parcels, occur in the 2005 Staff Report. Some examples are:

i) “These applications are considered to facilitate achievement of community goals to increase housing in the Downtown and provide a scale and use transition between the Downtown Core and adjacent residential area as identified in the Design Guidelines ‘Mixed Character Areas: Core Transition East’ (2005 Staff Report, pg. 2);

ii) “The Core Area Specific Plan identifies the properties around the perimeter of the Downtown Core as Retail with Offices and establishes a Transitional Boundary which is to function as a transition between higher intensive commercial and office land uses and lower intensive uses...” (from the Resolution of Intent to Amend the General Plan and Core Area Specific Plan, 2005 Staff Report, pg. 6);

iii) “The public necessity, convenience and general welfare require the adoption of the proposed amendment to ensure consistency with the General Plan, Core Area Specific Plan and Downtown and Traditional Neighborhood Overlay District (40.13A.) which encourage the mixed retail, office and residential uses on the periphery of the Downtown Core Area to support the vitality of the commercial area and to provide a transition between the more intense commercial core and surrounding residential neighborhoods” (from the ordinance to re-zone the four parcels from Commercial Service to Mixed Use, 2005 Staff Report, pg. 12).

To summarize, the requirement for transitional building forms and land uses on the Core Transition East parcels was codified in the 2005 City Council actions, and is a current condition for development on these properties.

**c. The Downtown Plan’s treatment of transition areas must be consistent with policies in the City’s General Plan.**

Regarding transitions, the City’s General Plan states: “Accommodate new buildings with floor area ratios that can support transit use, especially within 1/4 mile from commercial areas and transit stops, but maintain scale transition and retain enough older buildings to retain small-city character” (Land Use Principle 4, p.56). Policy UD 2.3 of the General Plan further states: “Require an architectural ‘fit’ with Davis’ existing scale for new development projects” (p.159); the subsequent Standard a) states: “There should be a scale transition between intensified land uses and adjoining lower intensity land uses”. The General Plan will still be in effect at the time the Downtown Plan is adopted, and policies in the Downtown Plan, including its treatment of transitions, must be consistent with those of the General Plan, as a condition for its adoption.

**d. Imprecise language and policy direction in the draft Downtown Plan regarding transition areas between traditional neighborhoods and the downtown core, as well as incorrectly drawn neighborhood boundaries in Figure 5.34, must be revised prior to the Plan’s environmental review.**

Recommendation D for the Conservation Overlay District (pg. 132) states: “...establish special areas of interest to encompass the transitional areas between the Downtown Commercial Core and the Old East and Old North neighborhoods. These special areas of interest will be for the Downtown commercial core, and along G Street including the Amtrak site, and would allow for more nuanced conservation and development in these areas, as shown in Figure 5.34.”

This recommendation occurs in the context of other proposals for how the existing Conservation Overlay District will evolve under adoption of the Downtown Plan, but it is not clear what, exactly, is being recommended in Recommendation D. In particular, the phrase “allow for more nuanced conservation and development” is unacceptable, as it is vague and open to different interpretations. Recommendation D fails to meet a premise of the Downtown Plan: to increase certainty for both residents and developers about the course of future development in the plan area and the kinds of projects that can be approved.

As a policy document concerned with transition areas, the draft Downtown Plan lacks the detail and specificity of the General Plan, Core Area Specific Plan and DDTRN Design Guidelines. It is not an improvement on, or an evolution of, these existing policy documents. Policies in the draft Downtown Plan make the future of development in transition areas less clear than in the City’s current plans.

Table 8G, Action Item 7C (pg. 222) (“...establish special areas of interest...to encompass the transitional areas between the Downtown Commercial Core and the Old East and Old North neighborhoods”) amplifies the ambiguities in Recommendation D. It is not clear what is intended by this apparent recommendation to separate, and regulate differently, the transition areas and the neighborhoods that contain them.

The dashed lines showing the existing Conservation Overlay District boundaries are incorrect in Figure 5.34 (pg. 131, referenced in Recommendation D). The map on pg. 4 of the DDTRN Design Guidelines gives the correct boundaries. A comparison of the DDTRN map with the “proposed” boundaries for Old East Davis and Old North Davis (red-orange boundaries in Figure 5.34 of the draft plan), suggests that City planners wish to annex the transition areas into the downtown core, removing them from the traditional neighborhoods. This is unacceptable in OEDNA’s view. The Core Transition East is part of the Old East Davis neighborhood. The Union Pacific railroad tracks form the western boundary of Old East Davis—they are both a *historical* and *physical* boundary.

**e. The Old East Davis Neighborhood Association supports the three-story transitional building forms shown in the published draft Regulating Plan for the Core Transition East.**

Since 2005 and before, OEDNA has consistently supported development of neighborhood-compatible Mixed Use buildings in the Core Transition East, in order to increase the City's housing supply near the downtown core and enhance its economic vitality. The three-story Neighborhood Medium building forms in the draft Regulating Plan and Form-based Code embody the Missing Middle housing concept, and will have OEDNA's support.

We believe that clear policy direction by the City on development in transitional areas will enhance the triple bottom line. By establishing definitive standards for transitional building forms, the City will create stable conditions that will allow market forces to determine a development project's feasibility. Feasible projects that further the City's goals for increased housing and economic activity near downtown need not overwhelm neighborhoods adjacent to transition areas. Solutions that satisfy all stakeholders are attainable.

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink that reads "Mark Grote". The signature is written in a cursive, slightly slanted style.

Mark Grote, Secretary  
Old East Davis Neighborhood Association

March 23, 2020

Mark N. Grote, Secretary  
Old East Davis Neighborhood Association  
markngrote@gmail.com

City Council  
Mike Webb, City Manager  
Ashley Feeney, Assistant City Manager

Re: A way forward for the Core Transition East in the Downtown Plan update

Dear Council Members, City Manager Webb and Assistant City Manager Feeney:

On behalf of the board members of the Old East Davis Neighborhood Association, I am writing to review and comment on discussion of the Core Transition East that took place at the final DPAC meeting on January 23, 2020. I focus especially on solutions offered at the meeting by Opticos staff for the unique planning and building challenges posed by the Core Transition East, and suggest a way forward for the City, property owners and neighbors. Two numbered items, including a specific request in item 2, are below.

**1. Opticos staff has informally sketched building forms for the Core Transition East that are adapted to the unusual layout and context of these parcels, have the potential to meet property-owners' needs for building capacity, and to be accepted by Old East Davis neighbors.**

The parcels of the Core Transition East present unique design challenges that are not met by the general building forms of the draft Form-Based Code. Some of the unusual features of these parcels are:

- a) They are large, although adjacent to small, single-story homes and in close proximity to historical resources.

- b) They have narrow street-frontage widths, although their depths extend to half blocks.
- c) The adjacent alleys are not side-streets. The alleys are much narrower than side-streets and have zero lot-line dwellings and garages along their edges.

Old East Davis neighbors having drafting and design skills participated in public Form-Based Code workshops in late 2019, and sketched building types using the new code-- as applied to parcels of the Core Transition East-- under the supervision of Opticos facilitators. Building types proposed for the Core Transition East, including *Cottage Courts*, *Multiplexes*, *Townhouses* and *Courtyards*, are rather awkward on these parcels and do not use the parcel dimensions efficiently, due to specifications in the draft Downtown Plan and Form-Based Code developed for more conventional parcel dimensions and contexts.

OEDNA recognizes that the draft Form-Based Code, as currently applied to the Core Transition East, creates challenges for achieving housing densities and retail volumes that would allow for successful mixed use development. It is our understanding that some property owners of Core Transition East parcels are also dissatisfied with the proposed building forms, based on their comments at recent DPAC meetings. Additionally, OEDNA expects development in the Core Transition East to exemplify good planning principles of transitional building scale and form, as well as neighborhood compatibility.

At the January 23, 2020 DPAC meeting, in response to discussion and questions from committee members about the Core Transition East, Opticos staff suggested potentially viable strategies for dealing with the unique design challenges of these parcels. Opticos staff acknowledged the limitations of the Form-Based Code as applied to the Core Transition East, and it was apparent that their budget prevented consideration of site-specific design for these parcels. Opticos technicians present at the January 23 meeting began immediately to produce schematic building forms, fol-

lowing the broad suggestions of Opticos senior staff. At present, these schematics exist only informally, and are not available to decision-makers.

Based on OEDNA board members' recollections of the schematics developed by Opticos at the January 23 DPAC meeting, we have produced a conceptual sketch for a block of the Core Transition East, shown below, similar to what was suggested by Opticos.



The sketch is a view, looking toward the downtown core, of a full block within the Core Transition East, containing two parcels. Each parcel is “virtually” divided into two sub-parcels, with a discrete building on each sub-parcel— a concept used by Opticos to place buildings of neighbor-



hood scale on large parcels. The buildings have greater mass along the railroad tracks, stepping down significantly via smaller-scale wings to the single-story homes across the alley. According to our understanding, building layouts and orientations as sketched above are not currently allowed by the draft Form-Based Code in the Core Transition East. Opticos staff provided these concepts at the “spur of the moment” and could likely present other working alternatives based on their experience. We suggest that these concepts, if implemented in the Downtown Plan and Form-Based Code, may provide a viable way forward for the City, property owners and Old East Davis neighbors.

Opticos representatives were not present at DPAC meetings between February and October of 2019, due to budget limitations. OEDNA believes that the difficulties DPAC faced during this period, with regard to the Core Transition East and other transitional areas, would have been avoided if Opticos had been present.

**2. OEDNA requests that the City make funds available for Opticos to further develop and finalize building forms for the Core Transition East, in collaboration with property owners and Old East Davis neighbors, in time for these revisions to be presented to the Planning Commission and City Council as they consider next steps for the Downtown Plan and Form-Based Code.**

As the January 23, 2020 DPAC meeting concluded, Old East Davis neighbors approached Opticos staff, asking if their suggestions and schematics for the Core Transition East could be developed and formalized. As appropriate, Opticos staff responded that any such request must be conveyed by the City.

OEDNA believes that a viable way forward exists for the Core Transition East, acceptable to property owners as well as to Old East Davis neighbors. We further believe that Opticos has the vision, expertise and experience that are needed to produce solutions. If the City and property owners are willing partners, we will work collaboratively and in good faith with the help of Op-

ticos staff, to develop building forms for the Core Transition East meeting multiple needs. Given the public health measures in effect as of this date for the City of Davis and other cities in northern California, we understand that on-line collaboration and meeting tools are likely to be necessary. We can adapt to these circumstances.

Please contact me by e-mail at the address above to keep me updated about the status of this request. Thank you for your attention to this.

Sincerely,

A handwritten signature in black ink that reads "Mark Grote". The signature is written in a cursive, slightly slanted style.

Mark Grote

OEDNA Secretary