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# Chapter 13

## Land Use and Planning

3 This chapter describes existing land uses, regulatory setting, and impacts on land use and  
4 planning that would result from the development of each DRS alternative described in  
5 Chapter 3, *Description of Alternatives*.

6 **13.1 Environmental Setting**

7 **13.1.1 Rio Vista Army Reserve Center Site**

8 The RVARC site (Assessor’s Parcel Number 049-320-060) is located on Beach Drive in the  
9 southern part of Rio Vista. The 28.16-acre site is situated on the west bank of the  
10 Sacramento River (also Sacramento DWSC), which extends for approximately 1,600 feet as  
11 the southeastern site boundary. The site extends 2,052 feet along Beach Drive as the  
12 northwestern site boundary, and is approximately 680 feet wide. The site is composed of  
13 two terraces separated by a slight bluff that runs northeast=southwest through the center  
14 of the site; vacant buildings and other facilities remaining from the previous military use are  
15 mostly clustered on the lower terrace along the central waterfront portion of the property.

16 The site was formerly the Rio Vista Army Reserve Center, which was used for maintenance,  
17 repair, and storage of shallow-draft river and harbor craft from 1913 until its deactivation  
18 in 1989. The RVARC site has not been used for more than 20 years. Currently, 14 vacant  
19 buildings (56,415 square feet total) and 10 other facilities formerly used to support military  
20 purposes remain on the site. These other facilities include a well and elevated water storage  
21 tank; water, sewer, and storm drainage pump stations; a marine railway by which boats  
22 were drawn out of the water for repair; four docks; and 14 moorings in the river. The  
23 existing buildings are dilapidated and deteriorating, and are therefore considered unsafe or  
24 unhealthy for persons to live or work in or around (City of Rio Vista 2011). The entire site is  
25 fenced, and the entry gate is located at the northwest corner of the site on Beach Drive. The  
26 City of Rio Vista took ownership of the site in 2003 and annexed it in 2006.

27 Land uses directly adjacent to the site are a private marina on the Sacramento River to the  
28 northeast, a U.S. Coast Guard station along the river to the southwest, agricultural land  
29 across Beach Drive to the northwest, and agricultural land across the Sacramento River to  
30 the southeast. Several single-family residences are located across Beach Drive near the  
31 northwest and southwest corners of the site. A paved path runs parallel to the southeastern  
32 side of Beach Drive along the northwestern boundary of the RVARC site. As shown in  
33 Figures 3-1 and 3-2 in Chapter 3, *Description of Alternatives*, a PG&E natural gas pipeline  
34 easement traverses the northern portion of the site. The City of Rio Vista’s Beach Drive  
35 Wastewater Treatment Plant is located southwest of the U.S. Coast Guard station along the

1 Sacramento River. Farther down the river, Sandy Beach County Park and Campground is  
2 accessed from Beach Drive.

### 3 **13.1.2 Ryde Avenue Site in Stockton**

4 The Ryde Avenue site (Assessor's Parcel Numbers 133-060-006, 133-050-011, 133-090-  
5 007, 133-100-005, and 133-200-009) comprises five parcels totaling 35.11 acres and  
6 located at 845 Ryde Avenue in Stockton. The site is privately owned and is currently vacant.  
7 Surrounding land uses are the U.S. Navy Reserve Training Center to the west, industrial uses  
8 to the east, mobile homes and single-family residential development to the north, and the  
9 Stockton DWSC (which adjoins the San Joaquin River) to the south, with the Port of Stockton  
10 located across the channel to the south. The Louis Park Softball Complex is located  
11 approximately 0.25 mile northwest of the Ryde Avenue site.

## 12 **13.2 Regulatory Setting**

13 No federal laws or regulations related to land use are applicable to the Proposed Project.  
14 The following discussion describes state and local laws, regulations, and policies pertinent  
15 to the Proposed Project.

### 16 **13.2.1 State Laws, Regulations, and Policies**

#### 17 ***California State Lands Commission Public Trust Doctrine***

18 The California State Lands Commission has jurisdiction and management authority over all  
19 ungranted submerged lands owned by the State of California; the beds of navigable rivers,  
20 streams, lakes, bays, estuaries, inlets, and straits; and submerged lands for which grants  
21 have been or may be made (Pub. Res. Code Section 6301). A lease from the State Lands  
22 Commission is required for any portion of a project extending onto lands under the  
23 commission's exclusive jurisdiction. Use of state lands and lands underlying the state's  
24 easements are limited to waterborne commerce, navigation, fisheries, open space,  
25 recreation, or other recognized Public Trust purposes. At the RVARC and Ryde Avenue sites,  
26 the lands below the ordinary high-water marks of the Sacramento River and San Joaquin  
27 River, respectively, may be subject to State Lands Commission jurisdiction (State Lands  
28 Commission 2010).

29 In granting leases, the State Lands Commission considers and invokes the Public Trust  
30 Doctrine. Under the Public Trust Doctrine, title to lands under navigable waters up to the  
31 high-water mark is held by the state in trust for the people (State Lands Commission n.d.).  
32 The federal Submerged Lands Act grants states sovereignty over their tidal and submerged  
33 lands, and the U.S. Supreme Court established the states' duty to protect (in perpetuity) the  
34 public's interest in these areas. The California Supreme Court (*Marks v. Whitney* 1971, 6  
35 Cal.3d 251; *National Audubon Society v. Superior Court* 1983, 33 Cal.3d 419; *People v.*  
36 *California Fish Co.* 1913, 166 Cal. 576) has interpreted the range of public interest values in  
37 these waterways to include general recreation activities, such as swimming and boating,

1 and preservation of lands in their natural state as open space, as wildlife habitat, and for  
2 scientific study (Frank 1983).

### 3 ***Delta Protection Commission Land Use and*** 4 ***Resource Management Plan***

5 The 1992 Delta Protection Act recognized the Sacramento–San Joaquin River Delta to be of  
6 international significance. The act mandated designation of primary and secondary zones  
7 within the “legal Delta” as defined in California Water Code Section 12220, creation of a  
8 Delta Protection Commission, and completion of a Land Use and Resource Management  
9 Plan (Management Plan). The mission of the Delta Protection Commission is to protect and  
10 restore the overall quality of the Delta environment, including agriculture, wildlife habitat,  
11 and recreational activities, and to ensure orderly, balanced conservation and development  
12 and improved flood protection.

13 According to the Delta Protection Commission’s Primary and Secondary Zone map, the  
14 boundary of the legal Delta and the Primary Zone run along the shore of the Sacramento  
15 River adjacent to the RVARC site. The existing wharves, moorings, and boat ramp are  
16 located within the Primary Zone but the remaining landward portion of the RVARC site  
17 (affected by Alternatives 2 and 3) falls outside of the legal Delta (City of Rio Vista 2011). The  
18 Secondary Zone is outside the Primary Zone and, although it is within the “legal Delta,” it is  
19 not within the planning area of the Delta Protection Commission. The Ryde Avenue site  
20 (Alternative 4) is within the Secondary Zone. The Delta Protection Commission may  
21 comment on projects in the Primary Zone and on projects in the Secondary Zone that have  
22 the potential to affect the Primary Zone (Delta Protection Commission 2014).

23 A Management Plan for the Primary Zone was prepared and adopted by the Delta  
24 Protection Commission in 1995 and revised in 2002 and 2010. The Management Plan sets  
25 out findings, policies, and recommendations on the topics of environment, utilities and  
26 infrastructure, land use, agriculture, water recreation and access, levees, and marine  
27 patrol/boater education/safety programs. Refer to other chapters in this EIR/EIS for  
28 discussions of Management Plan goals and policies related to the Proposed Project (e.g.,  
29 Chapter 7, *Biological Resources – Terrestrial*; Chapter 12, *Hydrology and Water Quality*;  
30 Chapter 16, *Public Services, Utilities, and Energy*; and Chapter 17, *Recreation*).

## 31 **13.2.2 Local Laws, Regulations, and Policies**

### 32 ***Rio Vista Army Base Reuse Plan***

33 The Rio Vista Army Base Reuse Plan (Reuse Plan), prepared in 1998 and supplemented in  
34 2001, established a vision for the reuse of the RVARC site, consistent with the conditions of  
35 the transfer of the former base from the Army to the City of Rio Vista (Economic & Planning  
36 Systems 1998). The main purpose of the Reuse Plan was to establish a range of future uses  
37 of the site upon which the Army could identify and carry out an appropriate level of  
38 hazardous materials remediation sufficient to protect those uses. The Reuse Plan served as  
39 a basis for the subsequently adopted General Plan designation and policies that pertain to  
40 the site.

1 The Reuse Plan proposed a public-private redevelopment project on the RVARC site that  
2 includes recreation uses available to the general public and visitor-serving uses oriented  
3 toward the river and the Delta. The Reuse Plan's preferred concept plan included the  
4 following uses:

- 5       ▪ 21,000-square-foot multi-purpose community center with indoor hardwood courts,  
6       classrooms, and meeting rooms;
- 7       ▪ Outdoor active recreation areas with three soccer fields or four ball fields, outdoor  
8       basketball courts, and four tennis courts;
- 9       ▪ 2-acre Children's Delta Discovery Park with interactive activities and exhibits that  
10      teach children about the river and Delta environment;
- 11      ▪ Riverfront promenade incorporating the existing wharf and a small public  
12      marina/cove with a few temporary berths for visitors;
- 13      ▪ 50-room lodge/country inn retreat/conference center with meeting rooms for 100  
14      persons, a small café/coffee shop, and a small retail shop, organized along the  
15      waterfront and around the marina/cove;
- 16      ▪ 9,000-square-foot free-standing restaurant with some retail uses;
- 17      ▪ Camping area and recreational vehicle park;
- 18      ▪ Picnic area;
- 19      ▪ 380 off-street parking spaces; and
- 20      ▪ New street and water, sewer, and storm drainage infrastructure.

21 The Reuse Plan determined that, based on the cost of rehabilitation and their limited  
22 suitability for future uses, none of the buildings on the RVARC site should be retained or  
23 renovated. When the plan was prepared in 1998, no user of a marine research facility was  
24 identified as having the need or resources for a facility in Rio Vista. Additionally, dry-dock  
25 boat storage was deemed incompatible with the envisioned recreation uses.

26 The 2001 Supplemental Economic Analysis reevaluated the financial feasibility of a marine  
27 research facility, and compared the research facility to the lodge-retail-restaurant use  
28 recommended by the 1998 Reuse Plan in terms of jobs, city revenue, and economic  
29 multiplier effects. The 2001 supplemental analysis concluded that a research facility was a  
30 realistic project actively being planned by a consortium of state and federal agencies, was  
31 financially feasible, and would have substantially greater economic benefits than a lodge,  
32 which was determined to be infeasible at the time (City of Rio Vista 2011).

33 The Reuse Plan informed development of the Rio Vista Army Reserve Center  
34 Redevelopment Plan and EIR as well as the Army Base District Design Guidelines. Reuse  
35 Plan goals relevant to reuse of the RVARC site include the following:

- 36       **Goal #1:**     Develop new, significant Citywide-serving recreation uses and amenities at the  
37                     Army Base, consistent with the conveyance regulations for the Army Base.



1                   **Policy 4.1.A** Growth shall provide a strong diversified economic base and a  
2                   reasonable balance between employment and housing for all income ranges.

3                   **Policy 4.1.D** The City shall accommodate projected population and  
4                   employment growth in areas where the appropriate level of public  
5                   infrastructure and services are planned or will be made available concurrent  
6                   with development.

7                   **Policy 4.1.E** The City shall ensure a comprehensive, logical growth process as  
8                   areas develop, particularly where significant changes in land use are being  
9                   considered.

10                  Relevant goals and policies from the General Plan's Community Character and Design  
11                  Element include the following:

12                  **Goal 5.1**        To respect the character of the existing landform and the natural drainage  
13                  patterns.

14                  **Policy 5.1.B** The City shall ensure that natural creek beds and watercourses  
15                  remain undisturbed for a minimum distance of 20 feet from the top of the  
16                  bank.

17                  **Goal 5.2**        To weave the natural features of Rio Vista into the urban fabric for public use.

18                  **Policy 5.2.A** The City shall integrate natural gas well sites and transmission  
19                  line easements into the public parks and open space system.

20                  **Policy 5.4.A** The City shall require development projects to incorporate  
21                  native habitat.

22                  **Policy 5.7.D** The City shall require developers to create core commercial  
23                  landmarks with the use of building features at key locations and the creation  
24                  of central plazas and open space courtyards, which would provide an internal  
25                  focus for any commercial or mixed-use project.

26                  **Policy 5.15.A**    The City shall ensure that all nonresidential buildings front  
27                  on adjacent streets and create a pedestrian orientation wherever possible.

28                  **Policy 5.15.E**    Where nonresidential buildings are sited close to a  
29                  residential area, the City shall ensure that their scale and character  
30                  complement the adjacent neighborhood.

31                  **Goal 5.21**    To ensure that reconstruction and new additions enhance rather than detract  
32                  from the surrounding neighborhood.

33                  **Policy 7.1.A** The City shall make every effort to attract new job-producing  
34                  businesses that will maximize economic benefits to existing residents and  
35                  businesses, and attract other businesses to Rio Vista.

1                   **Policy 7.1.C** The City shall investigate and use all feasible means of providing  
2                   economic and other incentives to new businesses and business  
3                   retention/expansions.

#### 4                   ***Rio Vista Zoning Ordinance***

5                   The zoning designation of the RVARC site is Army Base District. This district is intended to  
6                   provide guidance for the development of the site and is intended to be a mix of public  
7                   recreation, limited commercial activities that support recreational uses, and Delta research  
8                   facilities. Permitted uses allowed in the Army Base District include a children’s play area;  
9                   fishing facilities and public river access to launch kayaks, canoes, and other small craft;  
10                  interpretive center or multi-purpose community center; multi-use trail; picnic and seating  
11                  areas; open space; riverfront promenade; water tower; and piers and wharves. Conditional  
12                  uses allowed in the Army Base District include estuarine research station (including  
13                  laboratories and offices); Delta science facilities, including conference center and education  
14                  classrooms; Fish Technology Center (including fish refuge, research, and endangered fish  
15                  propagation), dry-dock boat storage, in-water boat slips, docks, and boat ramp to support  
16                  research uses; and vehicle and boat storage to support the listed conditional uses (City of  
17                  Rio Vista 2014). Before development of these uses, a conditional use permit must be  
18                  obtained from the City of Rio Vista’s zoning administrator or planning commission.

#### 19                  ***Army Base District Design Guidelines***

20                  The City of Rio Vista’s Army Base District Design Guidelines were developed to establish a  
21                  planning and design framework that would lead to redevelopment of the RVARC in the best  
22                  interests of the City of Rio Vista (MIG 2011). The Army Base District Design Guidelines are  
23                  intended to provide guidance for development of recreational and recreation-supporting  
24                  uses, consistent with the Army’s condition of transfer of the property; to promote  
25                  environmentally sustainable economic recovery from the base closure; and to preserve and  
26                  take full advantage of the site’s unique character and “sense of place” created by the  
27                  adjacent Sacramento River and the riverfront complex of buildings, wharves, and mature  
28                  trees (MIG 2011). This document contains both mandatory standards and non-mandatory  
29                  guidelines, which indicate a preferred approach or outcome. The Standards and Guidelines  
30                  are meant to supplement design criteria from the General Plan Community Character and  
31                  Design Element, and are consistent with the mitigation measures contained in the  
32                  Redevelopment Plan EIR (City of Rio Vista 2011).

#### 33                  ***City of Stockton 2035 General Plan***

##### 34                  GENERAL PLAN LAND USE DESIGNATION

35                  The Ryde Avenue site is designated as Commercial in the City of Stockton 2030 General  
36                  Plan. This designation allows for retail, service, and commercial recreational uses; business,  
37                  medical, and professional offices; residential uses; public and quasi-public uses; and other  
38                  similar and compatible uses. The maximum FAR is 0.3. Outside the downtown area, up to 23  
39                  dwelling units per gross acre are permitted, and up to 29 dwelling units per net acre are  
40                  permitted (City of Stockton 2007).

1           RELEVANT GENERAL PLAN GOALS AND POLICIES

2           The City of Stockton is amending its General Plan. The Land Use Element of the current  
3           General Plan contains the following goals and policies that are relevant to the Proposed  
4           Project (City of Stockton 2007):

5           **Goal LU-4**   To encourage commercial and mixed use commercial/housing development at  
6           locations that provide convenient neighborhood retail and services to existing  
7           and new housing areas, and that maximize regional shopping opportunities  
8           where their economic viability can be sustained.

9                   **Policy LU-4.1**   *Commercial Revitalization.* The City shall encourage the  
10           upgrading, beautification, revitalization, and appropriate reuse of existing  
11           commercial areas and shopping centers.

12           **Goal LU-5**   To encourage, facilitate, and assist the location of new industry, and the  
13           expansion of existing industry.

14                   **Policy LU-5.3**   *Parcel Assembly.* The City shall support the assembly of land  
15           for new industrial growth where the fragmentation of parcels and/or the  
16           limited size of existing parcels act as a deterrent to new industrial  
17           development.

18                   **Policy LU-5.5**   *Compatible Land Use.* The City shall ensure an adequate  
19           separation between sensitive land uses (residential, educational, healthcare)  
20           and industrial land uses to minimize land use incompatibility associated noise,  
21           odors, and air pollutant emissions from industrial uses.

22                   **Policy LU-5.6**   *Development Design.* The City shall require that industrial  
23           development incorporate landscaping and good design in accordance with  
24           Citywide Design Guidelines.

25           The following goal from the Economic Development Element is pertinent to land uses  
26           within the Proposed Project area:

27           **Goal ED-1**   To maintain a thriving business community that provides a sound tax base for  
28           the City, jobs for the local workforce, and commercial shopping opportunities  
29           for residents and visitors alike.

30           ***City of Stockton Zoning Ordinance***

31           The Ryde Avenue site is zoned as Industrial-General (IG) and Industrial-Limited (IL) by the  
32           City of Stockton (City of Stockton 2014a). Allowable land uses within the IG Zoning District  
33           include light manufacturing, warehousing, bulk storage, offices, government and public  
34           utility buildings and structures, laboratories, and outdoor civic events conducted by  
35           nonprofit organizations, agricultural uses, and other uses (City of Stockton 2012). The IL  
36           District allows for similar uses as the IG District with the notable exception that heavy  
37           manufacturing is not permitted (City of Stockton 2014b). Land uses adjacent to the Ryde  
38           Avenue site on the north and east are zoned as Residential-Low Density, IL, and Residential-  
39           Medium Density.

## 1 **13.3 Environmental Impacts**

### 2 **13.3.1 Methods of Analysis**

3 The analysis of land use and planning considers the Proposed Project in the context of  
4 applicable land use policies, plans, and programs. Inconsistencies with land use policies are  
5 considered a significant impact only if those inconsistencies would result in significant  
6 adverse effects on the physical environment. Any such physical impacts on the environment  
7 that could result from inconsistency with land use plans or policies have been addressed in  
8 the other resource chapters (Chapters 5 through 12 and Chapters 14 through 19), not in  
9 this land use analysis. Consistency of each alternative with the laws, regulations, and  
10 policies identified in “Regulatory Setting” above is discussed in Impact LU-2.

### 11 **13.3.2 Significance Criteria**

12 An alternative would have a significant impact with regard to land use and planning if it  
13 would:

- 14     ▪ Physically divide an established community;
- 15     ▪ Conflict with an applicable land use plan, policy, or regulation of an agency with  
16 jurisdiction over the project (including, but not limited to the general plan, specific  
17 plan, local coastal program, or zoning ordinance) adopted for the purpose of  
18 avoiding or mitigating an environmental effect; or
- 19     ▪ Conflict with any applicable habitat conservation plan or natural community  
20 conservation plan.

21 The third criterion, regarding conflict with an applicable habitat conservation plan or  
22 natural community conservation plan, is addressed in Chapter 7, *Biological Resources –*  
23 *Terrestrial*, and Chapter 8, *Biological Resources – Aquatic*. As such, this criterion is not  
24 addressed further in this chapter.

### 25 **13.3.3 Environmental Impacts and Mitigation Measures**

#### 26 ***Impact LU-1: Potential for the Project to Physically Divide an Established*** 27 ***Community.***

#### 28 ALTERNATIVE 1: NO PROJECT ALTERNATIVE

29 Under the No Project Alternative, the IEP activities would continue operating as under  
30 existing conditions. The DRS would not be built at the RVARC or Ryde Avenue site. As such,  
31 the No Project Alternative would result in **no impact** related to physical division of an  
32 established community.

1           ALTERNATIVE 2: RIO VISTA ARMY RESERVE CENTER, CONFIGURATION 1

2           As described in “Environmental Setting” above, the RVARC site is mostly vacant with the  
3           exception of buildings previously used to support military uses. Surrounding land uses  
4           include some residences, a U.S. Coast Guard station, Sandy Beach County Park and  
5           Campground, and the Sacramento River.

6           Under Alternative 2 (the Preferred Alternative), the DRS facilities would avoid affecting  
7           most of the existing facilities and structures on the site’s lower terrace. Development of DRS  
8           facilities would represent a new use at the RVARC, but proposed uses would not displace  
9           any residents, represent any new land uses that are incompatible with surrounding uses, or  
10          physically divide the community. In addition, the DRS is considered a conditional use under  
11          the City of Rio Vista’s zoning ordinance. Therefore, the impact related to physical division of  
12          an established community would be **less than significant**.

13          ALTERNATIVE 3: RIO VISTA ARMY RESERVE CENTER, CONFIGURATION 2

14          Similar to Alternative 2, construction and operation of Alternative 3 would occur within the  
15          RVARC site boundaries. Although this alternative would rehabilitate and reuse existing  
16          buildings on the site’s lower terrace, the DRS facilities would be compatible with  
17          surrounding land uses. Construction and operation of Alternative 3 would not disrupt or  
18          divide an established community. Therefore, this impact would be **less than significant**.

19          ALTERNATIVE 4: RYDE AVENUE SITE IN STOCKTON

20          Construction and operation associated with Alternative 4 would occur within the Ryde  
21          Avenue site boundaries. The ERS and FTC would not displace any residential uses and  
22          would be consistent with the City of Stockton’s General Plan land use designation and  
23          zoning ordinance. As such, the impact related to division of an established community  
24          would be **less than significant**.

25          ***Impact LU-2: Potential for the Project to Conflict with Applicable Land Use***  
26          ***Plans, Policies, and Regulations.***

27          ALTERNATIVE 1: NO PROJECT ALTERNATIVE

28          Under the No Project Alternative, the DRS would not be developed. In the near term, the  
29          RVARC and Ryde Avenue sites would remain similar to existing conditions and, over the  
30          longer term, they could be subject to future development. Failing to develop the DRS at  
31          either site would not result in conflicts with applicable land use plans or policies adopted  
32          for the purpose of reducing or minimizing an environmental effect. As such, the No Project  
33          Alternative would have **no impact**.

34          ALTERNATIVE 2: RIO VISTA ARMY RESERVE CENTER, CONFIGURATION 1

35          *State Lands Commission’s Public Trust Doctrine*

36          As described in “Regulatory Setting” above, the proposed marina and other in-water  
37          facilities associated with the DRS may be within the jurisdiction of the State Lands

1 Commission. Before construction of the DRS, DWR’s contractor would coordinate with the  
2 State Lands Commission to determine whether the facilities would indeed be within State  
3 Lands Commission jurisdiction and whether a lease of state lands would be needed. Given  
4 that the in-water facilities would be used to support monitoring and research on the  
5 Bay–Delta’s aquatic resources conducted by DWR and other tenants (including CDFW,  
6 which is also a state agency), Alternative 2 (the Preferred Alternative) would be consistent  
7 with the Public Trust Doctrine.

8 *Delta Protection Commission Land Use and Resource Management Plan for the Primary*  
9 *Zone of the Delta*

10 Other chapters throughout this Draft EIR/EIS describe resource-specific goals and policies  
11 relevant to Alternative 2 (the Preferred Alternative). See Chapter 7, *Biological Resources –*  
12 *Terrestrial*; Chapter 12, *Hydrology and Water Quality*; Chapter 16, *Public Services, Utilities,*  
13 *and Energy*; and Chapter 17, *Recreation*, for details. For the reasons described in those  
14 chapters and with implementation of appropriate mitigation measures and BMPs,  
15 Alternative 2 would be consistent with the primary mission of the Delta Protection  
16 Commission and would not conflict with the goals and policies of the Management Plan.

17 *City of Rio Vista General Plan 2001*

18 The Preferred Alternative would involve development of approximately 187,000 gross  
19 square feet of new buildings and structures at the RVARC site. This would result in a 0.3  
20 FAR, which is consistent with the 0.2–0.5 FAR maximum development intensity for  
21 nonresidential uses at the site and the 0.5 FAR maximum development intensity allowed for  
22 individual future parcels at the site under the City of Rio Vista’s General Plan. The DRS  
23 facilities would constitute laboratory and scientific research facilities, which are allowable  
24 uses according to the General Plan land use designation (AB Special District). On the whole,  
25 development of the DRS would be consistent with goals and policies in the City of Rio Vista  
26 General Plan. The Preferred Alternative would also be consistent with the City of Rio Vista  
27 General Plan’s vision for enhancing Rio Vista’s waterfront and creating and maintaining  
28 economic vitality.

29 Given that the DRS is in the conceptual design phase, consistency with many of the goals  
30 and policies from the General Plan’s Community Character and Design Element cannot be  
31 evaluated and would require consideration in the advanced planning and design phase.  
32 Construction of the Preferred Alternative could result in short-term conflicts with policies  
33 pertaining to protection of natural resources, cultural resources, public health and safety,  
34 and other resources. However, implementation of mitigation measures described  
35 throughout this EIR/EIS would reduce any short-term inconsistencies with the  
36 aforementioned resources.

37 In conclusion, because development of the DRS would be consistent with goals and policies  
38 outlined in the City of Rio Vista General Plan, this impact would be less than significant.

### 1 *City of Rio Vista Zoning Ordinance*

2 The Preferred Alternative would be consistent with the site's ABD zoning district. While a  
3 variety of uses are permitted on the site, Delta research facilities are a conditional use  
4 allowed in the ABD, including an estuarine research station, fish technology center, dry boat  
5 storage, in-water boat slips, docks, and boat ramp. Accordingly, the contractor hired by  
6 DWR and USFWS would apply for and obtain a conditional use permit from the City of Rio  
7 Vista. Undeveloped portions of the RVARC site could be developed for other permitted uses.  
8 As such, no conflict with the City of Rio Vista's zoning ordinance would occur.

### 9 *Rio Vista Army Base Reuse Plan*

10 The Preferred Alternative would help fulfill the Rio Vista Army Base Reuse Plan's goals of  
11 integrating reuse of the site with the Sacramento River and Delta environment (Goal #2)  
12 and creating new employment opportunities and the new demand for local goods and  
13 services (Goal #4). This alternative would not preclude goals pertaining to recreation and  
14 public uses; undeveloped portions of the RVARC site would be available for future  
15 development that involves such uses, and portions of the DRS would be publicly accessible.  
16 As such, no conflict with the Rio Vista Army Base Reuse Plan would occur.

### 17 *Army Base District Design Guidelines*

18 Many of the design standards and guidelines relate to provision of public access along the  
19 waterfront. While the Preferred Alternative does not include public uses, other than  
20 repaving portions of the existing path along Beach Drive upon completing the entrances to  
21 the site, it does not preclude future addition of public uses at the site, and portions of the  
22 DRS would be publicly accessible. Further, by consolidating DRS development within the  
23 western and southern portions of the site, much of the lower terrace and the northern  
24 portion of the RVARC site would remain available for future development. The City of Rio  
25 Vista would have the opportunity to implement other public uses envisioned in the design  
26 standards and guidelines (e.g., riverfront access, picnic areas, landscaping,  
27 interpretive/education center) on these undeveloped portions of the site. The Preferred  
28 Alternative (Configuration 1) site layout (depicted in Figure 3-1 in Chapter 3, *Description of*  
29 *Alternatives*) is conceptual at this time, and the standards and guidelines would need to be  
30 considered further during the advanced planning and design phase to determine  
31 consistency. In addition, as described in Chapter 5, *Aesthetics*, Mitigation Measures AES-2a  
32 (Incorporate City of Rio Vista's Army Base District Design Standards and Guidelines) and  
33 AES-3a (Implement Rio Vista Army Base District Design Standards and Guidelines Related  
34 to Site Lighting) would require adherence to many of these standards and guidelines. When  
35 applying for a conditional use permit, the contractor(s) hired by DWR and USFWS would  
36 likely meet with City of Rio Vista staff to review preliminary plans and discuss consistency  
37 with applicable standards. Based on the current conceptual plans, the Preferred Alternative  
38 would be consistent with the ABD design standards and guidelines.

### 39 *Conclusion*

40 As described above, the Preferred Alternative (Alternative 2) would be consistent with  
41 applicable land use plans, policies, and regulations. There would be **no impact**.

### ALTERNATIVE 3: RIO VISTA ARMY RESERVE CENTER, CONFIGURATION 2

Similar to Alternative 2, Alternative 3 would be consistent with the State Lands Commission's Public Trust Doctrine, the Delta Protection Commission's Management Plan, the City of Rio Vista General Plan and zoning ordinance, and the Rio Vista Army Base Reuse Plan. Alternative 3 would involve approximately 187,000 gross square feet of development, resulting in a FAR of 0.24, which is consistent with the maximum development intensity established in the City of Rio Vista zoning ordinance for the ABD zoning district. Refer to the Alternative 2 discussion for more information.

With respect to the Rio Vista Army Base District Design Guidelines (MIG 2011), Alternative 3 would have more potential to result in inconsistencies with the design standards and guidelines than Alternative 2. Because the ERS and FTC facilities would encompass most of the RVARC site, including the lower terrace, the areas available for future development would be limited to 10 acres at the pad north of the PG&E easement and the southwestern portion of the site. While these undeveloped areas could be developed for some of the additional uses envisioned in the Rio Vista Army Base District Design Guidelines, the space limitations of Alternative 3 would likely substantially reduce options for recreation and commercial uses near the waterfront, public access to the waterfront, and tree and habitat preservation.

The Alternative 3 (Configuration 2) site layout (depicted in Figure 3-2 in Chapter 3, *Description of Alternatives*) is conceptual at this time, and the standards and guidelines would need to be considered further during the advanced planning and design phase to determine consistency. In addition, as described in Chapter 5, *Aesthetics*, Mitigation Measures AES-2a (Incorporate City of Rio Vista's Army Base District Design Standards and Guidelines) and AES-3a (Implement Rio Vista Army Base District Design Standards and Guidelines Related to Site Lighting) would require adherence to many of these standards and guidelines. When applying for a conditional use permit, the contractor(s) hired by DWR and USFWS would likely meet with City of Rio Vista staff to review preliminary plans and discuss consistency with applicable standards. However, based on the current layout, impacts would be significant even after implementation of mitigation.

#### *Conclusion*

Because this alternative would be inconsistent with several ABD design standards and guidelines, including those aimed at preserving healthy trees, wetlands, and riparian habitat on the site, this impact is considered potentially significant. DWR and USFWS have considered another alternative that would avoid such conflicts with the ABD design standards and guidelines (Alternative 2, the Preferred Alternative); no other feasible mitigation has been identified that would reduce the policy consistency conflicts of Alternative 3. Therefore, this impact would be **significant and unavoidable**.

1           ALTERNATIVE 4: RYDE AVENUE SITE IN STOCKTON

2           *California State Lands Commission’s Public Trust Doctrine*

3           Similar to Alternatives 2 and 3, Alternative 4 may encroach upon public trust lands as a  
4           result of marina construction. This alternative may require a public trust easement (lease of  
5           State lands) from the State Lands Commission. Refer to the Alternative 2 discussion above  
6           for additional details regarding consistency with the State Lands Commission’s Public Trust  
7           Doctrine.

8           *Delta Protection Commission Land Use and Resource Management Plan for the Primary*  
9           *Zone of the Delta*

10          As previously described, Alternative 4 is within the Secondary Zone of the Delta. DRS  
11          facilities would be consistent with the overall mission of the Delta Protection Commission  
12          and would not conflict with any of the policies and recommendations of the Land Use and  
13          Resource Management Plan for the Primary Zone of the Delta.

14          *City of Stockton 2035 General Plan*

15          Alternative 4 would be consistent with the Ryde Avenue site’s Commercial designation in  
16          the general plan as this designation permits professional office, public, and quasi-public  
17          uses. On the whole, this alternative would also be consistent with the City of Stockton’s  
18          General Plan policies that promote economic development and job growth throughout  
19          Stockton.

20          *City of Stockton Zoning Ordinance*

21          This alternative would be consistent with the Ryde Avenue site’s IG and IL zoning  
22          designations, which allow for warehousing, government and public utility buildings and  
23          structures, and laboratory uses.

24          *Conclusion*

25          As described above, Alternative 4 would be consistent with applicable land use plans and  
26          policies. This impact would be **less than significant**.