

**Letter 14: Yolo-Solano Air Quality Management District (Daniel P. O'Brien) – March 9, 2000**

- 14-1 Comment noted. No change is needed in the EIR.
- 14-2 Comment noted. The EIR's discussion of the Davis Technology Campus determines that its impacts on air quality will be significant and unavoidable. No change is needed in the EIR.
- 14-3\* See Master Response H..
- 14-4 See Master Response A.
- 14-5 See Master Response A.
- 14-6 The acronym APCD has been inadvertently used at times in the General Plan and the EIR in place of AQMD. The Yolo-Solano district is an Air Quality Management District (AQMD), not an air pollution control district (APCD). The discussion and conclusions of the EIR are not affected by this error. Modifications are provided in Chapter 4 of this final EIR to provide clarification for wording that impacts the findings presented in this EIR. Since the word choice is a grammatical rather than substantive change, this comment is noted, but modifications are not included in Chapter 4 of this final EIR.
- 14-7\* Policy AIR 1.1 is relied upon to mitigate air quality impacts. The language will be revised in the General Plan and in the EIR, at page 5E-11.
- 14-8 See Master Response C.
- 14-9 See the response to Comment 7-10.

If approved as part of the General Plan update, the Davis Technology Campus will be consistent with the General Plan by definition. Nonetheless, the commenter is correct that the Davis Technology Campus site is further east than the City's current boundaries. Impacts related to the expansion of the existing City were assessed under the topic "Land Use" in Chapter 5A of the EIR.

- 14-10\* Comment noted. The commenter is correct that the General Plan includes a number of goals and policies that may help limit increases in air pollution by guiding the land use pattern. The discussion under each of the alternatives on pages 5E-14 through 5E-16 will be revised to refer to pertinent goals and their implementing policies and actions, including Goal LU-2 (encouraging infill transit-oriented development), Goal MOB-1 (encouraging various transportation modes), Goal MOB-3 (bicycle and pedestrian facilities), Goal MOB-4 (transit use), Goal UD-1 (urban design principles), and Goal TECH-2 (encourage telecommuting).

- 14-11\* Goal MOB-2 relating to parking reduction may help limit air quality impacts by reducing motor vehicle use. It will be referenced in the discussion on page 5E-15.
- 14-12\* Commenter's point is well taken. Action d currently relates to educational materials. The addition recommended under Mitigation Measure AQ-2.1 relates to reducing dust, ROG, and NOx emissions. The mitigation measure will be revised accordingly.
- 14-13 Comment noted. The City will consider the YWAQMD thresholds after such time as they are adopted by the District.



RECEIVED  
 MAR 13 2000  
 City of Davis  
 Planning & Building

Davis Chamber of Commerce  
 and Visitors' Center

March 13, 2000

Mr. Bob Wolcott  
 City of Davis  
 23 Russell Blvd.  
 Davis, CA 95616

RE: Written Comments and Questions on General Plan Update & Related Documents

The members of the Government Relations Committee of the Davis Chamber of Commerce have briefly reviewed the Draft Environmental Impact Report (DEIR), General Plan and Fiscal Analysis current for public comment. The Government Relations Committee has attempted to condense this input for presentation in this letter. It is likely there will be other comments by Chamber members during public hearings.

These documents are exceedingly long and unnecessarily complex. They are hardly useful to the community at large in understanding the General Plan process or its effects. Our analysis is limited to a select portion of the documents. As such, they should not be construed as comprehensive.

15-1

We ask that these comments be addressed with specific responses by the consultant to all of our questions.

1. Descriptive Headings for the Land Use Alternatives for the EIR.

- a. In the DEIR, the heading labels of the land use alternatives for the EIR are inconsistently applied through the EIR document. References to the University Related Research Parks (URRP) are often mixed with office/business park nomenclature or omitted from tables. For example, see Table 3-2 Comparison between Existing Land Use Conditions and Alternative at Year 2010.
- b. It is confusing that Alternative 3 on the matrix chart is labeled a "Reduced Build-out Scenario" because the No Project Alternative 1 is in reality the reduced build-out of the existing General Plan.

15-2

Heading labels should thus be revised for ease of broad public understanding. Additionally, a definition of a URRP in the Policy ED 3.2 and the glossary is needed. Shouldn't these be corrected?

2. DEIR Chapter 5A: Land Use, Aesthetics, and Hazardous Materials. Goals and Policies Specific to Business Retention and Expansion beginning on page 5A-15 omit the UC Davis CONNECT and Technology Transfer Center programs, which are located in the city, and not on campus. These strong new University program initiatives support the Policy ED 3.2, action item 3.2f. Shouldn't this fact be addressed in the EIR?

15-3

130 G Street, Suite B  
 Davis, California  
 95616-4630  
 (530) 756-5160  
 Fax (530) 756-5190

Legos is a Service Mark registered with the State of California

- 3. DEIR Chapter 5B. Population and Housing
  - a. The Chamber is concerned about local job supply. Job numbers are consistently omitted from much of the existing population and existing housing discussion. Shouldn't this be corrected? Also, shouldn't specific goals be included? 15-4
  - b. The word "imbalance" is incorrect in the phrase on page 5B-15, which states, "In addition, a jobs/housing *imbalance* is generally considered to be a desirable planning goal." It is unlikely the City desires a job/housing imbalance. It currently has such an imbalance. Good planning practices suggest we should strive to correct this. Shouldn't a specific policy explanation be provided for reducing ratio from 1.09:1 in the 1987 General Plan to 0.86 to1 or lower in the DEIR? 15-5
  
- 4. DEIR Chapter 5D. Traffic and Circulation. The Chamber is concerned that proper, accurate planning be made for traffic patterns and daily traffic flows.
  - a. Commuting into town by nonresidents will steadily increase as housing prices and types fail to keep pace with University growth. Shouldn't this foreseeable factor be addressed in the traffic models? 15-7
  - b. This chapter's "Setting" must bring forward information contained in the 1997 Jobs/Housing Balance report. This report cites that 43.4% or 11,645 Davis Community Area Residents work outside the area. A correctable weakness of the Report is that it assumed a mid-range enrollment growth scenario for the UC Davis population. We now know this does not reflect the current UC Davis population growth plan. Current plan numbers are available. Shouldn't these be incorporated in the EIR? 15-8
  - c. An exhibit using graphic images to represent Levels of Service D, E and F for urban traffic conditions must be prepared. Otherwise, the public will be unable to effectively visualize when and where congestion will be a problem. The "No Project Alternative 1" assumes significant in-fill densification. It is unlikely this alternative can be consistent with General Plan policy to provide urban street capacity to maintain peak-hour LOS at "D" or better. Table 5D-7 on page 5D-17 does not include this alternative. Squeezing more cars onto existing downtown roads will at some point lead to gridlock. Shouldn't the DEIR clarify when that point is reached? 15-9

With respect to the General Plan Update Final Draft, November 1999, we have the following comments:

- 1. Section IV: Community Form Chapter 4: Housing – The housing unit numbers described in the UEIR Land Use Alternatives are used to calculate the Draft Fiscal Impact Analysis. A double counting of land for both housing and commercial uses may be occurring. There appears to be the possibility that various parcels of land zoned, and thus assumed to be for commercial use, are treated in other portions of the EIR as potential land for the placement of housing units to meet the City's projected housing needs. Can the consultant specifically identify the land used to calculate the potential increases in 15-10

housing and commercial uses in order to demonstrate the projected build-out conclusions are accurate and reasonable?

2. Section IV: Community Form Chapter 5: Economic and Business Development - The Background, Economic Impact of UC Davis and Local Economic Profile sections each are based upon seriously outdated information taken from the period 1992 to 1995. Shouldn't a thorough update be completed prior to City Council review? Accurate, updated information is available from SACTO, Valley Vision and UC Davis Community & Government Relations and resource books from Sacramento Business Journal.
3. Figure 29: Shouldn't Commercial Construction Permits Issued 1987-1996 be updated with current information? Additionally, shouldn't a simple and clear table be prepared which reflects the relative components of tax revenue among the key business types and areas through 1999? At a minimum, shouldn't this include tax revenues from auto sales, auto service/fueling, retail, hotel occupancy, business licenses, and so on, in order of size; and tax revenues by areas of town including downtown, South Davis, and the commercial areas surrounding the various shopping centers?
4. Shouldn't Table 12 listing the major employers be revised to reflect research/high technology firms in Davis related to Policy ED 3.2? Shouldn't an additional category entitled "Other-Research/High Tech" include employees of firms such as Celera AgGen, Z-World, AgraQuest, Novo Nordisk, and DM Information Systems?
5. Section V. Community Facilities and Services 8. Computers and Technology - Shouldn't the telecommunication infrastructure for the City be identified? For this section to accurately reflect current knowledge there must be a complete discussion of current and planned fiber optic and backbone infrastructure for high-speed modem connection to the Internet. Shouldn't there be a "roadway" map generated of the city's existing and planned telecommunications infrastructure to service businesses located in both commercial and residential portions of the community?

15-10 cont.

Lastly, the Davis General Plan Update Draft Fiscal Impact Analysis provided by Bay Area Economics generated the following comments:

1. Overview
  - a. The Chamber is concerned about the significant fiscal implication of the "No Project Alternative #2 Build-Out to Year 2010" (Existing General Plan).
  - b. The need to identify new funding sources not considered in this analysis (page iii).
  - c. There is no connection established between a 4<sup>th</sup> fire station in Year 2005 and Alternatives 3,4 and 5.
  - d. The build-out dates for the three university related research park alternatives of 2034, 2060 and 2066 are patently absurd. Reliance upon them renders impossible a balanced, realistic analysis of the alternatives by the public or policy makers.

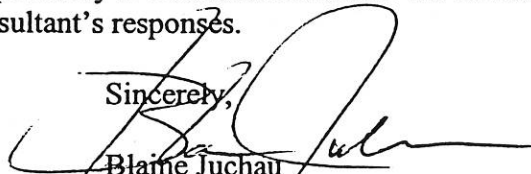
15-11

2. The current Fire Chief and City Council have discussed that a 4<sup>th</sup> fire station is needed **now** to meet the 5 minutes response policy. Analysis of capital requirement for the construction of a 4th station and then the sources of new revenue to operate the station is essential. However, since the station is **currently** needed, isn't that analysis a prerequisite to any Alternative being properly selected? Thus, shouldn't the fiscal impact analysis be recalculated with the \$1,065,000 to operate the 4<sup>th</sup> fire station applied to all alternatives, including Alternative 1 & 2?
3. Any plausible commercial forecasting available cannot support the low absorption rates of land for research parks, which are used in the current analysis. First, because they are significantly below any current estimates of commercial growth potential in the San Francisco to Sacramento I-80 corridor. Second, because they attempt to predict unrealistically far into the future. Shouldn't a revised fiscal analysis be generated which is based upon the actual General Plan timeframe of 2010, assuming build-out at that time, or at most, build-out in year 2020, for each research park alternative, with corresponding increases in absorption rates. Shouldn't this information also be applied to the analysis of Alternative 1?
4. Davis' business license tax is currently a large component of general fund revenue sources used to offset the costs of recreation and community services. Davis' rates, in relation to a group of six nearby communities (Fairfield, Rocklin, Roseville, Sacramento, Vacaville and West Sacramento) are 680% for Office, 262% for Retail, 777% for Business Park and 256% for Industrial (Crawford Multari & Clark Associates, May 1, 1998 Cost of Doing Business Comparison). Shouldn't the analysis consider the possibility that such high rates are unsustainable to retain and attract necessary and desirable businesses? Shouldn't the fiscal analysis be revised to include increases in the "T.O.T." taxes, which will result from the significantly increased business travel to the companies in the URRP?
5. The current analysis makes the narrow and unrealistic assumption that economic development in the area will always be weak and slow. Isn't an analysis needed which includes reasonable assumptions about the potential improved fiscal conditions achievable through business retention, business expansion and visitor attraction programs by the City?

15-11  
cont.

We appreciate the opportunity to comment and refine the DEIR documents and look forward to receiving the Consultant's responses.

Sincerely,



Blaine Juchau

Co-Chairman, Government Relations Committee

C:\WP DOCS\Business\Documents\GRC\GRCGPEIRResponse.wpd

**Letter 15: Davis Chamber of Commerce and Visitors' Center (Blaine Juchau) - March 13, 2000**

- 15-1 The City appreciates the commenter's opinion. The City has attempted to organize the General Plan and EIR for ease of reference, but also desired a higher-than-typical discussion of major project sites in order to fully assess potential alternatives.

Most general plans are lengthy discussions by nature. The Davis General Plan is no exception since it reflects the input of numerous committees and hundreds of residents. The EIR is similarly long in order to address the potential adverse impacts of the plan's policies.

The fiscal analysis of the general plan is being used as an informational item, but is not to be adopted as part of the General Plan. This document was also not included directly in the EIR analysis.

- 15-2 The titles to the alternatives are being revised to make them consistent (see the responses to comments from Davis Planning and Building Department). The URRP General Plan designation is defined at page 72 of the General Plan. The URRP can be characterized as a type of office/business park, and, therefore, is grouped under that general type of land use in the tables in the EIR.
- 15-3 Comment noted. The purpose of the EIR is to analyze the potential impacts of the General Plan update on the environment and to identify feasible mitigation measures to avoid or minimize those impacts. The omission of the UC Davis CONNECT and Technology Transfer Center programs was not intended to minimize their potential contributions. The discussion on page 5A-15 lists proposed goals and policies contained in the General Plan update; since these programs are not mentioned in the goals and policies, they are not listed on page 5A-15.
- 15-4\* Gross employment projections for each of the alternatives will be added to the revised EIR. See also the response to Comment 14-3 for these numbers. The General Plan does not include specific goals relative to job numbers. Inclusion of goals is a question for the General Plan and are not pertinent to the EIR at this time (see Master Response A).
- 15-5\* The final EIR will be revised. Also, see comment 14-3 for a discussion of jobs/housing balance.
- 15-6\* The General Plan update does not contain any specific jobs/housing ratio. A range of ratios is presented in the EIR as a way of measuring whether the alternatives are consistent with common planning principles of providing both jobs and housing opportunities. The jobs/housing ratio is not a forecaster of a city's ability to attract or retain businesses, nor is adopting a particular ratio a practical approach to growth management. As discussed in the response to Comment 14-3, the discussion in the final EIR has been revised to clarify this issue.

- 15-7 The comment implies that housing prices and types will fail to keep pace with University growth, leading to in-commuting and resultant traffic impacts. Please see Master Response H.
- 15-8 The EIR relies on information from UC Davis' most recent Long-Range Development Plan. Although the University system has indicated that it will accommodate more students in the future, whether this will exceed the projections of the Development Plan and, if so, by precisely how much, is speculative at this time. Accordingly, no revision to the EIR is being made. See also Master Response E. The latest unadopted UC Davis enrollment projections are discussed under the "Evolving Issues" on pages 2-16 and 2-17 in the EIR and on page 5B-1 and 5B-2 (Population and Housing) in the EIR.
- 15-9 The standard proposed by the City of Davis General Plan update (MOB 0.2) is to plan for LOS E during peak hours on arterial and collector streets. In the Core Area, LOS F is acceptable during the peak hour. In addition, neighborhood plans or corridor plans can allow for a level of service at peak times of F if approved by the City Council.

Based on these standards of significance, Table 5D-11 highlights all the roadway segments anticipated to exceed these LOS criteria under all the study alternatives. The table provides a comparative, condensed forum to report projected operations on the study roadways for all the study alternatives. Although a graphic displaying LOS F operations could be prepared for each alternative, each of these four graphics would need to be compared to determine what impacts each development alternative would have on each roadway. In addition, it would not be appropriate to produce a figure identifying LOS D and LOS E because these levels of service are not the standard.

Alternative 1 is the no project condition. This scenario is the same as existing 1998 conditions. Therefore, no additional development/densification was assumed beyond that which was already developed before 1999.

Table 5D-7, on page 5D-17, presents a comparison of total daily trip ends under the existing and future 2010 alternative conditions. Alternative 1 is the existing conditions.

- 15-10 The assumptions for the land use alternatives are described in the General Plan Update EIR Land Use Alternatives Workbook, November 1999. There was no "double counting" of residential and nonresidential land uses or sites except where mixed use developments may be possible in the Core Area.

The comment is correct that the background information in the General Plan related to such topics as economics, commercial construction permits, tax revenues, and major employers could be updated. These kinds of information inevitably become outdated during a multiyear general plan update process. Similarly, the description of the city's existing and planned telecommunications infrastructure could be updated and expanded. The long-range nature of a general plan, however, should not require that descriptive information be constantly updated. The more important issue is whether City policies should be modified to guide decision making over the planning period.



The issue of updating background information in the General Plan document is related to the General Plan and not the EIR, but updating this information should not significantly affect the policy direction of the General Plan Update.

- 15-11 These comments relate to the draft Fiscal Analysis prepared for purposes of assessing the potential fiscal impacts of the General Plan update. CEQA does not require an EIR to consider economic or social impacts, except as they may relate to physical changes. These comments are pertinent to the Fiscal Analysis, but not the EIR.



**Legal Services of Northern California**  
**Yolo County Law Office**

619 North Street  
Woodland, CA 95695  
Main Line: (530) 662-1065  
Sacto. Line: (916) 447-5798  
Fax Line: (530) 662-7941

[yolo@lsnc.net](mailto:yolo@lsnc.net)

**Attorneys:**  
John F. Gianola  
Christina Rosado

**Support Staff:**  
Aida Ramirez  
Dahlia Long  
Pedro A. Fung

**VIA FACSIMILE (530) 757- 5660 – ORIGINAL BY MAIL**

March 13, 2000

Bob Wolcott, Senior Planner  
City of Davis  
Planning Department  
23 Russell Blvd.  
Davis, CA 95616

**RE: Draft Environmental Impact Report (DEIR) for City of Davis General Plan Update**

Dear Mr. Wolcott:

I am the Managing Attorney for Legal Services of Northern California (LSNC), Yolo County office. LSNC is a nonprofit organization which provides free legal assistance to low-income persons in 23 northern California counties, including Yolo County. LSNC provides a wide-variety of assistance to low-income persons, including affordable housing advocacy. On behalf of low-income persons and families in this community, I submit the following comments to the DEIR for the City of Davis General Plan (GP) Update:

---

**Updating the Housing Element and HCD Approval**

The stated purpose of the draft GP Update is to replace the policies in the current General Plan. This statement is confusing in that the Housing section of the GP Update fails to contain all the legally required provisions and analyses for a Housing Element. If the "Housing" section of the GP Update is actually a summary, the draft GP Update should make such fact more clear and explicit.

Nevertheless, the proposed land use policies in the draft GP Update and other local policies enacted since the adoption of the current Housing Element requires that the City do a thorough update to its Housing Element, specifically regarding the City's ability to meet its SACOG regional fair share housing obligations. Moreover, such an update must be submitted to the Department of Housing & Community Development (HCD) for review and approval prior to any further adoption of policies which may constrain the development of housing. These policies which may constrain the development of housing are discussed in more detail below.

16-1

**Inability to Meet Fair Share Housing Goals**

The City's current Housing Element states that the City would be unable to meet its SACOG Fair Share housing allocation for low and very-low households. (See, 1993 Housing Element, p. 72). HCD approved the current Housing Element despite the City's inability to identify sufficient sites to meet its regional fair share obligation. HCD instead allowed the City to meet this need through its Affordable Housing Ordinance and other program efforts. However, HCD strongly urged the City to diligently monitor its affordable housing efforts to "accommodate Davis's share of the regional housing needs." (See, April 26, 1993 - HCD letter) The GP Update fails to ensure the ability of the City to meet its regional fair share housing allocation and potentially creates even greater constraints to meeting its fair share housing obligations.

The DEIR to the GP Update recognizes the tension of the slow growth policies in the GP Update and the City's responsibility to adequately address its housing needs. (DEIR, p. 5B-19) Moreover, the DEIR acknowledges that all of the four land use map alternatives in the GP Update prevent Davis from meeting its anticipated SACOG fair share housing allocation. (DEIR, p. 5B-15) Thus, in its GP Update, the City is creating policies that would ensure its failure to identify adequate sites for the construction of sufficient affordable housing. This is contrary to the City's

obligation to ensure that the draft GP is an internally consistent document. (See Govt. Code § 65300.5)

Given the acknowledged constraints that the land use alternatives present to the City's ability to meet its future fair share housing obligations, the EIR must analyze whether the land use alternatives impair the City's ability to meet its fair share allocation under the current Housing Element. If this analysis reveals that the land use alternatives prevent the City from meeting its fair share allocation during the current housing element planning period, the City must revise its Housing Element to include programs or policies to ensure that the City will meet its allocation. If the City is unable to do so, it must amend the Housing Element to identify sites with zoning that permit, by right, construction of sufficient affordable housing to accommodate the identified needs of low and very-low income households. (See, Govt. Code § 65583(c); see also, Housing Program, Housing Sites policy 9.3 (G) of the Housing Element, p.133). This amendment must be done prior to or concurrent with the adoption of the General Plan. Failure to do so may result in the adoption of an internally inconsistent, and therefore invalid, General Plan.

16-2

16-3

#### Other Policy Constraints on Housing

Since the adoption of the current Housing Element, the City has adopted new policies which potentially create very significant constraints on housing development and which must be critically analyzed by the City and addressed in its Housing Element. The recent passage of Measure J, which would require voter approval for any new development in agricultural land or open-spaces, is a very serious constraint on housing development. Although some City representatives claim that Measure J will not affect any of the City's efforts to facilitate the development of affordable housing, it is hard to imagine how the development of any housing - affordable or not - will not be affected by this new law. Most of the City's recent affordable housing has been constructed via linkage to the development of market rate housing and application of the City's Affordable Housing Ordinance. If Measure J will affect the development of market rate housing, it necessarily has an impact on the development of affordable housing. Also, Measure J is of special concern because of the City's reliance on its inclusionary housing policies to meet its fair share housing obligations.

Thus, such a serious policy constraint on housing development requires an immediate update to the Housing Element to determine the effects of such a policy on the City's ability to meet its fair share housing obligations.

Other potential constraints on housing development either have not been adequately addressed in the current Housing Element or occurred since the adoption of the Housing Element. Such policies include the Right to Farming Preservation Ordinance, the Phase Allocation Ordinance, and the Tax-Increment Pass-Through Agreement with Yolo County. I believe that these policies at least have the potential to act as significant constraints on housing development and, therefore, need to be analyzed and addressed in the Housing Element.

Moreover, since the adoption of the Housing Element, the City's vacancy rate has decreased to an extremely low level (i.e., 1.95%; DEIR p. 5B-4). Undoubtedly, such a low vacancy rate has an impact on the availability of affordable housing in Davis and it must be analyzed and addressed in the Housing Element.

For all these above reasons, I am concerned that the City is going forward with a major update to its GP and is ignoring the serious impacts that it (and other local policies and factors) will have on housing in the community. The City must begin an immediate update process of its Housing Element and seek HCD approval of any such update.

16-3 cont.

#### Other Policies in the DEIR

- A. The DEIR reiterates some of the housing development policies in the GP Update. Two of these policies focus on the housing needs of students: Policy Housing 1.2 and Action Housing 1.5c. (DEIR p. 5B-11) No policy focuses on the need for housing for low-income large families. I have recently advised City Planning Staff about misguided efforts to focus on the housing needs of students at the expense of larger family housing. The following are some of the points I made to the Planning staff about student housing versus larger family housing:
- The City's adopted Housing Element, including the current draft Housing section of the GP update, continues to recognize that large families and households with children are a special needs housing group. "Low income families of four could only afford median priced apartments . . . rents of single family households are generally not affordable to low-income households . . . larger households find rental costs for larger apartments too high and cramped housing is all they can afford. (Draft Housing Element Update, p. 161)

- It is a baseless assumption that only large families benefit from affordable multi-family housing. Low-income single persons and students also benefit from affordable larger conventional multi-family units. But low-income families do not benefit from the development of affordable single person units. Single persons and students in particular often share housing to make it affordable. It is one of the major differences between a low-income student and a low-income family which the above housing policies ignore. Large families must find housing adequately sized to meet their needs or else they must live in overcrowded conditions. But not so with students because they can find housing of any size as long as they have sufficient roommates to make the rents affordable.<sup>1</sup> I often assist low-income Davis students in my office who share housing and who occupy some of the affordable multi-family projects in Davis.
- The City does not have to ensure that there are sufficient affordable single person units to meet the housing needs of students or other single persons. A housing market with sufficient larger sized units will meet the housing needs for students. Contrarily, the City cannot meet the housing needs of low-income families by merely constructing affordable single person units. The City can best meet the needs of both groups by ensuring the development of affordable larger multi-family units.
- Even though raw data may show that more students overpay for housing in Davis than large families, there is a qualitative difference between large family households that overpay for housing and students who overpay for housing. Students, who may be paying more than 30% of their income for rent, are not affected in the same way as families which overpay for rent. Families, especially those with children, have many more necessary expenses than students. Thus, family households are affected in a much more serious way than are student households when they overpay for housing. Moreover, many students are at least partially supported by their families and,

---

<sup>1</sup> This fact is confirmed in the City's 1993 Housing Element under the "Special Housing Groups - Large Households" section.

thus, have a safety net not available to most family households.<sup>2</sup>

- Moreover, many families must move to other parts of the county because of the high cost of Davis housing. Theoretically, the cost of housing could be so expensive as to preclude any large low-income family from living in Davis. Thus, raw data could show that no large family was overpaying for housing in Davis despite the high cost of housing for low-income families. The point is that overpayment data does not justify any assertion that students are in greater need of affordable housing than large families.

Therefore, these housing policies which focus on the needs of students are not justified, especially in light of the lack of any similar policy which focuses on the needs of large families. These policies must be replaced by ones that focus on the development of larger sized multifamily housing which can be occupied by both large families and students.

- B. The DEIR reiterates a housing policy concerning the Affordable Housing Ordinance. Policy Housing 3.1 states that the City will "maintain and periodically review the Affordable Housing Ordinance to require the inclusion of affordable housing in all new development areas *to the extent feasible.*"

The language "to the extent feasible" either adds an improper limitation on the applicability of the Affordable Housing Ordinance or is an incomplete statement of the ordinance requirements. Although a developer may not be required to use inclusionary means to construct affordable housing, if not feasible to do so, the alternatives available to the developer (land dedication and in-lieu fees) must at least create the same number of affordable units as would have been created by the inclusionary housing criteria. I urge that the statement be amended to read: ". . . to the extent feasible, *and if not feasible, that other alternatives be required to ensure the construction of at least the same number and size of affordable units as would be required under the inclusionary housing criteria.*"

16-3 cont.

- C. As stated above, the DEIR recognizes the tension of some of the GP Update policies calling for slow-growth and the responsibility of the City to meet the

16-4

---

<sup>2</sup> These facts are also supported and confirmed in the City's 1993 Housing Element under the "Immediate Need - Vacancy Rates" section.

housing needs in the community. The suggested mitigation measures do not adequately address the significant impact of these slow-growth policies.

For instance, mitigation measure PH -1.1 (DEIR p. 5B-19) fails to significantly reduce the adverse impact of policy LU A.1. The suggested language, ". . . allow increases in density that do not *jeopardize the character of the existing city and its neighborhoods,*" is not significantly any different than the current policy language (i.e., "*adversely impact the character of the existing neighborhood*")

Because of the slow-growth policies of the City and other serious constraints on the development in open-spaces, the City must have a serious commitment to maximizing the development of in-fill spaces, which the suggested mitigation measure lacks. None of the mitigation measures sufficiently address this issue. HCD's letter approving the City's Housing Element strongly encouraged the City to use the General Plan update process to revise residential development standards to allow higher density development. Failure to do so may prevent the City from adopting a valid Housing Element in the next planning period.

16-4 cont.

For the same reasons, mitigation measure PH - 1.2 fails to reduce the significant impact of policy LU 1.1. Moreover, the policy is improper in that it attempts to deal only with the housing needs of those currently working or living in Davis. Such a policy goes against the allocation formula of HCD's regional housing requirements and SACOG's fair share allocation. Davis is not an island that can ignore the housing needs in the region and it cannot expect other communities to bear the burden of developing an adequate supply of affordable housing. Many low-income families in this area are excluded from living in Davis because of its high cost of housing and its extremely low vacancy rates. Any policy focusing merely on those who live and work in Davis is improper and must be deleted from the GP. Instead, all housing policies must promote the obligation and goal of the City to meet its anticipated fair share of housing.

#### At-Risk Affordable Housing

The current Housing Element discusses, in very general terms, potential mortgage prepayment issues for various affordable projects in Davis. However, it fails to address a more serious and imminent affordable housing crisis facing the City. The

16-5



Bob Wolcott, Senior Planner  
March 13, 2000  
Page 8

---

City has several HUD projects which have Project-Based Section 8 contracts and which provide affordable housing to hundreds of very-low income households in Davis. At least eight of these projects are considered to be at "high" risk of opting out of their Section 8 contracts according to the California Housing Partnership Corporation.<sup>3</sup> These opt-outs would result in a serious loss of affordable housing units for very-low income households.

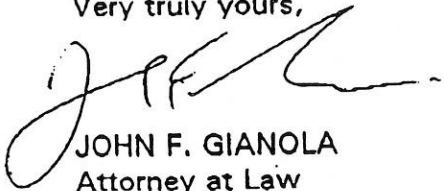
16-5 cont.

For this reason, as well, the City must immediately update its Housing Element to address this potential loss of a large number of affordable units.

Conclusion

Thank you for the opportunity to submit comments on the DEIR GP Update. Please send me copies of other comments received on the DEIR and advise me of any actions that the City will take in response to these comments.

Very truly yours,



JOHN F. GIANOLA  
Attorney at Law

cc: HCD

---

<sup>3</sup> In fact, one of these projects, University House, will have opted-out of its Section 8 contract in April, 2000.

**Letter 16: Legal Services of Northern California (John F. Gianola) –  
March 13, 2000**

- 16-1 The policies included in the draft General Plan update are not intended to compose the entire Housing Element for the purposes of meeting the state law, nor are they intended to compose a new or revised Housing Element (which is not required to be completed until 2002, after new fair-share numbers are approved). The recommended Housing Element revisions will be submitted to HCD in accordance with legal requirements. The question of whether the proposed General Plan policies are consistent with State Housing Element Law is a question of law and outside the scope of this environmental analysis. This comment is pertinent to the General Plan but not the EIR.
- 16-2 Please see Master Response F. It should be noted that the adequacy of the draft document in meeting the requirements of state General Plan law is not a CEQA issue. However, the City will be submitting proposed revisions to HCD for review, in accordance with state law. The HCD submittal will include a demonstration of the City's ability to continue to meet current fair-share needs, as required by state law.
- 16-3 Comments noted. The questions presented relate to the content of the General Plan update, and are not directed at the adequacy of the EIR. Please see Master Responses D and F. The City intends to update its Housing Element in accordance with the timeline established in state law, after determination of fair-share housing needs and the release of Census 2000 data. The City disagrees that it is necessary to update the Housing Element prior to that time.
- 16-4\* The first comment is well taken. The proposed land use policies relative to infill and higher density development do not adequately mitigate the impacts of those policies. Mitigation Measures PH 1.1 has been revised to strengthen this policy.

It is speculative to conclude that a goal of accommodating the internally generated need for housing is a policy that will prevent the City from meeting fair-share needs. As discussed in Master Response F, the General Policies and Map alternatives do not prevent fair-share housing needs from being met. In fact, explicit policies of the General Plan update require that fair-share housing needs be accommodated in the event that the plan does not meet them at the time they are released. No amendment to Goal LU1 or its implementing policy is necessary.

- 16-5 Comments noted. The questions presented relate to the content of the General Plan update, and are not directed at the adequacy of the EIR. See also Master Response A. The current Housing Element, which is not proposed to be updated or revised (with the exception of policy changes necessary to ensure consistency with this General Plan update), adequately assesses the potential impacts of housing with expiring rental restrictions.

MEMO TO: Davis Joint Unified School District School Board  
Joan Sallee, Chairperson

City of Davis Planning and Building Department  
Bill Emlen

FROM: Ernest J. Pfanner, Yolo County Taxpayers' Association

CONCERNING: The preliminary EIR prepared by Jones and Stokes on the  
General Plan, specifically the proposed new school sites  
for the DJUSD.

DATE: March 2, 2000

I attended the City of Davis Planning Commission meeting on February 10, 2000, which discussed and took public input on the preliminary EIR. I was shocked to hear that one proposed school site (the "Willowbank" alternative) had been eliminated from consideration before being evaluated. The reason given was that the Davis school board had informed the EIR consultants that said property was not to be considered. This move subverts the entire purpose of the Environmental Impact Report.

17-1

To prepare a meaningful comparison and effectively analyze the available sites to choose the one best suited to the purpose, ALL sites must be considered and evaluated carefully for, among other things, student population, travel distance, traffic flow, safe access and the health and welfare of the students.

As a taxpayer representative I feel it only fair to reinstate the Willowbank property for EIR review as a junior high/high school site.

Thank you for your attention to this matter.



Ernest J. Pfanner, Executive Director  
Yolo County Taxpayers' Association  
P.O. Box 1411  
Woodland, CA 96595

Ph. (530) 756-1115

**Letter 17: Yolo County Taxpayers' Association (Ernest J. Pfanner) –  
March 2, 2000**

17-1 CEQA does not require all sites to be analyzed. An EIR must examine a reasonable range of feasible alternatives to the project that meet most of its objectives while offering some environmental advantage over the project. As discussed on page 6-1 of the EIR, the Willowbank site was examined early on, but was not chosen as an alternative because it is infeasible for use as a school site. A residential subdivision and related final planned development review have been approved on this site, and many have now been sold, making it unavailable for use as a school.

Daniel B. Cohen                      2315 Shenandoah Place                      Davis, CA 95616                      (530) 753-4974

City of Davis  
attn: Bob Wolcott, Senior planner  
Planning and Building Dept  
and  
attn: City Council  
23 Russell Blvd Davis CA 95616

FAX to 757-5660

February 23, 2000

Comment on Draft EIR for City of Davis General Plan Update...

Dear Council and Planning staff,

I. Traffic model issues

I have some questions on the adequacy of the EIR due to technical problems of running the City of Davis' traffic models under the condition of Hunt's Tomato plant being closed, with the entire parcel being already zoned industrial and available for buildout. Problems with the traffic model affect all the predicted environmental or planning impact parameters associated with traffic (noise, NOX, PM10; LOS; quality of life issues).

18-1

You may or may not recall the discussion of this issue during the original validation of the COMSIS model as well as the rejection of the previous model. When Hunt's property was modelled under a full build out of land uses ALL TRAFFIC patterns in Davis predicted by the model were grossly affected, beyond the tolerances of any useful model. For this reason, the parameters of the model were adjusted to NOT reflect any additional buildout to the then Hunt-Wesson cannery.

18-2

The current operating condition is, however, that (1) the cannery is closed, (2) the entire parcel is available for industrial development as zoned and (3) current council members as well as candidates are calling for intensified use of the site including the possibility of a science research park (or similar concept).

18-3

Full build out at the cannery site is the condition under which the traffic model was grossly distorted. However, there is no discussion of this issue in the DRAFT EIR main body or technical Appendix, even though the cannery has been closed for over a year.

18-4

As a consequence the EIR appears inadequate for analyzing key environmental parameters of the various planning options discussed. You should not certify the EIR unless this issue is addressed. Fully addressing this issue requires several buildout scenarios, including or not including a northern access route as well as assuring that the model does not fail to perform under any build out assumptions used.

18-5

As a side note: I realize the consultants are under no obligation to consider "politically sensitive" receptors but I have to note that the validation procedures showed the model is

18-6

UNDERESTIMATING trips on Pole Line next to Izzy Lopes-Troth's house by over 1300 trips per day under current conditions and appears to be UNDERESTIMATING traffic by the elementary school on Anderson by 800 trips/day. I note the absence of any fine scale maps and suggest that a fine scale map would be useful (i.e. with more than the gross outline map which only shows major and minor arterials).

18-6 cont.

The consultants note the absence of any new survey on trips and destinations and consequently the impossibility of making stepwise validation of assumptions in the model; only the "bottom line" of validating by backpredicting current counts is used. In this context: (a) why was there no new survey performed and (b) why were trip counts used that ranged from 1996-1999? This is probably the least expensive and most important part of validating yet 1996 counts are not going to reflect the rather massive buildout and sales of the last four years. These issues should also be adressed before certification.

18-7

I remain unconvinced as to the validity of the model as affecting flow to and from (or especially on) I80.

18-8

### II Mix and match options

The various science park scenarios were confounded by including other intensifications of use (such as gateway at the Nishi property) As a citizen I found them impossible to separate out for "mix and match" options which were identified as highly probable to be chosen. If the EIR is to be useful, I would recommend an analysis without confounding. Otherwise, again, do not certify as adequate and complete.

18-9

### III. Level of Planning

Specific Plans are suppose to be implementations of General Plans and, although higher in specificity and detail, subordinate to concepts and changes in our overall "Constitution". However, I have not seen adequate discussion of impacts of changes in the General Plan on the Specific Plans. As implementations of the General Plan they are not "givens" and impacts should be identified.

Many of the General Plan policies are in conflict with each other and with Specific Plan implementations.

18-10

These can be critical under the changing conditions facing Davis and requiring responses based on this planning document (enrollment increase with consequent staff increases at UCD; new Arts and Entertainment center, etc)

The planning document should not be obsolete on the day it is accepted.

Sincerely,

## **Letter 18: Daniel B. Cohen – February 23, 2000**

- 18-1 The commenter's introductory remarks are noted. Please see specific responses below.
- 18-2 The commenter appears to be referring to the citywide modeling performed in 1987. After the modeling was recognized to contain errors, COMSIS was hired for the 1992-1993 revisions of the Traffic and Circulation Element to correct the errors and recalibrate the model. The City cannot recall any particular concerns regarding the Hunt-Wesson property at that time. In the COMSIS analysis, the then-existing industrial use of the front portion of the Hunt-Wesson property was assumed, and future development of a reasonable amount of industrial land uses was assumed for the back portion of the property under the buildout condition. This same set of land use assumptions for the Hunt-Wesson property has been carried forward for the subject analysis.

For the subject General Plan revision, both the roadway network and land uses in the model have been recalibrated for 1998 conditions.

- 18-3 The commenter's description of existing conditions is noted. The Hunt-Wesson land use assumptions noted above appear to remain appropriate, however. If an alternative land use emerges for the site for which a site plan and other operational details are provided, a site-specific traffic study would be merited.
- 18-4 The City is unable to confirm the comment. There is no known "gross distortion" of the model as related to the Hunt-Wesson site. It is true, unfortunately, that the cannery is now closed. However, future use of the site remains unknown and highly speculative. The land use assumption in the model regarding continued and future industrial use of the site remains appropriate.
- 18-5 The City respectfully disagrees with the commenter's opinion regarding the adequacy of the draft EIR. The facts do not appear to substantiate this claim. In fact, the analysis appears to be reasonable and fully adequate.

A northern access route from the Hunt-Wesson property has been discussed in the past in relation to prior development proposals for the Covell Center property. Such a road could be a two-lane public road or, more likely, a private road. It would parallel Pole Line Road and provide access to the north of the property to County Road 29. For an industrial use, which continues to be the most reasonable land use assumption for the site, it would direct truck traffic away from Covell Boulevard and Pole Line Road and as such likely would be viewed as highly beneficial. Truck activity would be diverted from busy city streets to less used county roads.

If a revised site plan or request for alternative access emerges beyond the level of speculation, it would be appropriate to examine the merits of such a proposal and require impact analysis if appropriate.

- 18-6 It is true that an ADT analysis, particularly over a large area, will tend to be less reliable on smaller streets, which may be the case with Anderson. It may also be less accurate for short segments of particular roads when specific conditions affect the way the model is distributing trips. Regarding the segment of Pole Line Road between Covell Boulevard and Loyola, the model appeared to be sending more trips down F Street based on the shorter distance, which led to an overprediction for that segment of F Street and an underprediction for that segment of Pole Line Road. In the model calibration for future year projections, this error was recognized and adjustments were made.

The modeling has been reviewed for overall accuracy and reliability within the accepted tolerances for the analysis, and it has been found to fall within acceptable ranges for the intended purposes.

Table 13 in Appendix B of the draft EIR presents the screenline validation of ramp volumes. In total, there is only a 1- percent deviation between the actual traffic counts and the model results. This is within the acceptable parameters for calibration.

- 18-7 Please see Master Response C. Revised or updated land use information and network information for 1998 were input into the model for the purposes of recalibration. The model was then run for existing conditions to determine whether the predictions matched the counts. After a reasonable match was achieved, the model was then used for future year predictions.

- 18-8 The commenter's opinion is noted for the record. City traffic interacts with regional traffic at the boundaries of the model. The I-80 ramps are an example of where that interaction occurs. Those interactions are simulated and tested against the counts as noted above. The City is comfortable that this method is yielding acceptable results within the tolerances of the model.

Please see Master Response C. The model does not predict traffic on regional facilities, such as I-80.

- 18-9 The EIR examines a reasonable number of alternative project scenarios and attempts to provide as much data as feasible to enable the sort of mixing and matching of options the commenter desires. It is not feasible, reasonable, or required to examine an unlimited number of alternatives or options. The analysis represents a good faith effort that meets or exceeds the CEQA requirements.

- 18-10 The project description states that Specific Plan land uses will remain in place in certain areas (e.g., Gateway/Olive Drive and Core Area) under certain alternatives. The commenter is correct, however, that the underlying General Plan policy framework will change if a revised General Plan is adopted because the Specific Plans are indeed "subservient" to the General Plan. It is not clear whether there is a specific area of possible impact with which the commenter has a concern. Consistency between specific plans and the General Plan is required by state law.



To:  
 Bob Wolcott  
 Senior Planner  
 City of Davis  
 FAX: 757-5660

March 10, 2000  
 from  
 Dan Cohen  
 2315 Shenandoah Place  
 Davis  
 work# 756-2508

Bob -

just a note / final comment on the Draft EIR for the City of Davis General Plan update -

① Susie Boyd reminded me that the '87 General Plan included a "mandatory trip reduction" of 20% (? or was it 10%) above + beyond anything Davis was already doing for "TSM". After 13 years this "mandated" assumption is either justified or unjustified by actual data. If unjustified by data the assumption should be removed from the planning process. Consequence will be a shift of expected LOS on many streets from better to worse categories. This may require either (1) changing LOS guidelines or (2) planning different infrastructure to achieve better LOS. If we are going to accept LOS of "F" people should be informed... How did EIR handle this (or does it address the issue)?

② Under full industrial + commercial build out the Hunt's cannery <sup>(by itself)</sup> did grossly distort - but perhaps that requires an adjustment for trips generated <sup>(by itself)</sup> or attracted for 'ag processing'. The entire industrial/commercial build-out was also greatly reduced (by ~30% or more?) because of modelling problems. How are these addressed? Thanks, Dan Cohen

## **Letter 19: Daniel B. Cohen – March 10, 2000**

19-1 In 1987, the City's General Plan for the Year 2010 assumed a 20 percent TSM Reduction for the 23 year planning horizon. Since that time, the use of alternative modes of transportation have increased. As this general plan update is only for a 13-year planning horizon, it would be inappropriate to assume that another 20 percent TSM reduction could be achieved. Therefore, based on direction from City staff, it was assumed, as a worst case analysis, that no additional TSM reduction would be implemented as the City currently has a high percentage of commuters utilizing alternative transportation modes.

It should also be noted that TSM measures only target home based work trips and that this percentage represents only a small percentage of all the daily traffic. In addition, improvements needed by the year 2010 to provide acceptable traffic operations on City streets were basically the same as those previously identified in the 1987 draft EIR.

19-2 Please see the responses to Comments 18-2 through 18-5.

19-3 Please see the responses to Comments 18-1 and 18-2.

Richard C. Dorf  
3409 Morro Bay  
Davis, CA 95616  
(530) 759-9130

Letter 20

February 10, 2000

To: Chair and Members, Planning Commission, City of Davis

Re: Draft Environmental Impact Report for the City of Davis General Plan

The purpose of this memo is to briefly discuss one element of the General Plan that, in my view, may be inadequately addressed within the General Plan and thus the EIR does not adequately address this element. Land Use Alternatives 3, 4, and 5 include alternative projects which incorporate a "University Related Research Park" (hereafter URRP). Policy ED3.2 calls, for active recruitment and development of university related companies and the development of a "University-related research park or technology center". Section IX, Glossary and Definitions, does not include a definition of URRP. Chapter 1, Land Use and Growth Management, does call for "a strategy that targets higher value-added, technology oriented industrial uses" and provides a land use symbol for URRP (Figure 11a - page 61).

The General Plan Update EIR Land Use Alternatives (Nov. 1999) provides a matrix of Land Use Alternatives and indicates that Alternatives 3, 4, and 5 each includes a URRP designated by the URRP symbol. Alternative 3 calls for "a 60-acre research park". Alternative 4 calls for "a high technology business park... encompasses 140 acres". Alternative 5 calls for "256 acres of land developed as a high technology/research park". Each of these alternatives is described by a map (see maps 3, 4, and 5) with the symbol designating URRP.

The Draft EIR records the Goal ED3 and the policies ED3.2b, 3.2e, and 3.2f. The Draft EIR also provides analysis of Land Use Alternatives 3, 4, and 5. The completeness of this analysis is in question, given the vagueness of the concept of a URRP and what appear to be varying land uses all designated as URRP.

20-1

A URRP, if wisely planned and executed, could be one of the most important economic additions to the City of Davis and the University of California, Davis for the next 50 years. Consider the value of the Stanford University Park (URRP) or the Colorado University Park (URRP). A URRP could result in local jobs, economic benefits, and the creation of a dynamic community for the physical, biological, and environmental sciences. One definition for a URRP might be: "A URRP is a planned land use with associated buildings designed for research and development facilities and high technology and science companies, and with a contractual or formal operational relationship with a university, active in promoting R&D with the university in partnership with industry, assisting in the growth of new ventures, and assisting in the transfer of technology and business skills between the university and industry tenants as well as promoting technology-led economic development for the community."

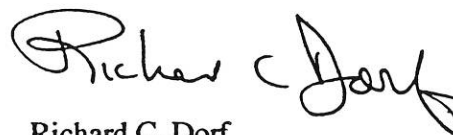
20-2

A typical URRP ranges in size from 200 to 400 acres and requires more than \$10 million in initial infrastructure development. It would normally take 10 to 30 years to reach full capacity.

In summary, I ask you to consider adding a definition of a URRP to the Policy ED3.2 and the glossary and then reconsider Alternatives 3, 4, and 5 for appropriate Draft EIR findings. This could normally be accomplished in an amendment to the Draft EIR.

Thank you for your consideration.

Sincerely,



Richard C. Dorf

**Letter 20: Richard C. Dorf – February 10, 2000**

20-1 The analysis provided in the draft EIR is at a programmatic level of detail. The same type of technology and research-related business park uses were assumed for Alternatives 3, 4, and 5 in conducting the impact analyses. Since Davis Technology Campus and Oeste Campus could include agriculture/biotechnology research uses, impacts related to these types of facilities (such as the use of large-scale lighted greenhouses) were assessed. The specific technology and research-related uses proposed for these sites will be analyzed during project-level review once an application for a specific development is submitted to the City.

See also Master Response C.

20-2: The City will consider this comment in reviewing the General Plan.

Also see Master Responses A and C.



February 1, 2000

Bob Wolcott  
Planning Division  
City of Davis  
23 Russell Boulevard  
Davis, CA 95616

RECEIVED

FEB 01 2000

City of Davis  
Planning & Building

Re: NOTICE OF PREPARATION OF A DRAFT EIR FOR THE CITY OF DAVIS  
GENERAL PLAN UPDATE AND THE ESTABLISHMENT OF A NEW JUNIOR  
HIGH SCHOOL SITE

Dear Bob:

Thank you for the opportunity to review the Notice of Preparation of a draft  
Environmental Impact Report for the above project.

We would like to note that continued development consistent with your General Plans  
will have a cumulative impact on PG&E's gas and electric systems and may require  
on-site and off-site additions and improvements to the facilities which supply these  
services. Because utility facilities are operated as an integrated system, the presence  
of an existing gas or electric transmission or distribution facility does not necessarily  
mean the facility has capacity to connect new loads.

21-1

Expansion of distribution and transmission lines and related facilities is a necessary  
consequence of growth and development. In addition to adding new distribution  
feeders, the range of electric system improvements needed to accommodate growth  
may include upgrading existing substation and transmission line equipment,  
expanding existing substations to their ultimate buildout capacity, and building new  
substations and interconnecting transmission lines. Comparable upgrades or additions  
needed to accommodate additional load on the gas system could include facilities such  
as regulator stations, odorizer stations, valve lots, distribution and transmissions  
lines.

PG&E remains committed to working with the City of Davis to provide timely,  
reliable and cost effective gas and electric service to the Davis area. Please call me at  
(530) 889-3163 if you have any questions regarding our comments. We would also  
appreciate being copied on future correspondence regarding this subject as the project  
develops.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Frank L. Forgey', written in black ink.

Frank L. Forgey  
Land Agent

**Letter 21: Pacific Gas and Electric Company (Frank L. Forgey) – February 1, 2000.**

- 21-1 Comment noted. The City will coordinate with PG&E in the provision of gas and electric service to new development. This comment does not relate to the adequacy of the draft EIR; therefore, no further response is required.

**GABRIELLI LAW OFFICE**

423 E Street

Davis, CA 95616

Telephone: (530) 753-0869

Facsimile: (530) 759-8476

John C. Gabrielli

**BY FACSIMILE AT 530/757-5660 (3 pages)**

March 13, 2000

Bob Wolcott, Senior Planner  
City of Davis  
Planning & Building Department  
23 Russell Boulevard  
Davis, CA 95616

Re: General Plan Update

Dear Mr. Wolcott:

Having just received word there's a deadline for comments on the captioned, and not having had an adequate opportunity to conduct a thorough review of the voluminous documents generated over a good number of years, I am compelled to respond with some points from my past experiences with our fair City and its staff, under prior management and control, of course.

My comments deal with a device previously used by the City (to what extent it's still being used I've yet to but will surely determine) called a "pre-zoning" process, coupled with a narrow and restrictive interpretation of the City's design review ordinance. I first saw this combination used in the Borders case. I was counsel for the petitioners, Friends of Davis, in that case.

The pre-zoning process was actually touted as a pro-development device to entice new development (particularly when that development involves University-owned property like Aggie Village) by establishing what some proudly referred to as a "one-stop" permitting and CEQA review procedure allowing property owners to come in and get all their environmental review done at the "pre-zone" stage, before specific uses or specific users (e.g., book superstores) are even identified. Having received such review at that early stage, the owner can then sell the land to a developer who need not fear any further environmental review, mitigation measures or other obstacle because the only step remaining before building permits are issued is the so called "design review," as to which City staff will take the position, in the Borders case and possibly other cases, that the review is limited to looking at specific, enumerated design-related criteria (I believe there are 16 in number), and

Bob Wolcott, City Planner  
March 13, 2000

specifically excludes looking at anything else, such as economic impacts that may lead to environmental effects, or other things that may affect the welfare of the community but have not been previously or adequately analyzed.

This position was or is being taken even though the City ordinance has extremely broad and liberal language aimed at catching any problem that has avoided prior review:

*The purpose of the design review process is comprehensive site plan and architectural review so as to determine compliance with this article and to promote the orderly and harmonious growth of the city and the stability of land values and investments and the general welfare...and help to prevent problems arising affecting the community due to the nature of existing and planned uses of land and structures, such as traffic, [and] public...safety...among others. (Davis City Code, sec. 29-232 (emphasis added).)*

Even though the Borders case wasn't a typical case, it is a good example of how this device was used in favor of the developer. The University owned the commercial section of Aggie Village. After getting its one-stop pre-zoning review, it sold that parcel to a developer who wanted to bring in Borders. Now, Borders is not your typical bookstore. Far from it. It is a "category-killer superstore" designed to do one thing and do it well: run smaller competitors in small downtown areas like Davis out of business forever. Since Davis has (or had) a good number of smaller independent bookstores, it was a sure thing some would be run out by Borders. The questions were how many, how fast, how bad of an effect would this have on the Davis core area, over a period of time could it possibly cause blight-like conditions, or could it cause a change in the character of the City, in its small town, kid-friendly atmosphere?

These were obvious questions needing definite answers. At first, everyone seemed to realize it and although Borders was going through the City's design review process no one mentioned or tried to enforce any restrictions. Members of Friends of Davis, other project opponents, other members of the public, and even the University submitted studies, evidence and information. There was lively debate, to say the least. But the information submitted proved inconclusive. The only concrete thing that came out of the process at that point was the dire need for further study. The mayor clearly recognized this. At the next to last public hearing, she ordered staff to have a further economic study done. But she also requested that the study be paid for by the University. The Planning Director, Jeff Loux, who shortly after the Borders project left his position with the City to go to work directly for a developer, agreed to fully comply. He didn't say it was inappropriate to have further economic studies done. He didn't say anything about the scope of the design review ordinance. What he did say to the mayor, the rest of the Council and



Bob Wolcott, City Planner  
March 13, 2000

the public was that he would fully comply with the mayor's instructions and work with the University to have the further study done.

However, at the next, and final, public hearing, after the University had written a letter refusing to pay for any further economic study by claiming it was not necessary, Mr. Loux completely changed his tune. He stated there would be no further economic study, and the issue of economic impacts was forever closed. But not because the University had refused to pay for a further study, which seemed to be the real reason. Mr. Loux said that the City was prohibited from looking at economic impacts because the City's design review ordinance, the very document with the very language quoted above, actually prohibited the City from looking into such matters. According to Mr. Loux, whose views were ratified by a 3 to 2 majority of the Council then in office, under the design review ordinance the only things that could be analyzed were the (16) specifically enumerated design-related criteria, most of which had nothing to do with the broad purposes expressed in the ordinance.

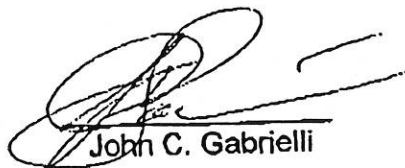
Now, here are my comments: (1) all vestiges of the pre-zoning procedure encouraging developers to have their CEQA review done early and avoid future review must be completely eradicated from the City's rules and regulations wherever they appear; (2) Jeff Loux's outlandish, unfounded interpretation of the design review ordinance must be rejected, by a Council resolution or even by amending the ordinance to implement its broad and liberal language aimed at protecting the environment and the welfare of this town, rather than encourage further development, and (3) any other, similar devices aimed at making it easier to get development project approves by skimping on environmental review must also be stricken from City rules and regulations.

22-1

Thank you for the opportunity to comment and assist in giving control of this City back to its citizens.

Very truly yours,

GABRIELLI LAW OFFICE



John C. Gabrielli

JCG:ah

**Letter 22: Gabrielli Law Office (John C. Gabrielli) – March 13, 2000**

22-1 Comment noted. This comment does not relate to the adequacy of the draft EIR; therefore, no further response is required. See also Master Response A.



Davis Waste Removal Co., Inc.

March 10, 2000

Mr. Bob Wolcott  
City of Davis  
23 Russell Blvd.  
Davis, CA 95616

RE: General Plan EIR for South Davis Land Uses

We would resubmit our letter of March 2, 1999 to further respond to the request for public comments for the General Plan Update and draft EIR. "Residential uses within 1000 feet of our property are our greatest concern. We would appreciate your attention to our concerns and will provide further detail staff may request."

We believe the EIR inadequately addresses this concern when it failed to note that the proponents of the Davis Technology Campus proposed public/semi-public land uses for the Intervening Land immediately west of the Davis Waste Removal property on County Road 105D. The EIR inexplicably decided to propose those lands for residential land uses.

The EIR should have provided an examination of the environmental impacts of public/semi-public land uses on the "Intervening Land" as one of the alternatives examined. This is a reasonable alternative and we request you give it consideration.

Sincerely,

Paul E. Geisler, Jr.

Attachments - 2

P.O. Box 1170 . Davis, CA 95617-1170 . 530.756-4646 . FAX 530.758-5270

23-1

DWR 10/20/00 Paper

**ATTACHMENTS TO LETTER 23**



Davis Waste Removal Co., Inc.

March 3, 1999

John Meyer, City Manager  
City of Davis  
23 Russell Blvd.  
Davis, CA 95616

Post-It® Fax Note	7871	Date	3-3-99	# of pages	1
To	Plot E Prop.	From	Paul Geisler		
Co./Dept.	Jeanne Jones	Co.	D.W.R.		
Phone #		Phone #	756-4646		
Fax #	753-1920	Fax #	758-5270		

RE: General Plan EIR for South Davis Land Uses

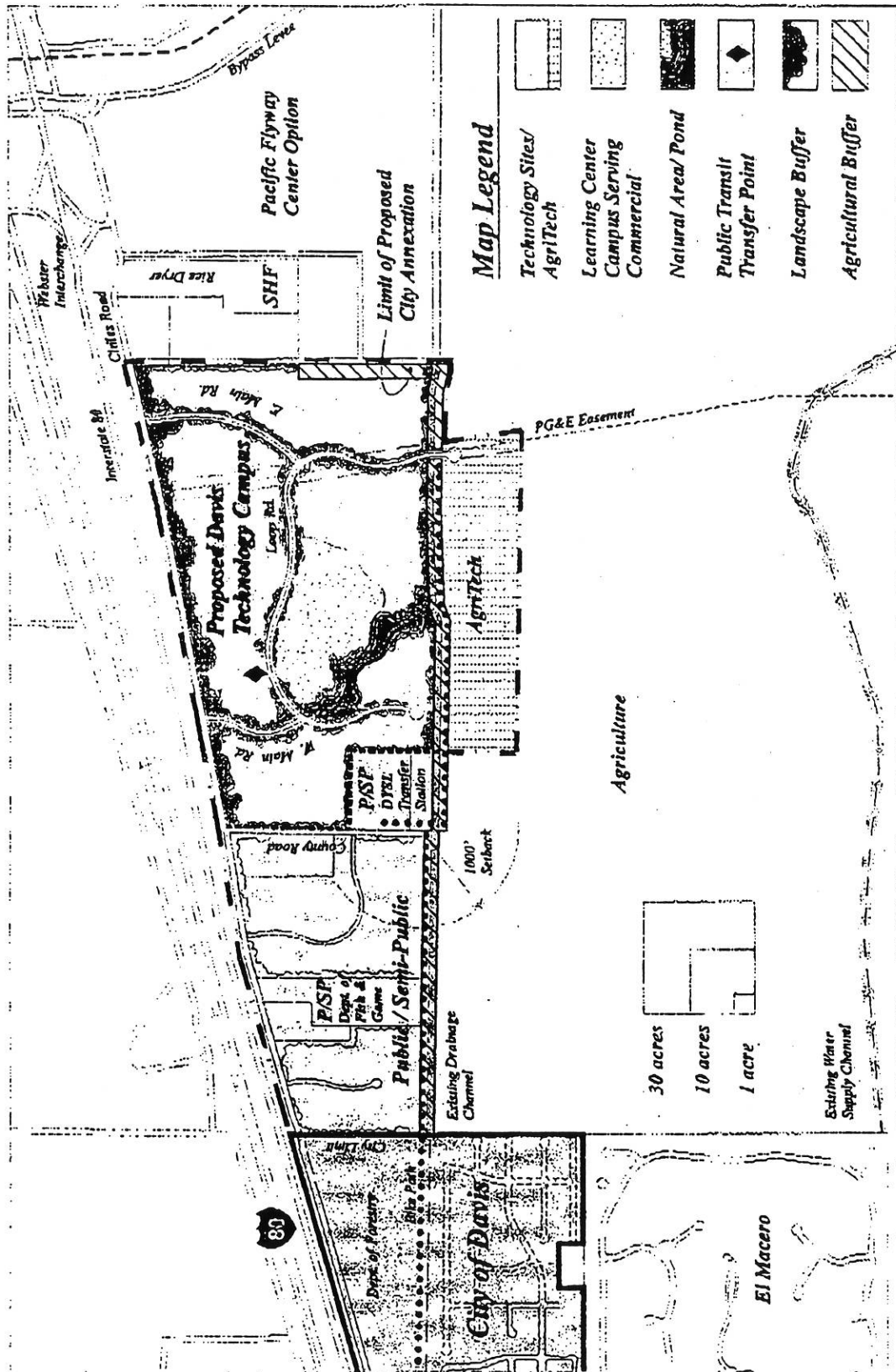
Dear John;

Davis Waste Removal has been issued a Conditional Use Permit from Yolo County to construct and operate a solid waste transfer facility on our property on County Road 105D. Our 15 acre parcel is bordered on the north, east and south by PG & Es' proposed technology park. Properties to the west include privately held agriculture land and the Yolo Basin Foundation/Fish and Game Center. We expect to receive the state permits required to operate the facility within the next 6 to 8 months, and building permits by the end of this year. The facility could be in full operation within the next 18 months.







The current general plan study and revision includes land areas surrounding our property on County Road 105D. We realize these studies do not "set in stone" future land uses, but feel that even at this early stage of review that planning staff not forget about our waste transfer station site and the negative impacts certain land uses could impose on future operations of the site. Residential uses within 1000 feet of our property are our greatest concern. We would appreciate your attention to our concerns and will provide any further detail staff may request.

Sincerely,

Paul E. Geisler, Jr.

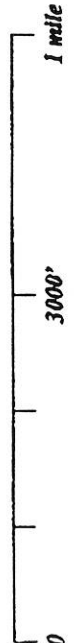


**Map Legend**

-  Technology Sites/ AgriTech
-  Learning Center Campus Serving Commercial
-  Natural Area/Pond
-  Public Transit Transfer Point
-  Landscape Buffer
-  Agricultural Buffer



Existing Water Supply Channel



**Mitigated Alternative Plan**  
June 1999

**Davis TECHNOLOGY CAMPUS**

**Letter 23: Davis Waste Removal Company (Paul E. Geisler) – March 10, 2000**

- 23-1 As part of the General Plan update process, the City Council developed the land use options analyzed in the draft EIR. The draft EIR recognizes that there is no project proponent for the Intervening Lands. Impact LU-1 identifies significant impacts related to the need for a specific plan covering the Davis Technology Campus and the Intervening Lands. Impact LU-2 recognizes the incompatibility of a residential land use designation on the Intervening Lands and discloses that the Intervening Lands are near a proposed solid waste transfer station (page 5A-30 of the draft EIR). The draft EIR also recommends Mitigation Measures LU-1.1 (Develop Planning Guidelines for the Area) and LU-1.2 (Modify General Plan Direction), respectively, to reduce these impacts to less than significant. Development of a specific plan for the Davis Technology Campus and the Intervening Lands would address concerns raised by the commenter.