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California Land Use & Development Law Report

City of Davis Did Not Err in Finding Mixed-Use Project Consistent With General Plan

The court of appeal held that the City's determination that a mixed-use development project was consistent with applicable general plans policies and standards was supported by substantial evidence. *Old East Davis Neighborhood Association v. City of Davis*, 43 Cal. App. 5th 895 (2022).

The Trackside Project is a planned four-story, 48,000-square-foot mixed-use building located in a "transition area" between the Downtown Core and the Old East Davis residential neighborhood. Under the City's General Plan, new buildings must "maintain scale transition," as well as provide an "architectural 'fit' with existing scale for new development project[s]." The main issue on appeal was whether substantial evidence supported the City's finding that Trackside met the "transition" requirements.



Reviewing the applicable policies for promoting, guiding, and regulating growth in the project area, the court observed that they did not provide a formulistic method for determining whether a proposed structure constituted

a transition. Rather, this determination relied on subjective measures such as "architectural 'fit,'" "appropriate scale and character," and "sensitiv[ity] to the area's traditional scale and character."

The key policy at issue — transition — was thus "largely amorphous," and the dispute was over conflicting evidence on matters such as "do the step-backs, mass shifting, extra wide alley, and other factors create an 'appropriate scale' that is 'sensitive to the area's traditional scale and character'?" Under the governing standard of review, the City's determinations of consistency with the relevant plans could be set aside only if "a reasonable person could not have reached the same conclusion" based on the evidence before the City. Reviewing each of the key consistency determinations, the court found no instances in which a reasonable person could not have reached the same conclusion. Accordingly, the City's decision was supported by substantial evidence.

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