

4.3

LAND USE

INTRODUCTION

The purpose of the Land Use section is to examine the proposed project's compatibility with existing and planned land uses in the area. Consistency with applicable General Plan goals and policies is also evaluated. Please refer to the Agricultural Resources Section 4.2 for issues related to conflicts with agricultural uses. Documents referenced to prepare this section include the *City of Davis General Plan*¹, the *Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School (General Plan Update EIR)*², the *Draft Environmental Impact Report for the Covell Center Project*³, the *City of Davis Zoning Ordinance*⁴, the *Yolo County General Plan*⁵, and the *Yolo County Zoning Ordinance*⁶.

ENVIRONMENTAL SETTING

Section 15125 of the CEQA Guidelines states that “an EIR must include a description of the physical environmental conditions in the vicinity of the project [...] and shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans.” The following provides the existing land uses on the project site, as well as the existing plans and policies that guide the development of the project site.

Existing Uses on the Project Site

The project site encompasses approximately 422 acres of land within Yolo County, California. The site consists of a 383-acre parcel identified by Yolo County Assessor's Parcel Number (APN) 035-970-033, as well as an approximately 39-acre portion of APN 042-110-011, which adjoins the northwestern boundary of the 383-acre parcel. The project site is adjacent to the Davis city limits, and is proposed for annexation to the City. The site is generally undeveloped, with the exception of one residence and its associated outbuildings. The site has historically been used for agricultural purposes. The project site also contains a drainage channel, which bisects the site from east to west in the north-central portion of the property, and is known as Channel “A”.

Current Yolo County Land Use Designation and Zoning

Land Use Designations

The Yolo County General Plan designates the 383-acre parcel on the project site as Industrial (I). The Yolo County General Plan does not include a definition for the Industrial land use designation. Mr. David Morrison, Assistant Director of Planning with

the Yolo County Planning Department, stated that the intent of Industrial land use designation is consistent with the stated purpose for the Limited Industrial zone:⁷

Industrial (I): The purpose of the Industrial land use designation is similar to the Limited-Industrial zone in that the purpose of land designated Industrial shall be to accommodate a limited group of business, professional, research, and technical manufacturing uses which have unusual requirements for space, light, and air, and the operations of which uses are clean and quiet.

The Yolo County General Plan designates the other parcel, APN 042-110-011, as Agricultural (AG). The General Plan defines the intent of the AG land use as follows:

Agricultural (AG): This land use designation is applied to lands best suited for agriculture, to preserve them from the encroachment of nonagricultural uses. The Agricultural designation is intended to include lands in contracted agricultural preserves and Farmland Security Zones (FSZs), or lands suitable for such use. Uses approved on lands in agricultural preserves or Farmland Security Zones must be consistent and compatible with the provisions of State law and the Yolo County ordinance.

Examples of uses which are considered appropriate under this designation include, but are not limited to: growing and harvesting field crops, grain and hay crops; growing and harvesting fruit and nut trees, vines and vegetables; wildlife preserves; growing and harvesting forest resources; pasture and grazing land; animal raising operations; agricultural-related essential industry and support services; uses related to natural resources; wineries; recreational uses; lodging; and residential uses, generally limited to housing for farm owners, family members, and farm laborers.

Zones that are consistent with this land use designation are the A-1, A-P and AGI zones. The minimum parcel sizes for the A-1 and A-P designations are 20 acres and 80 acres respectively. Properties in contracted agricultural preserves and FSZs may be required to have larger minimum parcel sizes, as provided by ordinance.

Zoning Designations

The current Yolo County zoning for the 383-acre parcel on the project site is Limited-Industrial (M-L). The Yolo County Zoning Ordinance defines the purposes of the M-L districts as follows:

Limited-Industrial (M-L): The purpose of the Limited Industrial Zone shall be to accommodate a limited group of business, professional, research, and technical manufacturing uses that have unusual requirements for space, light, and air, and the operation of such uses are clean and quiet.

The remainder of the project site is located within the Agricultural General (A-1) zone, which is defined as follows:

Agricultural General (A-1): The purpose of the Agricultural General Zone shall be to provide uses on lands best suited for agriculture. Uses authorized shall not include Agribusiness Development Park Areas. The lot area for parcels zoned A-1 is twenty (20) acres.

Current and Proposed City of Davis Land Use Designation and Zoning

Although the project site is located within Yolo County, the site would be annexed to the City of Davis under the current development proposal. Therefore, City of Davis land use designations and zoning designations are presented below.

Land Use Designations

The City of Davis General Plan land use designation of the project site is Agriculture (AG) (see Figure 4.3-1). The Davis General Plan defines the intent of AG land use as follows:

Agriculture (AG): To protect valuable natural resources such as agricultural land and wildlife habitat, to allow for productive agricultural use surrounding or within Davis, to ensure a permanent buffer between adjacent jurisdictions that will maintain the separate identities of Davis and the surrounding cities, and to serve a visual amenity around urban development.

Proposed Land Use Designations for the Covell Village Project

The project includes a request for a General Plan Amendment to re-designate the project site from AG to the following land use designations:

Residential: This category is intended to allow for residential development emphasizing compact clustered development in new areas and infill in existing neighborhoods, together with a mixture of local-serving retail and institutional uses, to meet housing demands, reduce pressure for peripheral growth and facilitate transit and bicycle/pedestrian travel.

- a. *Low Density*: 3.0 to 7.99 units per gross acre.
- b. *Medium Density*: 8.0 to 13.99 units per gross acre.
- c. *High Density*: 14.0 to 25.0 units per gross acre.

Public/Semi-Public: To provide appropriate, centrally-located sites for community facilities.

Parks/Recreation: To offer a full range of park amenities to Davis residents.

Neighborhood Greenbelt: To provide safe and secure linear parkways and connectors close to residences as alternatives to biking or walking on streets. Neighborhood greenbelts connect to Urban/Agricultural Transition Area, Greenstreets, parks, other open space network elements, activity centers and public facilities.

Natural Habitat Area: To preserve existing wildlife habitat and develop new wildlife habitat.

Creeks, Sloughs, Channels: N/A (no purposes or uses enumerated)

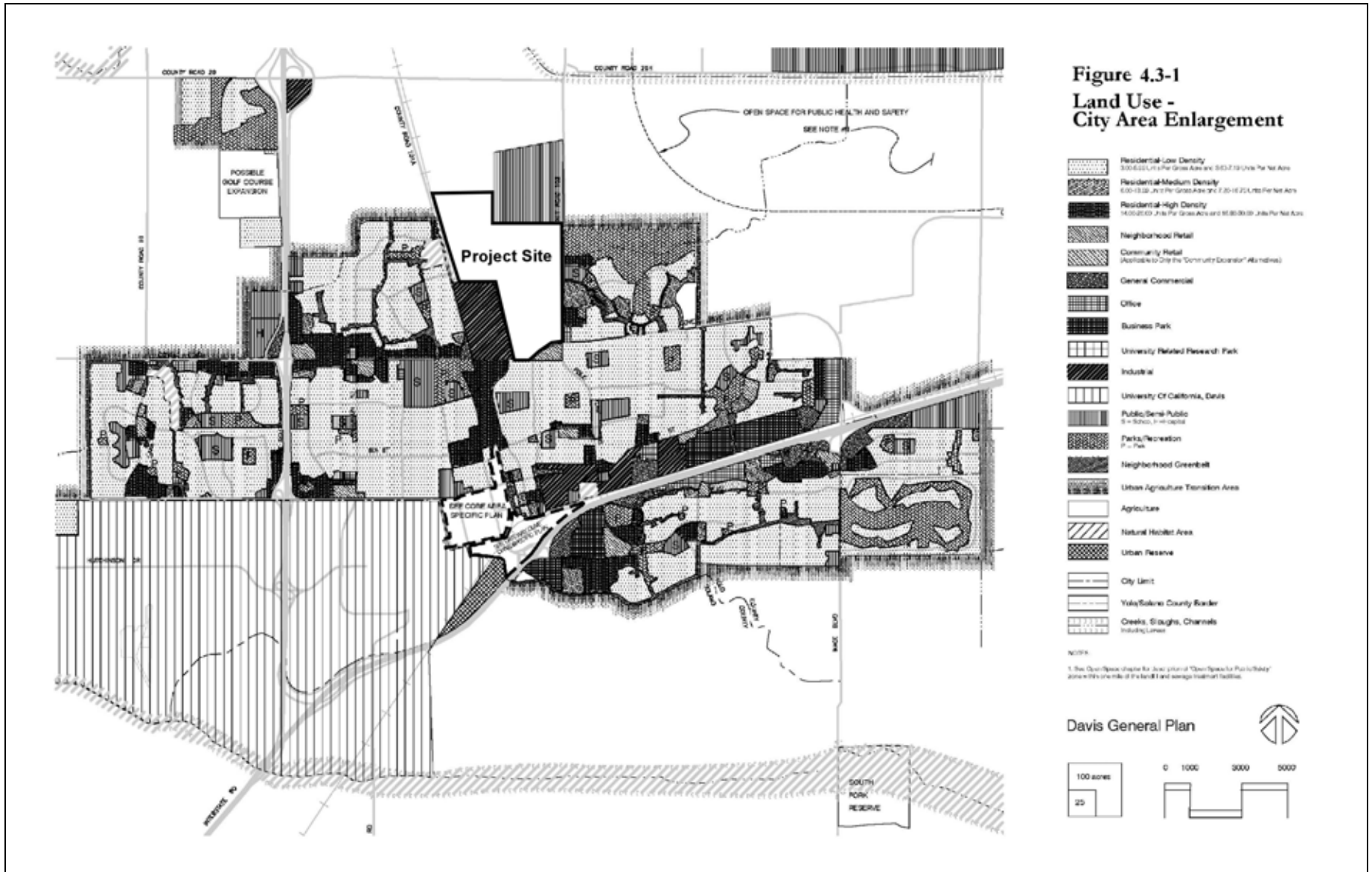
Neighborhood Retail: To provide for shopping opportunities to meet Davis residents' daily needs in areas conveniently located to each neighborhood. The city supports many smaller neighborhood commercial centers each at a focal point instead of fewer larger centers. Residential uses would be conditionally allowable. The proposed neighborhood retail area would be an expansion of the existing area for Oak Tree Plaza across Covell Boulevard.

Zoning Designations

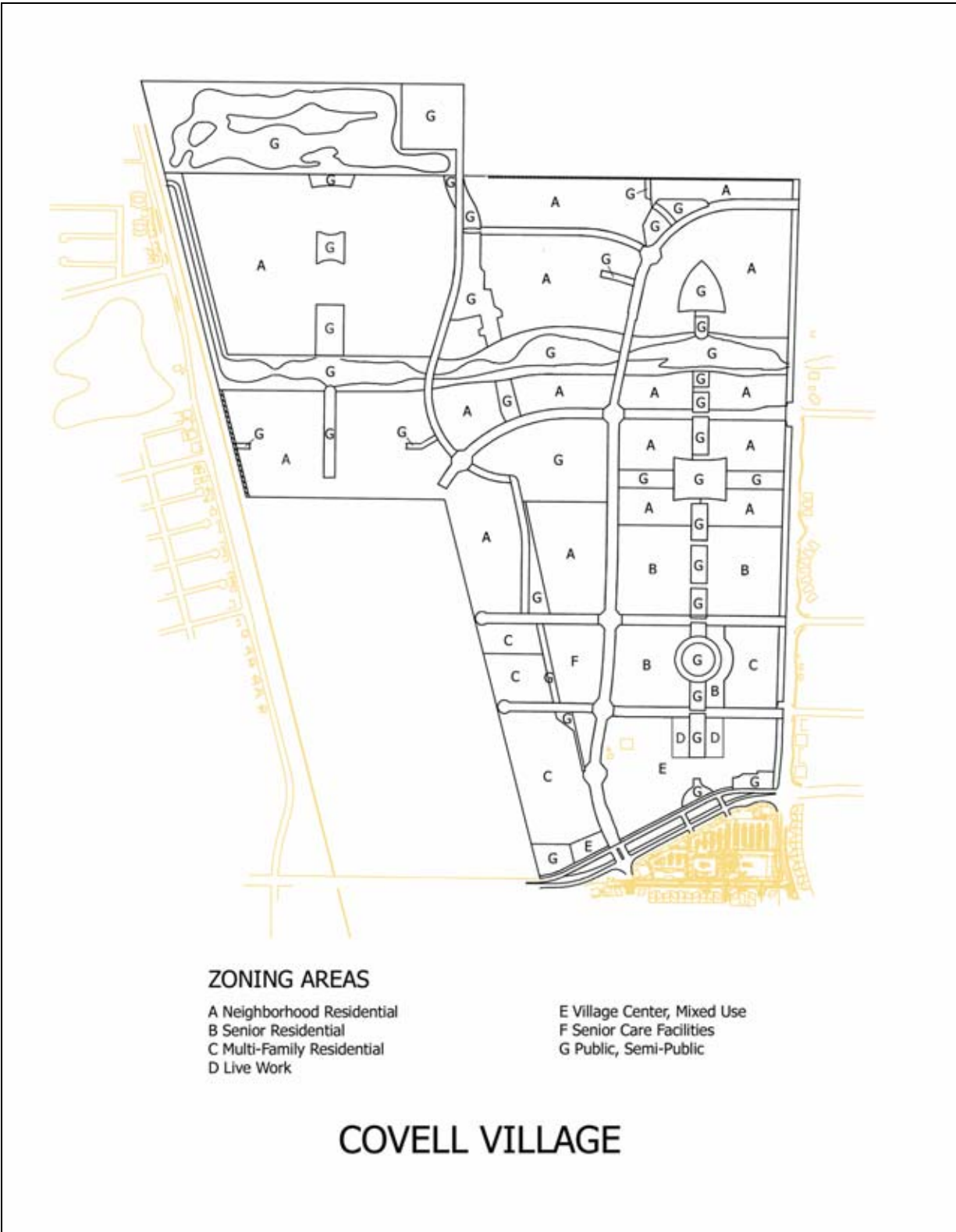
Because the Covell Village project site is currently part of the unincorporated lands of Yolo County, the project site does not currently have City of Davis zoning. However, Government Code Section 65859 states the following:

- (a) A city may, pursuant to this chapter, prezone unincorporated territory to determine the zoning that will apply to that territory upon annexation to the city. The zoning shall become effective at the same time that the annexation becomes effective.
- (b) Pursuant to Section 56375, those cities subject to that provision shall complete prezoning proceedings as required by law.
- (c) If a city has not prezoned territory which is annexed, it may adopt an interim ordinance pursuant to Section 65858.

The project includes a request to prezone the project site to Planned Development District (P-D). According to Chapter 40, Section 22 of the City of Davis Zoning Ordinance, the purpose of the Planned Development District is to allow diversification in the relationship of various buildings, structures and open spaces in order to be relieved from the rigid standards of conventional zoning. A Planned Development District shall comply with the regulations and provisions of the general plan and any applicable specific plan and shall provide adequate standards to promote the public health, safety and general welfare without unduly inhibiting the advantages of modern building techniques and planning for residential, commercial or industrial purposes. The project applicant has proposed the following zoning areas for the Covell Village project site as part of the P-D district (see Figure 4.3-2): Neighborhood Residential; Senior Residential; Multi-Family Residential; Live Work; Village Center, Mixed Use; Senior Care Facilities; and Public/Semi-Public.



**Figure 4.3-2
Proposed Rezoning**



Land Use Designations and Land Use Types Surrounding the Project Site

Land Use Designations

Although the project site is currently under the jurisdiction of Yolo County, the project site is bordered on the south, east, and partially on the west by the Davis City Limits.

The Davis General Plan designates the areas surrounding the project site with the following land use designations (see Figure 4.3-1).

North: Public/Semi-Public and Agriculture.

South: Neighborhood Retail (Oak Tree Plaza); Residential-Low Density; and Residential-High Density.

East: Parks/Recreation (Wildhorse Golf Course); Residential-High Density; Public/Semi-Public; Residential-Medium Density; and Office.

West: Industrial (ConAgra / Hunt Wesson); Residential-Low Density; Residential High Density; and Agriculture. It should be noted that the Agricultural designation for the northern area is adjacent to the habitat area.

Land Use Types

The following discussion has been prepared to detail the types of land uses currently surrounding the project site (see Figure 4.3-3).

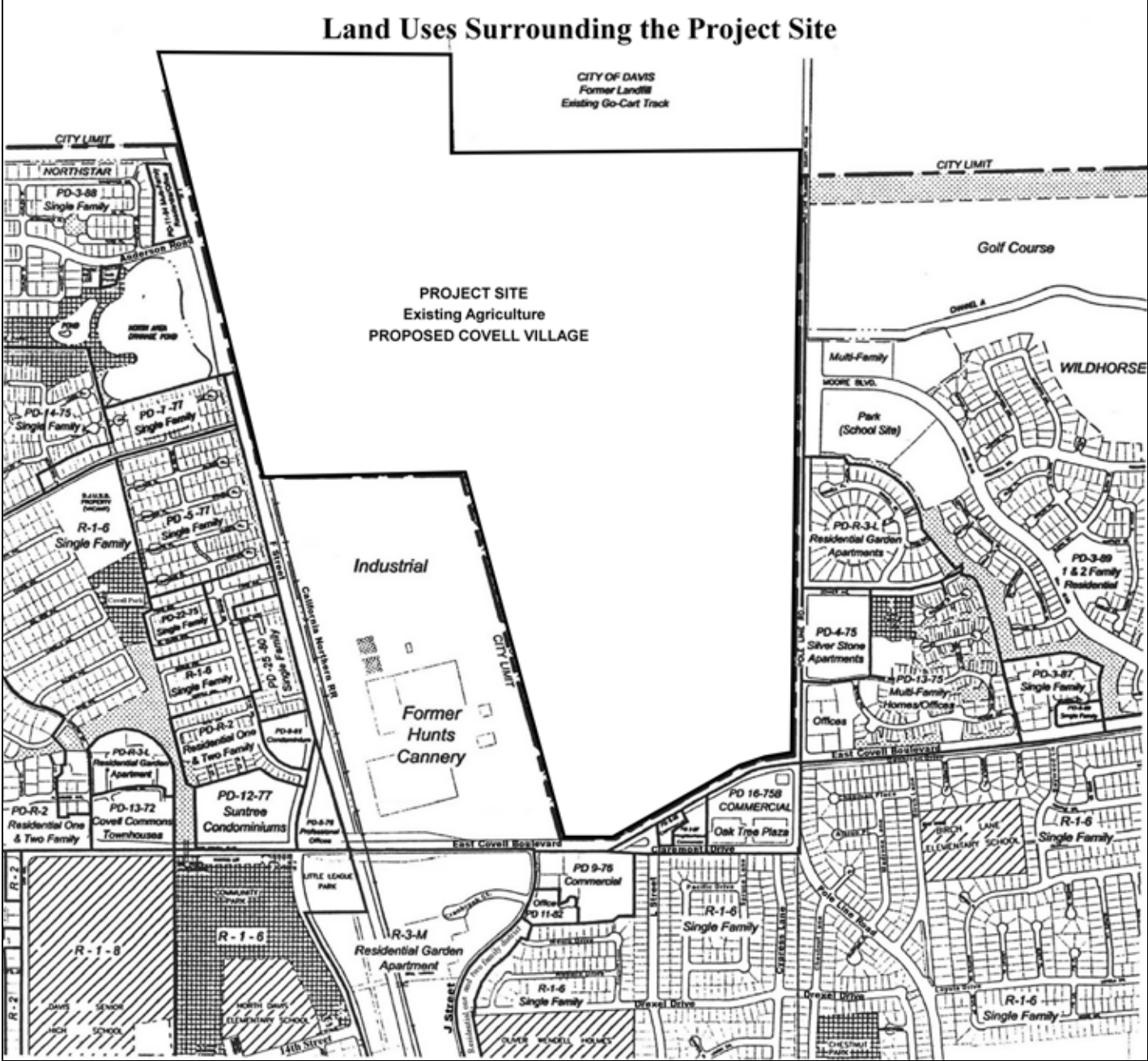
North: The project site is bordered to the north by agricultural land, the decommissioned City of Davis landfill, a firing range used by the Davis Police Department and located on the Davis Landfill, and a paved go-cart track.

South: The site is bordered to the south by Covell Boulevard. Land uses south of Covell Boulevard include the Oak Tree Plaza neighborhood shopping center, single family housing, and apartments.

East: Land uses to the east of the site include apartments, the Wildhorse Development, including a golf course and park. Agricultural land is located adjacent to the extreme northeastern corner of the project site, across Pole Line Road.

West: Uses to the west of the project site include the ConAgra property, California Northern Railroad tracks, the Northstar Development, which includes the Northstar ponds, and agriculture. It should be noted that the Agricultural uses for the northern area are adjacent to the habitat area.

Figure 4.3-3



ConAgra/Hunt Wesson Site

The Covell Village site abuts the east and north edges of the 100-acre parcel formerly used as a Hunt-Wesson tomato cannery. The site is currently zoned by the City of Davis as a planned development for a mix of industrial and business park uses. A pre-application has recently been submitted to the City of Davis Planning Department (July 2004). The pre-application indicates that the applicant is proposing community serving retail (approximately 25 acres), which will support the type of retail uses that cannot be accommodated in the downtown area; Office/ Research and Development/Business Park uses (approximately 15 acres) that could be developed for up to 200,000 square feet of office; parks, Recreation, and Open Space (approximately 15 acres); and residential units (approximately 45 acres) to be developed as a transit-friendly, higher density residential neighborhood. The City has not determined whether it will support the requested rezoning, or consider different or modified uses for the property.

REGULATORY CONTEXT

The following federal, state, and local regulations apply to land use issues associated with the Covell Village project.

California Integrated Waste Management Board

The closed City of Davis sanitary landfill is located north of the project site. The California Integrated Waste Management Board (CIWMB) is responsible for ensuring that such facilities are administered as mandated under State waste management guidelines. State waste management programs are primarily carried out through Local Enforcement Agencies (LEAs), which have the primary responsibility for ensuring the correct operation and closure of solid waste facilities in the State. LEAs also have responsibilities for guaranteeing the proper storage and transportation of solid wastes. Development of any type of land use for the Covell Village project within 1,000 feet of this closed landfill would require review and approval by the Yolo County LEA.

Title 27 CCR Chapter 3, Section 21190, (c) through (g)(7)

Title 27 of the California Code of Regulations, Section 21190 states in part that all proposed postclosure land uses, other than non-irrigated open space, on sites implementing closure or on closed sites shall be submitted to the Enforcement Agency (EA), RWQCB, local air district, and local land use agency. The EA shall review and approve proposed postclosure land uses if the project involves structures within 1,000 feet of the disposal area, structures on top of waste, modification of the low permeability layer, or irrigation over waste.

Yolo County Local Agency Formation Commission Standards of Evaluation

The Local Agency Formation Commission (LAFCO) is charged with the responsibility of preservation of agricultural land, orderly development, and the preservation of urban services. LAFCOs evaluate the loss of agricultural land to development, the effect the proposed development would have on adjacent agricultural lands, the orderly expansion of city boundaries, and the ability of a city to provide urban services to the property.

The Yolo County LAFCO has adopted Standards for Evaluation of Proposals which include policies stating that the location of boundary lines should promote the preservation of agricultural land and avoid operational problems. Standard 7E states that: "Boundaries that create islands, strips, or corridors are disfavored." Standard 4 states that: "In evaluating a proposal, the Commission shall consider not only the present service needs of the area under consideration, but shall also consider future services which may be required to take care of future growth or expansion."

Yolo County – Davis Building Moratorium

A moratorium was originally adopted by the Yolo County Board of Supervisors on July 1, 2003, and affected projects and project applications that were not accepted as complete by the County before June 24, 2003. The moratorium was imposed because the County's Davis Area General Plan has not been updated since 1976 and does not address recent changes in land use and environmental law that have occurred over the past 27 years. Therefore, the moratorium was aimed at allowing County staff to begin the process of updating the Davis Area General Plan to develop policies for addressing land use and environmental law changes.

The initial moratorium was for a 45-day period. The moratorium was extended by the Board on August 5, 2003, and was scheduled to end on June 16, 2004. The moratorium was extended a second time by the Board on June 1, 2004 and will expire on June 16, 2005. Under State law, the moratorium cannot be extended beyond the June 16, 2005, date.

The moratorium affects all new building, planning, encroachment, and other development permits within the Davis Planning Area, generally defined by County Road 27 to the north, the Yolo Bypass to the east, County Road 36 and Solano County to the south, and County Road 97D to the west. Properties annexed to the City are no longer subject to the moratorium.

City of Davis Municipal Code

Measure J

Section 40.41.020 Voter Approval.

The City of Davis Zoning Ordinance requires voter approval for changes to land use designations on the Land Use Map from Agricultural or Urban Reserve to Urban land use designations or from Agricultural to Urban Reserve land use designations. The Zoning

Ordinance has a section pertaining only to the Covell Center (now known as Covell Village) and Nishi Properties. This section of the Davis Zoning Ordinance is included below.

Section 40.41.020 (B)

B. Voter Approval of Development Proposals on Remaining Large Vacant Properties (Covell Center and Nishi properties) Designated for Urban Land Uses on Land Use Map, dated August 1, 1999.

(1) In recognition of the pace and extent of development that has occurred during the first half of the 1987 General Plan Planning period, careful consideration shall be given to future use of the remaining two large vacant properties currently designated for urban uses on the Land Use Map that are not subject to a Development Agreement or do not have a vested right to proceed with development of the property. Key considerations for requiring voter approval prior to development on these two properties are impacts on already overburdened public facilities and infrastructure, long-term preservation of adjoining agricultural lands, preservation of viewsheds and valuable habitat areas, and to ensure that the city maintains a compact and efficient urban form as mandated by General Plan policies. Accordingly, any land use decision that directly affects one or both of these properties, or any portions thereof, including any Legislative Action, Subdivision Map Application, Site Plan Review, or Planned Development Application, requires full public participation, including an affirmative vote of the people on any City Council action to approve such a request. Specific properties included under these provisions are:

- (a) The property known as Covell Center, or any portion of said property, bordered by Covell Boulevard on the south, the Hunt property and County Road 101A on the west, County Road 102/Pole Line Road on the east, and the southern edge of the city owned property and extending to F Street on the north as shown on the Land Use Map.
- (b) The Nishi property, or any portion thereof, the boundaries of which are established in the Gateway/Olive Drive Specific Plan dated January, 1996.

(2) Any application for a development proposal or land use change leading to urban development on all, or any portion of either of these properties shall require:

- (a) Establishment of baseline project features and requirements such as recreation facilities, public facilities, significant project design features, sequencing or phasing, or similar features and requirements as shown on project exhibits and plans submitted for

- voter approval, which cannot be eliminated, reduced or significantly modified without subsequent voter approval.
- (b) Approval by the City Council, after compliance with the California Environmental Quality Act, the State Planning and Zoning laws and any other applicable laws or regulations, and then
 - (c) Approval by an affirmative majority vote of the voters of the City of Davis voting on the proposal.

The land use entitlements for development on all, or any portion of either of these properties shall become effective only after approval by the City Council and the voters. The City shall not submit any application to voters if the application has not first been approved by the City Council, unless otherwise required by law.

- (3) Voter approval of an application applicable to one or both of the above properties shall be required for:
 - (a) Any land use entitlement or development proposal application request affecting the entire property; except a request that would change the land use designation to an agricultural land use designation.
 - (b) Any land use entitlement request for the development of a portion of the property.

Planned Development Requirements

The purpose of the Planned Development District is to allow diversification in the relationship of various buildings, structures, and open spaces in order to be relieved from the rigid standards of conventional zoning. The criteria upon which planned development districts shall be judged and approved will include the development of sound housing for persons of low, moderate and high income levels, residential developments which provide a mix of housing styles and costs, creative approaches in the development of land, more efficient and desirable use of open area, variety in the physical development pattern of the City and utilization of advances in technology which are innovative to land development. (Ord. No. 716 §1)

City of Davis General Plan

The following are applicable General Plan goals and policies related to land use and planning:

Residential Land Use

Policy LU.1 In infill projects, respect setback requirements, preserve existing greenbelts and greenstreets, and respect existing uses and privacy on adjacent parcels.

- Policy LU.2 A minimum of 50% of future residential lots (exclusive of any required affordable or multifamily lots) within a new residential development of 50 single-family lots or more shall be designated as “diverse architectural lots” (DAL). These lots shall be designated as part of the project zoning and on the tentative and final maps. Houses built on DAL lots may not be of the same stock plan nor have a floor plan and front elevation substantially similar to any other house within the same final map area. All residential lots not designated as DALs, including any required single-family affordable housing lots and lots within new developments of 50 units or less, shall comply with the City’s new site design standards, to be developed under Action UD 5.1e.
- Policy LU.3 Require a mix of housing types, densities, prices and rents, and designs in each new development area.
- Policy LU.4 Allow home occupations, home offices and live/work uses by right where appropriate provided that the home occupation is compatible with the surrounding neighborhoods and does not cause significant negative impacts on the surrounding neighborhoods.
- Policy LU.5 Require neighborhood greenbelts in all new residential development areas. Require that a minimum of 10 percent of newly-developing residential land be designated for use as open space primarily for neighborhood greenbelts.
- Policy LU.6 A maximum of three acres of commercial uses may be permitted within an area with residential designation on the map provided that it is compatible with the surrounding neighborhood and that it does not cause significant negative impacts.

Growth Management

- Goal LU 1. Maintain Davis as a small, University-oriented city surrounded by and containing farmland, greenbelt, and natural habitats and reserves.
- Policy LU 1.1 Recognize that the edge of the urbanized area of the city depicted on the land use map under this General Plan represents the maximum extent of urbanization through 2010, unless modified through the Measure J process.
- Policy LU 1.3 Establish and require a citizens’ vote process for any proposed amendment to the Land Use Map as amended through August 1, 1999 from an agricultural or urban reserve designation to an urban designation, or from an agriculture designation to an urban reserve designation; or from any development proposal on the Covell Center and Nishi properties¹; to ensure full public participation and consideration of issues related to such decisions, including impacts on policies calling for compact urban form, preservation of agricultural lands surrounding the City for long term agricultural use, and provisions of adequate housing supply to meet internal needs of the City. This policy and land use designation affected by this policy shall remain in effect in the General Plan or any update to

the General Plan until December 31, 2010 or as long as the Citizens' Right to vote on the Future of Agricultural and Open Space Lands Ordinance remains in effect.

This policy is intended to assure full participation in land use decisions by the citizens and voters of the city, including but not limited to public debate and a vote of the people, and to assure that the principles set forth in the General Plan relating to land use, affordable housing, open space, agricultural preservation and conservation and the like are fully implemented.

- (a) The property know as Covell Center, or any portion of said property, bordered by Covell Boulevard on the south, the Hunt Property and county Road 101A on the west, county Road 102/Pole Line Road on the east, and the southern edge of the City owned property (old closed landfill) and extending to F Street on the north.
- (b) The Nishi property, or any portion thereof, the boundaries of which are established in the Gateway/Olive Drive Specific Plan, dated January, 1996.

Policy LU 1.4 Establish a distinct permanent urban edge which shall be defined by an open space, hedgerows, tree rows, similar landscape features, passive recreation spaces, buffer containing transitional agricultural uses, or similar elements.

Policy LU 1.5 Aggressively work to prevent urban sprawl on the periphery of Davis and in the region utilizing a variety of legislative / legal methods and strategic land acquisitions.

Policy LU 1.6 For developments that are on the edge of the City, a minimum of a 150-foot wide urban agricultural transition area is required.

Policy LU 1.7 Plan for the timing and costs of infrastructure when developing new areas. The planning process shall include working with public transit providers and the Davis Joint Unified School District.

Policy Housing 4.4 The City will develop procedures and criteria to clarify the types of modifications or changes that are and are not subject to additional voter approval. The procedures and criteria will be consistent with the general parameters contained in Measure J. The procedures will establish an expeditious process for changing or establishing project components such that any project and/or land use entitlement implementing the Measure J approval does not have to undergo additional approval by the local electorate. Features of such projects not subject to additional voter approval will likely include, but are not limited to, building setbacks and height; building façade design including materials, colors, and roof pitch; on-site landscaping layout, and on-site parking and internal circulation designs.

Development Processing

Goal LU 3. Integrate land use, economic development, environmental, and transportation planning.

Policy LU 3.1 Create an efficient system of planning and zoning.

Commercial Land Use

Policy C.1 Encourage the redevelopment of existing neighborhood shopping centers to include second stories for retail, residential or office uses and/or intensification of first stories.

Policy C.2 All neighborhood shopping centers shall include neighborhood grocery stores/ supermarkets.

Policy C.3 Consider neighborhood grocery store/ supermarket supply and demand within the City as part of discretionary reviews of new neighborhood grocery stores/ supermarkets and expansions of such stores/ supermarkets, within the limits of development agreements.

Policy C.5 Avoid locating liquor outlets near schools, parks and other locations where youth congregate.

Policy C.7 Every neighborhood shopping center shall be a Planned Development.

IMPACTS AND MITIGATION MEASURES

Standards of Significance

For the purposes of this Draft EIR, impacts are considered significant if implementation of the proposed project would:

- allow development of land uses that would be incompatible with existing surrounding land uses;
- allow development of land uses that would be incompatible with planned surrounding land uses;
- allow development that would be inconsistent with other City plans, policies or ordinances; or
- allow development that would be inconsistent with the City's Zoning Ordinance.

Method of Analysis

The land use analysis is based on a qualitative comparison of existing and proposed uses on the site and the compatibility with existing and planned surrounding land uses as defined in the City and County General Plans and the Zoning Ordinances. In addition, the analysis evaluates the consistency of the project's proposed land uses with what is currently allowed for the project site under the General Plan and Zoning Ordinance.

Project Impacts and Mitigation Measures

4.3-1 Incompatibility of proposed hospice facility with adjacent habitat area.

Proposed Project

The determination of compatibility of land uses typically relies on a general discussion of the types of adjacent uses to a proposed project and whether any sensitive receptors exist on nearby properties. For example, incompatibilities may exist when uses such as residences, parks, churches, and schools are located adjacent to more disruptive uses such as heavy industrial, major transportation corridors, and regional commercial centers where noise and traffic levels may be high. The identification of incompatible uses occurs if one land use is anticipated to be disruptive of the existing or planned use of an adjacent property.

The project site currently consists primarily of agricultural land; however, one residence and associated outbuildings currently exist on-site. These uses are consistent with the *Agricultural* land use designation identified in the Davis General Plan for the project site.

Approval of the Proposed Project would result in the construction of residential, commercial, and recreational uses on the 422-acre project site. Therefore, as part of the requested entitlements for project approval, the project includes an amendment to the General Plan land use designation for the site. Land uses currently surrounding the project site on the west, east, and south include primarily residential uses. These existing residential uses would be consistent with the type and intensity of land uses proposed for the Covell Village project site. Land uses north of the site consist of agricultural operations. The northern portion of the Covell Village Project as indicated in the site plan (see Figure 3-3 of Chapter 3, "Project Description") includes residences, a habitat area, and a 30,000 square foot hospice facility (See Impact 4.2-2 of Section 4.2, *Agricultural Resources*, for a discussion of potential incompatibilities between the proposed hospice and agricultural operations).

The habitat area, which would be created as part of the Proposed Project, would be approximately 34.5 acres and located in the northwestern corner of the project site, adjacent to the proposed hospice facility. Similar to the nearby Northstar Pond, the pond/habitat area would include islands, watercourses, and plantings. The area would also include paths, observation points, and interpretive signs. Activities associated with the hospice would involve vehicle trips to and from the site as well as pedestrian locomotion. According to the project site plan, walking trails would be located along the southern reaches of the habitat area. These uses associated with the hospice could result in disturbances to wildlife utilizing the habitat area. However, the current project entitlements do not permit actual development of the hospice facility and therefore, future review of any tentative map, which includes the hospice facility would ensure that the hospice is designed so as to avoid any impacts to the habitat area. As a result, the placement of a

hospice facility adjacent to the proposed habitat area would result in *less-than-significant* incompatibility impacts.

High Density Alternative

The High Density Alternative generally involves the construction of the same types of land uses as the Proposed Project, such as residential, commercial, and recreational uses on the 422-acre project site. However, the Alternative involves the development of 1,990 residential units as compared to 1,515 units planned for the Proposed Project.

As with the Proposed Project, the High Density Alternative would include the construction of a 30,000-square foot hospice adjacent to the proposed habitat area. However, the current project entitlements do not permit actual development of the hospice facility and therefore, future review of any tentative map, which includes the hospice facility would ensure that the hospice is designed so as to avoid any impacts to the habitat area. As a result, the placement of a hospice facility adjacent to the proposed habitat area would result in *less-than-significant* incompatibility impacts.

Mitigation Measure(s)

None Required.

4.3-2 Conflicts between potential future buildout of the ConAgra / Hunt Wesson property and uses proposed for the project.

Proposed Project

The ConAgra property is located immediately west of the project site within the Davis city limits and is currently designated “Industrial” in the General Plan and zoned as a Planned Development for a mix of industrial and business park uses.

The proposed site design for the Covell Village Project identifies a fire station, live/work units, and multi-family housing adjacent to the ConAgra property. Buildout of the ConAgra property under current zoning could create nuisances for future residential uses proposed to be located to the west on the Covell Village site (e.g., noise, light and glare, and possibly odors) depending on the type of industry developed on the ConAgra property. The current zoning for the ConAgra property is Planned Development 1-00, which allows a range of industrial and business park uses. A discretionary *Final Planned Development* would need to be approved for any new construction or new uses on the site, requiring a public hearing before the Planning Commission. To allow the construction or use, the Planning Commission would need to find that the use is appropriate in area, location, and overall planning for the purpose intended.

Furthermore, a pre-application has been submitted to the City of Davis Planning Department (July 2004) to develop the ConAgra property. The pre-application indicates that the applicant is proposing community serving retail (approximately

25 acres), which will support the type of retail uses that cannot be accommodated in the downtown area; office/research and development/business park uses (approximately 15 acres) that could be developed for up to 200,000 square feet of office; parks, recreation, and open space (approximately 15 acres); and residential units (approximately 45 acres) to be developed as a transit-friendly, higher density residential neighborhood. If the City were to consider the proposal, the City would have the opportunity through the zoning, design review, and environmental process to work with the applicant to ensure maximum compatibility between the ConAgra property and the Covell Village property. Although, a determination cannot be made at this time as to the specific type of development, which would occur on the ConAgra property, because buildout of the ConAgra property would be consistent with the City's zoning ordinance and subject to the City's design review process, incompatibilities would not be expected to occur between the project site and the ConAgra property, resulting in a *less-than-significant* impact.

High Density Alternative

The High Density Alternative would involve the same type of uses adjacent to the ConAgra Property, as would the Proposed Project. However, because the Alternative involves a greater number units than the Proposed Project, the possibility exists that some of these additional units would be located adjacent to the ConAgra property. However, similar to the Proposed Project, because the Alternative would comply with the City's Zoning Ordinance and because buildout of the ConAgra property would be consistent with the City's zoning ordinance and subject to the City's review processes, incompatibilities would not be expected to occur between the High Density Alternative and the ConAgra property, resulting in a *less-than-significant* impact.

Mitigation Measure(s)

None Required.

4.3-3 Conflicts between uses proposed for the project.

Proposed Project

Residential uses and the commercial Village Center

The Covell Village Site Plan includes multi-family residences adjacent to and within the Village Center (See Chapter 3, Figure 3-3, Site Plan). The proposed Village Center includes the following uses: retail; offices; live/work residences; apartments; church; health club; meeting space; daycare; hotel; major restaurant; and a gas station with supermarket.

These uses could generate a substantial amount of traffic, dust, noise, and litter (Refer to Chapter 4.4, "Transportation and Circulation;" Chapter 4.5, "Air Quality;" and Chapter 4.6, "Noise," for further discussion). Residents living in the

eastern and southern portion of the multi-family housing site could be affected by Village Center.

However, this impact would not be considered adverse because the eastern and southern areas of the multi-family residential area would be buffered by landscaping, and in some portions bike paths (See Chapter 3, Figure 3-3, Site Plan). In addition, the Planning Commission would review the Final Planned Development applications for both the Village Center and the multifamily areas at a public hearing. The Planning Commission must make a finding that any residential development shall constitute a residential environment of sustained desirability and stability in harmony with the character of the surrounding neighborhood. Therefore, the placement of multi-family residential uses adjacent to the Village Center on-site would result in *less-than-significant* impacts regarding land use compatibility.

Commercial Uses and Residential Neighborhoods

The applicant and the Community Development Department have indicated a desire to possibly locate expanded home business uses at appropriate locations within the residential neighborhoods of the Covell Village project. This would be consistent with New Urbanist principles calling for mixed-use developments providing residents with convenient access to employment and daily shopping needs. Small home business uses are allowed in residential zoning districts and planned developments, subject to the Home Occupation provisions of the Zoning Ordinance. Home businesses must receive approval of a zoning permit from the Community Development Department before they can operate. The Planned Development for Covell Village may include a wider range of business uses that are allowable or conditionally allowable, subject to performance standards. In authorizing a conditional use permit, the Planning Commission or City Council may impose such requirements and conditions with respect to location, construction, maintenance and operation, as the Planning Commission or City Council may deem necessary for the protection of adjacent properties and the public interest.

Therefore, because the resident would have to receive a zoning permit or obtain a conditional use permit to have a home business use within the residential areas of the project, these uses would undergo review by the Community Development Department, the Planning Commission, and/or City Council, which would ensure that impacts to residential areas from these uses would be *less-than-significant*.

High Density Alternative

Residential uses and the commercial Village Center

Although the High Density Alternative involves the construction of an additional 475 units (net) compared to the Proposed Project, the Alternative generally

involves the construction of the same types of land uses as the Proposed Project. Therefore, potential incompatibility impacts between the Village Center and multi-family uses that would result from Proposed Project implementation would also result from implementation of the High Density Alternative. However, similar to the Proposed Project, this impact would not be considered adverse because the eastern and southern areas of the multi-family residential area would be buffered by landscaping, and in some portions bikepaths. In addition, the City Planning Commission staff will address these impacts when reviewing the Final Planned Development applications for the Village Center and multi-family sites. Therefore, the placement of multi-family residential uses within and adjacent to the Village Center on-site would result in *less-than-significant* impacts regarding land use compatibility.

Commercial Uses and Residential Neighborhoods

Similarly, the potential incompatibility impacts between small-scale commercial uses and residential neighborhoods resulting from Proposed Project implementation would also result from the implementation of the High Density Alternative. However, because business owners would have to obtain a zoning permit or conditional use permit to construct these uses within the residential areas of the Alternative, and comply with performance standards, the impacts from these uses to residential areas would be *less-than-significant*.

Mitigation Measure(s)

None Required.

4.3-4 Conflicts between the proposed project and California Integrated Waste Management Board regulations.

Proposed Project

The former City of Davis Landfill site is located north of the Covell Village project site. The landfill site covers approximately 31 acres and is also the site of the former City of Davis Wastewater Treatment Plant. Landfill operations began in 1969 and the site was used to dispose of residential, commercial, industrial, and demolition-type wastes. The landfill consists of five (5) inactive cells that were excavated 10 to 20 feet below grade. The cells were unlined and leachate collection systems were not installed. In 1975, disposal operations were transferred to the present day site of Yolo County Central Landfill. According to the California Integrated Waste Management Board (CIWMB), the Davis Sanitary Landfill is officially closed (www.ciwmb.ca.gov/SWIS/; September 2004).

However, a total of seven (7) groundwater monitoring wells have been installed (3 on the Covell Village site, 4 off the site) to evaluate the potential impacts to groundwater from the landfill. According to the City of Davis, the “Evaluation and Monitoring Plan,” which was approved by the Regional Water Quality

Control Board calls for monitoring twice a year. The City of Davis began semi-annual monitoring of the landfill facility in 1999. Results of bi-annual groundwater monitoring by the City of Davis have shown that groundwater has not been significantly impacted (See Impact Statement 4.10-6 of the Hazards Chapter for a more detailed discussion).

As mentioned above, Title 27 of the California Code of Regulations, Section 21190 states in part that all proposed postclosure land uses, other than non-irrigated open space, on sites implementing closure or on closed sites shall be submitted to the Enforcement Agency (EA), RWQCB, local air district, and local land use agency. According to Title 27, the EA shall review and approve proposed postclosure land uses if the project involves structures within 1,000 feet of the disposal area, structures on top of waste, modification of the low permeability layer, or irrigation over waste. Furthermore, under 21190 (d), the regulations state that the owner shall demonstrate to the satisfaction of the EA that the activities will not pose a threat to public health and safety and the environment. Section 21190 (g) of the regulations further state that all on-site construction within 1,000 feet of the boundary of any disposal area shall be designed and constructed in accordance with the recommendations in 21190 (g), including but not limited to, the installation of a geomembrane or equivalent system with low permeability to landfill gas between the concrete floor slab of the building and subgrade.

The proposed project includes residential land uses in the northwestern portion of the project site, adjacent to the old Davis Landfill. Mr. Bob Weir, Public Works Director, City of Davis, has indicated that the project's northern boundary is approximately 100 feet from the Davis Landfill disposal area. Therefore, because the residential uses planned for the northern portion of the project site are not located 1,000 feet from the landfill disposal area, the project is inconsistent with Section 21190 of Title 27, CCR, resulting in a *significant* impact.

High Density Alternative

Similar to the Proposed Project, the High Density Alternative would result in the construction of residences within 1,000 feet of the decommissioned City of Davis landfill. Therefore, the High Density Alternative would be subject to review by the Yolo County LEA and be designed and constructed in accordance with the recommendations in 21190 (g), including but not limited to, the installation of a geomembrane or equivalent system with low permeability to landfill gas between the concrete floor slab of the building and subgrade. As a result, the High Density Alternative would have a *significant* impact regarding incompatibilities with the Davis Landfill.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce potential impacts to a *less-than-significant* level.

The following measure is identified for the Proposed Project and the High Density Alternative.

4.3-4 *The applicant shall submit the project site plan to the Yolo County Local Enforcement Agency (LEA) for review. Any recommendations consistent with Section 21190 of CCR Title 27 made by the LEA regarding the project site plan, including but not limited to the installation of a geomembrane or equivalent system, shall be incorporated into the final site plan design for the review and approval of the Davis Community Development Director.*

4.3-5 Conflicts between the proposed project and the firing range and bomb training operations located north of the site.

Proposed Project

The former City of Davis Landfill, located immediately north of the project site, is used as a firing range by the Davis Police Department and other local police departments. Davis Public Works Director Bob Weir stated that the firing range is currently only used once a year.⁸ Furthermore, Captain Steve Pierce of the Davis Police Department stated the direction of firing is to the north, which would eliminate any potential safety conflicts with the residences proposed to the south.⁹

Other operations carried out on the Davis Landfill property by the Davis Police Department include bomb disposal (detonation) and bomb training operations. The disposal area is fenced off and directly north of parking go-cart parking lot. Furthermore, the majority of bomb operations occur within the bomb pit, which is comprised of a reinforced sand-filled pit housing a chamber where the bomb is placed and subsequently detonated. Mr. Weir has indicated that the Police Department will continue to use the site for the above police affiliated operations. However, the City is actively looking to relocate the operations to a new site and a capital project is within the City's budget to fund the relocation. The new site would likely be a joint facility and would be developed as a regional training center serving the following functions: firing range, bomb operations, and fire training.

The portion of the landfill site where the bomb training operations currently occur is located north of the proposed residences for the Covell Village project. Therefore, these residences would be exposed to noise levels associated with bomb detonation. However, due to the intermittent nature of the bomb operations, exposure of residents to noise associated with bomb operations would be temporary. Therefore, a *less-than-significant* impact would occur to project residents.

High Density Alternative

Similar to the Proposed Project, the High Density Alternative would result in the placement of residences south of the Davis Landfill where operations associated

with the firing range and bomb detonation are intermittently conducted. Therefore, these residences would be exposed to noise levels associated with bomb detonation. However, due the intermittent nature and short-duration of these operations, incompatibility impacts would not be expected to be adverse. Therefore, a *less-than-significant* impact would occur to project residents.

Mitigation Measure(s)

Although the above impact was identified as less-than-significant, implementation of the following mitigation measures would further reduce impacts.

The following measure is identified for the Proposed Project and the High Density Alternative.

4.3-5 *The Applicant(s) shall notify prospective buyers in writing, prior to purchase, about existing and on-going bomb and firing range operations in the immediate area in the form of a disclosure statement. The notifications shall disclose that the City of Davis Police Department intermittently carries out bomb operations north of the project site, which may create noise. The language and format of such notification shall be reviewed and approved by the Community Development Department prior to recording final maps. Each disclosure statement shall be acknowledged with the signature of each prospective property owner.*

4.3-6 Inconsistency with the City of Davis General Plan.

Proposed Project

The project site currently consists primarily of agricultural land; however, one residence and associated outbuildings currently exist on-site. This is consistent with the Davis General Plan land use designation for the project site. According to the Davis General Plan (2001), Figure 11b, the project site is currently designated as Agriculture (AG). Because the Davis General Plan has designated the project site as Agricultural, the City has anticipated that the site would not be annexed and the condition of the site would remain agricultural. It should be noted that the Yolo County land use designation for the project site is Industrial and therefore the current land uses on the site are not consistent with the County's intention for the project site.

The proposed project involves the development of single family, multi-family, recreation, and commercial uses on the project site. In addition, a school site and fire station site are being dedicated by the project applicant to the City. These land uses are not permitted within the City's Agriculture land use designation. Therefore, the project involves a request for a General Plan Amendment to re-designate the site from Agriculture to the following designations (see Figure 4.3-4):

- Residential-Low Density
- Residential-Medium Density
- Residential-High Density
- Public/Semi-Public
- Parks/Recreation
- Neighborhood Greenbelt
- Natural Habitat Area
- Creeks, Sloughs, Channels
- Neighborhood Retail

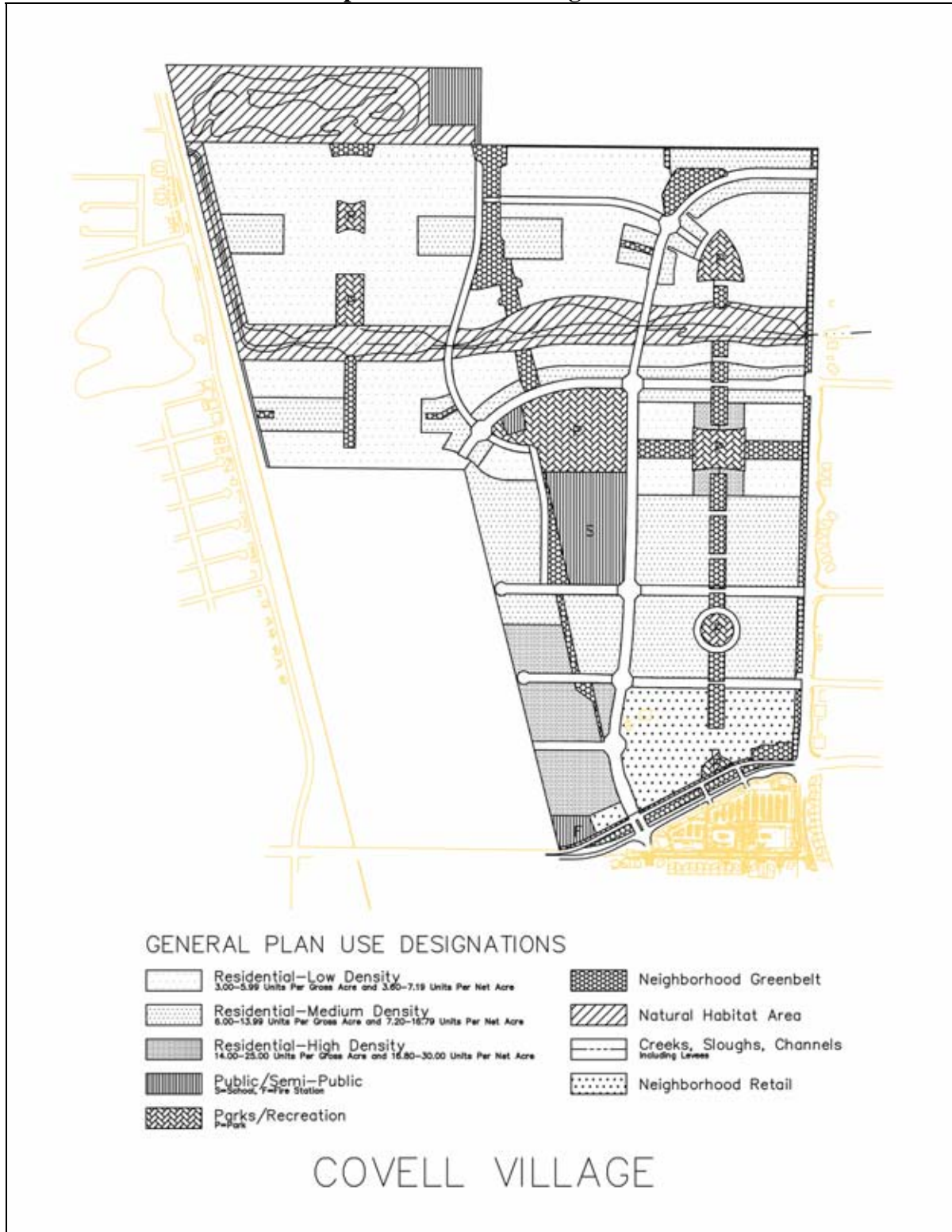
However, according to the City of Davis Municipal Code *Section 40.41.020 (B)* and *Policy LU 1.3* of the General Plan, land use entitlements proposed for development on all, or any portion of the Covell Village site shall become effective only after approval by the City Council and the voters. The project is consistent with the above General Plan policy and Municipal Code section because the project would be subject to both City Council and voter approval. While the Proposed Project would not be consistent with the existing Davis Agriculture designation, the project would be consistent with the intent of the Sphere of Influence. In addition, the physical environmental impacts associated with the potential development of the project site are addressed in Chapters 4.1 through 4.13 and in the cumulative discussions in Chapter 6.

The project is also consistent with *Policy LU .3* of the General Plan because the project would include a mix of housing types, densities, prices and rents, and designs, including but not limited to, multi-family units (i.e., co-housing and six plex cluster homes), various types of single family homes, and senior units.

The project is also consistent with multiple Parks and Open Space goals and policies, including but not limited to, *Policy POS 3.1*, which states that the creation of neighborhood greenbelts by project developers should be required in all residential projects, in accordance with Policy LU .5.

It should also be noted that Action “i” of Goal LU 1., Policy LU 1.1 requires the City to consider possible adjustments to the General Plan to address the new Long Range Development Plan (LRDP) revision upon determination that a reasonable share of student and faculty growth will occur on the University of California, Davis campus. The Covell Village project is consistent with the approach discussed in Action “i” as it requires the City to consider adjusting its General Plan in order to provide housing as well as other community services.

**Figure 4.3-4
 Proposed Land Use Designations**



Unless the General Plan land use map is amended, the project would be inconsistent with *Policy AG 1.1*, which states that agricultural land should be protected from urban development except where the general plan land use map has designated the land for urban uses. The project would be inconsistent with Action “e” of the General Plan (under Goal LU1, Policy LU 1), which is to create a growth management system aimed at maintaining a City population that is below 64,000 people in 2010 (See Section 4.13, *Population, Housing, and Employment*, Impact 4.13-2, for a more detailed discussion of this impact).

Overall, in terms of the goals and policies in the Davis General Plan, the project is generally consistent. However, the final authority for determination of General Plan consistency rests with the Davis City Council and the voters through the annexation of the site, and by the determination of land uses and zoning. Should the City Council determine that the project is consistent with the General Plan and the voters approve the Covell Village project through the Measure J process, a *less-than-significant* impact would result.

High Density Alternative

The High Density Alternative involves the same General Plan Amendment requests as the Proposed Project and will also be subject to City Council and voter approval; thereby, ensuring consistency with General Plan *Policy LU 1.3*. Furthermore, because the High Density Alternative generally involves the same types of land uses as the Proposed Project, the Alternative would be generally consistent with the goals and policies in the Davis General Plan. However, the final authority for determination of General Plan consistency rests with the Davis City Council and the voters through the annexation of the site, and by the determination of land uses and zoning. Should the City Council determine that the Alternative is consistent with the General Plan and the voters approve the Alternative through the Measure J process, a *less-than-significant* impact would result.

Mitigation Measure(s)

None Required.

4.3-7 Consistency with the Davis Planned Development district process.

Proposed Project

Section 40.22.060 of the Davis Zoning Ordinance, *Contents and approval of preliminary application*, states in part that an application for a Planned Development (P-D) district must include a preliminary development plan (herein referred to as “preliminary application”). This section also states the contents, which must be included in the preliminary application. The applicant for the Covell Village project has submitted a preliminary application to the Community Development Department and staff has determined that the application is generally consistent with the requirements of the Zoning Ordinance regarding P-D districts. The process for establishing a P-D district is ongoing and the applicant will be required to submit a final application for review and

approval of City Council through a public hearing process. The final application must comply with the requirements of the Davis Zoning Ordinance under Chapter 44.20. Compliance with the Zoning Ordinance would ensure that the project continues to remain consistent with the City's P-D process, resulting in a *less-than-significant* impact.

High Density Alternative

The High Density Alternative would also involve a request to establish a P-D district on the project site. The applicant would therefore be required to implement the same steps that they have taken thus far for the Proposed Project, beginning with the submittal of a preliminary application to the City Community Development Department. After the preliminary application is submitted to the Community Development Department, the applicant will eventually be required to submit a final application, which must comply with the requirements of the Davis Zoning Ordinance (Chapter 44.20). Compliance with the Zoning Ordinance would ensure that the process to establish a P-D district for the High Density Alternative would result in *less-than-significant* impacts to the City's P-D process.

Mitigation Measure(s)

None Required.

Endnotes

¹ City of Davis, *City of Davis General Plan*, May 2001.

² City of Davis, *Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School*, January 2000.

³ City of Davis, *Draft Environmental Impact Report for the Covell Center Project*, March 1997.

⁴ City of Davis, *City of Davis Zoning Ordinance*, 2001.

⁵ Yolo County Community Development Agency, *Yolo County General Plan*, 1983.

⁶ *Yolo County Zoning Ordinance*

⁸ Personal communication with Mr. Bob Weir, Davis Public Works Director, October 14, 2004.

⁹ Personal communication with Captain Steve Pierce, October 22, 2004.