

Chapter 13

Land Use and Planning

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

13.1 Environmental Setting

13.1.1 Rio Vista Army Reserve Center Site

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

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

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

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

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

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

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

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

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

- Goal #2:** Orient and integrate the reuse of the Army Base with the Sacramento River and Delta environment.
- Goal #3:** Encourage a public/private approach to redevelopment of the Army Base and implementation of the Reuse Plan.
- Goal #4:** Encourage redevelopment that allows for expansion of the City's economic base through the creation of new employment opportunities for local residents, new demand for local goods and services, and the attraction of new visitors to Rio Vista.
- Goal #5:** Ensure that the Army Base is conveyed to the City free of all environmental hazards, and that all toxics and other environmental problems have been remediated consistent with state and federal standards and the final Reuse Plan, and that the existing buildings, foundations, and the related asbestos are removed from the site.
- Goal #6:** Work with the Army to develop a remediation plan for the site that will be consistent with the Reuse Plan and take advantage of opportunities such as the creation of the public marina.

City of Rio Vista General Plan 2001

GENERAL PLAN LAND USE DESIGNATION

According to the City of Rio Vista General Plan 2001 (2002), the RVARC site is designated as Army Reserve Reuse Area (AB) Special District. The General Plan's Army Base Reuse Area Special District land use designation allows:

- 10 to 30 percent commercial recreation (e.g., lodge, marina);
- A range of active and passive recreation uses (sports fields, environmental/discovery park, amphitheater, community/recreation center, swimming pool);
- Recreation-serving retail (restaurant, convenience mart, bait shop, sports equipment sales);
- Educational/institutional uses (Delta science and interpretive center, laboratories, riverine/environmental research facilities); and
- Multifamily residential (ancillary use only: limited to short-term occupancy for visiting officials, scholars, students, and faculty).

This land use designation allows a maximum floor area ratio (FAR) of 20-50 percent (0.2 to 0.5) for non-residential uses on site and an of 20 percent (0.2) for the district (City of Rio Vista 2002).

RELEVANT GENERAL PLAN GOALS AND POLICIES

The following policies contained in the General Plan's Land Use Element are relevant to Alternatives 2 and 3:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rio Vista Zoning Ordinance

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

Army Base District Design Guidelines

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

City of Stockton 2035 General Plan

GENERAL PLAN LAND USE DESIGNATION

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

RELEVANT GENERAL PLAN GOALS AND POLICIES

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

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

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

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

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

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

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

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

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

City of Stockton Zoning Ordinance

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

13.3 Environmental Impacts

13.3.1 Methods of Analysis

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

13.3.2 Significance Criteria

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

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

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

13.3.3 Environmental Impacts and Mitigation Measures

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

ALTERNATIVE 1: NO PROJECT ALTERNATIVE

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

ALTERNATIVE 2: RIO VISTA ARMY RESERVE CENTER, CONFIGURATION 1

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

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

ALTERNATIVE 3: RIO VISTA ARMY RESERVE CENTER, CONFIGURATION 2

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

ALTERNATIVE 4: RYDE AVENUE SITE IN STOCKTON

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

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

ALTERNATIVE 1: NO PROJECT ALTERNATIVE

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

ALTERNATIVE 2: RIO VISTA ARMY RESERVE CENTER, CONFIGURATION 1

State Lands Commission’s Public Trust Doctrine

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

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

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

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

City of Rio Vista General Plan 2001

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

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

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

City of Rio Vista Zoning Ordinance

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

Rio Vista Army Base Reuse Plan

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

Army Base District Design Guidelines

Many of the design standards and guidelines relate to provision of public access along the waterfront. While the Preferred Alternative does not include public uses, other than repaving portions of the existing path along Beach Drive upon completing the entrances to the site, it does not preclude future addition of public uses at the site, and portions of the DRS would be publicly accessible. Further, by consolidating DRS development within the western and southern portions of the site, much of the lower terrace and the northern portion of the RVARC site would remain available for future development. The City of Rio Vista would have the opportunity to implement other public uses envisioned in the design standards and guidelines (e.g., riverfront access, picnic areas, landscaping, interpretive/education center) on these undeveloped portions of the site. The Preferred Alternative (Configuration 1) site layout (depicted in Figure 3-1 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. Based on the current conceptual plans, the Preferred Alternative would be consistent with the ABD design standards and guidelines.

Conclusion

As described above, the Preferred Alternative (Alternative 2) would be consistent with 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**.

ALTERNATIVE 4: RYDE AVENUE SITE IN STOCKTON

California State Lands Commission's Public Trust Doctrine

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

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

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

City of Stockton 2035 General Plan

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

City of Stockton Zoning Ordinance

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

Conclusion

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