APPENDIX B

RESPONSES TO COMMENTS ON THE
NOTICE OF PREPARATION AND REVISED TIERED INITIAL STUDY FOR
THE PREVIOUSLY PROPOSED UC DAVIS CONFERENCE CENTER AND
HOTEL, AND UNIVERSITY RELATIONS BUILDING PROJECT

This appendix presents comment letters received in response to the November 2000 Notice of Preparation and Draft Revised Tiered Initial Study for the previously proposed Conference Center and Hotel and University Relations Building project, which were circulated for agency and public review from November 17, 2000 to December 18, 2000. The currently proposed Conference Center, Hotel, and Graduate School of Management Building Project is a new project and this Tiered Initial Study presents a new and separate environmental review. The section titled Comments on the Previously Proposed Conference Center and Hotel Project in Chapter II discusses the differences between the previously and currently proposed conference center and hotel projects. Comment letters received on the November 2000 Draft Revised Tiered Initial Study and Notice of Preparation are addressed in this appendix because of similarities between the previously and currently proposed projects. Comments received on this Draft Tiered Initial Study and associated Notice of Preparation will be presented with responses to comments in the project's Draft Focused Tiered Environmental Impact Report (publication expected in fall of 2001).

Each of the following comment letters and each comment within the letters have been given a number. Responses are numbered so that they correspond to the appropriate comment. For example, the first comment in Comment Letter 1 is numbered 1-1.

Comments were received from the following:

Letter 1: Bill Emlen
Planning and Building Director
City of Davis
December 15, 2000

Letter 2: Jeanie Hippler
Interim City Manager
City of Davis
December 18, 2000
Letter 3: William D. Kopper  
Attorney at Law  
December 4, 2000

Letter 4: William D. Kopper  
Attorney at Law  
December 8, 2000

Letter 5: Laura Cole-Rowe  
Executive Director  
Davis Downtown Business Association  
December 15, 2000

Letter 6: Fred Buder  
December 18, 2000

Letter 7: Carole Markese  
December 18, 2000

Letter 8: Reed Youmans  
December 18, 2000

Letter 9: Reed Youmans  
December 18, 2000
December 15, 2000

Mr. John Meyer
Vice Chancellor, Resource Management and Planning
Planning and Budget Office
One Shields Avenue
Davis, California 95616-8678

RE: UC Davis Conference Center and Hotel, and University Relations Building

Dear Mr. Meyer:

The City of Davis applauds the University’s decision to prepare a focused Tiered Environmental Impact Report for the subject project. Attached are our prior comments for the Tiered Initial Study. We are formally submitting them under this cover for consideration with preparation of the focused draft EIR. Our only additional comment pertains to the scope of the socio-economic analysis on possible impacts on local hotel/motels. Our concern is that the study fully considers verifiable occupancy data for all hotel/motels in the vicinity, including recently opened hotels in the Dixon area. It is imperative that the most recent occupancy data be utilized to validate the findings of the study.

We look forward to working with your staff on these issues. Your consideration of our comments is much appreciated.

Sincerely,

Bill Emlen
Planning & Building Director
October 27, 2000

Mr. John Meyer  
Vice Chancellor, Resource Management and Planning  
Planning and Budget Office  
One Shields Avenue  
Davis, California 95616-8678

RE: UC Davis Conference Center and Hotel, and University Relations Building

Dear Mr. Meyer:

The City of Davis has reviewed the Notice of Intent to Adopt a Negative Declaration and Draft Tiered Initial Study for the UC Davis Conference Center, Hotel and University Relations Building. The city recognizes that this project, in conjunction with the performing arts center, provides many potential benefits to the community. As with any project of this scale and scope, the community is concerned that the full ramifications of the project are considered before any approval action is taken. The City Council has been receiving input on the project, and may wish to discuss the matter publicly. Per my discussion with Sid England on October 26, 2000, regarding difficulties we’ve encountered in scheduling the draft of this correspondence on a City Council agenda for Council review prior to the end of the comment period, it is my understanding that the University has agreed to consider additional comments from the City through November 3, 2000. We greatly appreciate the University’s flexibility, as it will allow the Davis City Council the opportunity to formally discuss this correspondence at their November 1st meeting and possibly provide additional comments.

At this time, the City has the following comments regarding the scope and content of the environmental information presented in the Draft Tiered Initial Study. Our comments primarily focus on impacts the proposed hotel may have on the potentially saturated hotel/motel market in Davis and the potential for blight that may result. In addition, we have several comments on the traffic analysis and the mitigations proposed.

Physical Change Resulting from Socio/Economic Impacts
The City believes the full scope of impacts associated with the hotel/conference center were not adequately addressed in the Draft Tiered Initial Study. The 1994 LRDP and 1994 LRDP EIR did not specifically address or contemplate the potential impacts of a hotel/conference center on the surrounding community. The analysis was general in nature, looking only at gross development potential and generalized land uses. The proposed hotel/conference center could have regional and local impacts that were not contemplated in the original EIR. The tiered initial study and proposed Negative
Declaration does not elaborate to any significant degree on the earlier analysis. The City believes this is a potential deficiency in the tiered initial study and calls into question the adequacy of the mitigated negative declaration. Potential significant impacts may not have been analyzed or mitigated.

Our primary concern is that the development of a hotel/restaurant on the southern edge of campus would lead to a physical deterioration of the pedestrian core of the City's downtown. If the downtown core is unable to support the increase of 150 hotel rooms, there is a reasonable likelihood that the proposed hotel development would lead to the blighting of the downtown core as a result of the closure of existing hotel/motel units. In order to adequately assess the project’s impacts on the existing hotels in the downtown area, the City requests the following items be addressed in an economic study on the conference center and hotel component of this project to be done in conjunction with the overall environmental analysis:

1. Number of hotel stays currently associated with the university and estimated percentage staying in Davis hotels.
   - Conference and meeting events
   - Individual University-related hotel stays (i.e. faculty recruits, visiting researchers, prospective students/families)
   - Parents of students and alumni

2. Effect of conference center and hotel on attracting new, large conferences to the University and to Davis.
   - Currently no large meeting/conference venue
   - Number of existing beds limited
   - Ability of conference and hotel center to attract large meetings

3. Effect of different types of hotel facilities (i.e. four-star, mid-level, budget, etc.) on the existing hotel occupancy in Davis.

4. Effect of UCD satellite offices in South Davis moving to the University Relations building.
   - Proposed square footage to be vacated in South Davis
   - Effects of private, for profit organizations moving into vacated space

5. Effect of new jobs created in hotel and conference center.
   - Percentage of jobs at or around minimum wage
   - Number of FTE positions
   - Effect of hotel and conference center jobs on similar job market in downtown Davis (i.e. service jobs)

6. Effect of center on downtown Davis patronage, pedestrian traffic and related activity.
   (The plans indicate one pub/bar on-site.)
   - Downtown eating establishments
   - Downtown retail establishments
7. Potential advantages to hotel because of public/private partnership with UCD.
   - Will University subsidize financing and operating costs, therefore prohibiting private sector hotels from competing in a fair playing field?
   - Will lack of Transient Occupancy Tax requirement give UCD hotel unfair advantage in existing market?

8. Amount of UCD contribution allocated for Davis Convention and Visitors’ Bureau in lieu of Transient Occupancy Tax.

9. Effect of affiliation with a national chain on existing hotels in Davis.

The City recognizes that the proposed facilities could have both positive and negative impacts on the downtown. An objective comprehensive study is warranted to determine the level of impacts and the range of mitigation that may be warranted.

Transportation/Circulation Impacts
The City is concerned that the mitigation proposed for transportation and circulation impacts are inconsistent with the City’s adopted and proposed general plans. The proposed tiered negative declaration does not address these inconsistencies and whether the improvements are feasible or appropriate in light of the inconsistency with the City’s general plan. The City is also concerned that several of the proposed mitigation measures are not feasible and that, to the extent the mitigation measure is physically feasible, the University has not committed to funding the cost of financing the proposed mitigation measures. The City is concerned that, in the absence of clear binding commitment by the University to construct and fund feasible mitigation measures there will be unmitigated traffic impacts or the cost of funding improvements to mitigate for traffic impacts will fall onto the city. The following comments relate to transportation infrastructure within the City’s jurisdiction:

- Comment, Public Notice, Page 1, Project Objectives

Due to the distance from the major portion of the Hotel/Conference center and the University Relations building, it appears unlikely that the 325 space lot would be used in conjunction with the rest of the project. It should be noted in the Initial Study that these 325 spaces appear to be independent of the parking available in the immediate vicinity of the main project buildings.

All the following comments are related to the Draft Initial Study:

- Comment, Page 20, Campus Parking

The study points out that the 325 space lot would increase the overall campus parking inventory. It is unclear what users would actually park in the lot. It would appear to be only useable by commuters with bikes who would continue to campus via the bike path north to the Arboretum in the vicinity of Lodge Drive. Without "advertising" the facility, or serving it with transit, it appears likely to be empty most of the time.
Comment, Pages 50-51 LRDP Mit. Meas. 4.3-1(b)

In the discussion the "suggested physical improvements... intended to reduce the magnitude of this impact..." include "(b) At the intersection of I-80 Eastbound Ramps and Richards Boulevard, add an additional turn lane on the ramp approach to the intersection, to provide a left turn lane, combined right and left turn lane, and a right turn lane."

It is unclear from the text who would finance the construction of an additional off-ramp lane. Such improvements are neither planned nor funded by the city of Davis. The document should identify the responsible party who would fund such an improvement. The document should determine whether the improvement is feasible if it is inconsistent with the City's General Plan.

Also included is "(c) restripe the southbound Research Park Drive ramp approach to the intersection with Richards Boulevard/Cowell Boulevard, to provide a left turn lane and the ramp approach to the intersection, to provide a combined through/left turn lane and a separate exclusive right turn lane."

Absent the acquisition of right of way from the adjacent gas station/mini mart along the Research Park Drive frontage, this re-stripping would not be recommended due to the geometric configuration of the intersection. The current southbound left turn lane, which appears to be suggested as a through/left lane, directly opposes a left turn lane. It should be assumed that the proposed measure would never be implemented absent intersection improvements including right of way acquisition. The Study should identify the party responsible to implement such a measure, and a funding source. As noted above, the document should determine whether the improvement is feasible if it is inconsistent with the City's General Plan.

"(d) Signalize the intersection of 1st and B Streets."

Although the signalization of this intersection was anticipated in the past, based on the current General Plan and Update, it is likely that this intersection will not be signalized, unless University projects generate sufficient additional traffic to warrant a new signal. If the signal is needed to mitigate particular or cumulative University project impacts, the University should completely fund the improvement at the intersection including possible reengineering of the intersection. (The estimated cost of signalization alone is $160,000.)

"(e) Widen the eastbound Olive Drive approach to the intersection of Richards Boulevard and Olive Drive, to provide a right turn lane, combined right turn and left turn and through lane, and a left turn lane."

It is unclear how this improvement would mitigate traffic associated with the current project. In any event, the city has no plans to widen this leg of the intersection. The existing width of the street, curb to curb, is forty feet. Currently, this leg of the intersection allows on-street parking on the north, a south bound lane and no parking on the south curb, which provides room for some vehicles to turn right, past a queue in what amounts to a left/through lane. Signal phasing for each of the Olive Drive legs are "permissive", with no protection for left-turning vehicles. In order to construct the
proposed improvements, the remaining parking would need to be eliminated, and additional right of way acquired, most likely on the south side of W Olive Drive (due to grades associated with the undercrossing). If these improvements are proposed to mitigate particular or cumulative University project impacts, the University should completely fund the improvement and the costs to acquire additional right of way at the intersection. Due to the developed nature of the south side, it is anticipated that the costs to acquire additional right of way would be high. As noted above, the document should also determine whether the improvement is feasible if it is inconsistent with the City's General Plan.

- Page 51, LRDP EIR Mitigation Measure 4.3-1(e)

See comments immediately above.

Based on the apparent infeasibility of some of the improvements proposed as potential mitigations, the University should analyze whether the conclusions reached as reflected in the table beginning on page 52 are still valid and if not, determine alternative mitigation measures.

- Comment, Page 56, referring to Tables A-1 and A-2

In text, reference should be made to whether the delay reported in the table is "stopped" delay, or "total" delay (stopped, plus queuing delay). If the former, results are substantially the same as delays reported in the June 2000 Richards Boulevard Corridor Alternates Study (prepared for the City of Davis, and University of California at Davis, by Fehr and Peers Associates, Inc). Copies of their results are attached. Please have consultant verify whether stopped or total delay was used in Tables A-1 and A-2. If total delay was used, then there is a discrepancy that must me resolved.

Hydrology and Water Quality

Minor comment related to the inundation map. The City requests that the consultant cite the date, source, and other pertinent information referencing the USBR Inundation Map on page 112 of the Initial Study that was relied on for statements made in the last two sentences of paragraph (i).

Thank you again for the opportunity to review this project. We will have any additional comments to your office by November 3, 2000.

Sincerely,

Bill Emlen, Director of Planning and Building

LEVELS OF SERVICE

Each intersection was analyzed using the Corridor Simulation (CORSIM) software, a state-of-the-art program developed by the Federal Highway Administration for the analysis of traffic operations. In addition to computing the vehicular delays, CORSIM provides a real-time visual simulation of traffic flows to help the public and decision-makers better understand the traffic operations of a given facility. Another reason this software was selected is because of its ability to simulate a series of intersections as a system of multiple locations rather than on an isolated basis.

The CORSIM model was developed using a variety of existing data including the lane geometrics, traffic counts, bicycle and pedestrian counts, signal timings, and signal phasing. The results of the simulation were then adjusted to match actual delays and queue lengths based on field observations. The model was then used to evaluate operations of the current configuration.

Traffic engineers measure delay in two ways - stopped delay and total delay. Stopped delay is the most commonly used measurement of performance, and reflects the amount of time that a driver is stationary. Total delay is the sum of stopped delay and queue delay, whereas queue delay is incurred anytime a driver has to slow below the free flow speed. For this study, both total delay and stopped delay are reported. Tables 1 and 2 summarize the stopped delay and the total delay results for the study area.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>AM Peak Hour Delay¹ / LOS</th>
<th>Mid-Day Delay¹ / LOS</th>
<th>PM Peak Hour Delay¹ / LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richards Blvd./Cowell Blvd.</td>
<td>9.2 / B</td>
<td>10.9 / B</td>
<td>13.2 / B</td>
</tr>
<tr>
<td>Research Park Drive</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Richards Blvd./EB I-80 Ramps</td>
<td>17.6 / C</td>
<td>23.7 / C</td>
<td>24.5 / C</td>
</tr>
<tr>
<td>Richards Blvd./Olive Drive</td>
<td>17.6 / C</td>
<td>9.7 / B</td>
<td>18.4 / C</td>
</tr>
<tr>
<td>Richards Blvd./ First St/E Street</td>
<td>41.2 / E</td>
<td>27.1 / D</td>
<td>41.6 / E</td>
</tr>
<tr>
<td>D Street/First Street</td>
<td>5.0 / A</td>
<td>11.8 / B</td>
<td>16.1 / C</td>
</tr>
</tbody>
</table>

Notes: ¹ Stopped delay is expressed in seconds per vehicle. LOS = level of service.
Table 2

<table>
<thead>
<tr>
<th>Intersection</th>
<th>AM Peak Hour Delay / LOS</th>
<th>Mid-Day Delay / LOS</th>
<th>PM Peak Hour Delay / LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richards Blvd./Cowell Blvd.</td>
<td>18.9 / C</td>
<td>22.3 / C</td>
<td>27.3 / D</td>
</tr>
<tr>
<td>Research Park Drive</td>
<td></td>
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</tr>
<tr>
<td>Richards Blvd./EB I-80 Ramps</td>
<td>36.0 / D</td>
<td>48.5 / E</td>
<td>50.2 / E</td>
</tr>
<tr>
<td>Richards Blvd./Olive Drive</td>
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<td>19.7 / C</td>
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<tr>
<td>D Street/First Street</td>
<td>10.1 / B</td>
<td>23.9 / C</td>
<td>32.6 / D</td>
</tr>
</tbody>
</table>

Notes: 1 Total delay is expressed in seconds per vehicle. LOS = level of service.

As this shows, the stopped delay for the study intersections is below 25 seconds with the exception of the Richards Boulevard/First Street/E Street intersection which has a stopped delay above 40 seconds (LOS E) during the AM and PM peak hours. The total delay which includes the stopped delay and the queue delay presents similar results with the Richards Boulevard/First Street/E Street intersection operating at an unacceptable F level of service during both the AM and PM peak hours. The total delay (84.8 seconds) for this intersection indicates significant stopped and queue delay. The Richards Boulevard/Interstate 80 Ramps also has a significant delay during the mid-day and evening peak hours.

BICYCLE AND PEDESTRIAN CIRCULATION

A key bicycle path connecting the developments south of Interstate 80 to the downtown and UC campus area runs through the study corridor. Beginning at B Street, the facility is a Class I (i.e., off-street) bicycle path located along the south side of First Street. It then turns south and travels under the railroad tracks in a separate tunnel from the traffic lanes. Once on the south side of the tracks, the route becomes an on-street facility where bicyclists share the roadway with automobiles through the Olive Drive intersection. The Class II bicycle lane travels over Interstate 80 along the west side of Richards Boulevard to the Richards Boulevard/Cowell Boulevard/Research Park Drive intersection where the bicycle lane continues on all streets.

Traveling north from the Richards Boulevard/ Cowell Boulevard/Research Park Drive intersection to the downtown area, signage directs bicyclists from the west side of Richards...
LETTER 1: Bill Emlen, City of Davis Planning and Building Director

Response to Comment 1-1

Comment noted. See Responses to Comments 1-3 through 1-10.

Response to Comment 1-2

The methods used to evaluate physical changes in the City of Davis that could result from the economic impact of operating the currently proposed conference center and hotel will be described in the Draft Focused Tiered EIR for the project (publication expected in fall, 2001).

Response to Comment 1-3

As summarized in Section II of this Tiered Initial Study, the previously proposed Conference Center and Hotel and University Relations Building project was evaluated in a November 2000 Draft Revised Tiered Initial Study, which was circulated for agency and public review from November 17, 2000 to December 18, 2000. The currently proposed Conference Center, Hotel, and Graduate School of Management Building Project is evaluated in this Draft Tiered Initial Study, which will be circulated for public review from August 17 to September 17, 2001. A Draft Focused Tiered EIR for the project will be prepared that will further evaluate potential impacts in the resource areas of Land Use and Planning, Transportation/Circulation, and Noise (publication expected in fall 2001).

Response to Comment 1-4

The Draft Focused Tiered EIR (publication expected in fall 2001) for the project will evaluate physical changes in the City of Davis that could result from the economic impact of operating the currently proposed conference center and hotel.

Response to Comment 1-5

See Response to Comment 1-4.

Response to Comment 1-6

The Draft Focused Tiered EIR (publication expected in fall 2001) will evaluate impacts associated with increased vehicle trips and increased parking demand from operation of the currently proposed project.

Response to Comment 1-7

Construction and operation of a 325-space permit-restricted surface parking lot in the Enterprise Reserve north of I-80 is not part of the currently proposed project. Parking impacts associated with operation of the currently proposed project will be evaluated in the Draft Focused Tiered EIR (publication expected in fall 2001)
**Response to Comment 1-8**

Transportation and circulation impacts associated with operation of the currently proposed project will be evaluated in the Draft Focused Tiered EIR for the project (publication expected in fall 2001). This evaluation will take into account the status of previously adopted 1994 LRDP EIR mitigation measures.

**Response to Comment 1-9**

Transportation and circulation impacts associated with operation of the currently proposed project will be evaluated in the Draft Focused Tiered EIR (publication expected in fall 2001).

**Response to Comment 1-10**

A current discussion of dam inundation is included in Item 9i (Hydrology and Water Quality) of this Draft Tiered Initial Study.
From: Jeanie Hippler
To: Jameyer@ucdavis.edu
Subject: Conference Center

Ken Wagstaff has received some inquiries from constituents regarding the Hotel/Conference Center and its potential impacts on water issues. He would like to ask the following question: "What will be the impact of the project on UCD's water usage and water treatment and what is the relationship between these and the City of Davis' water supply and usage."

CC: KWagstaff
LETTER 2: Jeanie Hippler

Response to Comment 2-1:

As discussed in Item 9b (Hydrology and Water Quality) of this Draft Tiered Initial Study, implementation of the currently proposed project would result in an increase in demand for water from the deep and shallow/intermediate aquifers of the Lower Cache-Putah Groundwater Basin, which also serves the City of Davis. As discussed, the currently proposed project would require water that would be supplied by the campus domestic/fire and utility water systems, which is not connected to the City of Davis water supply distribution system. In addition, wastewater from the currently proposed project would be treated at the campus Wastewater Treatment Plant, not by city facilities.

Development of the currently proposed project and other currently proposed projects is within the projections for growth under the 1994 LRDP. The 1994 LRDP EIR analyzed implementation of the 1994 LRDP (through 2005-06) in combination with growth of the City of Davis through 2010. Therefore, implementation of the currently proposed project would incrementally contribute to, but not exceed, cumulative impacts previously identified and evaluated in the 1994 LRDP EIR.
December 4, 2000

John A. Meyer, Vice-Chancellor
Resource Management and Planning
& Budget Office
University of California - Davis
One Shields Avenue
Davis, CA 95616

Re:  *Scoping session for UCD Conference Center & Hotel, and University Relations Building; and Draft Revised Tiered Initial Study for the UCD Conference Center & Hotel, and University Relations Building*

Dear Mr. Meyer:

I represent Charles Guenther and Davis Citizens for Responsible University Development. With respect to the scope of the Focused Tiered EIR for the UCD Conference Center & Hotel, and University Relations Building, we ask that the following additional matters be addressed in the focused EIR:

1. **Air Pollution Impacts.** We believe that the EIR for the 1994 LRDP did not anticipate an environment with the level of traffic congestion that currently exists in the vicinity of the UCD Conference Center and Hotel. Currently, motorists frequently queue up with idle motors, searching for parking spaces or waiting to enter or exit through Richards underpass. The current air pollution impacts of the UCD traffic will be exacerbated by the project. The air pollution evaluation for this project should be updated to reflect the fact that many of the mitigation measures anticipated in the 1994 EIR were not implemented. Additionally, the Hotel Conference Center is located close to Interstate 80 which is producing ever more air pollution. We believe it is proper to update the air pollution analysis related to the currently proposed project.

2. **Consistency of the LRDP and University Policies.** The draft revised Tiered Initial Study argues that the center for the Arts Performance Hall in South Roadway Tiered Initial Study and Mitigated Negative Declaration established that a Hotel Conference Center is an appropriate use in the enterprise zone in the proposed location. Initial studies and EIR’s do not constitute amendments to development plans. Additionally, it is not proper to tier the environmental document for the Conference Center off of the environmental document for a parallel project. We have
discussed these issues in great detail in our letter dated October 23, 2000. We ask that the proposed Environmental Impact Report address the issue of the project's consistency with the current land use designation in the 1994 LRDP as amended. Additionally, we ask that the Environmental Impact Report address the consistency of the project with the University policy that the University is not to promote businesses on campus that compete with private businesses in the surrounding community. We believe that such an analysis is appropriate in the Environmental Impact Report.

3. **Transportation Section.** The University Hotel will have to hire a number of lower paid service workers. The Environmental Impact Report should address the public transportation that will be added to make certain that these employees may be able to get to work from the surrounding communities to the Hotel location. The initial study has not adequately addressed the availability of public transportation and its suitability to deliver employees of the Hotel to their place of employment. This issue should be addressed in the draft Environmental Impact Report.

4. **Population and Housing.** The University should address how the additional new employees associated with the University Hotel will impact housing supplies in Davis or whether the University plans to provide housing for these people. If there is not adequate housing for the new Hotel employees in the City or on campus, the University should anticipate where these employees will be housed and if any adverse environmental impact will result related to providing housing for these employees. The University cannot rely on the EIR that was prepared for the 1994 LRDP, since this EIR did not anticipate that there would be hotel worker employees on campus that will need low cost housing.

5. **Alternatives.** The proposed Environmental Impact Report should include an alternative section that addresses the following alternatives:

   a. Construction of Hotel Conference Center on East Olive Drive with a pedestrian link over the railroad tracks to downtown Davis.

   b. Construction of a Hotel Conference Center on the Nishi property within the City of Davis.

   c. Construction of a Conference Center without a Hotel on the Railroad Triangle property that has been recently utilized for parking in downtown Davis.

   d. Construction of a stand alone Conference Center of 17,000 square feet in the parking lot area South of First Street across from the Hallmark Inn.

   e. Construction of a 17,000 square foot stand alone Conference Center on the site of the old Davis Police station on F Street.
With respect to the draft revised Tiered Initial Study for the UCD Conference Center and Hotel, and University Relations Building, Mr. Guenther and Davis Citizens for Responsible University Development incorporate all of the comments of the letter of October 23, 2000 with attachments, the comments of the City of Davis, and all other commentators. Additionally, we ask the University to explain the statement in its goals for the project on Page 14 that the campus will "assure a self-supporting financial operation." We ask how the University is able to make such assurances and ask that they be explained in the EIR or an addendum to the draft revised Tiered Initial Study. With respect to a claim that the Conference Center Hotel will provide an opportunity to host the business community, we ask the University to explain how the hosting of the business community will not take business directly away from the existing hotel businesses.

Thank you for consideration of these matters.

Sincerely,

WILLIAM D. KOPPER

WDK:omt
October 23, 2000

Objections to Draft Tiered Initial Study and Negative Declaration for U.C. Davis Conference Center and Hotel, and University Relations Buildings submitted by Charles Guenther and Davis Citizens for Responsible University Development (DCRUD), and others, who have consistently opposed, and will continue to oppose, major projects such as this without adequate environmental review and documentation.

Prepared by William D. Kopper, Esq.

I. SUMMARY

A Negative Declaration is not an appropriate environmental document for the proposed UC Davis Conference Center and Hotel, and University Relations Building. The California Environmental Quality Act (CEQA) requires an Environmental Impact Report (EIR). An EIR should be prepared primarily because the project may have several potentially significant impacts on the environment which have not been mitigated to a level of insignificance. The preliminary investigation and Initial Study, as well as the cumulative impacts analyses and other components of a CEQA environmental review, are inadequate. And the environmental documentation simply does not reflect a good faith effort to find out and disclose all that reasonably could be discovered about the project’s environmental impacts.

The environmental documentation for this project is in such a confused state, that it is impossible for a member of the public to adequately evaluate the documentation and make meaningful comments about the project. The project appears to be inconsistent with the University’s 1994 Long Range Development Plan and the policies stated in that plan, as well as the City of Davis General Plan. The traffic impacts and parking impacts of the project are not correctly evaluated, and the Initial Study misrepresents the condition of intersections in the area. The study fails to address economic impacts which will very likely have significant adverse physical impacts in Downtown Davis.

Therefore, additional environmental review, and preparation of an EIR, are required. Our comments include those of Daniel Smith, Jay Scott, and Robert Robinson, all whom are experts in their respective fields, and are attached hereto.
II. THE CONTROLLING CEQA RULES AND PRINCIPLES

A. CEQA Must Be Interpreted and Applied to Maximize Environmental Protection

The most fundamental CEQA rule is that the CEQA statutory scheme must be liberally construed and applied to reasonably maximize environmental protection. (See Friends of Mammoth v. Board of Supervisors (1972) 8 Cal.3d 247, 259 (CEQA must be interpreted "to afford the fullest possible protection to the environment within the reasonable scope of the statutory language"). As pointed out by the Court of Appeal for the Third Judicial District, in which the present project is located, the underpinning of this fundamental interpretative principle is that the CEQA "legislation was and is a response to a general and growing awareness of the importance of the natural environment in the lives of citizens, and the vital necessity of its protection and preservation."

B. There is a Low Threshold for Requiring the Preparation of an EIR

Another case decided by the Court of Appeal for the Third Judicial District pointed out that "the preparation of an EIR is the key to environmental protection under CEQA—indeed constituting the very heart of the CEQA scheme..." (Oro Fino Gold Mining Corp. v. County of El Dorado (1990) ("Oro Fino") 225 Cal.App.3d 872, 880. This central role in environmental protection played by the EIR, along with the fundamental rule of CEQA interpretation previously discussed, have led to a "low threshold requirement for preparation of an EIR" rather than the adoption of a mere Negative Declaration. (No Oil, Inc. v. City of Los Angeles (1975) ("No Oil") 13 Cal.3d 68, 84.) "[The] low threshold requirement for initial preparation of an EIR reflects a preference for resolving doubts in favor of environmental review when the question is whether any such review is warranted." (Sierra Club v. County of Sonoma (1992) ("Sierra Club") 6 Cal.App.4th 1307, 1316-17 (emphasis added); see also Oro Fino, supra, 225 Cal.App.3d 872, 880; Sundstrom v. County of Mendocino (1988) ("Sundstrom") 202 Cal.App.3d 296, 310.)

C. The “Fair Argument” Test Determines if an EIR is Required

The test for determining if an EIR, rather than a Negative Declaration, is required is whether a "fair argument" can be made based on substantial evidence that the project may have a significant impact on the environment. If so, substantial evidence to the contrary is irrelevant, and the failure to prepare an EIR is an abuse of discretion requiring the setting aside of the approval of a project as well as the adoption of a Negative Declaration for that project. (Friends of "B" Street v. City of Hayward (1980) ("Friends of "B" Street") 106 Cal.App.3d 988, 1002; see also Sundstrom, supra, 202 Cal.App.3d 296, 309-10 (restating and applying the standard); CEQA Guidelines sec. 15064 (codifying the standard).) The "fair argument" standard is founded on the principle that because issuing a Negative Declaration has a "terminal effect on the environmental review process" an EIR is necessary to
resolve “uncertainty created by conflicting assertions and to substitute some degree of factual certainty for tentative opinion and speculation.” (Citizens of Lake Murray Area Association v. City Council (1982) 129 Cal.App.3d 436, 440; see also No Oil I, 13 Cal.3d at 85.)

Therefore, if there is some substantial evidence, in the administrative record or within the perception of the ultimate decision maker (or the reviewing court if a CEQA enforcement action is brought), supporting a “fair argument” that significant effects may occur, it does not matter if the agency finds such evidence persuasive. The agency’s job is not to weigh competing evidence and determine whether, in fact, a significant impact on the environment will occur. Its task is merely to determine whether substantial evidence of a fair argument that a significant impact may occur exists. The agency does not have to find compelling evidence, but simply find that substantial evidence supports a “fair argument” of a potentially significant impact that has not been, or cannot be, mitigated to a level of insignificance. The agency is not limited to the administrative record in finding the substantial evidence. As a leading CEQA case states:

Stated another way, if the trial court perceives substantial evidence that the project might have such an impact [on the environment], but the agency failed to secure preparation of the required EIR, the agency’s action is to be set aside because the agency abuses discretion by failing to proceed in a manner required law. (Friends of “B” Street, 106 Cal.App.3d 988, 1002.)

Sierra Club, supra, is a case in which the agency approved a gravel mining operation by adopting a Negative Declaration rather than requiring an EIR. In setting aside approval of the project and the Negative Declaration, the Court of Appeal further clarified the meaning and application of the “fair argument” standard:

A court reviewing an agency’s decision not to prepare an EIR in the first instance must set aside the decision if the administrative record contains substantial evidence that a proposed project might have a significant environmental impact; in such a case, the agency has not proceeded as required by law. Stated another way, the question is one of law, i.e., ‘the sufficiency of the evidence to support a fair argument.’ [Citation.] Under this standard, deference to the agency’s determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary. (Sierra Club, 6 Cal.App.4th 1307, 1317-18 (emphasis added).)

Sierra Club held that expert testimony showing that expanded gravel operations might have a significant impact on the environment constituted substantial evidence supporting a “fair argument” of significant impact requiring an EIR, the contrary opinion of other experts notwithstanding. (6 Cal.App.4th at 1322-23; see also No Oil I, 13 Cal.3d at 84 (EIRs should be prepared in “doubtful cases,” so that agencies do not make decisions “without the relevant data or a detailed study of it”)). In accordance with the Sierra Club holding, the expert testimony submitted in the present case is more
than sufficient to require the preparation of an EIR under the fair argument test. Credible expert testimony that impacts may exist even after the proposed mitigation measures are adopted is sufficient to require preparation of an EIR.

In *City of Livermore v. Local Agency Formation Commission* (1986) 184 Cal.App.3d 531, 541-42, the court held that if there is credible expert testimony that a project may have a significant impact, even if contradicted, it is generally dispositive and under such circumstances an EIR must be prepared.

An EIR is required to be prepared to resolve disputes among experts. In *City of Carmel by the Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 249, the existence of disagreement among experts was a factor in the court’s decision to require an EIR. In that case, the experts could not agree on the amount of wetlands that existed on the project. The court reasoned that “the very uncertainty created by the conflicting assertions made by the parties...underscores the necessity of the EIR to substitute some degree of factual certainty for tentative opinion and speculation.” (See also CEQA Guidelines sec. 15064(h)(1) (in a “marginal” case where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment an EIR must be prepared if there is a “serious public controversy” over the environmental effects of the project.) The objections contained in the documents themselves, along with other public comments, establish the existence of such a controversy, thus requiring an EIR even if it is somehow determined that only a “marginal” showing has been made of substantial evidence supporting a fair argument of significant impact.

**III. THE ENVIRONMENTAL DOCUMENTS IN THIS CASE ARE IN AN APPALLING CONDITION, AND MUST BE PROPERLY PREPARED AND RE-CIRCULATED**

**A. Failure to Prepare a Mitigated Negative Declaration**

The documents that we received from the University of California did not include a proposed mitigated negative declaration. Additionally, the documents on deposit with the Yolo County Public Library in Davis do not include a negative declaration or mitigated negative declaration. The documents that we received from the University include a Notice of Intent to Adopt a Negative Declaration dated September 25, 2000, signed by John A. Meyer, a Notice of Completion and Environmental Document Transmittal Form signed by John Meyer dated September 25, 2000, and an undated Public Notice signed by Vice Chancellor John A. Meyer. Additionally, we received a document entitled “Draft Tiered Initial Study UC Davis Conference Center and Hotel, and University Relations Building” dated September 2000. However, neither of the documents in the Library nor the document we received from the University included a Negative Declaration.

An Initial Study is not a negative declaration. Guidelines §15063(a) (California Code of Regulations, Title 14, Division 6, Chapter 3) requires the lead agency to conduct an initial study to determine if the project may have a significant effect on the environment. After reviewing the Initial Study: “[t]he lead agency shall prepare a negative declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment.” (CEQA Guidelines
§15063(b)(2). The Initial Study is not a negative declaration, but only a prelude to a negative declaration or an EIR.

The Notice of a Negative Declaration is not a mitigated negative declaration. A mitigated negative declaration must include mitigation measures. (CEQA Guidelines §15071(e).) There is not a word in the Notice of Intent to Adopt Negative Declaration about incorporating the mitigation measures from the environmental assessment into the negative declaration. The purpose of a mitigated negative declaration is to inform the public of proposed mitigation measures for a project so that citizens can comment on whether the mitigation measures are adequate to reduce environmental impacts to a less than significant level. If the public is not informed as to which document is the mitigated negative declaration, and precisely which are the mitigation measures, how can citizens intelligently comment and meaningfully participate”. CEQA requires well informed and meaningful public participation.

Apparently, the University did not provide the negative declaration to the Statewide Clearinghouse. CEQA Guidelines §15205(a) states: “Draft EIRs and Negative Declarations to be reviewed by State Agencies shall be submitted to the State Clearinghouse...”. The law states the negative declaration is to be sent to the Clearinghouse, not merely the Initial Study. Therefore, the University needs to resubmit the Negative Declaration after it is prepared.

The law requires the University to send notices of the proposed Negative Declaration to trustee and responsible agencies. (CEQA Guidelines §15072(a).) It is not sufficient simply to send the Draft Initial Study since the Initial Study is not a negative declaration. Guideline §15073(a) states: “When a proposed negative declaration or mitigating negative declaration and initial study are submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 30 days, unless a shorter period is approved by the State Clearinghouse under section 15105(d).” Since it does not appear that a proposed negative declaration or mitigated negative declaration have been prepared, the University should submit these documents to the State Clearinghouse and provide the public an additional 30 days to comment on the these documents.

B. The Draft Initial Study does not Properly Tier off the 1994 LRDP EIR

Public Resources §21068.5 sets forth the “tiering” procedures. Later EIRs (or Negative Declarations) typically incorporate the earlier analyses by reference and add specific details regarding the particular projects in question. (Public Resources §21068.5; Guidelines §15383(a) and §15152; Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles (1986) 177 Cal.App.3d 300, 307.) Even though site specific analysis is thus limited, however, an agency must (i) inform the public that it is using tiering, (ii) identify the earlier EIR on which the agency has relied, and (iii) inform the public of where the prior EIR can be found and read. (Public Resources Code §21094(e); CEQA Guidelines §15152(g).)

"In practice the first ‘tier’ may consist of a general plan or program EIR, which discusses agency-wide programs, policies and cumulative impacts. The second tier may consist of a specific plan EIR, which discusses a particular region within the agency. The third tier may consist of an
ordinary development project EIR, which discusses a particular site.” (Koster v. San Joaquin (1996) 47 Cal.App.4th 29, 36-37.)

The tiering process generally contemplates that agency decisions will move from the general to the specific by focusing first on a large land area and focusing later on smaller ones within the large area.

In light of the very specific concept of tiering, the Draft Tiered Initial Study for the UC Davis Conference Center and Hotel, and University Relations Building includes the following statement:

This environmental analysis is tiered from the 1994 Long Range Development Plan (LRDP) Environmental Impact Report (State Clearinghouse #94022005) as supplemented and amended by a number of subsequent documents. Specifically, the 1994 LRDP EIR was supplemented and amended by the 1997 Wastewater Treatment Plant (WWTP) Replacement Project EIR (State Clearinghouse #95123027 and # 96072024), by the 1997-1998 Major Capital Improvement Projects Supplemental Environmental Impact Report (SEIR) (State Clearinghouse #97122016), by the Center for the Arts Performance Hall are South Entry Roadway and Parking Improvements Tiered Initial Study and Mitigated Negative Declaration (State Clearinghouse #98092016), and by the USDA Western Human Nutrition Research Center Tiered Initial Study and Mitigated Negative Declaration (State Clearinghouse #99092060), by the Veterinary Medicine Laboratory and Equine Athletic Performance Laboratory Facilities Focused Tiered EIR (State Clearinghouse #2000022057), by the Genome and Biomedical Sciences Facility Focused Tiered EIR (State Clearinghouse #2000042028; pending approval) which are hereby incorporated by reference.”

While the Conference Center project tiers off the Long Range Development Plan Environmental Impact EIR, it does not tier off the other environmental documents which are for parallel projects. It is impossible for a member of the public to determine how the 6 various EIRs and Initial Studies in addition to the LRDP EIR supplement or amend the Long Range Development Plan Environmental Impact Report. These documents do not state specifically how they amend the Long Range Development Plan EIR. Only the experts who have prepared these documents and are intimately familiar with them would be able to understand how the 6 subsequent environmental documents may amend the Environmental Impact Report for the 1994 LRDP EIR. The 6 environmental documents are over a foot in thickness and are at least several thousand pages in length. Asking members of the public, without any guidance, to sort through all these documents and determine how they in fact modify the LRDP EIR, is per se unreasonable and a violation of CEQA. The Initial Study does not tier-off the 1994 LRDP and the 6 subsequent environmental documents.
C. The Documents have to be Reasonably Available for Public Review

Although the documents may be available for public review at the Shields Library on UC Davis campus, they are not readily available there. When the staff was asked at the circulation desk where the information was, no one knew. The documents were not readily available in the documents department of Shields Library. Perhaps, use of the catalog would allow each document to be found at Shields Library. However, this is not a way of finding environmental documents that encourages public participation. All of the documents are not available at the Yolo County Public Library in Davis, California. Access to the documents on UC Davis campus is particularly difficult since there is no public parking available and it is extremely difficult to find any place to park. The parking across from Mraz Hall is unavailable because of construction. Accessing the documents on the University campus would probably require at least a mile walk. The University has done nothing to make these documents easily available to the public.

D. The Environmental Documents in this Case Defeat the Policy of Public Participation and Are a Confusing Hodge Podge

Public participation is a central part of the CEQA process. All public agencies are required to provide provisions in their CEQA procedures for public involvement, formal and informal in order to receive and evaluate the public reactions to environmental issues related to the agency’s activities. (CEQA Guidelines §15201; 15002(j).) Public review provides the dual purpose of bolstering the public’s confidence in the agency’s decision and providing the agency with information from a variety of experts and sources. (Schoen v. California Department of Forestry and Fire Protection (1997) 58 Cal.App.4th 556, 547.) The California Supreme Court has frequently emphasized the importance of public participation. The Court has stated that CEQA should be “scrupulously followed”, so that “the public will know the basis on which its responsible officials either approve or reject environmentally significant action”, and will be able to “respond accordingly to action with which it disagrees.” (Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 392; Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564, 576; Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California (1993) 6 Cal.4th 1112, 1123; Sierra Club v. State Board of Forestry (1994) 7 Cal.4th 1215, 1229.)

In the case of Emmington v. Solano County (1987) 195 Cal.App.3d 491, 502-503, the court rejected a procedure which is analogous to what the University has done in this case. In Emmington, Solano County prepared a 5 page Initial Study that included 19 previously prepared EIRs and planning documents spanning the course of 8 years and claimed these documents adequately addressed the environmental impacts of a redevelopment plan. The 19 documents contained over 2,000 pages. The initial environmental study area included a geographic area much larger than the redevelopment area. The Court states:

"The Initial Study makes no attempt to summarize the anticipated environmental effects of the redevelopment plan nor does it make an attempt to cite specifically where this information can be found. An
interested citizen is faced with laboriously sorting through over 2,000 pages of raw data and then drawing his or her own conclusions about which information is pertinent to the projects likely effect on the environment. Assuming arguendo that respondents were entitled to rely on existing environmental documentation, at a very minimum they should have compiled all the relevant environmental data into a single format report, a procedure which would facilitate both public input and the decision making process.” 195 Cal.App.3d at 502-503.

The 6 EIRs that come after the 1994 LRDP EIR are not included in a single format. The 6 EIRs and Initial Studies total more than 2,000 pages. It is impossible to determine how these 6 documents relate together and also relate to the 1994 LRDP EIR and the Initial Study for this project. The University is required to excerpt the pertinent portions of each of these 6 environmental documents and place them in the Initial Study so that the material relied upon is in a single format report and the public can understand the portions of which documents apply to this project and are relied upon by the University. The only people who can sort out how the 6 EIRs and the Initial Studies relate to each other are the people who have been working with the document day in and day out (i.e., the University’s Environmental Planners and EIR Experts.)

The Initial Study is not just confusing in theory, it is actually impossible to follow and understand. It is not a matter of simply mistake here or there, but the whole document is designed only for insiders. For example, on page 3 the document states: “the 1994 LRDP Land Use Designation (as amended) is academic and administrative - potential enterprise opportunity and parking (see figure 3).” Only an insider would know which of the 7 documents to look at to find figure 3. It is certainly not figure 3 of the Draft Tiered Initial Study for the UCD Conference Center and Hotel. Another example, is the statement in the traffic section which states: “the proposed project is within the scope of the analysis in the 1994 LRDP EIR as updated in subsequent documents, and there are no changed circumstance since the preparation of these documents that require re-analysis of the cumulative impacts.” The reader of this statement can not determine which subsequent documents are referred to and therefore has no basis to understand the entire section on traffic impacts and mitigation measures. Only an insider knows which subsequent documents are referred to.

IV. THE PROPOSED CONFERENCE CENTER AND HOTEL FACILITY IS NOT CONSISTENT WITH THE 1994 LRDP, CITY OF DAVIS GENERAL PLAN, AND THE 1989 MOU

The Initial Study states: “Construction of the University Relations Building would be consistent with the 1994 LRDP Land Use Designation of high density academic administrative - potential enterprise opportunity.” The LRDP states: “An enterprise approach can be utilized in almost any LRDP land use area to create space for research activities, faculty staff housing, student housing, office space, recreation opportunities, open space amenities, and cultural facilities.” A hotel does not fit within the definition of those activities. The LRDP states that there should be land specifically reserved for enterprise activities that include: “projects where the land assets of the campus may be converted to income to support the academic mission”. It appears that the hotel could possibly fall within that
category and those type of uses are supposed to be placed in the enterprise reserves. According to page 68 of the LRDP, pure commercial uses are reserved to the land at the east end of First Street.

Under the provisions of the LRDP, a hotel is not supposed to be located in the area of academic and administrative land use. The Academic and Administrative Land Plan Objective states:

A compact core campus. Maintain the academic core for instruction and research facilities, generally within a 10-minute walk from Shields Library. Maintain building density targets in the core campus, with an average height of four stories for new development. Use the infill of new buildings and the removal of outmoded facilities as opportunities to continue the development of common open spaces as initiated in the 1963 plan. (Page 54.)

The LRDP does address enterprise areas in the Academic and Administrative Land Use district where the hotel is proposed to be located. The LRDP states as follows:

 Enterprise areas. Designate high and low density academic sites as Enterprise areas to facilitate academic initiatives outside the academic core. These may include the types of uses for which the campus has previously utilized lands in the South Davis Research Park area.

The LRDP did not plan for and does not allow a hotel within the academic and administrative core district. Such a commercial use in the academic and core district was never anticipated by the plan and is not consistent with the plan.

It is apparent from the Initial Study that the Hotel and Conference Center are being proposed for use on the University land under two definitions of allowable uses that are inconsistent with the proposed use and therefore require a significance finding and further study in an EIR. As stated on the last paragraph of page 25 of the Initial Study “uses allowed under the academic and administrative high density designation, include, classrooms, research laboratories and research support areas, student and staff offices, and libraries up to 9 stories high. This designation includes space for student activities, museums, administrative offices, meeting rooms and public services activities linked to the campus.” While this definition fits the proposed University Relations Building and the Conference Center, it is inconsistent with the use of the land for a hotel.

Likewise the Enterprise Reserve overlay designation is inconsistent with the use of the land as a hotel.

Page 26 of the Initial Study misrepresents the so-called “Enterprise Reserve overlay designation”. The Initial Study claims that the Enterprise Reserve overlay designation is defined on page 46 of the 1994 LRDP. However, it is not defined on that page or any other page. Page 47 of the Plan defines commercial as follows: “this land is designated for commercial development compatible with neighboring uses on campus and in the City of Davis.” It is readily apparent that the development
of a hotel on campus near Mrak Hall is not consistent with neighboring uses in the City of Davis. In fact, the hotel will suck out a substantial amount of the hotel business in the downtown area of Davis which is adjacent to the UC Davis Campus, and will create additional traffic problems. These issues are not addressed in the Initial Study, and should be addressed.

The idea of the Enterprise Reserve overlay designation is made up in the Initial Study (or perhaps it was made up in one of the previous 6 environmental documents). It is derived solely from the statement on page 67 of the LRDP which states as follows:

"An Enterprise approach can be utilized in almost any LRDP land use area to create space for research activities, faculty/staff housing, student housing, office space, recreation opportunities, open space amenities, and cultural facilities."

That statement does not sound like it is creating an overlay zone as stated in the Initial Study.

What is meant by the Enterprise approach is to allow public private partnerships such as Jackson Labs or Genome and Biomedical Sciences Facility. The other uses of commercial activity are for services on the campus that create a convenience for faculty or staff such as food services. The Initial Study makes no showing of how the idea of the Enterprise overlay is consistent with the Plan and how a hotel would be consistent with the words of the Plan as set forth on page 67. Finally, the Plan does not address the relationship between the hotel conference center operator and the University. Is it an Enterprise partnership? Or is it a landlord/tenant relationship?

The Initial Study concludes that the proposed Conference Center would not conflict with any of the policies and goals of the City of Davis General Plan, as well as the Solano and Yolo County General Plans. This statement is not correct. The City of Davis General Plan anticipated that a conference hotel would be built close to the City of Davis core area. The plan states: "Support development of a conference hotel and shopping center on UCD’s Aggie Villa site at First and Richards Boulevard." The City has never wavered from its position expressed in its General Plan that a Conference Center Hotel should be built in the City’s core area or near the City’s core area. The City has a number of suitable sites. The University owes more than a courtesy to fulfill the objectives of the City of Davis General Plan. It is contractually bound. The 1989 Memorandum of Understanding between the City of Davis and the University of California states as follows: "UCD will cooperate with and be sensitive to the City and to the City’s General Plan, as enacted on December 26, 1987, and will work together with the City to resolve reasonably the off campus impacts of the LRDP on the City."

The proposed Conference Center and Hotel will have an enormous impact on the City that has not been addressed in the Initial Study and should be addressed in the Initial Study or an Environmental Impact Report. Over 10% of the commercial space in the Davis core area is occupied by hotels and motels. These businesses rely on the University for 60% of their clientele. Currently, these businesses have a very high vacancy rate (less than 60% occupancy). The proposed Conference Center will put some of these businesses out of business resulting in boarded up hotels downtown and beyond. (See letter from Jay Scott, attached.) The LRDP does not address these impacts on the City of Davis’ core
area, and it does not address the traffic impacts of the project on City of Davis streets. These issues need to be addressed if the project is to be consistent with the City of Davis General Plan and the goals of the City of Davis General Plan.

On page 35 of the Initial Study it notes that the standard of significance in the 1994 LRDP EIR for a significance for land use planning is: "proposed uses which would conflict with locally adopted City or County planning policies". The planning policy of the City of Davis is to have the hotel conference center in the Davis core area or adjacent to the Davis core area so those staying at the conference center can walk into the core area. The hotel conference center at the proposed location does not meet this standard and therefore the Initial Study should find that the impact is significant and an EIR should be prepared.

V. TRAFFIC IMPACTS AND PARKING IMPACTS

The transportation and circulation elements of the Initial Study are incomprehensible to the average layman, and may only be understood by the insiders who prepared the documents.

Table 4.3-7 of the 1994 Environmental Impact Report for the LRDP concludes that the intersection of E Street and Richards Boulevard and First Street in the morning peak hour is LOS F with a 1.13 V/C ratio. The table also states that E Street/Richards Boulevard and First Street is LOS F at the P.M. peak hour with a 1.35 V/C ratio. However, by the time the 1997-98 Major Capital Improvement Projects SEIR was prepared in March of 1998, the Richards Boulevard - First Street intersection had improved to LOS E in the morning peak hour and LOS E in the evening peak hour. (See Table 8-4 and 8-5.) In 1999 the same intersection at Richards Boulevard and First Street had exactly the same delays as in 1998 and was still both LOS E in the morning peak hour and LOS E in the evening peak hour. (See Table 3.1-3 of the Genome and Biomedical Sciences Facility.) By the time the Draft Tiered Initial Study for the UCD Conference Center was prepared in September of 2000, the Richards Boulevard - First Street intersection had once again substantially improved. In the morning peak hour the Richards Boulevard - First Street intersection was now a LOS D with delays of only 29.5 seconds, improving from the 47.3 seconds in 1999. As time passes, the First Street - Richards Boulevard underpass construction may improve to such a degree without any structural or signalization changes that it will be able to accommodate all of the University's planned growth. Nevertheless, the Initial Study owes the public an explanation as to why the Richard - First Street intersection is improving without any structural changes. The Draft Supplemental Environmental Impact Report for the UC Davis 1997-1998 Major Capital Improvements Projects states that the projects described in that supplemental EIR alone will move the Richards Boulevard - First Street intersection from LOS E to LOS F. Some of those projects have already been built such as the La Rue student housing. Because of the discrepancy in the traffic numbers for the previous seven environmental documents that the Draft Tiered Initial Study relies upon, and because the figures relied upon in Appendix A of the Draft Tiered Initial Study are so much in conflict with previous studies, the University should conduct a new traffic study before going forward with the project. The University should do a an Environmental Impact Report that focuses on the traffic issues related to the project.
The Initial Study appears to argue that since the traffic conditions are already bad at First and Richards, First and A, Richards and Olive Drive, and the Richards I-80 intersection, the adding more traffic won’t make any difference. It is clear that the mitigation measures extracted from the 1997-1998 Draft Supplemental Environmental Impact Report included on pages 50-52 of the Initial Study do not reduce the level of traffic impacts to less than significant. As stated on page 8-23 through 8-25 of the Major Capital Improvements Projects SEIR, the 4.3-1b mitigation measures would reduce impacts to less than the significant level at 4 of the 7 intersections, but the impact would remain significant and unavoidable at the following 3 intersections: Richards Boulevard and I-80 eastbound ramps, Richard Boulevard and Olive Drive, and Richards Boulevard and First Street.

In light of this statement, the Initial Study concludes that the project will have no impact. It states: “cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio and roads, or congestion at intersections) - less than significant with mitigation incorporated.” The Initial Study also concludes with respect to: “exceed either individually or cumulatively a level of service standard established by the County Congestion Management Agency for Designated Roads or Highways - less than significant with mitigation incorporated.”

A traffic study is necessary to determine if these statements are true. Table 4 in the traffic section (page 56) relies upon the existing vehicle trip generation figures from the Major Capital Improvement Project SEIR. Those volumes were monitored in the Fall of 1997, and do not reflect the addition of new student housing on La Rue, and construction of other new projects on campus. Therefore, the existing figure is out of date. According to Table 4 the project will increase campus traffic by approximately 4%. And on days when there are events at the conference center, the increase in traffic caused by the project will be over 5%. These are significant levels of increase in traffic in intersections that are already LOS F. These levels of traffic impact may be compounded on the days and times when the Performing Arts Center has events which will add more than 800 cars to the street at one time. The LRDP did not contemplate a conference center hotel at the proposed location, raising the question whether this project will cause the total projected traffic for 2005 to exceed the levels projected in the LRDP.

The University has done no study to consider the joint impact of the traffic generated by the Performing Arts Center and also the Conference Center. There has been no consideration as to whether making already significantly impacted (LOS F) intersections worse should be considered a significant effect justifying the preparation of an EIR to study new mitigation measures. Neither the LRDP FEIR or the Major Capital Improvements Draft Supplement EIR anticipated a hotel conference center at the locations set forth in the Initial Study. An EIR triggered by the increase in traffic generated by the hotel, would allow a study of potential mitigation measures. Furthermore, it would also allow an assessment of alternative locations for the project that would not have the added significant impact on traffic.

As stated in the leading case of Kings County Farm Bureau v. City of Hanford ("Kings County") (1990) 221 Cal.App.3d 692, any increase in an already impacted area, is significant. In Kings County, the project agency and the proponent argue that “the air is already bad, so even though
emissions from the project will make it worse, the impact is insignificant.” The Court of Appeal soundly rejected this reasoning. The court stated, citing CEQA Guidelines §15064(b): “The relevant question...is not the relative amount of precursors admitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in the air basin.” (Kings County, 221 Cal.App.3d 692, 718.) In other words, when the air pollution bucket is already full, even the addition of another drop must be deemed significant and treated accordingly. The same reasoning applies to the traffic impacts that are generated by the hotel project.

The parking mitigation is not adequate and may have a significant effect on parking in the Davis community as well as on the University campus. When there is not adequate parking, people drive around and around looking for parking spaces creating air pollution and traffic congestion. An objective analysis of the parking required demonstrates that 531 spaces are needed by the project.

The City Code for parking requires:

- Hotel: one space per room
- Conference Space: one space per four people
- Restaurant: one space per four seats
- Pub: one space per four seats
- Office Space: one space per 400 square feet

The required parking for this project would be:

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(In this case assumptions must be made; perhaps 25% of the people will attend the same meeting therefore reducing the parking to person ratio)

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Page 13 of 16
The proposed parking is:

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<td>75</td>
</tr>
<tr>
<td>Total</td>
<td>200</td>
</tr>
</tbody>
</table>

There is obviously a parking shortfall of 330 spaces. The University proposes to mitigate this by providing remote parking of 325 spaces. However, this parking’s primary purpose will be to increase overall campus parking inventory and will be “permit controlled parking”. In other words the entire campus population will be able to park in this area if properly permitted. There is a significant shortage of parking near the conference center. If parking is not designated specifically for the hotel conference center and the office building it will not be able to adequately supply parking for the demands generated.

The University has also proposed to use 900 existing surface parking places and a 700 space parking structure that is being built. The existing surface parking spaces are already in great demand which is not expected to go away, making the proposed use of them unreasonable. The 700 space parking structure is expected to be used for the Performing Center and other existing demands. It is also inconvenient to the proposed Hotel and Conference Center.

The parking shortfall may have significant impact on the University community, as well as the surrounding City of Davis community. Already, University employees are parking on South Davis Streets and East Davis Streets and biking to the University or taking transit into the University. Because the University does not provide sufficient parking (and provides very expensive parking when it does provide parking), the University employees are meeting their parking needs by parking on City streets. The University needs to address this impact in the Initial Study or an Environmental Impact Report.

VI. THE UNIVERSITY NEEDS TO ADDRESS ECONOMIC IMPACTS WHICH MAY CAUSE PHYSICAL IMPACTS IN THE CITY OF DAVIS CORE AREA

Economic and social changes may be addressed under CEQA if they, in turn, will produce changes in the physical environment. (Guidelines §15064(e); Public Resources Code §21060.5; and §21151(b); City of Pasadena v. State of California (1993) 14 Cal.App.4th 810, 828.) In Citizens Association for Sensible Development of Bishop Area v. County of Inyo (1985) 172 Cal.App.3d 151, 169, the court held that the lead agency should consider physical deterioration of the downtown area to the extent such a potential is demonstrated to be an indirect environmental effect of the proposed peripheral shopping center. Likewise in Citizens for Quality Growth v. City of Mt. Shasta (1988) 198 Cal.App.3d 433, 443, an EIR was prepared for the project and the EIR concluded that the project could pose a significant economic problem for existing businesses. The court held that the City was required to consider business closures and physical deterioration of the downtown area to the extent they were demonstrated to be in an indirect environmental effect of the proposed project. (Id. at page 446.)
the recent case of *Friends of Davis v. City of Davis* 2000 Daily Journal DAR 10493, the court stated that there will be no conclusive presumption that the establishment of a particular retail business requires environmental review. The court stated that an indirect physical change may be considered only if it is reasonably likely to occur. The court noted that a determination that a project may have significant environmental effects must be based upon substantial evidence and that substantial evidence shall include facts, reasonable assumptions predicted upon facts, and expert opinion supported by fact.

To meet this requirement we present the study prepared by Mr. Jay Scott and Robert Robinson. The study indicates that the motels in Davis have less than a 60% occupancy rate and the rule of thumb in the industry is that a new hotel will not be built by investors unless there is more than a 70% occupancy rate in the area. The University of California is responsible for placement of 60% of the people in the motel rooms in the City of Davis. The diversion of these individuals to the University’s own hotel will cause hotels to fail in downtown Davis. Approximately 10% of the commercial core in Davis is hotels and motels. These include the Best Western Palm Court Hotel, the Best Western University Lodge, the Aggie Inn, the Econo Lodge, the Hallmark Hotel, the Davis Bed and Breakfast Inn, the University Inn Bed and Breakfast, and the University’s Park Inn and Suites.

Motels are difficult to convert to other uses. It is clear that at least several of the motels in the core area will fail if the University facility is built causing blight in the Davis core area. These impacts need to be addressed in an Environmental Impact Report which could develop mitigation measures for the adverse impacts on the Davis core area. For example:

1. The University could be required to register people (when it makes reservations with its own funds) into its hotel and off-campus hotels in proportion to the number of rooms on-campus and off-campus.

2. For all visitors to the campus with rooms not paid for by the University, the University could be required to deliver a list of the hotels in Davis along with the University’s hotel with the applicable room prices.

3. The University could be required to apply part of the income from its hotel operation to mitigate the adverse impacts in the Davis core area. The income could be used to rehabilitate hotel and motel buildings into other uses.

We are certain that the University planning staff can come up with other mitigation ideas. However, the first step is to at least study the problem and acknowledge the impact.

**VII. SUMMARY AND CONCLUSION**

The environmental documents prepared for the Hotel and Conference Center need to be clarified and re-circulated. They are too confusing for the public to adequately understand the impacts of the project and how they are proposed to be mitigated. CEQA requires clear documentation to allow the public to participate in the process. In this case, we could not even find the Negative
Declaration.

Because there is evidence that this project may have a significant impact on traffic circulation and also economic impacts with physical effects, the University should prepare an Environmental Impact Report.

[Signature]
WILLIAM D. KOPPER

WDK:kgr
October 27, 2000

Mr. William D. Kopper
Attorney at Law
417 E Street
Davis, CA 95616

Subject: U.C. Davis Conference Center and Hotel, and University Relations Building.

Dear Mr. Kopper:

Per your request I have reviewed the transportation/circulation section of the Draft Tiered Initial Study (DTIS) for the U.C. Davis Conference Center and Hotel, and University Relations Building projects proposed in Davis California. This letter documents comments and conclusions resulting from that review. I am familiar with traffic conditions in the Davis area, having performed traffic engineering consulting assignments in Davis since the early 1970s.

A noticeable feature of the DTIS is that, while it sets out reasonably clear transportation conditions for findings that would require performance of an Environmental Impact Report, it makes findings of no potential for significant impact relative to those stated conditions that seem contrary to a reasonable deduction based on the facts presented. In another case, with respect to parking in specific, the DTIS, in reaching its conclusion that there is no potential for significant impact that would require an EIR, does not specifically address the stated parking impact criterion. Details follow.

On the transportation/circulation issue/criterion of “a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?” the DTIS finds the Project “less than significant with mitigations incorporated”. This finding is illogical and unsupportable for the following reasons. The DTIS Tables 4 and 5 indicate the project will add about 4 percent to the overall University traffic generation on non-conference-event days and between 5 and 6 percent on conference event days. Considered in relation to the existing traffic solely on Old Davis Road, the Project would add 26 percent to existing traffic in the non-event condition and 40 percent to existing traffic in a conference event condition. In a stressed traffic environment such as exists on portions of the campus and in the surrounding community, these traffic additions, if unmitigated, are clearly traffic which is substantial in relation to the existing traffic load and capacity of the street system. Furthermore, there is no general mitigation of this traffic in its...
exists on portions of the campus and in the surrounding community, these traffic additions, if unmitigated, are clearly traffic which is substantial in relation to the existing traffic load and capacity of the street system. Furthermore, there is no general mitigation of this traffic or its impacts. Except for placement of intermittent manual traffic control at one single intersection at event-related times, the mitigations relied upon are unrelated to and ineffective on the predominantly visitor traveler population that the Project would generate. The only reasonable finding the DTIS could make on this issue would be to characterize it as Potentially Significant Impact.

Relative to criterion "h)increased conflict between bicyclists, pedestrians and transit vehicles, causing increased congestion and safety problems", it is obvious that the Project, by attracting a large increment of visitor traffic involving drivers unfamiliar with driving in the bicyclist-intense operating environment of the Davis campus and its surroundings, would have an effect on traffic and bicyclist safety and clearly should be rated as having Potentially Significant Impact. The Less Than Significant Impact rating in the DTIS is inappropriate.

The DTIS conclusions regarding absence of likely significant traffic impact appear to be based on a naive and inappropriate assumption that most visitor traffic generated by the project will approach and leave the area via the Old Davis Road - I-80 interchange. However, it is noteworthy that the Project's conference capacity is much greater than its hotel capacity and that some of the hotel capacity is likely to be occupied by visitors who are not conference attendees. In multi-day conferences, it is inevitable that many of the visitors attracted will stay at other lodgings in the general area, may approach and depart the conference center via other routes than the I-80 - Old Davis Road route and, in doing this, as well as in their incidental travels for sightseeing, meals and entertainment, these visitors (as well as ones staying at the project hotel who make the common choice to temporarily escape the hotel-conference environment) will inevitably impact other already impacted traffic facilities in the community such as locations along Richards Boulevard. Given this understanding of likely visitor lodging locations and travel behavior, it is obvious that the Project must be rated as having Potentially Significant Impact with regard to traffic.

In relation to the evaluation of traffic impacts, the DTIS presents and apparently relies on traffic analyses which appear to be inconsistent and questionable. The 1994 LRDP EIR indicated that the intersection of Richards Boulevard and First Street then operated at LOS F in the AM peak and had a volume to capacity ratio of 1.13, indicative of an average delay per vehicle in excess of 60 seconds. By 1998, the DSEIR on the Major Capital Improvements Projects found that the same location to be operating at LOS E in the AM peak with an average delay per vehicle of 47.3 seconds. The current DTIS, in appended Table A-3, finds the same location to still be operating at LOS E in the AM peak but now only experiencing an average delay per vehicle of 29.5 seconds. It seems curious and misleading for the University's successive analyses to show consistent and significant improvement (cutting the average delay in half) at this historically congested location when there has been no physical or operational improvement at the site over the period in question nor has any significant diversion route been opened in this period.

The DTIS finding in relation to the criterion of "f)Result in inadequate parking capacity on
Campus?" that the Project would have Less Than Significant Impact appears inconsistent with the facts and does not actually address the stated criterion. The DTIS indicates that at conference event times the project would be expected to generate parking demand of about 267 vehicles in excess of the supply being constructed as part of the Project (which should be adequate for needs of hotel guests and staff at non event times. The DTIS presumes that the additional 267 stall extra demand for conference events can be met in the existing parking facilities nearby or at the new 325 stall Enterprise Reserve lot. However, all of these facilities exist or are being constructed to meet overall University parking demand. Conference goers will, in common with many other drivers in the University community, simply have a "hunting license" to try and find an empty stall in one of these locations. This conjures up the vision of hapless unfamiliar visitors blundering from lot to lot searching for the rare vacant stall. However, the crucial issue is the fact that the DTIS provides no demonstration that the number of stalls available meet the overall University parking demand. That condition, adequacy of overall campus parking supply, is the criterion that is supposed to be met, not just whether there is a large pool of stalls where conference goers are entitled to search for an empty spot. The parking issue simply has not been evaluated in the DTIS on the criterion specified. Moreover, had the DTIS evaluated parking on the actual criterion, since the total additional stalls required for conference events is over 80 percent of the entire capacity of the Enterprise Reserve lot, it seems most probable that the conclusion reached would be that the Project has Potentially Significant Impact.

This finding of potential significant impact should be made on the basis of the Project parking demand totals as estimated by the DTIS. However, we note that the DTIS assumed that conference attendees would arrive and depart at an auto occupancy rate of 1.5 persons per vehicle (meaning that two out of three attendees would carpool). This is a highly optimistic assumption in favor of the Project. If assumptions regarding vehicle occupancy are made more conservatively in the manner normally characteristic of CEQA documents, say 1.2 or 1.33 persons per vehicle for conference attendees (in other words, two out of every six attendees carpool and two out of four attendees carpool respectively), the overflow parking demand for a conference event that would not be met by Project on-site facilities would be much greater than estimated by the DTIS. At a vehicle occupancy of 1.2, the overflow demand would be 334 stalls; at a vehicle occupancy of 1.33, the overflow demand would be 301 stalls. To place the issue in perspective, we observe that vehicle occupancy for work trips in most urban areas is generally less to considerably less than 1.2 persons per vehicle. To presume that conference attendees would have higher vehicle occupancy than normal work trips is clearly optimistic in favor of the Project. So, even though the parking demand estimated by the DTIS indicate a potentially significant impact if correctly interpreted against the criterion, we can also say that the parking impact will probably be still more severe because the actual Project parking demand would likely be greater than estimated in the DTIS.

Considering all of the foregoing, there are several areas where the conclusion of the DTIS does not appear to have met CEQA's requirement of a good faith effort to disclose impacts; and where the conclusion of such a good faith effort clearly would be a finding of Potentially Significant Impact. Given that, the outcome of the Initial Study should be to require an Environmental Impact Report on the Project.
Mr. William D. Kopper
October 27, 2000
Page 4

This completes the summary of my initial comments on this matter. I would be pleased to discuss these comments with you.

Sincerely,

SMITH Engineering & Management
A. California Corporation

[Signature]

Daniel T. Smith Jr., P.E.
President
SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil)  Nevada No. 7969 (Civil)  Washington No. 29337 (Civil)
California No. 938 (Traffic)  Arizona No. 22131 (Traffic)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.

Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.


Area Transportation Plans. Principal-in-charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an inland tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

TRAFFIC • TRANSPORTATION • MANAGEMENT

5311 Lowe Road Union City, CA 94587  Tel: 510.489.9477  Fax: 510.489.9478
Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Transportation Centers. Project manager for Daly City Intermodal Study which developed a $7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Parking. Prepared parking programs and facilities for large area plans and individual sites; also, resident preferential parking programs.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS


Co-recipient, Progressive Architecture Citation, Mission Bay Master Plan, with I.M. Pei WRT Associated, 1984.


Improving The Residential Street Environment, with Donald Appleyard et al., U.S. Department of Transportation, 1979.


October 22, 2000

Charles H. Guenther
Certified Public Accountant
P. O. Box 369
Davis, CA 94617-0369

Re: Proposed UC Davis Hotel/Conference Center

Dear Mr. Guenther:

At your request, I have prepared this letter outlining my findings and conclusions regarding the above-referenced project. You have asked for my professional assistance in evaluating the potential impact of a new 150-room hotel with a 13,000 square feet conference center (constructed on the UC Davis campus) on the existing hotel supply. I have been a hotel consultant in the Bay Area for over 24-years and during that time period have examined hundreds of new and existing lodging facilities and determined their likely future performance. Included as an addendum to this letter is my curriculum vitae and a brief summary of the hotel/conference center projects on which I have consulted.

HOTEL/CONFERENCE CENTER DEVELOPMENT ENVIRONMENT

As a first step in determining the potential impact of the new project on the existing lodging facilities it was necessary to evaluate the operating performance of those facilities that would be competitive, to a greater or lesser degree, with the new hotel/conference center. That competitive supply was determined to be those properties operating in the immediate Davis area and include:

<table>
<thead>
<tr>
<th>Property</th>
<th>No. of Rooms</th>
<th>Room Rates</th>
<th>Triple AAA Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggie Inn</td>
<td>31</td>
<td>$70-$110</td>
<td>**</td>
</tr>
<tr>
<td>B.W. Palm Court</td>
<td>26</td>
<td>130-140</td>
<td>****</td>
</tr>
<tr>
<td>B.W. University Lodge</td>
<td>53</td>
<td>75-90</td>
<td>**</td>
</tr>
<tr>
<td>Comfort Suites</td>
<td>71</td>
<td>89</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Charles H. Guenther  
October 22, 2000  
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<table>
<thead>
<tr>
<th>Hotel</th>
<th>Rooms</th>
<th>Price Range</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Econo Lodge</td>
<td>30</td>
<td>59-75</td>
<td>N/A</td>
</tr>
<tr>
<td>Hallmark Inn</td>
<td>135</td>
<td>89-110</td>
<td>***</td>
</tr>
<tr>
<td>Holiday Inn Express</td>
<td>50</td>
<td>79-135</td>
<td>***</td>
</tr>
<tr>
<td>Howard Johnson</td>
<td>80</td>
<td>69-105</td>
<td>***</td>
</tr>
<tr>
<td>University Park Inn</td>
<td>54</td>
<td>65-75</td>
<td>***</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>530 Rooms</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*California, Nevada Tour Book 2000

N/A = Not rated

Based on personal interviews with the owners and operators, representing over 83 percent of these properties, their aggregate annual occupancies are running below the 60-percentile level. In my professional opinion this aggregate occupancy level is below that which is necessary (70 percent) for a new property to be considered viable in the same market area. Absent a substantial amount of created demand by the new hotel (or from other demand sources) Davis is not now nor will it be for the foreseeable future a viable market for new hotel development.

Typically, because of the weak performance of a lodging market area such as Davis, it can be extremely difficult to obtain financing for the construction of the new hotel. This difficulty can be overcome in some instances with the developer taking on additional risk by providing a significant amount of equity; or, in other instances, with the property owner providing the land for development at a favorable discount.

**MARKET IMPACT OF THE NEW HOTEL/CONFERENCE CENTER**

Were the university’s project to proceed, it would add 150-units to the existing lodging supply bringing the total to 680 rooms. This represents a 22 percent increase. It has been represented to the hotel owners that the university’s hotel/conference center would be generating its own demand. Based on my experience of studying hotel/conference center over the past several years it is my opinion that the hotel/conference center certainly can “create” its own demand but, because it cannot be 100 percent efficient with arrival and departure patterns of conference attendees, it must rely on the local market for a certain percentage of its business. In my analysis of this project I have estimated that the
hotel/conference center will generate 75 percent of its own demand but that it will have its inventory available to the market the other 25 percent of the time.

With 25 percent of the hotel/conference center’s rooms inventory competing with the existing lodging facilities the demand becomes more diluted than it already is. This is exacerbated by the following:

- the new hotel/conference center is not legally required to pay transient occupancy taxes which gives it a competitive advantage over all the existing facilities which must pay the taxes;

- the university represent far and away the largest source of demand for lodging facilities in Davis and as such is able to direct business to their own facility as a first option;

- because the market is performing at a level not normally viewed as market and financially viable for new lodging development, extraordinary financing vehicles such as low or no ground rent are likely to be used at the hotel/conferencing center thus giving the project an overhead advantage which results in a lower breakeven point. This lower breakeven point allows the hotel/conference center more flexibility in the rates they charge than those existing facilities that do not have these financing vehicles.

Based on the above-noted factors, it is my opinion that the area-wide occupancies could drop into the low 50 percentile when the university hotel/conference center opens but that most of the existing facilities will be even more negatively impacted because they do not have the advantages listed above.

ECONOMIC IMPACT

In today’s economy, the financial breakeven occupancy level for lodging facilities is between 60-65 percent. Properties operating below this level could be subject to operating loss and/or losses after payment of fixed charges such as mortgages and real estate taxes. With the current aggregate occupancy level slightly below 60 percent, Davis lodging facilities already are very close to unprofitable operations. Were the new hotel/conference center to enter the market and the resulting aggregate occupancy level to drop closer to 50 percent, it could result in the following:

- properties unable to make their mortgage and tax payments;
- properties unable to maintain the properties due to lack of cash;
Charles H. Guenther  
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- properties being foreclosed on by lenders;
- properties closing their doors or considering alternative uses.

Should one or more of the above results occur in Davis, it could lead to deteriorated buildings and decaying commercial zones in which the lodging properties are located.

I have made efforts to confirm the accuracy and timeliness of the information contained in this letter however I do not warrant the accuracy of such information and assume no responsibility for inaccuracies in the information by third parties. I have no responsibility to update this letter for events and circumstances occurring after the date of this letter. The estimates and analyses are based on assumptions developed in connection with this study. It is the nature of forecasting, however, that some assumptions may not materialize, and unanticipated events and circumstances may occur. Therefore, actual results achieved may vary from my estimates and may be material.

This letter may be used in discussions with UC Davis. Otherwise, neither all nor any part of the contents of this letter shall be disseminated to the public through publication advertising media, public relations, news media, sales media, or any other public means of communication without prior written consent and approval of Scott Hospitality Consultants.

Sincerely yours,

SCOTT HOSPITALITY CONSULTANTS

[Signature]
C. Jay Scott, II, CRE  
Principal

Encl.
SUMMARY OF QUALIFICATIONS

BACKGROUND

Mr. Scott provides his clients with a unique combination of management- and operational-experience within the Hospitality Field. He is a specialist in Strategic Planning, Financial Analyses, Market Positioning, Asset Management, Operations, Acquisitions and Dispositions for the Lodging and Restaurant Industries as well as other specialized uses such as Resorts, Clubs, Conference Centers and Convention Centers.

FOCUS OF EXPERTISE

- Strategic Business Planning
- Market and Financial Analyses
- Asset Management and Operations
- Litigations Consulting Services
- Acquisitions and Dispositions
- Development Advisory Services

CLIENTELE SERVED

- Owners and/or Operators
- Accountants
- Brokers and Investment Bankers
- Lending Institutions
- Hotel and Restaurant Companies
- National and International Agencies
- Investors
- Operating Trustees
- Architects
- Law Firms
- Fed.- & Regional-Agencies
- Muni. Agencies & Bureaus

EDUCATION

Cornell University, Ithaca, New York, Bachelor of Science in Hotel Administration;

University of the South, Sewanee, Tenn., Bachelor of Arts in English Literature;

Golden Gate University, San Francisco, CA., Graduate Studies in Real Estate and Finance.
ARTICLES, SPEECHES AND VENUES

The Food & Beverage Journal  
California Inn Touch Magazine  
Lodging Focus  
Oakland Tribune  
San Francisco Chronicle  
San Francisco Examiner  
San Francisco Business Times  
Sacramento Bee  
San Jose Mercury News  
Wall Street Journal  
USA Today  
Lodging-Hospitality Magazine  
Corporate Travel Magazine  
Meeting Planner, International Meetings & Conventions Mag.  
Sacramento Business Journal  
Santa Rosa Press Democrat  
National Public Radio  
Practicing Law Institute  
Stanford Bus. School Alumni  
San Francisco Hotel Council  
Sacramento Hotel Assn.  
California Restaurant Assn.  
Int'l Council of Shopping Ctrs.  
Commonwealth Club  
San Francisco CPA Society  
L& H Hotel Develop. Seminar  
KPIX-TV  
KRON-TV  
KGO-TV  
KCBS-Radio  
KNBR-Radio  
San Francisco Breakfast Club  
Hospitality Industry Association  
National Real Estate Index

TEACHING EXPERIENCE

- Instructor, Golden Gate University - Managerial Accounting for Hotels;  
- Guest Lecturer, University of San Francisco - The Future of the Hospitality Industry;  
- Guest Lecturer, Mount Diablo College - Food & Beverage Cost Controls;  
- Instructor, Western Restaurant Association - Analyzing Food & Beverage Financial Statements.

PRESENT/PAST PROFESSIONAL & OTHER ORGANIZATIONS

Cornell Hotel Society  
Cornell Club of Northern California  
Golden Gate Restaurant Association  
California Lodging Association  
California Hotel & Motel Association  
Hotel Council of San Francisco  
Yosemite Restoration Trust  
Center for the Pacific Rim  
Am. Society of Real Estate Counselors  
Business Volunteers for the Arts  
The Japan Society  
California Heritage Council  
Chinese Culture Foundation  
Commonwealth Club  
S.F. CPA Society (MAS Comm.)  
Cayuga Hospitality Advisors  
American Cancer Society
C. Jay Scott, II, CRE has provided consulting services for the following organizations, among others:

**HOTEL/RESORT COMPANIES AND INDIVIDUAL PROPERTIES**

- Westin Hotels & Resorts
- Hilton Hotels & Resorts
- Hyatt Hotels & Resorts
- Marriott Hotels & Resorts
- Holiday Inns
- Promus Companies
- Embassy Suites
- Guest Quarters
- Lexington Suites
- Milepost Industries
- Ayala Hotel Corporation
- Grosvenor Properties
- Kempinski Hotels
- Vagabond Inns
- American Youth Hostels
- American Hotels
- GUS Enterprises
- Swissotels
- Hallmark Properties
- Personality Hotels
- St. Francis Hotel, San Francisco
- Mandarin Oriental, San Francisco
- Le Meridien, San Francisco
- San Francisco Marriott
- Ritz-Carlton, San Francisco
- Park Lane, Oakland
- Compri Hotel, Pleasanton
- Marriott Hotel, San Ramon
- Marriott Hotel, Berkeley
- Sundowner/County Inns, Sunnyvale
- Campton Place Hotel, San Francisco
- Claremont Resort & Tennis Club
- Casa Madrona, Sausalito
- Delta King, Sacramento
- Resort at Squaw Creek, Squaw Valley
- Joie de Vivre Hotels
- ANA Hotel, San Francisco
- Sheraton Inn, Bakersfield
- Dinah's Garden Hotel

**INVESTMENT BANKING AND REAL ESTATE BROKERAGE FIRMS**

- Salomon Brothers
- Montgomery Securities
- Grubb & Ellis
- Cushman Wakefield
- Shearson, Lehman, Hutton
- Suncrest Pacific
- Stubbs, Collenette & Assoc.
- Eastdil Realty
- Morgan Stanley
- Sonnenblick, Goldman
- Coldwell Banker
- The Yarmouth Group
- Preferred Resorts International
LAW FIRMS

Crosby, Heafey, Roach & May
Morrison & Foerster
Weiman, Bautzer
Baker & Mackenzie
Feldman, Waldman & Kline
Bartko, Welsh, Tarrant & Miller
Desmond, Miller & Desmond
Gipson, Hoffman & Pancione
Henn, Etzel & Mellon
Nossaman, Guthner, Knox & Elliott
Hoffman, Finney & Klinedinst
Hanson, Bridgett, et al
Sideman & Bancroft LLP

Rosenblum, Parish & Bacigalupi
Heller, Erhman
Pillsbury, Madison & Sutro
Bronson, Bronson & McKinnon
Petit & Martin
Downey, Brand, Seymour & Rhiner
Sedgwick, Detert, Moran & Arnolt
Thelen, Reid & Priest LLP
Farella, Braun & Martel
Schottenstein, Zox & Dunn
Miller Starr & Regalia
Offices of Joseph W. Carcione, Jr.
Cox, Padmore, Skolnik, et al

ARCHITECTS

ROMA Architects
Hornberger & Worstell
Frazell, Hill
Simons & Brecht
BSA Architects

Kaplin, McLaughlin & Dias
Sandy & Babcock
Leo A Daly
Hall, Goodhue, Hasley, Barker
Hanson, Murakami & Esherman

MUNICIPALITIES

City of San Francisco
City of Belmont
City of San Jose
City of San Leandro
Marin City
City of Sacramento
City of Redding
City of Fairfield
City of Los Angeles
City of Reno
City of San Mateo
City of Temecula
City of Novato

City of Oakland
City of Mountain View
City of Santa Rosa
City of Monterey
City of Livermore
City of Honolulu
City of Portland
City of Orinda
City of Santa Cruz
City of Sand City
City of Santa Clara
City of South San Francisco
City of Mammoth Lakes

BANKS AND SAVINGS & LOAN INSTITUTIONS

Bank of America
Wells Fargo Bank
Sumitomo Bank

Security Pacific Bank
Fuji Bank
American Savings
Mr. Scott has more than 28 years experience in leisure time development consulting, management and operations. He has successfully managed and conducted a broad spectrum of assignments for the hospitality industry, governmental agencies, public bond offerings and community revitalization projects. Conference/convention center consulting engagements conducted by Mr. Scott are provided below:

**Marconi Center, Marin County, California.** Mr. Scott conducted market and financial feasibility analyses for the Marconi Center itself. These analyses were conducted for the San Francisco Foundation when the Foundation was reviewing applications for the procurement of the property to develop a conference center/visitor-serving facility. After the property was gifted to the California State Parks Foundation, Mr. Scott provided further consulting services for the property such as validation of cost estimates, re-evaluation of the market situation of the project, sensitivity analysis of an addition of guest rooms, etc. (June, 1986)

**Shoreline Executive Conference Center, Mountain View, California.** Mr. Scott prepared a market and prospective financial analysis for this proposed 300-room executive conference center with approximately 34,000 net square feet of conference and meeting space. The center was planned to be adjacent to the 550-acre Shoreline Regional Park that includes an 18-hole championship golf course, among other uses. To facilitate the analysis, a telephone survey and a series of personal interviews were conducted with corporate meeting planners in Northern California. (March, 1987)

**Mori Point Conference Center, Pacifica, California.** Mr. Scott prepared a market and prospective financial analysis for the proposed 320-room ocean-front Mori Point Conference Center. The planned center is to be fully dedicated to serve executive corporate conference attendees within a 108-acre resort setting that will include a nine-hole executive golf links. (September, 1988)

**Squaw Valley Resort, Squaw Valley, California.** Mr. Scott conducted a market and prospective financial analyses for this resort/conference center. The resort’s plans included approximately 800 high-density condominiums, a conference center and recreational amenities such as golf links, tennis courts and ski lifts. The meeting program called for a 9,000- to 11,000 square-foot main ballroom; 3,000 to 4,000 square feet of pre-function space; and 10,000 to 11,000 square feet of breakout space distributed among nine to 11 conference rooms. (October, 1989)

**Proposed Conference Center, Gateway Project, Orinda, California.** For the City of Orinda Planning Department, Mr. Scott, working with the consortium of Keyser Marston Associates, evaluated the proposed conference center physical program, proposed quality level and financial projections prepared by the developer. In this project, besides the conference center, there were hotel guest rooms of approximately 300 in total, residential condominiums, a public/private golf course of 18-27 holes. (November, 1991)
**Proposed Conference Center, City of Santa Cruz, California.** Working for the City of Santa Cruz Redevelopment Agency, Mr. Scott and associates evaluated the market potential for an executive conference center to be located in the City of Santa Cruz. Integral to the analysis was a survey of local “demand generators” ie businesses and the university, that could potentially utilized this kind of facility. Included in the analysis was a recommended program element, projections of cash flow, financial feasibility analysis and a recommendation as to gap financing and implementation steps. (July, 1995)

**Proposed Hotel and Conference Center, Santa Rosa, California.** The City of Santa Rosa and a local developer hired Mr. Scott to examine the needs for a conference center in the historic district of Santa Rosa, west of Highway 101 in downtown Santa Rosa. Focus group analyses were conducted with meeting planners in the area to learn of their specific needs for and interest in a conference center development at the Grace Brothers site. The study resulted in a recommendation of sizing and amenities required for the facility as well as a projection of utilization and potential impact on Santa Rosa-area hotels. (October, 1995)

**Sacramento Convention Center, Sacramento, California:** The City of Sacramento contracted with Mr. Scott and Keyser Marston Associates to perform a market- and financial-assessment of the Center, given its recent expansion. The study included an analysis of what the optimum performance for the center could be and how that performance translated into financial returns. Key to the assignment was the ability of the center to position itself operationally and from a marketing perspective for meeting the bond obligations used to fund the center’s expansion. The major categories of events (performing arts, contemporary concerts, receptions/food functions, conventions and trade shows) were all analyzed in detail. ((February, 1996)

**Fort Scott, Presidio Army Base, San Francisco, California.** Working for the National Park Service, Mr. Scott analyzed the potential for converting the Fort Scott enclave at the Presidio to a discrete hotel/conference center. Necessary elements included a market analysis, cash flow projections, cost estimates and financial feasibility analysis. (October, 1996)

**Proposed Hotel and Conference Center, Fairfield, California.** The City of Fairfield and a local developer needed to know the viability of developing a Hilton Garden Inn with an adjacent conference center on a parcel they controlled along Highway 80. Integral to the process was an examination of alternative sites for the hotel and conference center. Since there were no pure conference centers in existence in Fairfield or surrounding environs it was necessary to determine the potential users of the center through an interview process and then quantify and qualify their interest. (January, 1997)

**Napa Valley Expo, Napa, California:** The Napa Valley Expo contracted with Mr. Scott to analyze the 35-acre Expo grounds along with the surrounding area in downtown Napa to determine the market and financial feasibility of creating a conference center and lodging element on or adjacent to the Expo grounds. Integral to the process was bringing in conference center and hotel operators and developers to receive their input and recommendations for the project. (March, 1997)
Proposed Executive Conference Center, Livermore, California: The Lutheran Church, Missouri Synod was desirous of defining the need for a training and learning executive conference center to be developed on donated land and within an existing historic building. Components of the consulting assignment included the definition of the size, needs, frequency of meetings, price point of the various sources of potential demand from within the church community and from the market place as a whole. As the effort must be economically feasible, the exercise has included an analysis of the development costs along with the cash flow a properly configured and priced conference center could generate on the site. (August, 1997)

Proposed Convention Facility, Oakland, California: The Port of Oakland contracted with Mr. Scott to assess the potential for development of a convention facility in the Jack London Square, water-front locale of downtown Oakland, California. Critical to the analysis was a determination of the key site/location attributes of a convention facility and how the Jack London Square area ranked with those attributes. Additionally, meeting planners from the SMERF market segment and the leading employers of Oakland were interviewed to learn their perception of the Jack London Square locale for convention business and their space and service needs, given a new convention facility there. (February, 1998)

Ft. Baker, Sausalito, California: The Golden Gate National Parks Association contracted with Mr. Scott to provide programmatic recommendations for the conversion of the historic army Ft. Baker, located on the San Francisco Bay at the foot of the Golden Gate Bridge, to an executive conference center with meeting rooms and hotel guest rooms. The analysis included recommendations as to the most appropriate functions and layouts for the existing historic buildings; how the meeting rooms should be configured; what guest room amenities were mandatory; and cost issues related to the conversion. (April, 1998)

Proposed Hotel and Conference Center, Temecula, California: The City of Temecula contracted with Mr. Scott and Keyser Marston Associates to perform a market-, economic- and financial-feasibility analysis for a new conference center and hotel in downtown Temecula. The city had designated eight separate sites as possible locations and asked the consultants to evaluate each and to then provide programmatic recommendations as to the size and quality of both the conference center and hotel. In-depth interviews were conducted with local and regional companies and meeting planners to assess the need for both meetings and guest room facilities. From that projections of operating income and a development cost estimate were developed to determine potential subsidies the project may require and the fiscal impact the facilities could generate. (January, 1999)

Proposed Conference Center at the University of California, San Francisco, California: The University of California contracted with Mr. Scott to provide consultation on their proposed new campus at Mission Bay, San Francisco. Mr. Scott provided recommendations as to the sizing and programmatic elements of the conference center as to the size and types of meetings rooms, amenities, pre-function space, kitchen facilities and overall layout. An integral task was the use of the focus group method to learn the specific needs and desires of the university's meeting planners for the new conference center and the incorporation of private sector needs as well because the center has to be self-sustaining. (June, 1999)
Hamilton Field, Novato, California: The City of Novato contracted with Mr. Scott to study this historic army air base in Novato, specifically the BOQ, the Officers Club and the Cinema building for possible conversion to a lodging and conference facility. Accordingly, a market overview was conducted of the Novato market area to learn the viability of a country inn and conference/retreat facility at Hamilton that included an overview of the lodging, restaurant and meetings market in the area as well as the preparation of a Letter of Solicitation for distribution to potential developers and operators. (June, 1999)

South San Francisco Conference Center, South San Francisco, California: The City of South San Francisco contracted with Mr. Scott and Vernazza Wolfe Associates to determine the feasibility of expanding the conference center by 40,000+ sq. ft. as part of an overall assessment of the city’s hospitality industry. Analyses of the lodging- and meetings-markets were conducted and specific interviews were held with the emerging bio-tech industry in South San Francisco to learn the meeting planners’ programmatic needs, were the center to be expanded, as well as the future lodging product types most desirable to support an expanded center. (July, 1999)
October 24, 2000

Mr. Charles H. Guenther
Certified Public Accountant
P.O. Box 369
Davis, CA 95617-0369

RE: Proposed UC Davis Hotel/Conference Center

Dear Mr. Guenther:

At your request, I have prepared an evaluation of the above-named project. I have attached a copy of my curriculum vitae that sets forth my professional qualifications. As you know I have been a hotel broker and consultant for many years.

In preparing this report, I have reviewed the October 23, 2000, report prepared by Jay Scott. I have considered my knowledge of the Davis motel and hotel market, and I draw upon my many years of experience in the hotel brokerage and consulting business.

Based upon the information that I have reviewed and my discussions with motel and hotel owners in the Davis area, approximately 60% of their business is provided by direct registration from the University of California, Davis or referrals from the University of California, Davis. In the event that the University of California, Davis develops its own hotel, a significant portion of the direct UCD registrations and referrals would be directed to the University's own hotel, causing a loss in occupancy for the remainder of the Davis hotels and motels.

The Jay Scott report predicts a drop in the occupancy rate for Davis hotels to the level of approximately 50%. As Mr. Scott states, most hotel operations are not viable at a 50% occupancy rate. Davis will experience the failure of motels in the downtown and peripheral areas if the new University hotel is constructed. There is a relatively high concentration of motels in the Davis core area, with motels consisting of approximately 10% of the commercial space.

The failure of motels in a commercial area usually leads to blight. First the motels are forced to accept weekly and monthly transient occupant guests. In these type of weekly/monthly rentals
Mr. Charles H. Guenther  
October 24, 2000

hotels maintenance is usually deferred because the income stream is much less. The decline in the
motel's income leads to a decline in the surrounding commercial areas. West Capital Avenue in West
Sacramento is an example of how the failure of motels leads to blight and other further commercial
failures.

It is very expensive to convert motels to other commercial uses. If the University builds its
hotel, it is likely that some downtown Davis hotels will fail with accompanying physical deterioration
and blight.

Sincerely,

[Signature]

ROBERT ROBINSON
Sept.22, 2000

Resume: Robert C. Robinson

I. 1983-1988 REAL ESTATE CONSULTANT FOR
tollman-hundley
hotels (thh), based new york

a) Responsible for locating Days Inn Hotel sites- over 30 developments
   from Portland, Oregon Airport to San Diego, Ca. I reported directly to Mr.
   Max James, President of Days Inn California and Mr. Monty Hundley,
   President of THH.

b) Negotiated land sales and contract terms, including six with
   Redevelopment agencies.

c) Assisted THH with City processing, presentations, permitting issues.

d) Performed initial market studies, competition, new proposals for other
   projects.

e) Acquired several existing hotels that were converted to Days Inn Hotels
   for THH.

II. 1988-1990 REAL ESTATE CONSULTANT FOR GUEST QUARTERS
    SUITES HOTELS, BOSTON BASED (NOW OWNED BY
    DOUBLETREE/PROMUS, NOW HILTON)

a) Performed identical tasks stated above, except I reported directly Mr. Jim
   Bradley, President, and then Mr. Richard Kelleher, President.

b) Worked on four hotel developments....largest one was a $60 million
   mixed use hotel and office complex in Santa Monica, Ca. (Now a
   Doubletree on 4th Street).

c) Provided assistance to GQ on obtaining third party management
   contracts.
III. 1990-1994 REAL ESTATE CONSULTANT AND LICENSED BROKER FOR HOTEL INVESTMENT GROUPS

a) Was actively involved in the disposition and acquisition of hotel properties throughout the west coast, and mid west. These sales involved over $200 million worth of hotel sales from the $40 million Warner Center Hilton to as low as a Days Inn in Sacramento, Ca. at $2.9 million.

b) Provided hotel management agreements (6) to one hotel management firm.

IV. 1994 (mid)- to 1997 (January)- REAL ESTATE CONSULTANT AND BROKER REPRESENTATIVE FOR PROMUS HOTELS AND OTHER HOTEL INVESTORS AND DEVELOPERS

a) Responsible for finding Promus Homewood Suite, Hampton Inns and Embassy Suite development sites from Seattle to Phoenix. I reported directly to Ed Ansbro. This agreement was for 50% of my work time on a monthly retainer from Promus.

b) Through 1994-1997 I still continued marketing existing hotel properties. This included the Hampton Inn at Oakland Airport, Ramada Hotel Davis, Ca.

V. 1997-Present

I have been working with four developers on hotel projects throughout California, and Seattle. In southern California I have an Embassy Suites full service hotel in Glendale, Marriott Townplace in Arcadia, and a Hilton Garden in Arcadia too. In Sacramento I have a Marriott Townplace Suites ready to start construction @ Watt/50, and a Marriott Residence Inn @ 15th & L Street Downtown. In Seattle I'm working on 3 hotel projects, two full service in the downtown. I also market
HOTELS MARKETED OR DEVELOPED

Developed: My involvement was site selection, initial market study, assisting with the approval process:

1. Holiday Inn Sacramento 1987
2. Marriott Courtyard Richmond Ca. 1988
3. Sheraton 4-Point Emeryville, Ca. 1987
4. Red Roof Burlingame 1984
5. Days Inn Santa Clara, Ca. 1984
6. Days Inn Seaside, Ca. 1985
7. Radisson Hotel Diamond Bar, Ca. 1987
8. Holiday Inn Palmdale, Ca. 1987
9. Howard Johnson’s Santa Ana, Ca. 1987
10. Marriott Courtyard Century City, Ca. 1988
11. Days Inn San Diego, Ca. 1984
12. Holiday Inn Portland Airport 1985
13. Days Inn LAX Airport 1984
15. Days Inn Santa Rosa, Ca. 1988
16. Hampton Inn Oakland Airport 1985
17. Days Inn Reno, Nevada 1985
18. Doubletree Suite Hotel, Santa Monica, Ca. 1987
19. LaQuinta Inn, Sacramento, 1984
20. Candlewood Hotel, Sacramento 1996
22. Hilton Garden, South San Francisco 1997
23. Larkspur Inn & Suites, South San Francisco 1997
27. Homewood Suite, Sacramento 1996
28. Embassy Suite Hotel, Seattle 1997
29. Marriott Townplace Suites, Sacramento 1997
Resume

III. 1990-1994 REAL ESTATE CONSULTANT AND LICENSED BROKER FOR HOTEL INVESTMENT GROUPS

a) Was actively involved in the disposition and acquisition of hotel properties throughout the west coast, and mid west. These sales involved over $200 million worth of hotel sales from the $40 million Warner Center Hilton to as low as a Days Inn in Sacramento, Ca. at $2.9 million.

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IV. 1994 (mid)- to 1997 (January)- REAL ESTATE CONSULTANT AND BROKER REPRESENTATIVE FOR PROMUS HOTELS AND OTHER HOTEL INVESTORS AND DEVELOPERS

a) Responsible for finding Promus Homewood Suite, Hampton Inns and Embassy Suite development sites from Seattle to Phoenix. I reported directly to Ed Ansbro. This agreement was for 50% of my work time on a monthly retainer from Promus.

b) Through 1994-1997 I still continued marketing existing hotel properties. This included the Hampton Inn at Oakland Airport, Ramada Hotel Davis, Ca.

V. 1997-Present

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hotels and completed three large sales last year, including the Santa Rosa Marriott Courtyard ($9.5 million), and the Homewood Suites Hotel in Seattle ($23 million).

PERSONAL INFORMATION:


b) Previous resident of upstate New York 32 years, left in 1978 for a sales position Xerox Corporation, Sacramento.

c) Reside currently in Gold River last 17 years, Ca. 95670

d) Married 17 years with two boys ages 13 and 10.

e) College Education: BS Education State University of New York 1968
   MS Education State University of New York 1972
   MS St. Lawrence University 1976

References:

1. Hilton Corporation- Bill Fortier or Greg Francois- 310-205-4586


More are available if necessary.
HOTELS MARKETED OR DEVELOPED

Developed: My involvement was site selection, initial market study, assisting with the approval process:

1. Holiday Inn Sacramento 1987
2. Marriott Courtyard Richmond CA 1988
3. Sheraton 4-Point Emeryville, CA 1987
4. Red Roof Burlingame 1984
5. Days Inn Santa Clara, CA 1984
6. Days Inn Seaside, CA 1985
7. Radisson Hotel Diamond Bar, CA 1987
8. Holiday Inn Palmdale, CA 1987
9. Howard Johnson’s Santa Ana, CA 1987
10. Marriott Courtyard Century City, CA 1988
11. Days Inn San Diego, CA 1984
12. Holiday Inn Portland Airport 1985
13. Days Inn LAX Airport 1984
14. Days Inn Bakersfield, CA 1986
15. Days Inn Santa Rosa, CA 1988
16. Hampton Inn Oakland Airport 1985
17. Days Inn Reno, Nevada 1985
18. Doubletree Suite Hotel, Santa Monica, CA 1987
19. LaQuinta Inn, Sacramento, 1984
20. Candlewood Hotel, Sacramento 1996
21. Candlewood Sunnyvale, CA 1996
22. Hilton Garden, South San Francisco 1997
23. Larkspur Inn & Suites, South San Francisco 1997
24. Hilton Garden, Folsom CA 1997
25. Larkspur Inn & Suite, Folsom, CA 1997
27. Homewood Suite, Sacramento 1996
28. Embassy Suite Hotel, Seattle 1997
29. Marriott Townplace Suites, Sacramento 1997
30. Hilton Garden, Roseville CA 1997
LETTER 3: William D. Kopper

Response to Comment 3-1:

As described in Appendix A, the cumulative traffic analysis used by the campus was updated by the 1997-98 Major Capital Improvement Projects SEIR and the Veterinary Medicine Laboratory and Equine Athletic Performance Laboratory Facilities Focused Tiered EIR. As also noted in Appendix A, the cumulative air quality analysis was updated to reflect the updated cumulative traffic analysis in the 1997-98 Major Capital Improvement Projects SEIR. These updated cumulative traffic and air quality analyses assumed development of a 150-room hotel and other campus buildings, including the Center for the Arts Performance Hall, increased parking, and high density academic and administrative uses (consistent with the proposed Graduate School of Management Building) in the south entry area of campus. Because the proposed project involves development of a 75-room hotel as opposed to a 150-room hotel, these updated cumulative traffic and air quality analyses are now considered conservative (i.e., overestimate impacts). Item 6 (Air Quality) of the Draft Tiered Initial Study uses this updated air quality analysis to evaluate the project’s contribution to cumulative air quality impacts. The Draft Focused Tiered EIR for the project (publication expected fall 2001) will use the updated cumulative traffic analysis to evaluate the projects contribution to cumulative transportation and circulation impacts.

Response to Comment 3-2:

As described in Appendix A of this Draft Tiered Initial Study, the environmental analysis for the currently proposed project is tiered from the 1994 LRDP EIR, as updated and revised. The discussion in Appendix A explains how subsequent environmental documents amended the 1994 LRDP and revised or updated the 1994 LRDP EIR. Consistency of the currently proposed project with the 1994 LRDP is discussed in Section IV (Consistency with the LRDP) of this Draft Tiered Initial Study.

Response to Comment 3-3:

The availability of public transit service is evaluated in Item 4 (Transportation/Circulation) of the Draft Tiered Initial Study. The Draft Focused Tiered EIR (publication expected in fall 2001) will further clarify and describe potential transportation and circulation impacts associated with the currently proposed project. It should be noted that anticipated salary ranges for service workers associated with the proposed project would be consistent with existing campus salary ranges for similar work on campus.

Response to Comment 3-4:

As indicated in Item 4d (Population and Housing) of this Draft Tiered Initial Study, the 1994 LRDP EIR anticipated that development of the 1994 LRDP would contribute approximately 8,000 additional residents to the City of Davis, including students, faculty and staff, and their dependents. These residents would include employees and students that would need low cost housing. As discussed further in the Draft Tiered Initial Study, buildout in the City of Davis
planning area under the City of Davis General Plan is projected to reach 75,000 by 2010. The growth of the campus and the resultant indirect growth in the City of Davis are considered to be a portion of the 75,000 target population.

Implementation of the currently proposed project would add approximately 375 new employees to the campus population. This growth would contribute to, but would not exceed the growth projected under the 1994 LRDP. Therefore, the increase in population is within and consistent with the population projections in the 1994 LRDP, and it does not conflict with the population projections and policies of the City of Davis General Plan.

Response to Comment 3-5:

Alternatives to the currently proposed project, including those suggested by the commentor, will be discussed in the Draft Focused Tiered EIR (publication expected in fall 2001).

Response to Comment 3-6:

Issues raised in the comment letters submitted on the September 26, 2000 Tiered Initial Study for the previously proposed project and the approach to addressing identified issues were summarized on pages 6 and 7 of the November 2000 Draft Revised Tiered Initial Study for the previously proposed Conference Center and Hotel, and University Relations Building project.

Response to Comment 3-7:

The currently proposed project does not include the referenced goal (the project's goals are presented in Chapter III, Project Description, of this Draft Tiered Initial Study). The currently proposed project would provide for a combination of uses to ensure that the conference center and hotel would be financially viable operations.

Response to Comment 3-8:

See Response to Comment 1-4.
December 8, 2000

John A. Meyer, Vice-Chancellor  
Resource Management and Planning  
University of California - Davis  
One Shields Avenue  
Davis, CA 95616

Re:  *EIR for the UCD Conference Center and Hotel and University Relations Building*

Dear Mr. Meyer:

It has been brought to my attention that the University of California - Davis has significant problems with its sewer treatment plant. Apparently, the University is currently in litigation with the State Water Resource Control Board related to improper discharges in Putah Creek. My clients, Charles Guenther and Davis Citizens for Responsible University Development, request that the EIR for the UC - Davis Conference Center address whether there is adequate waste water treatment capacity to accommodate the new University Conference Center and Hotel in University Relations Building. If additional sewer treatment capacity is needed, the construction of this capacity should be a mitigation measure for the project.

Sincerely,

WILLIAM D. KOPPER

WDK:omt

cc:  Reed Youmans
LETTER 4: William D. Kopper

Response to Comment 4-1:

As described in Item 9a (Hydrology and Water Quality) of the Draft Tiered Initial Study, wastewater from the proposed project would be discharged to the campus sanitary sewer system, treated at the campus' new wastewater treatment plant (WWTP), and then discharged to the South Fork of Putah Creek. The 1994 LRDP EIR, as updated by the WWTP Replacement Project EIR, recognized that increased flows to the campus WWTP due to development under the 1994 LRDP would generate increased discharge of treated effluent into the South Fork of Putah Creek, which could adversely affect receiving water quality (Impact 4.8-6).

1994 LRDP EIR Mitigation Measure 4.8-6(a) requires continued monitoring of WWTP effluent discharge. Mitigation Measure 4.8-6(b) requires, in the event that effluent limits are exceeded, the campus will make modifications to the pretreatment program to ensure compliance. Mitigation Measure 4.8-6(c) requires the campus to apply and comply with requirements of National Pollutant Discharge Elimination System Waste Discharge Requirements for the campus WWTP. 1994 LRDP EIR Mitigation Measures 4.8-6(a) through (c) are incorporated as part of the currently proposed project. In addition, the WWTP Replacement Project EIR identified project-specific mitigation measures that require the campus to comply with all applicable permit conditions by: 1) strictly implementing a pretreatment program, and 2) modifying the operation and/or treatment processes at the new WWTP as necessary. No additional mitigation measures are required to address project-level and cumulative water quality impacts of increased wastewater discharges. See the discussion under Item 9a of the Draft Tiered Initial Study.
December 15, 2000

John A. Meyer, Vice Chancellor
Office of Resource Management and Planning
303 Mrak Hall
University of California
One Shields Avenue
Davis, CA 95616

Dear John:

We are responding to the public input portion for the focused study on the effect of the development of the proposed new Conference Center and Hotel on campus as well as the new restaurant and pub that is scheduled to be constructed.

1. Will there be data in the focused study that addresses the economic impact of the restaurant and pub as well as the possible loss of hotel occupancy within Davis?

2. With the possibility of loss of hotel occupancy, will the study also address the economic impact on retail businesses and restaurants in Davis?

3. Will the local market be surveyed during the study?

Thank you for your consideration in this matter.

Sincerely,

Laura Cole-Rowe
Executive Director
LETTER 5: Davis Downtown Business Association

Response to Comment 5-1:

See Response to Comment 1-4.
December 18, 2000

Mr. John Meyer  
Office of Resource Management and Planning  
376 Mrak Hall,  
University of California, One Shields Ave.  
Davis, CA 95616

Dear Mr. Meyer:

I've reviewed the Notice of Preparation and Initial Study scoping information for the proposed UC Davis Conference Center and Hotel. The University is correct in preparing an EIR for this project. I would like to offer the following comments and suggestions for the scope and content of the analysis to be contained in the EIR:

- Project Objectives: The project objectives list providing opportunity to host the business community as one of the objectives for the proposed project. The EIR should expand on this objective and indicate how this objective fits within the concepts of the University’s LRDP. In addition, the EIR, in its discussion of the project’s consistency with other agencies’ adopted plans and policies, should analyze this objective with regard to relevant development policies of the City of Davis. Since a portion of the business community within the City of Davis has expressed a concern about this project’s compatibility with the business environment in the local community, the project’s reasoning for this objective should be discussed and evaluated in order to ensure a complete discussion of the project’s potential for conflicts with local plans and policies.

- Notice of Preparation and the concept of Tiering: The Notice of Preparation (NOP) contains a discussion of the concept of tiering this EIR’s analysis from the 1994 EIR for the UC Davis LRDP. The NOP also advises readers that the analysis in the LRDP EIR has been further revised by six (6) additional EIR’s for projects approved since the LRDP’s adoption. The EIR should contain a detailed discussion of how these later EIR’s have revised the LRDP analysis. Otherwise, it is difficult to know which analyses in the LRDP EIR and later EIR’s are appropriate for consideration in the current proposed Tiered Focused EIR.

- Of particular interest to the local community is the potential impact of this project on off-site locations, such as other commercial land uses, which may be affected by the development of service commercial enterprises on the campus. The EIR should explain whether the LRDP EIR analyzed the foreseeable effects of on-campus commercial development on the local community. If so, what were those effects and was there any mitigation identified to reduce those effects? If not, how will those effects be quantified for the current analysis?

- The NOP indicates that the EIR will analyze the mandatory No-Project alternative. This alternative analysis should include an analysis of the reasonably foreseeable development
within surrounding communities that would be expected in the absence of the proposed on-campus development. This comparison with the potential effects of the project itself would assist in identifying the potential for significant physical effects in the downtown of Davis and in other nearby commercial districts.

The NOP indicates that the EIR may analyze an alternative(s) in addition to the No Project alternative. Given the level of interest and controversy, and the detailed analysis submitted to the University in response to public review of the proposed Negative Declaration, this EIR should analyze a wide range of alternatives to the project. A reasonable range should be based on the types of impacts potentially resulting from the project, especially focusing on alternatives that have the potential to reduce or eliminate those effects. Suggested alternatives should include:

- Conference center without hotel (mentioned as a possibility in the NOP).
- Alternative locations on- and/or off-campus (also mentioned as possibilities in the NOP). I believe that at least each of these two alternatives must be analyzed in the document, since one of the main issues associated with this project is the potential for economic effects to cause physical impacts and/or deterioration in the downtown. These two alternatives should focus on the potential partnering relationship that nearby off-campus business enterprise can have in making an on-campus facility an attractive location for meetings and/or conferences.

The analysis of alternatives should identify the potential reuse alternatives for sites that may be impacted by the on-campus facility proposed. Would the City need to revisit its General Plan land uses and policies for development in any commercial districts as a result of the project's impacts? If current land uses within nearby areas of the City became infeasible due to on-campus commercial development, what are the potential reuse alternatives?

The EIR should analyze the growth inducing effects of the project. It would be helpful for the community's understanding of the project and its potential effects to know whether this project is likely to generate the desire for additional commercial projects on the campus and/or the immediate environs near the project site. If this is the case, will there be additional, cumulative impacts on land uses within the City? What other types of land uses are potentially contemplated under the LRDP's assumptions for on-campus business development? What other areas within the LRDP planning area would allow for additional commercial development?

Thank you for the opportunity to comment on this project. Please include me on the mailing list for any notices associated with the project and the environmental review process.

Sincerely,

Fred Buderi
1925 Lehigh Dr., Davis CA. 95616
LETTER 6: Fred Buderi

Response to Comment 6-1:

The extent to which the currently proposed project is consistent with other agencies’ adopted plans and policies is discussed throughout this Draft Tiered Initial Study.

The Draft Focused Tiered EIR (publication expected fall of 2001) will evaluate physical changes in the City of Davis that could result from the economic impact of operating the currently proposed conference center and hotel, as well as potential conflicts with the City of Davis General Plan.

Response to Comment 6-2:

Appendix A provides a discussion about how subsequent documents amended the 1994 LRDP and updated and revised the 1994 LRDP EIR. In addition, the resource discussions in the attached Environmental Checklist include discussions of 1994 LRDP amendments, 1994 LRDP EIR updates and revisions that apply to the currently proposed project.

Response to Comment 6-3:

As discussed in Response to Comment 6-1, the Draft Focused Tiered EIR will evaluate physical changes in the City of Davis that could result from the economic impact of operating the currently proposed conference center and hotel.

Response to Comment 6-4:

The Draft Focused Tiered EIR (publication expected in fall 2001) will evaluate a “No Development Alternative” and a “No Project Alternative”, and it will compare the physical changes in the City of Davis that could result from the economic impact of operating the currently proposed project, from implementing the No Development Alternative, and from implementing the No Project Alternative.

Response to Comment 6-5:

Growth inducing effects will be evaluated in the Draft Focused Tiered EIR (publication expected fall 2001).
Mr. John Mayer:

I will make this short and to the point. My concern is regarding the Hotel/Conference Center. I strongly feel that this will have a negative impact on the downtown hotels/motels.

I attended the public scoping meeting, which was very informative. About 1 1/2 years ago I filled out a survey regarding the hotel/conference center. My concern continued as it was 1 1/2 years ago.

Thank you for your consideration regarding this project.

Sincerely,

Carole Markoe
2312 Cozumel Cr
Davis, CA 95616
LETTER 7: Carole Markese

Response to Comment 7-1:

Comment noted. See Response to Comment 1-4.
December 18, 2000

John A. Meyer
Office of Resource Management
376 Mrak Hall
One Shields Avenue
Davis, California 95616

Dear John,

When evaluating alternatives for the Hotel and Conference Facility please consider construction of a Conference Facility without the Hotel and restaurant facilities. A Conferencing Facility would be in keeping with the educational mission of the University and would not put the University in the position of competing with the businesses in the neighboring community.

There are 12 lodging establishments in Davis that provide 639 room nights with a total of 232,235 room nights annually. The hotel occupancy in the City of Davis is approximately 59%. Thus, there are approximately 95,627 vacant room nights available on an annual basis in Davis to take care of the potential conference demands. The question is then, is the existing supply of rooms in Davis adequate to supply the needs of the proposed Conference Facility?

There has been concern about the financial feasibility of a Conference Facility without a hotel. I would like to suggest that the Focused EIR consider if financial support would be needed to underwrite a stand-alone Conference Center. In many communities a portion of the Transient Occupancy Tax is used for this purpose. In Davis, the TOT is only 11%. This is lower than the 12% TOT in Sacramento, which is to be increased in 2001. The question then is: Will additional support be necessary to operate a stand-alone Conference Center. If so, what part can be funded by the TOT?

I appreciate your consideration of these issues.

Sincerely,

PHONE: (530) 753-3600 • (800) 753-0035 • FAX (530) 758-8623
info@hallmarkinn.com
LETTER 8: Reed Youmans

Response to Comment 8-1:

The Draft Focused Tiered EIR (publication expected fall 2001) will evaluate an alternative to the currently proposed project that includes operation of a conference center facility without a hotel.

Response to Comment 8-2:

See Response to Comment 1-2.
Reed N. Youmans  
1308 Torrey Street  
Davis, CA  95616

I would like to address two concerns regarding the Draft Tiered Initial Study of the UC Davis Conference Center and Hotel.

1. There are currently 639 hotel rooms in Davis creating 233,235 room nights available each year. The average occupancy in Davis hotels is approximately 59%. This leaves approximately 95,627 rooms nights unoccupied each year. The proposed university hotel adds approximately 54,750 new room nights to the city of Davis. This would increase the supply of hotel rooms in Davis by 23%.

   A. It is a common axiom that there be no increases in hotel supply in a market unless the occupancy exceeds 77%. What justifies the significant increase in rooms proposed by the University?

   B. Is it possible that the demand from the University Conference Center can be accommodated in the existing Davis hotels?

   C. What additional strains will the proposed hotel put on the weak hotel occupancy?

2. Page 14 of the Draft Revised Tiered EIR Initial Study under Project Objectives

   Second bullet: Provide an opportunity to host visitors, alumni, and the business community.

   Is this direct competition with existing businesses in the community?

   Fifth bullet: Assure a self-supporting financial operation.

   How does the University plan to "assure a self-supporting financial operation"?
LETTER 9: Reed Youmans

Response to Comment 9-1:

See Responses to Comments 1-2 and 1-4. As discussed in the statement of needs for the proposed conference center facility and hotel (see Section III), the proposed project would provide a full-service meeting environment that would meet current and stimulate future campus conference demand, attract campus affiliates, and draw from the growing regional corporate market. The proposed hotel would be critical to the success of this type of meeting center.

Response to Comment 9-2:

As stated in response to comment 3-7, this objective is no longer included (see the project objectives in Section III of this Tiered Initial Study).