

Staff Report

July 2, 2009

TO: Planning Commission

FROM: Katherine Hess, Community Development Director
Michael Webb, Principal Planner
Ike Njoku, Planner/Historical Resources Manager

SUBJECT: PA #84-05; General Plan Amendment #4-05, Rezoning and Preliminary Planned Development #4-05, Affordable Housing Plan #2-05, Development Agreement, and Environmental Impact Report (EIR, SCH #2007072020) for the Wildhorse Ranch Proposal Located at 3003- 3075 East Covell Boulevard, Generally North of the Intersection of East Covell Blvd. and Monarch Lane

Recommendation

Staff recommends that the Planning Commission hold a public hearing and recommend the City Council take the following actions:

- A. Approve the Resolution certifying Final Environmental Impact Report (SCH #2007072020) for the Wildhorse Ranch proposal, including findings of fact, statement of overriding considerations, and mitigation monitoring plan attached to this report;
- B. Approve the General Plan Amendment #4-02 Resolution that establishes the land use designations for the Wildhorse Ranch attached to this report;
- C. Introduce the Ordinance that rezones and establishes the uses and preliminary development standards for the Wildhorse Ranch site from P-D#3-89 (horse ranch) to P-D #4-05 (residential and open spaces) attached to this report;
- D. Approve the Affordable Housing Plan #2-05, which establishes the conceptual affordable housing plan for the project attached to this report;
- E. Introduce the Ordinance approving the Development Agreement between the City and Parlin Wildhorse Ranch, LLC attached to this report;

Executive Summary

The proposal is to allow the development of approximately 25.8-acre site with up to 191 residential units, which will consist of 73 detached single-family units, 78 two to three story attached single-family units (condominiums/townhomes), and a 40-unit apartment complex on 1.92 acres; 38 of the 40 units will be used to meet affordable housing requirement.

The Wildhorse Ranch proposal is subject to review by the Planning Commission, City Council, and Measure J voter approval (only if approved by the City Council). The request is to change the land use designations for the subject site from Agriculture in the General Plan and P-D#3-89 (Horse Ranch) in the Zoning Ordinance in order to allow for the development of up to 191 residential units, while providing various public and private green spaces. The entitlement approvals being requested are General Plan Amendment, Rezoning and Preliminary Planned

Development, Affordable Housing Plan, Development Agreement and Environmental determination (EIR). The current site plan, involved outreach with the Wildhorse East Neighborhood Association Working Group and staff. Staff believes that this site plan configuration is acceptable, and addresses most of staff concerns expressed about previous plans.

Based on a February 2009 survey of its members, the Wildhorse East Neighborhood Association (WENA) is generally opposed to the proposed project. Of the 110 WENA households that responded to the survey, 49 households expressed significant concerns about the project, while an additional 47 households expressed opposition to any development on the site. A June 12, 2009 letter from Phil Wyels, WENA's chairman, indicates that WENA's primary concerns were that 191 is too many units for the site and the inclusion of too many three-story buildings. The June 12, 2009 letter adds that WENA believes it has reached conceptual agreement with the project proponent on issues related to parking, open space preservation, recreational facilities, orchard plant selection, and land dedication, if the project is approved. The WENA also raises issues related to affordable housing, owner-occupied housing, and construction impacts. See Attachment #10. The applicant has provided a response letter to WENA's and these issues are further discussed in the analysis section of this report. See Attachment #6 of this report.

Staff recommends endorsement of the proposed project as it introduces innovative concepts to residential development within the city limits and densification. However, staff has identified the following areas for disclosure and discussion:

1. Policy
 - Should the subject site be converted from agricultural use to residential uses?
2. Technical
 - Should a partial roadway improvement be allowed within the lower quarter of the 200' Urban Agriculture Transitional Area?
 - Is the provision of less than 100 feet average width and slightly less than ten percent of the project area in neighborhood greenbelt acceptable?
 - Is the provision of bio-swales within the Neighborhood Greenbelt acceptable?
 - Should narrower street widths, as proposed, be considered?
3. Neighborhood Concerns
 - Density. Neighbors have expressed concerns about the proposed density and the compatibility of such density with the adjacent neighborhood and with a site on the boundary of the city limits
 - Building height. The project proposes three story building components for the townhomes/condos and affordable apartments. Concerns about architectural compatibility and view sheds have been expressed by neighbors.
 - Adequacy of on-site parking. Concerns about whether adequate on site parking is provided for the proposed units and provision of adequate spaces for guests. Will parking overflow into the adjacent neighborhood on Carravagio Drive, thereby impacting the adjacent neighborhood?

Ultimately, staff believes that the proposed project is one that can be supported as it provides the following:

- The project is within the city limits and efficiently utilizes land to provide for 191 housing units that will be of the size and price range that the City has been striving for to help meet internal growth demands per the Housing Element Steering Committee recommendations and City Council goals.
- 38 of the units will be affordable to low and very low income households.
- The project provides a mix of units' types, including single family detached, single family attached, and multi-family housing.
- The site plan incorporates sound new urbanist principals in its design by incorporating greenbelts, paseos, alleys, common driveways, a grid street pattern, community open space areas, and bicycle and pedestrian connectivity within the site and to the existing city network.
- The project is pedestrian friendly with most units fronting on paseos, the greenbelt, and the urban/agricultural transition area, and is located immediately adjacent to an existing bus route.
- The project will incorporate sustainability measures that appears to exceed those seen in recent projects. The applicant has committed to reducing greenhouse gas emissions from the units by ninety percent. The project proposes measures to significantly conserve water and increase energy efficiency.

Background and Analysis

Project Data

Owner

Parlin Wildhorse LLC, 11354 White Rock Road
Rancho Cordova, CA 95742

Applicant:

John Tallman, Project Manager - Parlin Wildhorse LLC
11354 White Rock Road, Rancho Cordova, CA 95742

Location:

3003, 3027 & 3075 East Covell Boulevard, Davis, CA 95616

Property Size:

25.8 gross acres; APN: 071-140-11

General Plan Designation:

Agriculture

Zoning Designation:

P-D#3-89 (Horse Ranch)

Project Site & Its Surrounding Land Uses/GP/Zoning Designations

	<u>Existing Use</u>	<u>Zoning Designation</u>	<u>General Plan Designation</u>
Site:	Horse Ranch	P-D#3-89 (horse ranch)	Agriculture
North	Residential homes	P-D#3-89 (single-family)	Residential Medium Density
South	Covell Blvd. & Residences	R-2 & P-D #17-74	Residential-low Density
East	Urban Ag Transition & Farmland	Urban Ag Transition & Farmland	Agriculture (Yolo County)
West	Residential homes	P-D #3-89 (single-family)	Residential-Medium Density & Residential-Low Density

Relevant Planning History

On November 14, 2006 the City Council took the following actions: 1) directed staff to proceed with the Wildhorse Ranch project applications review, processing, and communitywide public outreach; 2) authorized the City Manager to enter into a contract with Raney Planning & Management, Inc. for the Environmental Impact Report (EIR) preparation; and 3) approved the Budget Adjustment for the EIR.

On January 29, 2007 the City Council took the following actions: 1) directed staff to proceed with the EIR and project applications processing with Site Plan Option #3 as a starting point; 2) confirmed the six city project objectives for the EIR with some modifications; 3) confirmed the four project alternatives to be evaluated in the EIR; and 4) did not authorize staff to enter into Development Agreement negotiations at this time.

On July 5, 2007 a Notice of Preparation (NOP) for this Draft EIR was released for a 30-day review, while the public scoping meeting was held on July 18, 2007.

On January 26, 2008 the Social Services Commission recommended that the City Council support the concept of a Project Individualized Plan that incorporates use of the applicant's partnership with a local housing non-profit organization in the construction of the affordable housing units, based on specified conditions.

On January 29, 2008 the City Council directed the applicant to revise the site plan in order to address neighborhood and staff concerns

June 3, 2009 the Planning Commission held a public meeting on the DEIR, commented on the DEIR, and received public comments. The DEIR was released on April 24, 2009 for comments, and the comments period ended on June 8, 2009.

On June 15, 2009 the Social Services Commission was presented with the current affordable housing plan concept for input. The Commission endorsed the Project Individualized Program concept based on specified conditions.

Environmental Determination/EIR

In accordance with the California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (DEIR) was prepared for the Wildhorse Ranch proposal. CEQA requires the preparation of an EIR prior to approving any project that may have a significant effect on the environment. The City has determined that the proposed Wildhorse Ranch development is a project within the definition of CEQA, which has the potential for resulting in significant environmental effects. The EIR is an informational document that appraises decision-makers and the general public of the potential significant environmental effects of a proposed project. An EIR must describe a reasonable range of feasible alternatives to the project and identify possible means to minimize the significant effects. The EIR prepared for this project is in compliance.

The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, alternatives, growth inducing impacts, and cumulative impacts. Under CEQA Guidelines, the city is charged with the duty to avoid or minimize environmental damage where feasible. As the lead agency, the City has an obligation to balance a variety of public objectives, including economic, environmental, and social issues. This means that the city can certify the EIR even if there are adverse impacts identified. The Final EIR will constitute the DEIR and Responses to Comments, including a list of any changes made to the DEIR as a result of public comment.

The Final EIR will be provided to the Planning Commission and the general public on or by July 6, 2009. The Planning Commission is being asked to review the FEIR for adequacy and take public comments on it prior to making a decision to recommend certification of the FEIR or not to the City Council. The Council will make the final decision to certify or not certify the FEIR in accordance with CEQA Guidelines.

The Commission's first task will be to deliberate and consider recommending certification of the Final EIR to the City Council. Certification of the Final EIR as adequately addressing the environmental impacts of the proposed development does not signify support for the project. Staff recommends that the Commission recommend to the City Council certification of the FEIR, and approval of its findings of fact, statement of overriding considerations, and mitigation monitoring plan.

The EIR is project level documentation. The EIR found significant impacts related to the following which can be mitigated to a less-than-significant level with incorporation of mitigation measures: 1) land use and agricultural resources, 2) transportation and circulation, 3) air quality, 4) noise, 5) biological resources, 6) aesthetics, 7) hydrology, 8) water quality and drainage, 9) public services and facilities. The following impacts were found to be significant but cannot be mitigated to a less-than-significant level even after mitigation measures are incorporated and would therefore require a adopting a statement of overriding considerations: loss of prime agricultural land, 2) alteration of existing visual character and obstruction of views from existing homes, 3) fire protection services, and 4) climate change impacts.

No further environmental assessment will be required for the project development, if approved.

Public Notice and Outreach

A public hearing notice for this Planning Commission meeting was published in the Davis Enterprise on June 26, 2009. The public hearing notice was mailed to property owners within an expanded noticing area on June 26, 2009 for the Commission meeting. In addition, the Commission held a public meeting on the DEIR on June 3, 2009. A city initiated neighborhood and citywide outreach meetings was held on the current proposal on March 11, 2009 and March 18, 2009, respectively. All meetings were well attended. The applicant has made efforts to address some of the comments made at the meetings. Correspondence regarding the project since the neighborhood and citywide outreach meetings are attached (see Attachment #12).

Project Description

The entitlement applications being requested are General Plan and Zoning Ordinance amendments, Development Agreement, Affordable Housing Plan, and EIR. Implementing entitlement applications, such as tentative map, final planned development, project-individualized affordable housing plan, and design review are not part of the current applications but would be required if the project is approved and ratified by the voters. The proposal is to allow the development of approximately 25.8-acre site with up to 191 residential units, which will consist of 73 detached single-family units, 78 two to three story attached single-family units (condominiums/townhomes), and a 40-unit apartment complex on 1.92 acres; 38 of the 40 units will be used to meet affordable housing requirement. The proposal is not required to provide middle-income units given the recent City Council decision to suspend the middle-income housing requirement. The proposal consists of:

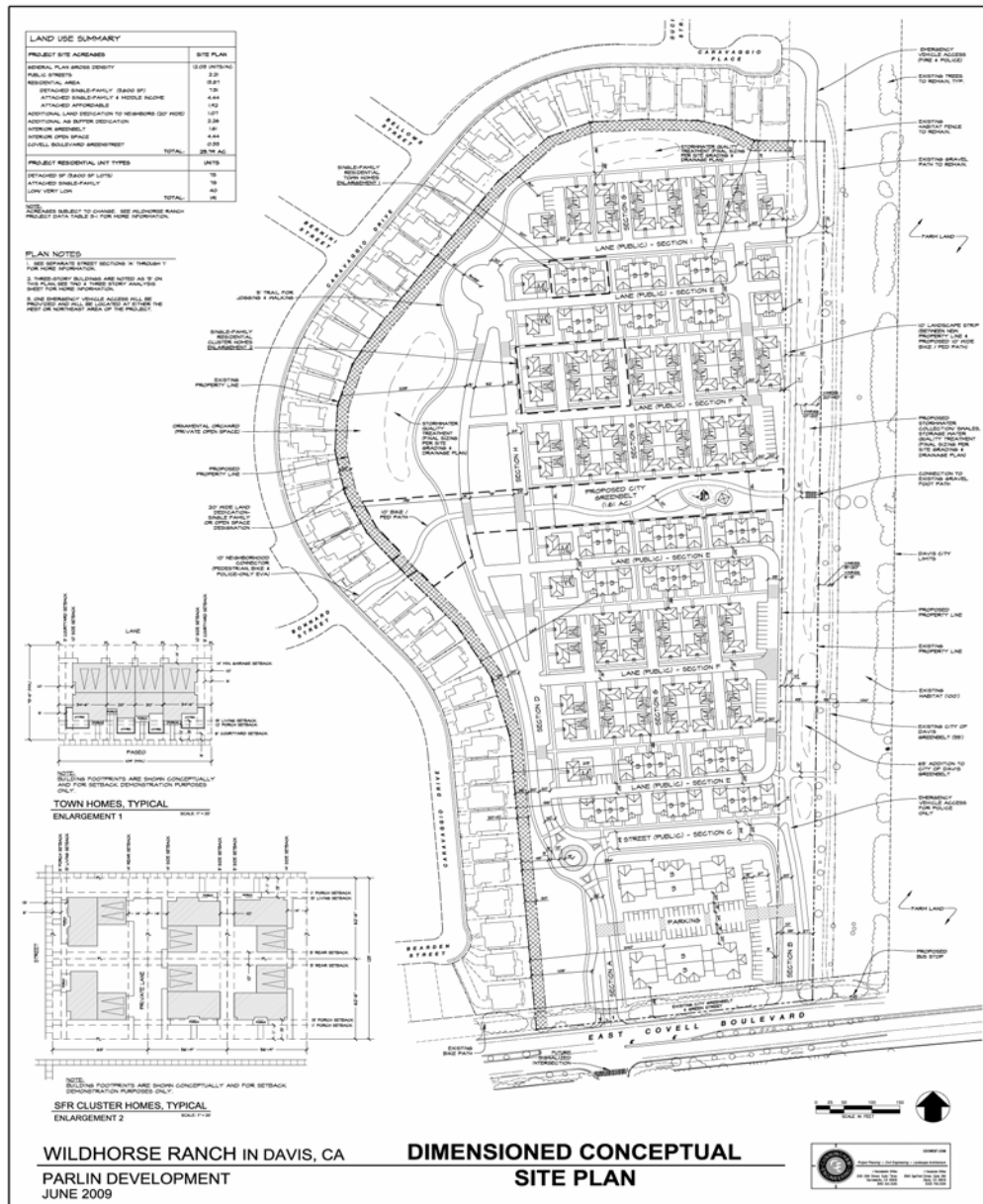
The proposed site plan is designed in a grid-like manner consistent with the General Plan new subdivision design policy. It provides for majority of the lots to be aligned in a north-south configuration, which will allow for better solar orientation of the homes. The site layout allows for primary vehicular access from East Covell Boulevard at the existing Monarch Lane and East Covell intersection. A secondary access is proposed along East Covell Boulevard at the south end of the 65-foot additional Urban Ag Transition Area land dedication.

- Single Family Homes -- 73 lots, with lot sizes of approximately 3,500 square feet in size; homes will range from 1,600 to 2,000 square feet in sizes; three to five bedrooms; two to three bathrooms; two-story in height
- Town Homes/Condominiums -- 78 attached single family lots; attached homes in buildings of 2, 3, 4 and 5 units; each lot will be 1,500 to 2,600 square feet and accommodate homes ranging in sizes from 1,400 to 1,600 square feet
- Apartment Complex/Affordable Units -- 40 total rental units on 1.92 acres, including 38 units to meet the city affordable housing obligation (i.e., 15 units for very low income households and 23 units for low income households); two and three-story buildings; units will range from 700 to 900 square feet
- Open Spaces are as follows:
 - A buffer along the entire western edge of the site (5.47 acres) will provide a distinguishing visual element to the project while buffering adjacent neighbors and will be owned and maintained by the future Home Owners Association (HOA)
 - Dedication of 65 feet in width along the entire eastern edge of the site to be added to the existing 135 feet wide Ag Buffer (150 foot width is the standard requirement)
 - 1.61 acres of Neighborhood Greenbelt running east-west through the site and connecting the project to the existing neighborhood and to the existing bike/pedestrian trail network on the eastern edge of the city limits
 - Additionally, the project will provide 2:1 Ag mitigation consistent with city Code.

Wildhorse Ranch Project Data Summary			
Calculation Factor	Net Acres	Units	Density/Net Acre
Detached Single Family (73 units)	7.51	73	9.72 – sub-area
Attached Townhomes/Condos (78 units)	4.44	78	17.57 – sub-area
Attached Multi-family (40 units)	1.92	40	20.83 – sub-area
Ag Buffer (65’ wide addition provided)	2.26		
Neighborhood Greenbelt Provided	1.61		
Open Space (Orchard Area)	5.47		
Covell Blvd. Greenstreet	0.33		
Project’s Public Streets	2.21		
Gross Density excluding Orchard¹	17.15	191	11.14
Gross Density including Orchard	21.59	191	8.85
Greenbelt Acreage Factor	21.59, or 2.16 acres for greenbelt requirement		
Greenbelt Acreage Provided	1.61; shortage = 0.44 acres or 0.55 acres		
Totals	25.79	191	7.41 Gross Density
Notes:			
1. Ag Buffer 65’ land dedication to complete the 200’ width for Ag Buffer to the east totals 2.26 acres.			
2. Each unit will provide the code minimum required two parking spaces for dwelling containing three or fewer bedrooms and one additional space for each bedroom in excess of three.			
3. The applicant estimates that there could be 104 on-street parking and 77 guest parking spaces in addition of the required parking spaces estimated at 68 for the apartment complex and 302 for the single family homes.			

The original application included an offer to transfer approximately 1.07 acres of land to the immediate adjacent property owners to the west of the subject site. This offer would have been a 20 foot transfer of land from the subject site to the adjacent property owners who wanted it. The applicant has since withdrawn this offer and wishes to have the 1.07 acre remain as part of the western buffer private open space (see attachment #6).

Below is the conceptual site plan.



Areas of Disclosure & Discussion

Staff has identified areas of disclosure and discussion. Below are detailed analyses of each area.

- *Policy -- should the subject site be developed with residential uses?*

On November 14, 2006 the City Council directed staff to proceed with the Wildhorse Ranch project applications review, processing, and communitywide public outreach, and authorized the City Manager to enter into a contract with Raney Planning & Management, Inc. for the EIR preparation. On January 29, 2007 the City Council directed staff to proceed with the EIR and

project applications processing with Site Plan Option #3 as a starting point, while confirming the six city project objectives for the EIR with some modifications and the four project alternatives to be evaluated in the EIR. A fundamental question is whether or not the site should be developed with residential uses.

The Housing Steering Committee final report ranked the subject site 27 out of 36 sites and designation it “Yellow Light,” which means “Alternate Sites to be considered for housing, but only if needed prior to 2013.” However, the Council directed that the processing of the Wildhorse Ranch be continued during deliberation of the Committee’s report and confirmed this direction on June 2, 2009. The site is recommended to be considered for Residential Medium-density, and be developed with 190 to 230 units. Density issues are discussed on page 11 under “Neighborhood Issues.” Below is a map and excerpt of the Committee’s final report information on this site.

“Rationale for Recommended Site Ranking Category and Number (including Key Principles)

- 27.1 Surrounded by City on three sides and completes the Wildhorse neighborhood.
- 27.2 Close to schools and parks.
- 27.3 Adds to existing greenbelt.
- 27.4 Adequate vehicular access.
- 27.5 Potential for accessory units.

Countering Views to Recommended Site Ranking Category and Number

- 27.6 Far from downtown and UC Davis.
- 27.7 Would promote car travel and not be conducive to bicycle mobility.
- 27.8 Potential impact on burrowing owl.
- 27.9 Prime ag land.
- 27.10 The Wildhorse development agreement designated this site as ag/open space.

Recommended Land Use and Design Considerations, Requirements or Conditions, and Any Additional Information that May be Needed for Site Development

- 1.A The plan for ag mitigation is a key issue in the Development review. “



General Plan Housing Steering Committee’s Final Report & Site’s Vicinity Map

There is no methodology currently established to ascertain if the units created by the proposal are needed prior to 2013. Recent Council directions relative to city growth and residential development did not specify how to determine when units are required to be provided consistent with the Steering Committee’s recommendation. That said, the City has issued five building permits for residential units in the first half of 2009; tentative maps are approved for some projects (Chiles Ranch and Verona) but no Final Maps have come forward as of yet.

- *Technical -- a) allow partial roadway improvement within the now 200' Urban Agriculture Transitional Area; b) allow provision of less than average greenbelt width of 100 feet and 10 percent neighborhood greenbelt; c) allow bio-swales proposed within the Neighborhood Greenbelt; and d) should less than standard street width concept proposed be considered?*

Partial Roadway Improvement. The propose project involves a partial roadway along Covell Boulevard at the eastern edge of the property, which is provided to address the staff concern about secondary access in emergency situations. This secondary roadway is approximately one-sixth of the length of the length of the easterly property (north-south). Staff believes that this limited encroachment is appropriate in this instance given the proximity of the area (being used for the roadway) to the East Covell Bike Under-crossing and the fact that it does not impact the ability of the urban Ag Transition Area to function. Staff and the applicant have agreed that the proposed partial roadway, Section B of the site plan, is not a significant issue. Furthermore, the roadway within this area is necessary as the site is narrower at the southern edge and the City wishes to have two vehicular access points spaced as far apart from one another as possible for safety purposes. The General Plan and city ordinance discourage roadways in the Urban Agricultural Transitional Area. The allowable uses are passive open space recreation, such as trails and bikeways, wildlife and habitat preservation, drainage ways, community gardens, plant stock portions of nurseries, and agriculture.

Neighborhood Greenbelt / General Plan Consistency. The proposal is to provide slightly less than the 10 percent Neighborhood greenbelt and the provided Neighborhood Greenbelt is less than the recommended 100 feet width. Staff believes that flexibility is necessary for smaller sites such as this, and is in the process of developing General Plan policy to specifically address the unique circumstances of such sites. Smaller projects by nature have difficulty providing the General Plan policy requirement for ten percent Neighborhood Greenbelt and the average 100 foot Neighborhood Greenbelt width prescribed by the General Plan Interpretation Guidelines. The Wildhorse Ranch's configuration, location, and site constraints make it difficult to provide the average width of 100 feet Neighborhood Greenbelt. Other recent infill projects, such as Glacier Place, Cassel Lane, Willowbank Unit #10, Chiles Ranch, Grande, and Verona have not been expected to provide the ten percent Neighborhood Greenbelt or the 100 feet average width due to site configuration and desire for density. The proposal will provide 7.5 percent greenbelt in addition to 5.47 acres of private open space and the 2.26 acres dedication to the existing Urban Agricultural Transitional Area. The General Plan policy on greenbelt requirement was developed with the larger, peripheral development projects of the 80's and 90's in mind where such percentages and widths could be more easily accommodated.

Bio-swales in Neighborhood Greenbelt. It is noteworthy that the trend towards sensitive environmental developments, dense projects, and sustainable development has resulted in recent projects proposing bio-swales within Neighborhood Greenbelts. Bio-swales may translate to additional maintenance costs, which are not typical. While the inclusion of bio-swales may affect the usable area of the greenbelt for active recreation and access, it is in keeping with the newer greenbelt designs which minimize the use of turf.

Less than Standard Street Width. The conceptual site plan shows some roadways within the proposed project not providing city standard street width. This is due to the dense nature of the proposal, the desire to provide sustainable development, and the very nature of clustered development. While the final decision on the street width is pending tentative map application review, it is noteworthy that less than standard roadway width has impacts on on-street parking and emergency vehicle access. This item will be visited again, should the project be approved, at the tentative map stage.

- *Neighborhood main issues -- a) density, b) building height, and c) parking adequacy.*

On June 12, 2009 Mr. Phil Wyels, Chairperson of Wildhorse East Neighborhood Association (WENA) submitted the attached letter on behalf of the association. The primary issues for the neighbors, other than a general objection to development of the site, are density, parking, and the third story building height. The association also identified areas of agreement with the development team, and areas that they would like addressed should the proposed project be approved. The WENA would like to see the open space preserved in perpetuity, some type of recreational amenity provided, an owner occupancy restriction placed on the market rate units if feasible, change the hours of construction to start at 8:00 a.m. and end at 6:00 p.m., and work with city staff on the affordable housing to address their concerns, such as seeking opportunity for owner occupancy rather than the rental units. The applicant has provided a response to the letters. The specific areas of concern are further discussed below.

Density. As stated previously, the WENA argues that the proposed 191 units is too dense for the area and incompatible with their neighborhood. Staff respectfully disagrees with this assessment given the following reasons:

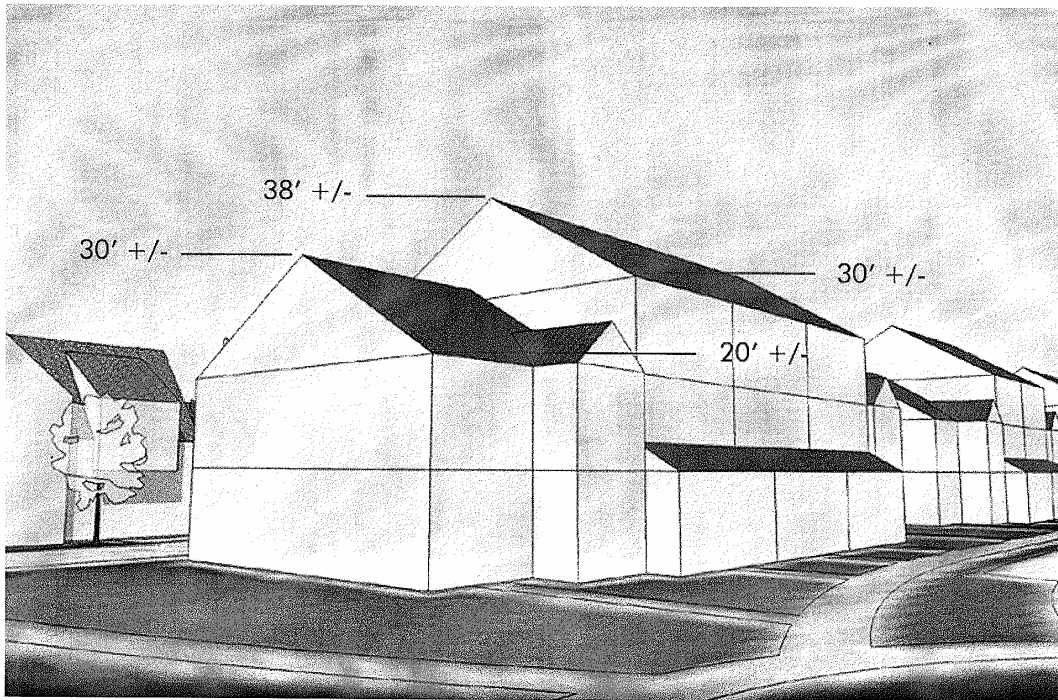
1. Land availability within city limits for residential development is very limited. The city, through the General Plan, infill guidelines, recommendation of the Housing Element Steering Committee, and City Council policies, has established clear direction to pursue greater utilization of limited land supplies to achieve housing objectives. Traditional larger lot developments that were typical of the 1980s and 1990s are no longer a practical or sustainable model in this era of diminishing resources. A more compact urban form, as seen in recent projects in Davis, such as Parque Santiago, Verona, and Chiles Ranch, are more representative of current policies and thinking. Staff believes this proposal takes the successful elements of these more recent projects and builds upon them. In short, the proposed density strikes a balance between current city land use policies and the desire to have the project relate well to the surrounding neighborhood.
2. the Housing Steering Committee proposed the development of the site with a range of 190 to 230 units
3. the gross density of the proposal is 11.14, which is within Residential Medium Density without density bonus (4.80 to 11.20), if the western buffer area is included, then the gross density will become 8.85 units per acre
4. if the city has not required the 65 feet width to be added to the Ag Buffer, the gross density would be 8.01 units per acre

5. the adjacent residential homes are designated Residential Medium Density in the General Plan land use map, although the lots are larger than the proposed project lots. Staff believes that the concentration of the buildings away from the existing residences to the west, the provision of the 5.47 acres of orchard and 2.26 acres of additional Ag Buffer significantly affects the site's development.

Parking. Given the narrower streets and small lots being proposed, the adjacent neighbors are concerned that garages may not adequately serve the parking needs of the proposed subdivision. As seen in the project description table, the applicant states the Code required parking standards will be met, while opportunities will be sought to provide additional on-street and guest parking spaces. While additional review of the compliance with the required parking for the 191 units will be performed during the final planned development application stage, recommended conditions of approval require compliance with the city's parking standards. The concerns expressed by WENA about the possibility of prospective buyers into this subdivision parking on their streets appear reasonable, but the proposed project will comply with parking requirements. Staff cannot identify any significant issues with parking based on the City Code. However, it is a standard practice for CC&Rs to have a provision requiring that garages should be used solely for parking purposes. It should be noted that the city does not enforce CC&R's. It is anticipated that the project's CC&R will follow this practice.

3-story Building Height. The proposal is to add stepped in three story element to the attached single-family units and the apartment complex. Given the proposal to step-in the third story and the distance from the existing homes to the proposed new three-story structures, staff does not believe that any significant privacy impacts exist. The primary purpose of setback is to accord adjacent residents some privacy. Given the orchard buffer, there will be minimal privacy impacts to the existing adjacent neighbors. It is important to recognize that in order to provide the number of units proposed on the size of lots proposed, three story elements become necessary.

As seen in the diagram below, the maximum height will be 38 feet, which has been made part of the recommended conditions of approval. Note that the third-story portion is stepped in to minimize privacy impacts. It is not anticipated that the building height will completely block view shed of existing neighbors to the west. This issue is further addressed in the EIR.



General Plan Amendment/Consistency Finding

The proposal to change the land use designation of the subject site from Agriculture to six new land use categories in order to allow residential development is consistent with the proposed General Plan designations of Residential Medium and High Densities (4.80 to 11.20 units per gross acre and 11.21 to 20.00 units per gross acre). The proposed density of 9.72 units per gross acre for the Residential Medium Density is within the 5.76 to 13.44 units per net acre allowed under this General Plan land use designation. Likewise, the proposed 17.57 units per net acre is consistent with 13.45 units to 24.00 per net under the Residential High Density designation.

The proposal will comply with applicable General Plan policies based on the use and configuration, subject to the overall recommended conditions of approval and mitigation measures for other entitlement applications. Analysis of compliance with applicable General Plan policies attached shows compliance with the policies. See Attachment #8.

Staff believes that the proposal is an appropriate project consistent with the General Plan policies. The General Plan calls for the development of Infill Design Guidelines, which has been crafted and adopted by the city. An analysis of how this project complies with the guidelines has been conducted by staff (see Attachment #9). The conclusion from the analysis is that the proposal complies with all applicable aspects of the Infill Guidelines. The city General Plan

defines infill as “urban development or redevelopment on vacant or “underutilized” urban-designated land within a city’s boundaries, as an alternative to accommodating growth through expansions of city boundaries.”

Climate Change and Sustainability

The Davis General Plan has for many decades provided policy direction and support for resource conservation, compact community design and energy efficiency. The city has adopted standard and guidelines to address local, regional and global climate change impacts of future development. The city also promotes smart growth principles to provide more livable communities and reverse the trend of urban sprawl through housing diversity; compact development; use of existing assets; natural resource protection, and quality design. The long-range goals and objectives for sustainability and smart growth initiated by the City Council address land use policy through implementation of the Green Building Ordinance. In November 2008, and more recently in April 21, 2009, the City Council adopted resolutions establishing thresholds and standards for greenhouse gas emission reduction. The project would comply with the Green Building Ordinance and proposes a carbon reduction plan that would meet the greenhouse gas emission reduction standards.

The applicant proposes the following “green” features:

- Employ passive solar design so as to reduce energy demand
- Design the building systems and equipment so as to reduce energy use
- Use photovoltaic system and on-site forestation to mitigate the resulting GHG emissions

Development Agreement. A Development Agreement provides a vested right for development of an approved project. A city may enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property pursuant to Government Code Section 65864 et. seq. A development agreement does not require a nexus with project impacts because they serve as voluntary alternatives to normal regulations. The Development Agreement for Wildhorse Ranch contains the following key elements:

- Requires compliance with the City Greenhouse Gas Reduction policy
- Requires payment of supplemental fees to the City for each market rate unit for community enhancements (amount TBD)
- Allows water and sewer connection fees to be deferred to certificate of occupancy of each unit
- Allows payment of park in-lieu fees to be deferred to certificate of occupancy of each unit
- Establishes that the project is not subject to the Small Builder provisions of the Municipal Code
- Establishes the affordable housing plan and obligations of the developer

The draft Development Agreement ordinance and provisions are provided in Attachment #4 of this report.

Consistency Finding / Rezoning and Preliminary P-D. Section 40.22.050(a) of the city code requires that a Planned Development district be processed as two separate applications; the Preliminary Planned Development and the Final Planned Development. The applications may be processed concurrently. A Preliminary Planned Development designates land use classifications, development densities and standards, and street circulation patterns. Final determinations regarding lot configurations and design standards are made through the Final Planned Development and Tentative Map processes. Staff believes that the proposed project will comply with zoning requirements, as conditioned. Given that the proposal does not involve concurrent applications' processing, the final zoning standards are not being addressed at this time. However, at the Final Planned Development (FPD) application stage, the final development standards will be established in accordance with the P-D ordinance attached.

The purpose of a P-D district (section 40.22.010) is to allow diversification in the relationship of various buildings, structures and open spaces in order to be relieved from the rigid standards of conventional zoning. The proposed project has requested exceptions so as to accommodate the mix of housing types proposed. Given the creative nature of the project, and the larger private open space proposed, it becomes necessary to allow deviations, such as provision of three story structures in order to provide dense infill project consistent with the city vision. However, given the nature of the site plan, which makes it difficult to alter without significantly affecting the Measure J features, staff has provided specific P-D Zoning Ordinance conditions, which address items not typically addressed in the P-D ordinance. These conditions include:

- Public improvements – such as right of way, public streets, street trees, trees protection, site grading, etc.
- Fire Department items – such location of fire hydrants, restricted parking areas, building addressing, etc.
- Taller building – that involves stepping back taller buildings to minimize privacy impacts per the General Plan policy
- Green building & Greenhouse Gas Emission – requiring compliance with city standards

Affordable Housing Plan

The proposed affordable housing plan concept calls for the filing in the future, should the project be approved via Measure J, a project individualized affordable housing plan (PIP). The basic affordable housing ordinance requirements will be met as proposed currently. However, the nature of ownership, the time of construction, and the means of assuring permanent affordability remain to be firmed up. These items will be addressed through the PIP. The Development Agreement and recommended conditions of the P-D Ordinance have adequately addressed these items to extent feasible at this stage of the project. For instance, in the event that the PIP is deemed unacceptable by the Social Services Commission in the future, the applicant is required to dedicate the land to the city consistent with the Affordable Housing Ordinance. The P-D Ordinance contains the conceptual Affordable Housing Plan. See Attachment #3.

Conclusion

Staff is mindful that this site is not intended for residential development when the original Wildhorse development was approved, and that the city has placed its potential development in the hands of the voters so as to assure that it is appropriately vetted prior to any development occurring. Therefore, the key policy issue with the proposal is whether this site should be developed. Staff believes the site layout is appropriate given all the challenges that it needs to overcome. Should the decision be reached that the site could be improved with residential homes, staff recommends approval of the proposed project subject to the mitigation measures and recommended conditions of approval.

Attachments

1. Resolution Certifying Final Environmental Impact Report SCH#2004062089
2. Resolution Amending the General Plan
3. Ordinance Approving P-D #4-05, Establishing Site's Preliminary Development Standards
4. Ordinance Approving Development Agreement
5. Affordable Housing Plan
6. Applicant's Data -- Site Plan & Related Project Information
7. Findings & Conditions
8. General Plan Consistency Finding Table
9. Interim Infill Guideline Table
10. WENA Letter & Wildhorse East Neighborhood Survey result