

Staff Report

May 5, 2009

TO: Planning Commission

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

SUBJECT: PA #44-05; Comments on Draft Environmental Impact Report (DEIR -- #2007072020) for the Wildhorse Ranch Proposal Located at 3003-3075 East Covell Boulevard -- Intersection of East Covell Blvd. & Monarch Lane

Recommendation

Staff recommends that the Planning Commission hold a public meeting, provide comments, and allow the public to provide comments on the draft Environmental Impact Report (SCH #2007072020). The purpose of this public meeting is to receive oral comments on DEIR.

It is noteworthy that commenting on the DEIR is the initial step in the EIR preview process. Equally important is the fact that finding the EIR adequate does not necessarily translate to acceptance of or approval of the proposed project. Tonight's meeting is to receive comments on the adequacy of the DEIR.

Application & Planning Process

The Wildhorse Ranch proposal is subject to review by the Planning Commission, City Council, and Measure J voter approval. The project involves the following entitlement applications: General Plan Amendment, Rezoning and Preliminary Planned Development, Affordable Housing Plan, Development Agreement, and EIR. The Final EIR will be processed concurrently with these applications. It is important to note that certification of an EIR does not equate to approval of the proposed project. While tonight's meeting is to receive comments on the adequacy of the DEIR, there will be future public hearing meetings in July of this year that will concurrently address the Final EIR and the other project applications being requested at this time. The tentative subdivision map, final planned development, project individualized affordable housing plan and design review would be submitted at a later date if a project is approved under Measure J.

Relevant History

On November 14, 2006 the City Council directed staff to proceed with the Wildhorse Ranch project application review, processing, and communitywide public outreach.

On January 29, 2007 the City Council directed staff to proceed with the EIR and project processing with Site Plan Option #3 as a starting point; confirmed the six city project objectives for the EIR with some modifications; and confirmed the four project alternatives to be evaluated in the EIR.

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

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

Analysis

Wildhorse Ranch DEIR. In accordance with the California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (DEIR) has been 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 apprises 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 City of Davis as the lead agency for this project is required to consider the information in the DEIR along with any other available information in deciding whether to approve the application. 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.

Tonight's meeting is solely on the Wildhorse Ranch DEIR, not on the Wildhorse Ranch proposal. The purpose of the meeting is to receive comments on the adequacy of the DEIR from the Commission and the public. A court reporter will be in attendance at the meeting to accurately record all oral comments submitted. These comments will be subsequently documented in a written transcript that staff and the EIR Consultant will utilize to adequately respond to all oral comments submitted. Comments should be focused on the content and analysis presented in the DEIR. Staff and the EIR Consultant may respond to some questions at the meeting, however, written responses will be provided in the Final EIR for comments received tonight and others provided during the DEIR comment period.

The 45-day circulation of the Wildhorse Ranch DEIR for public review and comments commenced on April 24, 2009, and will end by 5:00 p.m. on June 8, 2009. Comments received during this comment period and at this public meeting will be addressed in a Response to Comments volume. 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 presented to the Planning Commission and City Council for review and final certification by the City Council in accordance with CEQA Guidelines. The FEIR is anticipated to be released on June 30, 2009. It is estimated that the FEIR and the project applications will be presented to the Commission and City Council in July. Thus, the Planning Commission is being asked to hold a public meeting, provide comments, and allow public comments on the adequacy of the DEIR.

Wildhorse Ranch Proposal. The project entitlement applications are not before the Planning Commission tonight for deliberation and action. This is a meeting to receive comments on the DEIR. The DEIR contains a detailed project description as feasible at this stage of the project review. This proposal is subject to Measure J. During the project applications review, a detailed project description will be provided, including analysis of the proposal relative to city codes, goals, guidelines, policies and actions. The proposed project involves these entitlement applications -- General Plan and Zoning Ordinance amendments, Development Agreement, Affordable Housing Plan, and Environmental Determination, which are briefly described below.

1. General Plan Amendment, requesting a change to the site's land use designation from Agriculture to five land uses; Residential High Density, Residential Medium Density, Neighborhood Greenbelt, Natural Habitat Area, and Urban Agricultural Transition Area.
2. Rezoning and Preliminary Planned Development, requesting to change the site's existing zoning, P-D #3-89 (horse ranch), to a new Planned Development in order to allow the proposed residential and open space uses. The proposed zoning change will result in the following land uses: single-family attached and detached units, affordable rental apartment, open space, Greenbelt, and Urban Agricultural Transition Area.
3. Affordable Housing Plan, requesting approval to allow for the establishment of the affordable housing parameter for the proposed residential development with the intent to apply in the future for approval of a Project Individualized Affordable Housing Plan.
4. Development Agreement – the applicant will enter into a development agreement with the city in order to establish certain development rights for the property.

The Wildhorse Ranch site plan is as shown on the next page. This site plan is Figure 3-3 of the DEIR, while the colored copy of proposed uses is on page 4.1-5 of the DEIR.

