



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 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
 DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
 De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
 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.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

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 internal 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.

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.

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.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking.

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.

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

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

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

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

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

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.



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22 August 2006

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

RE: Draft Environmental Impact Report for The Metropolitan Project

Dear Mr. Kopper:

Per your request, I have reviewed the Environmental Impact Report for The Metropolitan Project, which envisions construction of 320 condominium units over ground floor retail and podium parking at the northeast corner of 10th and J Streets in downtown Sacramento. You have requested my assessment of the cultural and historical resource sections of the EIR to determine whether they meet the requirements of the California Environmental Quality Act, and whether they propose feasible mitigation measures for potential impacts to historical resources.

In this regard, I have reviewed Section 5.2 of the EIR as well as Technical Appendices D and E concerning cultural and historical resources. Appendix D, the Cultural Resources Sensitivity Study by Tremaine and Associates, thoroughly explores the archaeological potential of the project site. The authors have examined the relevant background references, consulted with the regional Information Center of the California Historical Resources Information System, gathered source materials from a variety of other repositories, and compiled the information into a credible document predicting the presence of archaeological remains within the urban setting of the project area.

The Cultural Resources Sensitivity Study (Appendix D) meets current professional and technical standards and requirements for a Phase 1 inventory, with one possible exception. I saw no reference in the technical report or EIR to consultation with local Native American tribal representatives. Such consultations are typically included in cultural resource studies when tribal resources may be affected. Although frequently overlooked on projects in urban settings under the incorrect assumption that prehistoric sites have been destroyed by subsequent urban development, the oversight is particularly glaring in this case in light of the several prehistoric archaeological sites identified within and adjacent to the study area and the potential for human remains of American Indian origin to be uncovered at the project site (see discussion below).

Appendix D clearly identifies a Nisenan (Southern Maidu) village site, CA-SAC-38, immediately adjacent to the project area. The site is known to contain a substantial archaeological deposit including human burials. The report notes that the site's boundaries are ill-defined and that it probably extends into the project area. This finding is echoed on page 5.2-5 of the EIR, where it states "There is a strong possibility that the site extends to the east and thus may be an impacted resource." Appendix D also provides strong evidence that historical archaeological remains are



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preserved within the study area; the EIR goes on to state "it is also very likely that trash deposits and foundations from pre-1880 structures may be encountered" within the project area.

Appendix D goes on to recommend a three-phase program to locate and uncover buried archaeological remains within the project area, evaluate their significance according to CEQA criteria, assess potential project impacts, and develop appropriate measures to mitigate significant impacts. A key component of their recommendations is development of a research design and testing and mitigation plan that identifies important historical themes and research questions, defines the methods to be used to evaluate the significance of the resources, and details the appropriate steps to be taken if significant resources will be impacted by the proposed project. These recommendations are included in the EIR as mitigation measures 5.2-1a through 5.2-1d.

I find it inappropriate that the consultant's recommendations in Appendix D for identification and evaluation of the resources within the project area have been converted to mitigation measures and thus deferred until after approval of the project. Such deferral is inconsistent with CEQA, which requires that significant resources and impacts be identified in advance, and that feasible mitigation measures be described in the EIR so the public has an opportunity to review and comment. Deferring this work until after approval of the EIR essentially eliminates the public's opportunity to comment on the adequacy of the proposed mitigation measures. The EIR itself should contain the recommended research design and fieldwork plan for identification, evaluation, and treatment of the resources likely to be present at the project site.

As an aside, the summary of impacts and mitigation measures in Chapter 3 of the EIR reports that impacts to cultural resources are less than significant, and no mitigation is required. It further concludes that the cumulative loss of cultural resources is a significant and unavoidable impact. This is inconsistent with Summary Table 3.0-1 and Section 5.2, which describe impacts to archaeological resources as significant prior to mitigation and less-than-significant after implementation of the mitigation measures described above. This inconsistency should be corrected in the final EIR.

I have also reviewed Appendix E, the Historical Resources Assessment by Historic Environment Consultants. This report provides detailed historical background on the extant buildings at the project site, and concludes that none of the buildings qualify as historical resources under CEQA. I find the significance evaluations in the report and EIR weak. I do not necessarily disagree with the conclusions, but I find the reasoning poorly explicated and the language confusing. The report presents substantial detail on the history of each building, but these details are not linked to the specific eligibility criteria of the California Register of Historic Resources or the local Sacramento Register, so the reader can not reach a clear understanding of how the conclusions were reached, particularly in terms of the significance criteria and integrity considerations.

A key element of the analysis appears to be the conclusion that the buildings have important historical associations, but none retain sufficient integrity to convey those associations. Because each of these buildings has a long history of use and adaptive modification, the key associations



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should be more clearly explained, the period(s) of significance for each building clearly defined, and the character-defining elements described in those terms. It can then be more clearly explained how subsequent modifications have affected the important characteristics of each building. Photographs comparing the current condition with the period of significance also would help the reader understand the argument for loss of integrity more clearly.

An important consideration when evaluating the integrity of a building is the extent to which modifications may be reversible through application of restorative techniques. For example, covered windows and transoms may be easily uncovered and returned to their original status, and wooden sashes can replace later aluminum inserts (as long as the original openings are intact), thereby restoring the integrity of those features. Stucco or paneling covering older brickwork may be removed, revealing the original building facades and fabrics. Even the deteriorated interiors of abandoned buildings may be repaired and restored. Appendix E gives little indication of the state of the original fabric of the structures, and whether modifications that detract from the integrity of the buildings may be reversible.

Equally as important, each building seems to be evaluated individually, without consideration for the possibility that the grouping comprises part of a potentially significant historical district. The project site is surrounded by, though not included in, several formally recognized historic districts. Tremaine and Associates proposed a Sacramento Underground Historic District that included the project site, and the Biltmore Hotel at 1009 J Street and The Broiler at 1013-1015 J Street also have been identified as possible contributors to a future downtown historic district. Page 2.0-4 of the EIR notes that preservation of these buildings was brought up before the City Council in 2002, but the Council deferred action until a project was proposed for the site. At this juncture, it would seem appropriate to reconsider whether these buildings contribute to the significance of such a district.

Thank you for the opportunity to review and comment on the cultural resources analysis of the EIR for The Metropolitan Project. Please contact me if you have any questions on the comments offered above, or wish to discuss the project further.

Sincerely,

A handwritten signature in cursive script that reads "Barry A. Price".

Barry A. Price, M.A., RPA
Vice President
Applied EarthWorks, Inc.



Curriculum Vitae

BARRY A. PRICE, RPA
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EDUCATION

- M.A. Cultural Resource Management, Sonoma State University, 1994.
- B.A. Anthropology (with honors), Sonoma State University, 1976.

Specialized Training

- 2004 "CEQA for the CRM Professional." American Cultural Resources Association/Hicks and Company.
- 2003 "The California Environmental Quality Act: How Does It Fit in Historic Preservation Efforts?" Planning and Conservation League and the Educational Foundation of America.
- 1999 "The New 36 CFR Part 800: Highlights of Changes." Advisory Council on Historic Preservation.
- 1995 "California Environmental Quality Act: A Step-by-Step Approach to Compliance," University of California, Davis, Land Use and Natural Resources Program
- 1995 "Cultural Resources Industry Outreach Training Course," Federal Energy Regulatory Commission (FERC) Office of Pipeline Regulation
- 1994 "Advanced Seminar on Preparing Agreement Documents under Section 106." U.S. General Services Administration and the University of Nevada, Reno
- 1992 "Federal Projects and Historic Preservation Law," Advisory Council on Historic Preservation
- 1992 Lithic Technology Workshop, Dr. Jeffrey Flenniken, California State University, Fresno

PROFESSIONAL EXPERIENCE

- 1997– **Vice President, Principal Archaeologist, and Western Division Manager, Applied EarthWorks, Inc., Fresno, California.** Project administration and technical management for projects throughout the western United States. Ensure compliance with federal and state laws and regulations, and certify technical quality of reports and other documents. Serve as principal liaison with clients and government agencies. Direct divisional marketing, new business development, and personnel management. Supervise preparation of bids and proposals, engage in contract negotiations, and manage budgets and workscopes. Also fulfill corporate administrative duties assigned by the president and board of directors.
- 1995–1996 **Senior Archaeologist and Western Division Manager, Applied EarthWorks, Inc., Fresno, California.** Project administration and technical management for a corporate division encompassing California, southern Oregon, and western Nevada. Prepare bids and proposals, negotiate budgets and workscopes, and serve as principal liaison with clients and government agencies. Ensure regulatory compliance and technical quality of reports and other documents. Participate in marketing and new business development, personnel management, and other duties assigned by the president.