

4.1

AESTHETICS AND VISUAL RESOURCES

4.1.1 INTRODUCTION

This section of the EIR describes existing aesthetic and visual resources for the Lincoln40 Project (proposed project) area and the region, as well as light and glare. The California Environmental Quality Act (CEQA) describes the concept of aesthetic and visual resources in terms of scenic vistas, scenic resources (such as trees, rock outcroppings, and historic buildings within a State scenic highway), the existing visual character or quality of the project area, and light and glare impacts. The following impact analysis is based on information drawn from the Gateway/Olive Drive Specific Plan,¹ as well as the *Davis General Plan*² and associated EIR.³

As will be discussed in more detail in Section 4.1.4, Impacts and Mitigation Measures, of this chapter, the proposed project meets all relevant requirements of the CEQA Guidelines to be considered an infill project, and is thus eligible for CEQA streamlining. In addition to meeting the infill streamlining requirements of Section 15183.3 and Appendix M of the CEQA Guidelines, as discussed throughout this EIR, the Sacramento Area Council of Government (SACOG) determined that the proposed project would be consistent with the SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).⁴ The proposed project is located in an area identified as a Transit Priority Area by the MTP/SCS, and would be considered an urban infill project. Aesthetic impacts of Section 15183.3-compliant infill projects and infill projects within Transit Priority Areas are not considered significant effects on the physical environment (California Public Resources Code Section 21099[d]), and thus the proposed project would not be considered to have a significant impact related to aesthetics.

Nevertheless, in the interest of public disclosure, the City has elected to evaluate the project's potential impacts related to aesthetics in this EIR.

4.1.2 EXISTING ENVIRONMENTAL SETTING

The following setting information provides an overview of the existing conditions of the project site and surrounding area in relation to visual resources. The discussion will begin with the broader context of the Davis Planning Area (i.e., Davis General Plan Study Area) and then focus in on the Olive Drive Corridor and ultimately the project site itself.

¹ City of Davis. *Gateway/Olive Drive Specific Plan*. Amended May 1, 2002.

² City of Davis. *Davis General Plan*. Adopted May 2001. Amended through January 2007.

³ 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.

⁴ Sacramento Area Council of Governments. *Lincoln40 Student Housing Apartment project consistency with the Metropolitan Transportation Plan/Sustainable Communities Strategy for 2036*. October 3, 2016.

Visual Character of Region

The proposed 5.92-acre infill project site is located east of Richards Boulevard between Olive Drive and the Union Pacific Railroad (UPRR) tracks, within the City of Davis, in Yolo County. The City of Davis' Planning Area is located 11 miles west of Sacramento and approximately 79 miles northeast of San Francisco. The planning area consists of approximately 160 square miles and is characterized by agricultural/open space landscapes to the north, west, and south; highly developed urban landscapes within the city limits; and agriculture and open space lands, including the Yolo Bypass Wildlife Area, to the east.

Views of agricultural fields are enclosed on the west by the Coast Range hills. Views to other directions are open to the horizon, although the City of Sacramento's skyline, the Sierra Nevada Mountains, Sutter Buttes, and Mount Diablo can be seen on clear days. The University of California, Davis (UC Davis) campus is located adjacent to the southwest corner of the City and occupies a total of 2,900 unincorporated acres. Davis is not highly visible from distant views due to an absence of natural or built vertical elements distinguished from the surrounding agricultural lands. The water towers on the campus and the Mondavi Center are the distinguishing features in views north from Interstate 80 (I-80).

Davis' urban form is generally characterized as that of a small-scale, university city situated within a larger agricultural area. The City is surrounded by agricultural lands, which are traversed by streams, flood control channels, and/or canals. The fields are most often open to expansive views across low-growing grain and row crops. Landscapes in and near the City are predominately urban, with the core area of the community having more established neighborhoods and urban landscaping. The City's planning area buffers the City on all sides by extending into areas that are dominated by agricultural uses, and views in this area are open and rural in nature.

Visual Character of the Olive Drive Corridor and Project Site

Olive Drive runs along the front of the project site and intersects with Richards Boulevard to the southwest and I-80 to the northeast. The project area is known as the Gateway/Olive Drive area, with the project site being located specifically in the East Olive Drive Neighborhood. The Gateway/Olive Drive area is in close proximity to the Downtown Core area of the City of Davis. Development of the Olive Drive area occurred relatively early in the City's history and progressed from early agricultural uses to auto-oriented development due to the proximity to the Lincoln Highway. Recent residential development in the East Olive Drive Neighborhood area includes multi-family residential complexes such as the two-story Arbors and Cesar Chavez Plaza multi-family apartment complexes, and the three-story Lexington multi-family apartment complex. Residential developments are also located east of the project site, along Olive Drive, as well as automotive uses and a turnaround near the I-80 off-ramp. A mix of commercial uses and residential uses exist to the west and south of the project site, including Slatter's Court, a mobile home park, a gas station, Olive Drive Market, and a single-story self-storage facility. Across the UPRR tracks to the north of the project site are the residential and commercial areas of Old East Davis as well as the Pacific Gas & Electric Company's (PG&E) K Street Substation. The neighborhood of Old East Davis is comprised primarily of detached single-family residences, small apartment

complexes, and some commercial uses along 3rd Street. To the northwest of the UPRR tracks is the Downtown Core area of the City with urban development ranging from single-story to four-story structures.

Portions of the 5.92-acre infill site consist of vacant land; however, 24 residential units currently exist throughout the project site. Existing development on the project site is generally consistent with the Gateway/Olive Drive Specific Plan's description of the East Olive Drive Neighborhood area as being characterized predominantly by single-story, wooden, residential structures.⁵ The largest of the existing residential structures is a single-story, 14-unit apartment complex, which was converted from an old lodging facility. The remaining 10 units are detached single-family residences, six of which are currently inhabited and four are currently uninhabited. A 2015 analysis of select structures on the project site, conducted by Dahlin and Essex, Inc., concluded that three of the uninhabited structures posed a risk to human safety and were unfit for future habitation. Additionally, Dahlin and Essex, Inc. identified several other residential or ancillary structures on the project site that were in various states of disrepair.⁶

Although structures exist on the project site, a portion of the middle of the site is undeveloped and contains a small, open field. Portions of the open area has been disturbed associated with use for vehicle access and storage. Overhead powerlines associated with the PG&E K Street Substation cross the northeastern corner of the site, continue along Olive Drive, and cross the southwestern corner of the site. A sidewalk exists along the Olive Drive frontage from the existing apartment complex to the intersection of Olive Drive and Hickory Lane.

Four distinctive large cork oaks exist along the project site's Olive Drive frontage. The Gateway/Olive Drive Specific Plan emphasized the importance of the large cork oaks as the trees provide shade and a sense of history for the neighborhood.⁷ In addition to the four large cork oaks, 180 other trees, of various species, exist throughout the project site and along the northern boundary of the site. The vegetation along the northern border of the project site acts a visual screen, partially obscuring views from the site of the UPRR tracks that run east to west north of the project site. An Arborist Report prepared for the proposed project by Tree Associates concluded that 93 of the existing on-site trees were of poor health or condition based on visible features and characteristics of tree health and structure, such as the presence of wounds, trunk failure, decay, poor limb attachment, and varying vigor.⁸

Viewer Types

Viewer types with public views of the project site would primarily include motorists, bicyclists, Amtrak patrons, and commuters/workers.

⁵ City of Davis. *Gateway/Olive Drive Specific Plan* [pg. 60]. Amended May 1, 2002.

⁶ Dahlin and Essex, Inc. *Historical Resources Analysis with Supplementary Photos Proposed Olive Drive Area Building Demolition*. September 5, 2015.

⁷ City of Davis. *Gateway/Olive Drive Specific Plan* [pg. 60]. Amended May 1, 2002.

⁸ Tree Associates. *Arborist Report: Lincoln40 Project, Olive Drive, Davis, CA*. February 4, 2017.

Motorists along Olive Drive, J Street, K Street, and 2nd Street have existing views of the project site. Motorists would have limited views of the project due to the short duration of their views, as motorists drive past the project site. The speed limits on the existing streets within the project vicinity are 30 miles per hour on Olive Drive, and 25 miles per hour along J Street and K Street where the project site is visible.

Bicyclists would have moderately extended views of the project as they move through the vicinity. Bicyclists would be affected because of their duration of views of the project site when traveling along Olive Drive, J Street, and K Street.

Pedestrians include local residents walking along Olive Drive for exercise purposes or traveling to/from the nearby commercial uses, Davis Downtown Core area, nearby residential areas, or UC Davis.

Amtrak Patrons would have moderately extended views of the project site as they travel past the project site and move to/from the Davis Amtrak Station. The Amtrak passenger trains stop at the Davis Amtrak Station for approximately one minute, during which Amtrak patrons would have views of the western portion of the project site. As trains pass the project site, the northern side of the project site would be visible. However, existing and augmented vegetation, as well as a chainlink fence would act as a visual screen, obscuring portions of the project site from view.

Residents with views of the project site include residents within the existing residential areas along Olive Drive such as Cesar Chavez Plaza, The Arbors Apartments, Olive Court apartments, The Lexington apartments, and Slatter's Court. The aforementioned apartment complexes include a large number of buildings; however, given the dense nature of the surrounding apartment developments, only the apartment buildings that front Olive Drive would have views of the project site, and as a result, the majority of buildings within the aforementioned apartment complexes would not have views of the project site. Most of the existing residences in Slatter's Court would have views of the proposed project. Additionally, the proposed project would also be visible from the existing residences to the north of the project site, across the UPRR tracks, but this view would be partially obscured by existing and augmented vegetation along the northern boundary of the project site.

However, it is important to distinguish between public and private views. Private views are views seen from privately-owned land and are typically viewed by individual viewers, including views from private residences. Public views are experienced by the collective public. California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) case law has established that only public views, not private views, are protected under CEQA. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720 [3 Cal. Rptr.2d 488] the court determined that “we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the court in *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188 [129 Cal.Rptr. 739]: ‘[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general.’” Therefore, it

is appropriate to focus the aesthetic impact analysis on potential impacts to public views. In addition to analyzing potential impacts to public views, this analysis will also evaluate potential impacts to private views due to comments received to this effect during the scoping period for the EIR.

Existing Night Lighting Conditions

At night, the undeveloped portions of the project site, as well as the abandoned structures on the site, are generally dark. The inhabited structures have existing sources of indoor and outdoor light, which provide some illumination to the site. Additionally, off-site sources of light and glare in the area include street lighting on Olive Drive, as well as lighting from the nearby apartment complexes and surrounding residential developments.

Scenic Highway Designations

The California Department of Transportation (Caltrans) manages the California Scenic Highway Program. The goal of the program is to preserve and protect scenic highway corridors from changes that would affect the aesthetic value of the land adjacent to designated highways. The portion of I-80 in Yolo County is not designated as a scenic highway.⁹ In addition, the Davis planning area does not have any officially designated scenic highways, corridors, vistas, or viewing areas.¹⁰

4.1.3 REGULATORY CONTEXT

Applicable federal laws or regulations pertaining to visual quality do not exist. However, the existing State and local laws and regulations are listed below, as applicable.

State Regulations

The following includes an applicable State program related to aesthetic resources.

California Scenic Highway Program

The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been so designated. Such highways are identified in Section 263 et seq. of the Streets and Highways Code. Although SR-16 in Yolo County is eligible for designation as a State Scenic Highway, SR-16 is not visible from Davis, and other highways that are officially designated or eligible for designation do not exist in the Davis planning area.¹¹

⁹ California Department of Transportation. *California Scenic Highway Mapping System, Yolo County*. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/. Accessed September 2016.

¹⁰ City of Davis. *Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School* [pg 5-1]. January 2000.

¹¹ California Department of Transportation. *California Scenic Highway Mapping System, Yolo County*. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/. Accessed September 2016.

Local Regulations

The following are applicable local goals and policies related to aesthetic resources.

City of Davis General Plan

The relevant goals, policies, and standards relating to aesthetics and visual resources from the Davis General Plan are presented below.

Chapter 3 Urban Design, Neighborhood Preservation and Community Forest Management

Goal UD 2	Preserve and protect scenic resources and elements in and around Davis, including natural habitat and scenery and resources reflective of place and history.
Policy UD 2.1	Preserve and protect scenic resources and elements in and around Davis, including natural habitat and scenery and resources reflective of place and history.
Policy UD 2.2	Maintain and increase the amount of greenery, especially street trees, in Davis, both for aesthetic reasons and to provide shade, cooling, habitat, air quality benefits, and visual continuity.
Policy UD 2.3	Require an architectural "fit" with Davis' existing scale for new development projects. Standard UD 2.3a: There should be a scale transition between intensified land uses and adjoining lower intensity land uses. Standard UD 2.3b: Taller buildings should be stepped back at upper levels in areas with a relatively smaller-scale character. Standard UD 2.3c: Buildings should be varied in size, density and design.
Policy UD 2.4	Create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers and transit stops. Standard UD 2.4c: High density should be organized around usable common space.

- Goal UD 3 Use good design as a means to promote human safety.
- Policy UD 3.2 Provide exterior lighting that enhances safety and night use in public spaces, but minimizes impacts on surrounding land uses.
- Standard UD 3.2a: Outdoor lighting should not unreasonably interfere with the use and enjoyment of dark-sky activities and near-by residences.
- Policy UD 4.1 Develop an urban design framework plan to consolidate and clarify the relevant design concepts in this chapter and other chapters to promote a positive and memorable image for the city and to reinforce the functional systems of the city such as land use, circulation, and open space.

Gateway/Olive Drive Specific Plan

The Gateway/Olive Drive Specific Plan was adopted in 1996 and provides goals, policies, design guidelines, and zoning mechanisms for the area. The proposed project site is within the East Olive Drive Neighborhood area of the Specific Plan. The guiding policy for the East Olive Drive subarea is:

Any improvement or development within the existing neighborhood of East Olive Drive must be compatible with the unique qualities of this neighborhood.

Design Guidelines

The Gateway/Olive Drive Specific Plan includes general design guidelines applicable to the entire Specific Plan area, as well as design guidelines specifically tailored to the East Olive Drive Neighborhood. Design guidelines for the East Olive Drive Neighborhood include recommendations for building materials, rooflines, façade designs, building setbacks and siting, building massing, and building height, among other features.

City of Davis Municipal Code

The City of Davis regulates outdoor lighting within the community in Chapter 8, Buildings, of the City's Municipal Code. Article 8.17, Outdoor Lighting Control, is intended to create standards for outdoor lighting to minimize light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures, while improving nighttime public safety, utility, and security, and preserving the night sky as a natural resource and thus people's enjoyment of looking at the stars.

Architectural Approval

The City of Davis outlines the site plan and architectural approval process for new development within the community in Chapter 40, Zoning, of the Municipal Code. Article 40.31, Site Plan and Architectural Approval, is intended to create a design review process in order to determine compliance with the Municipal Code and to promote orderly and harmonious growth of the City.

Project analysis conducted during the Site Plan and Architectural Approval process will focus on existing regulations and standards within the Gateway/Olive Drive Specific Plan as well as the proposed amendments to such regulations and standards. The Specific Plan currently contains development standards for all land designations within the East Olive Drive subarea.

4.1.4 IMPACTS AND MITIGATION MEASURES

This section describes the standards of significance and methodology utilized to analyze and determine the proposed project's potential impacts related to aesthetics. In addition, a discussion of the project's impacts, as well as mitigation measures where necessary, is also presented.

Standards of Significance

Consistent with Appendix G of the CEQA Guidelines, the City's General Plan, and professional judgment, a significant impact would occur if the proposed project would result in the following:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings;
- Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area;
- Create a substantial shadow effect on shadow-sensitive use areas (where sunlight is important to its function);¹² or
- Conflict, or create an inconsistency, with any applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating environmental effects related to aesthetics and visual resources.

Section 15183.3 of the CEQA Guidelines provides for streamlining of certain projects considered to be infill projects. Streamlining of environmental review for infill projects is achieved by limiting the environmental topics subject to review. Appendix M of the CEQA Guidelines provides detailed requirements that proposed projects must meet to be considered infill. As shown in the Initial Study

¹² Other jurisdictions have defined substantial shadow effect in terms of length of time. For example, the City of Los Angeles recommends use of a threshold where shadow-sensitive use areas (where sunlight is important to its function) would be shaded by project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October), compared to existing conditions (City of Los Angeles. *L.A. CEQA Thresholds Guide*. 2006).

prepared for the proposed project, included as Appendix B of this EIR, the proposed project meets all relevant requirements of the CEQA Guidelines to be considered an infill project, and is thus eligible for CEQA streamlining. In addition to meeting the infill streamlining requirements of Section 15183.3 and Appendix M of the CEQA Guidelines, as discussed throughout this EIR, the Sacramento Area Council of Government (SACOG) determined that the proposed project would be consistent with the SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).¹³ Projects that are consistent with the MTP/SCS are also considered to be consistent with Senate Bill (SB) 375, and, thus, are eligible for the CEQA streamlining benefits included in SB 375. The proposed project is located in an area identified as a Transit Priority Area by the MTP/SCS, and would be considered an urban infill project. Aesthetic impacts of Section 15183.3-compliant infill projects and infill projects within Transit Priority Areas are not considered significant effects on the physical environment (California Public Resources Code Section 21099[d]), and thus the proposed project would not be considered to have a significant impact related to aesthetics.

Nevertheless, in the interest of public disclosure, the City has elected to evaluate the project's potential impacts related to aesthetics in this EIR.

Issues Not Discussed Further

The Initial Study prepared for the proposed project (attached Appendix B to this EIR) determined that the City of Davis planning area does not contain officially designated scenic corridors, vistas, or viewing areas.¹⁴ Because scenic vistas do not exist in the Planning Area, the proposed project would not impact any scenic vistas and a less-than-significant impact would occur. As also discussed in the Initial Study, the nearest highway to the project site, I-80, is not designated as a scenic highway within the Davis planning area. Rock outcroppings, historic buildings, or other scenic resources do not exist on-site. Thus, such resources would not be adversely affected by the project. While it should be noted that 180 trees are located on the project site, and potential impacts to existing trees will be evaluated both in this section and in Section 4.3, Biological Resources, of this EIR, the existing trees are not located within an area designated as a scenic vista, a State scenic highway, or public viewing area. Therefore, development of the proposed project would result in a less-than-significant impact related to the following:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

Accordingly, impacts related to the above topics are not further analyzed or discussed in this EIR section.

¹³ Sacramento Area Council of Governments. *Lincoln40 Student Housing Apartment project consistency with the Metropolitan Transportation Plan/Sustainable Communities Strategy for 2036*. October 3, 2016.

¹⁴ City of Davis. *Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School* [p. 5-2]. January 2000.

Method of Analysis

The section below gives full consideration to the development of the project site and acknowledges the physical changes to the existing setting. Impacts to the existing environment of the project area are to be determined by the contrast between the site's visual setting before and after buildout of the proposed project. Although few standards exist to singularly define the various individual perceptions of aesthetic value from person to person, the degree of visual change can be measured and described in a reasonably objective manner in terms of visibility and visual contrast, dominance, and magnitude. To aid in the analysis of the proposed project, LPAS Architecture prepared visual simulations of the proposed project. The standards of significance listed above will be used to delineate the significance of any visual or aesthetic alterations of the site.

Project-Specific Impacts and Mitigation Measures

The following discussion of aesthetic and visual resource impacts is based on implementation of the proposed project in comparison to existing conditions and the standards of significance presented above.

4.1-1 Substantially degrade the existing visual character or quality of the project site and its surroundings. Based on the analysis below, the impact is *less than significant*.

The project site is surrounded on all sides by urban development and, thus, is considered an infill site. Currently, the project site is comprised of vacant land and 24 existing residential units scattered throughout. The existing residential structures include an old lodging facility that has been converted into apartments, as well as detached single-family units. Although the apartment complex and many of the existing single-family units are inhabited, several of the single-family units have been abandoned and are in various states of disrepair. A total of 180 trees are located on the project site, with several large cork oaks fronting Olive Drive.

While the current character of the project site is relatively open and rural, the surrounding area has been heavily developed with residential and commercial uses. The three-story multi-family residential development of the Lexington Apartments, the two-story multi-family residential developments of the Cesar Chavez Plaza and the Arbors Apartments, and a single-story self-storage center exist opposite the project site, across Olive Drive. Additionally, the residential development of Slatter's Court borders the project site to the west. The northern border of the project site is bounded by the UPRR tracks, while the Davis Amtrak Station, Old East Davis neighborhood, the PG&E K Street substation, and commercial developments exist beyond the UPRR tracks to the north. Additionally, a mix of single-story to four-story commercial developments exists beyond the Davis Amtrak Station, to the north, in Downtown Davis.

Views of open agricultural lands and the distant Sierra Nevada mountains are often considered to be of scenic value in the City of Davis. However, the proposed project is surrounded by urban development; thus, views of open agricultural land or the Sierra

Nevada do not exist beyond the project site. Natural habitats such as wetlands or drainage courses also provide scenic value within the Davis area, but given the existing development and past ground disturbance on the project site, the site does not contain wetland or drainage features. Considering that scenic views do not exist from the project site, the proposed project would not have the potential to degrade the visual character or quality of views beyond the site. Therefore, this analysis focuses on whether development of the project site could substantially degrade the visual character or quality of the project site, as viewed by nearby receptors.

The Gateway/Olive Drive Specific Plan identifies the East Olive Drive Neighborhood area for development consistent with what the Specific Plan describes as “Cottage Character.” Cottage Character is described as being comprised of small-scale, freestanding buildings with wooden structures and architectural elements such as porches and overhangs. Because the project site is located within the East Olive Drive Neighborhood area, the project site is identified as being within an area that should maintain the Cottage Character.¹⁵ Considering the scale and density of the proposed residential structure, the proposed project would not be consistent with the Cottage Character discussed in the Gateway/Olive Drive Specific Plan. The proposed project would not be the first project within the East Olive Drive Neighborhood area not to conform with the Cottage Character. Development of the Youmans property was specifically exempted from the Cottage Character requirements of the East Olive Drive Neighborhood area,¹⁶ and was developed as the Lexington Apartments and Cesar Chavez Court since the adoption of the Gateway/Olive Drive Specific Plan. Similar to the Specific Plan’s approach taken for the Youmans property, the applicant is proposing a text amendment to the Specific Plan to establish separate design guidelines standards for the proposed project in many cases.

Project Design

The proposed project would include the construction of a 249,788 sf, 130-unit multi-family residential building on a 5.92-acre infill site. The proposed structure would include three tiers, with the first tier (closest to Olive Drive) being three stories (40-foot roof line), the second tier being four stories (50-foot roof line), while the third tier would be five stories tall (60-foot roof line). The stepped approach to the building design is consistent with Standard ‘b’ of the City’s General Plan Policy UD 2.3, which states, “Taller buildings should be stepped back at upper levels in areas with a relatively smaller-scale character.”

The proposed design standards for the Lincoln40 project include roof line requirements to ensure that roofs would be predominantly pitched, nipped, or gambreled, to reflect the character of the buildings constructed along the Old Lincoln Highway. Flat roofs (above three stories) would be allowed, provided that they encompass not more than 50 percent of the roof type per structure. The proposed design standards also require new buildings to be delineated both vertically and horizontally to respect the traditional building scale along Olive Drive and convey a human scale.

¹⁵ City of Davis. *Gateway/Olive Drive Specific Plan* [pg. 56]. Amended May 1, 2002.

¹⁶ City of Davis. *Gateway/Olive Drive Specific Plan* [pg. 60]. Amended May 1, 2002.

With respect to existing on-site vegetation, construction of the proposed project would require the removal of approximately 121 of the 180 existing trees. Of the 121 existing trees that would be removed, 93 of the trees would be removed due to poor condition, as determined in the arborist report. Tree condition was evaluated based on visible features and characteristics of tree health and structure, such as the presence of wounds, trunk failure, decay, poor limb attachment, previous pruning, root death, and varying vigor. The 93 trees to be removed due to poor condition could be considered to possess diminished aesthetic value, because many of the poor condition trees shows sign of dieback, trunk failure, wounds, unbalanced crowns, etc. However, the remaining 38 trees slated for removal were deemed by Tree Associates to be of acceptable condition and would be removed due to conflicts with the site design.¹⁷

To address potential impacts related to the removal of the 38 trees in good condition, the arborist report recommended replacement of the trees in good condition with a minimum of 65 replacement trees.¹⁸ The proposed project would include planting of 71 replacement trees, which would be six more than the number required by Tree Associates (see Figure 3-8 in the Project Description chapter of this EIR). As such, the initial removal of on-site trees would be off-set by the replacement of the trees in good condition.

Among the existing trees being retained are the four large cork oaks along the project's Olive Drive frontage. As stated on page 60 of the Specific Plan, "The East Olive Drive neighborhood is characterized by the enormous cork oaks which line the street, providing shade and a sense of history for the neighborhood." The project would retain the sense of history provided by the large cork oak trees. Tree Associates provided specific preservation measures to ensure that project-related construction would not negatively impact the cork oaks (these measures are identified in the Biological Resources section).

Requested Amendments Related to Gateway/Olive Drive Specific Plan Design Guidelines

In addition to increasing the allowable density in the Specific Plan area by adding a new Residential Medium High Density category, the applicant is requesting other text amendments to the Specific Plan related to establishment of site-specific development standards and design guidelines. For example, the maximum height for the project site would be 60 feet, whereas, the existing standard specifies a maximum height of 35 feet. The Gateway/Olive Drive Specific Plan also currently limits structures within 50 feet of Olive Drive, in the East Olive Drive sub-area of the Specific Plan, to a maximum height of ten feet. The proposed project includes a request to amend this design standard for the project site only to remove the height restriction setback along the site's Olive Drive frontage.

¹⁷ Tree Associates. *Arborist Report: Lincoln40 Project, Olive Drive, Davis, CA*. February 4, 2017.

¹⁸ *Ibid.*

Visual Simulation Analysis

Despite the protection and replacement of on-site trees, the large scale of the proposed structure would change the project site's current, partially open visual character to a more urbanized visual character. Visual simulations of the proposed project from multiple vantage points have been prepared to illustrate the potential changes in visual character that would result from construction of the proposed structure. Changes in views from public areas have been simulated from vantage points along J Street, at the Davis Amtrak Station, from Olive Drive, and from Slatter's Court (see Figure 4.1-1, Figure 4.1-2, Figure 4.1-3, and Figure 4.1-4).

Views from Davis Amtrak Station

Public views of the project site from the Davis Amtrak Station, and the Amtrak trains are currently characterized by the UPRR tracks, a chainlink fence, and existing vegetation along the fenceline and within the project site. Limited views of the existing single-story residential developments can be seen through the vegetation along the UPRR fencing. The existing vegetation and chainlink fence does not currently permit views beyond the project site from the Davis Amtrak Station

The proposed project includes tree protection measures and targeted landscaping, which seek to preserve the existing vegetation along the UPRR tracks. Despite the preservation of the vegetative screen, as shown in Figure 4.1-1, portions of the upper-stories of the proposed structure would be visible over vegetation along the UPRR fencing and small portions of the project may also be visible through the proposed and preserved vegetation. However, very limited obstruction of the open skyline would occur as a result of project development. Given these factors, as well as the consideration that Davis Amtrak patrons would only have short-term views of the project site, the project would not result in a substantial degradation of the visual character of the site as viewed from the Amtrak station.

View from 2nd Street and J Street

As seen in Figure 4.1-2, existing views of the project site from J Street are similar to views from the Davis Amtrak Station. Public views of the site are currently characterized by the UPRR tracks, chainlink fencing, and existing on-site vegetation. The existing power pole and associated power lines also interrupts this viewpoint. Looking through the vegetation, the existing apartment complex on the project site can be partially seen as well as open, grassland portions of the project site.

**Figure 4.1-1
View From Davis Amtrak Station**

LINCOLN40 PHOTO SIMULATION -
FEBRUARY 28, 2017



VIEW FROM TRAIN DEPOT - EXISTING



LOCATION MAP



VIEW FROM TRAIN DEPOT - PROPOSED

Architecture + Design 2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 T 443 0335 F 441 2823 lpasdesign.com Making Buildings Together

Figure 4.1-2
View From 2nd and J Streets

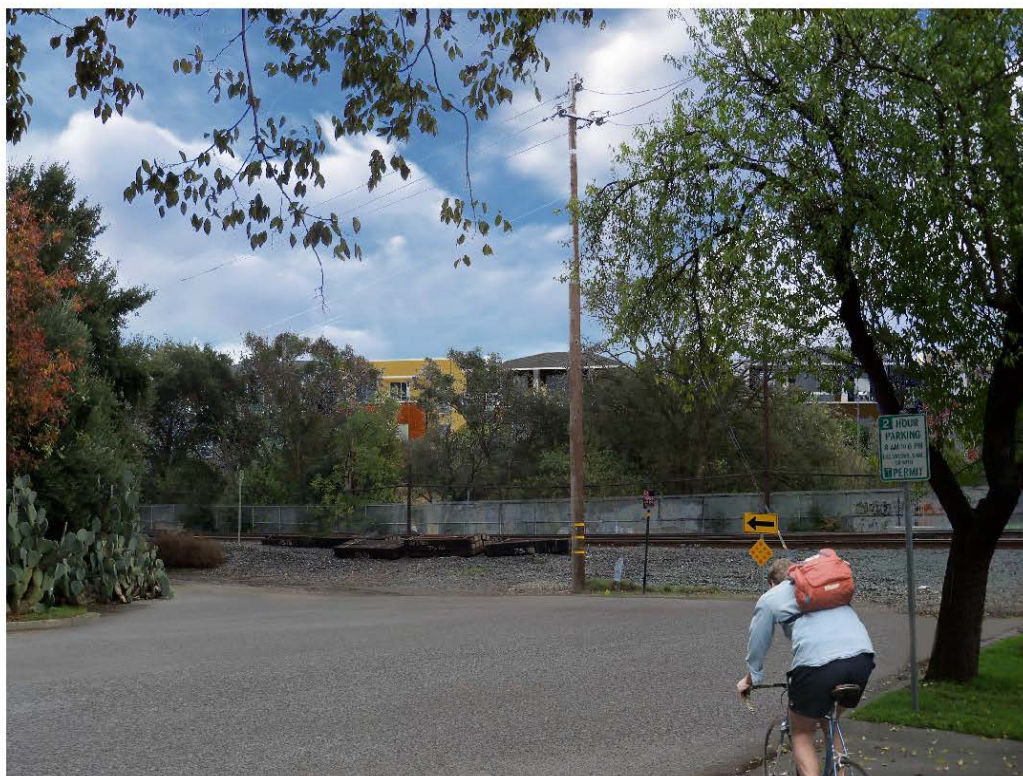
LINCOLN40 PHOTO SIMULATION -
FEBRUARY 28, 2017



VIEW FROM 2ND AND J STREETS - EXISTING



LOCATION MAP



VIEW FROM 2ND AND J STREETS - PROPOSED

Architecture + Design 2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 T 443 0335 F 441 2823 ipasdesign.com Making Buildings Together

**Figure 4.1-3
View From Olive Drive**

LINCOLN40 PHOTO SIMULATION -
FEBRUARY 28, 2017



VIEW FROM OLIVE DRIVE - EXISTING



LOCATION MAP



VIEW FROM OLIVE DRIVE - PROPOSED

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**Figure 4.1-4
View From Slatter's Court**

LINCOLN40 PHOTO SIMULATION -
FEBRUARY 28, 2017



VIEW FROM SLATTER'S COURT EXISTING



LOCATION MAP



VIEW FROM SLATTER'S COURT - PROPOSED

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The proposed project includes tree protection measures and targeted landscaping, as shown in Figure 3-8 of the Project Description chapter of this EIR, which would maintain and augment the existing vegetative visual screen along the UPRR tracks. Despite the preservation and augmentation of the vegetative screen, portions of the proposed residential structure would be visible from view points on 2nd Street (see Figure 4.1-2). However, very limited obstruction of the open skyline would occur as a result of project development. Given these factors, the project would not result in a substantial degradation of the visual character of the site as viewed from 2nd and J Street.

View from Olive Drive

Public Views of the project site would be directly available along Olive Drive. Figure 4.1-3 provides a simulated comparison of the current visual character from Olive Drive, and the visual character that would result from implementation of the proposed project. As can be seen in Figure 4.1-3, the current character of the project site from this viewpoint consists of existing vegetation as well as older residential structures, power lines, and streetlights, the majority of which lack aesthetic value. Development of the proposed project would markedly change the visual character of the project site, as viewed from Olive Drive. The change would be most noticeable in terms of the scale and height of the proposed structures. However, the project site would change from an unmaintained, partially developed site to a new development with associated landscaping. This, coupled with the fact that the project site is considered an infill site, eligible for CEQA streamlining, supports the determination that the project would not result in substantial degradation of the visual character of the project site as viewed from Olive Drive. It is also important to note that the existing cork oaks along the project site's Olive Drive frontage would be preserved per recommendations contained in the Arborist Report.¹⁹ The preservation of the cork oak trees would help to preserve the character and sense of history of the neighborhood, despite the higher density of development.

View from Slatter's Court

A similar change in site character can be seen in Figure 4.1-4, which provides a private view of the proposed project from Slatter's Court. Because views from Slatter's Court are considered private views of the proposed project, potential impacts to this viewpoint is outside the scope of CEQA analysis (see related discussion in Section 4.1.2 of this chapter, Existing Environmental Setting). Nevertheless, the following discussion has been provided.

As can be seen in Figure 4.1-4, the proposed project site near Slatter's Court is currently characterized by dense site vegetation, single-family residential development, and power lines. The project would remove and replace much of the existing vegetation. Figure 4.1-4 shows the residential structure as proposed, and the proposed landscaping vegetation after a five-year growth period. Despite the replacement of vegetation in between the project site and Slatter's Court, the upper-stories of the proposed structure would be visible from

¹⁹ Tree Associates. *Arborist Report: Lincoln40 Project, Olive Drive, Davis, CA*. February 4, 2017.

residences at Slatter's Court. Much of the sky, however, would remain unobstructed. Because of the above-discussed factors, the project would not result in a significant CEQA impact related to substantial degradation of the visual character of the site as viewed from Slatter's Court.

Design Review

Prior to construction of the proposed structure, the project would be subject to design review by the City, as required by the City of Davis' Municipal Code Section 40.31. The City's design review would rely on existing City standards to analyze the proposed structure's architectural and landscape character in isolation and in consideration of the surrounding developments. Design review of the proposed project would also include consideration of the suitability of the project for the project site, the materials proposed for use, and the relationship of the structure to other structures within the City. The intent of the design review as stated in Section 40.31.050 (a), is not to stifle design of proposed structures, but instead to ensure suitable use of project sites, that allows for individual initiative and architectural character.

Conclusion

As discussed above, the proposed project would noticeably change the existing visual character of the project site. While other multi-level apartment structures exist in proximity to the project site (e.g. the nearby Lexington apartments are three-stories and structures within the Downtown Davis area range from one to four-stories), the scale of the proposed structure would be larger than surrounding development.

However, the proposed project is located in an area identified as a Transit Priority Area by the MTP/SCS, and would be considered an urban infill project. Aesthetic impacts of infill projects within Transit Priority Areas are not considered significant effects on the physical environment (California Public Resources Code Section 21099[d]), and thus the proposed project would not be considered to have a significant impact related to aesthetics.

Additionally, while the proposed project would result in a change in the visual character of the project site, the visibility of the proposed structures and obstruction of the open skyline would be relatively minimal, with the exception of the Olive Drive viewpoint. However, retention of the large cork oaks along the project's Olive Drive frontage would help retain the sense of history of the area.

In conclusion, the proposed project would be anticipated to result in a *less-than-significant* impact related the substantial degradation of the visual quality or character of the project site.

Mitigation Measure(s)

None required.

4.1-2 Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Based on the analysis below, the impact is *less than significant*.

The project site is partially developed with an apartment complex and several residential structures. The existing structures currently create glare and nighttime light on the project site. Additionally, the project site is bordered to the south, west, and east by existing urban development, which currently create light or glare in the area. However, the proposed project would increase the density of development on the project site, which would increase the amount of light or glare on the project site as compared to existing conditions.

The proposed project is required to comply with the City's Outdoor Lighting Control policies, the goals and policies of the General Plan, and the relevant guidance within the Gateway/Olive Drive Specific Plan. Consistency with the City's Municipal Code would be ensured during the site plan and architectural review process. Section 8.17.030 of the City's Municipal Code includes general requirements for outdoor lighting. For example, the Municipal Code requires all outdoor lighting to be fully shielded and the direction of lighting be considered to avoid light trespass and glare onto surrounding properties. Such regulations would prevent the proposed project from creating new sources of light that would create a nuisance for the nearby residences, including the residential areas adjacent to the project site, such as Slatter's Court to the west the multi-family residential developments to the south, and residents of Old East Davis to the north.

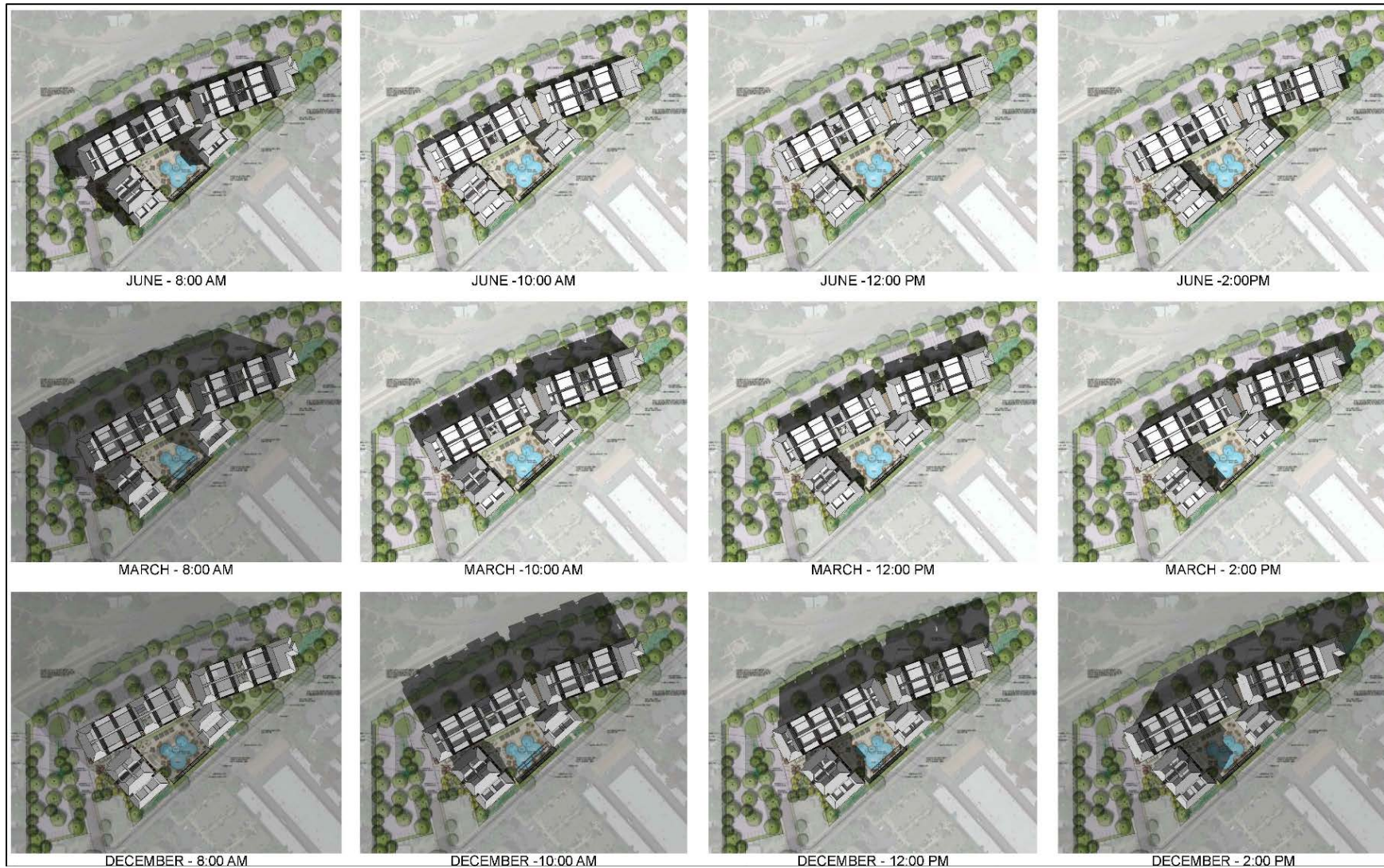
Overall, due to the proposed project's design and required consistency with the City's Municipal Code, the proposed project would not be expected to generate light or glare that would adversely affect day or nighttime views in the area. Therefore, the proposed project would be anticipated to result in a *less-than-significant* impact related to the creation of new substantial sources of light and/or glare that could adversely affect day or nighttime views in the area.

Mitigation Measure(s)
None Required.

4.1-3 Create a substantial shadow effect on shadow-sensitive use areas (where sunlight is important to its function). Based on the analysis below, the impact is *less than significant*.

As a result of public comment, the potential for the project to increase shadow effect and decrease exposure to natural light on adjacent properties is addressed in this chapter. The City has not adopted standards regarding shadows cast by buildings. The degree to which shadows would be cast by the proposed structures would vary depending on the solar inclination, which varies throughout the year. Figure 4.1-5 below presents a simulation of the shadows that would be cast by the proposed structure at various times throughout the year.

**Figure 4.1-5
Shadow Exhibit**



The largest shadows to the north of the proposed structures would be produced during the winter months, when the solar inclination is at the lowest angle. Figure 4.1-5 depicts the maximum midday shadow that would be produced by the proposed structures, in relation to the existing residential development to the north of the project site.

As shown in Figure 4.1-5, the shadow that would result from the proposed structure would extend northward to the existing railway, but would not extend to the existing residences north of the railway during normal conditions and most daytime hours. The only exceptions to this would occur around the time of the winter solstice, when the sun is at the lowest inclination of the entire year. As shown in Figure 4.1-5, at 8:00 AM on the morning of the winter solstice, the proposed structure would cast a shadow across the railway and onto the existing developments in Old East Davis. However, it should be noted that this shadow effect would recede to the tracks by 8:45 - 9:00 AM. Because the sun begins the day low in the sky, potential impacts related to shadows are typically not considered substantial unless the shadows persist into the normal daylight hours. For example, the City of Los Angeles recommends use of a threshold where shadow-sensitive use areas (where sunlight is important to its function) would be shaded by project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October), compared to existing conditions.²⁰ The shadows cast by the proposed project on Old East Davis residences would not occur for more than one hour between the hours of 8 AM to 2 PM. Therefore, while the proposed project may cast shadows on existing structures in Old East Davis during the winter solstice, the shadows would be temporary and would only occur during the early morning hours near the winter solstice. As such, the existing development in Old East Davis would not be subject to frequent shadows from the proposed project, nor would the developments in Old East Davis be subject to any shadows during the normal daytime hours at any point throughout the year. As a result, the proposed project would not substantially affect the residences to the north through the creation of shadows that would block the natural light to existing developments in Old East Davis for a substantial duration of time.

Shadows cast by the proposed structures would most often extend to the north; however, during certain times of the year, early morning shadows would be cast by the proposed structures to the west, towards Slatter's Court. As shown in Figure 4.1-5, such shadows would reach their maximum extent during the morning hours when the sun is low in the eastern sky. However, as shown in Figure 4.1-5, even during the time of maximum shadow extent, shadows from the proposed project would not be anticipated to extend to any residences located at Slatter's Court. Although shadows would not reach Slatter's Court, the residence adjacent to the southwestern corner of the project site would experience shadows cast by the proposed structures during the early morning hours in spring and summer. It should be noted that the early morning shadows during spring and summer would only be anticipated to cover the northeastern corner of the residential parcel.

²⁰ City of Los Angeles. *L.A. CEQA Thresholds Guide*. 2006.

Additionally, as shown in Figure 4.1-5, such shadows are anticipated to recede before 10:00 AM.

As noted above, CEQA case law has determined that environmental review “must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general.”²¹ As such, while shadows cast on the single residential parcel to the southwest of the project may affect a portion of the adjacent resident’s parcel during certain morning hours, because the project would not cast significant shadows on Slatter’s Court, the developments of Old East Davis, or any significant public spaces, for an extended duration of time, the proposed project would not be considered to result in a substantial adverse impact upon the environment of persons in general. It is also noted that the limited residential areas that would experience shadows generated by the project are not shadow-sensitive use areas (where sunlight is important to its function).

Overall, due to the proposed project’s design and required consistency with the City’s Municipal Code, the proposed project would not be expected to generate light or glare that would adversely affect day or nighttime views in the area. Additionally, as shown in Figure 4.1-5, the proposed project would not be anticipated to create shadows that would have a substantial impact on the environment of people for a long duration of time. Therefore, the proposed project would be anticipated to result in a *less-than-significant* impact related to the creation of new substantial sources of light and/or glare that could adversely affect day or nighttime views in the area.

Mitigation Measure(s)

None Required.

Cumulative Impacts and Mitigation Measures

The following discussion of impacts is based on the implementation of the proposed project in combination with other proposed and pending projects in the region. Refer to Chapter 5, Statutorily Required Sections, of this EIR for more detail.

Some types of impacts to aesthetic resources are localized and not cumulative in nature. For example, the creation of glare or shadows at one location is not worsened by glare or shadows created at another location. Rather glare and shadows are independent, and the determination as to whether they are adverse is specific to the project and location where they are created. Projects that block a view or affect the visual quality of a site also have localized aesthetic impacts. The impact occurs specific to a site or area and remains independent from another project elsewhere that may block a view or degrade the visual environment of a specific site.

Night sky lighting and overall changes in the visual environment as the result of increasing urbanization of large areas are considered the two types of aesthetic impacts that may be additive in nature and thus cumulative. As development in one area increases and possibly expands over

²¹ *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720 [3 Cal. Rptr.2d 488]

time, and meets or connects with development in an adjoining ex-urban area, the effect of night sky lighting experienced outside of the region may increase in the form of larger and/or more intense nighttime glow in the viewshed. The proposed project's incremental contribution to night sky lighting and changes in visual character of the City of Davis are addressed below.

4.1-4 Long-term changes in visual character of the region associated with cumulative development of the proposed project in combination with future buildout in the City of Davis. Based on the analysis below, the impact is *less than cumulatively considerable*.

As development in one area changes from rural to urban, and this pattern continues to occur throughout the undeveloped areas of a jurisdiction, the changes in visual character may become additive and cumulatively considerable. However, the proposed project consists of a 130-unit housing development on an infill site within the East Olive Drive neighborhood area of the City. The East Olive Drive neighborhood is currently developed with low, medium, and high-density residential developments as well as commercial developments. Thus, the proposed project is not changing the area from rural to urban; rather the proposed project would be further developing a section of the City that has already experienced urbanization. Because the project site is surrounded by existing development, the proposed project would not result in a change in the visual character of the region.

Although development of the proposed project in combination with cumulative development within the area due to buildout of the City's General Plan would continue to change the visual character and quality of the region, future development within the City would be required to comply with the City's General Plan, the Gateway/Olive Drive Specific Plan, any applicable development guidelines, and the City's Municipal Code, which govern allowable uses and development architecture and design. Compliance with such would help to ensure that cumulative impacts related to aesthetics are minimized through the location and design of future projects and consistency with what has been anticipated and previously analyzed by the City.

In addition, as discussed throughout this section of the EIR, the proposed project would be considered an infill project. Per CEQA statute guidelines and the CEQA streamlining provisions of SB 375, infill projects and Transit Priority Projects are not required to consider aesthetic impacts. The proposed project is considered both an infill project and a Transit Priority Project, and thus the proposed project would not be considered to result in a significant impact related to aesthetics.

Thus, cumulative impacts associated with the visual character of the region due to implementation of past, present, and reasonably foreseeable future projects, as well as the proposed project would be considered *less than cumulatively considerable*.

Mitigation Measure(s)
None required.

4.1-5 Cumulative impacts related to the creation of new sources of light or glare associated with development of the proposed project in combination with future buildout in the City of Davis. Based on the analysis below, the impact is *less than cumulatively considerable*.

Cumulative effects of lighting are visible over a wide area, due to the potential for lighting from a number of projects to create sky glow. The project site currently includes multiple detached single-family residences as well as a single-story apartment complex. The existing residential structures currently generate a limited amount of night lighting in the area, which would contribute to skyglow in the area. As described in Impact 4.1-3, the proposed project would increase the intensity of development on the project site, which would be expected to increase the amount of light or glare on the project site. However, the proposed project would be designed and constructed in compliance with Chapter 6 of the Davis Municipal Code - Article 8: Outdoor Lighting Control. The purpose of Article 8 is to minimize light pollution, glare, and light trespass, while improving public safety, utility, and security, and preserving the night sky as a natural resource. Thus, compliance with Article 8 of the Davis Municipal Code would ensure that lighting from the proposed project would not affect areas outside of the project site through light pollution or light trespass.

In addition to the proposed project, all new projects in the City of Davis would be subject to the lighting control standards established by Article 8 of the City's Municipal Code. As a result, the cumulative impacts associated with the creation of new sources of light or glare of the region due to implementation of past, present, and reasonably foreseeable future projects, as well as the proposed project would be considered *less than cumulatively considerable*.

Mitigation Measure(s)

None required.