

CITY OF VENTURA

ADMINISTRATIVE REPORT

Date: January 29, 2016

Agenda Item No.: 5

Council Action Date: February 22, 2016

To: Honorable Mayor and City Council

**From: Mark D. Watkins, City Manager
Jeffrey Lambert, Community Development Director**

Subject: Residential Allocation Program and Associated Actions: Review Addendum No. 3 to the 2005 Ventura General Plan Final Environmental Impact Report, The Proposed Residential Allocation Program, Associated General Plan Amendments, Revised City Council Appeal Procedure; and Planning Commission Recommendation Not to Adopt the Proposed Residential Allocation Program or Associated General Plan Amendment and to Adopt the Revised City Council Appeal Procedure, Project No.10072, Case No. GPA-10-15-30877, OA-10-15-30881, OA-10-15-30876, and EIR-10-15-30943

RECOMMENDATIONS

It is recommended that the City Council adopt the proposed RAP including General Plan Amendment and amendments to the Municipal Code to establish the RAP and modify the Appeal Procedure as originally proposed to the Planning Commission on November 12, 2015, which included the following actions (The City Council documents are included in Attachment D):

- a. Adopt a resolution to adopt Addendum No. 3 to the 2005 General Plan Final Environmental Impact Report for the proposed Residential Allocation Program, General Plan Amendment and the changes to the Appeal Procedure.
- b. Adopt a resolution to approve a General Plan Amendment to update Chapter 3, Our Well Planned and Designed Community, and Appendix A to include the Residential Allocation Program.
- c. Introduce and waive the first reading of an ordinance to rescind Resolution No. 2006-057 to amend Division 24R, the Housing Approval Program, and adopt a

new Chapter 24.508 of Division 24 Part 5 of the municipal code to codify the Residential Allocation Program.

- d. Introduce and waive the first reading of an ordinance to amend Chapter 24.565, Appeal Procedure, of the San Buenaventura Municipal Code to provide a specific procedure for members of the City Council to call for review of decisions of the Design Review Committee and/or Planning Commission.
- e. Set the proposed ordinances for a second reading and adoption at the City Council meeting of March 7, 2016.

Alternatively:

Planning Commission Recommendation: After consideration of the proposed Residential Allocation Program (RAP) and associated actions, and conducting a duly noticed public hearing, the Planning Commission, on a 5-0 vote recommended that the City Council not adopt the RAP, but review and study revisions to the City's Appeal Procedure contained in the Municipal Code. The recommended City Council actions include the following (The City Council Resolution related to the Planning Commission recommendation is contained in Attachment E):

- f. Not adopt a new Chapter 24.508, "Residential Allocation Program" Division 24 Part 5 of the San Buenaventura Municipal Code establishing a Residential Allocation Program.
- g. Not amend the 2005 General Plan to include the RAP ordinance.
- h. Amend the City's Appeal Procedures contained in Chapter 24.565 of the San Buenaventura Municipal Code in order to comply with existing law.

COUNCIL PRIORITIES

This process supports the City Council's goal of:

- Delivering Core Services

PREVIOUS COUNCIL ACTIONS

The following provides an accounting of City Council direction and Community Development work efforts during the last 3 years to address General Plan implementation for land use policy and development. While this history of actions is rather lengthy, it does provide the context of policy direction and shows how the Residential Allocation Program (RAP) is the first of these work efforts to reach final review and potential adoption milestone, with others following in summer/fall 2016.

April 13, 2015 – The City Council directed City staff to commence preparation of an "expedited" residential allocation program (growth management) to be adopted by December 2015 and authorized staff to retain legal, land use and civic engagement consultants to prepare the program in an amount not to exceed \$170,000.

The City Council also directed staff to prepare an amendment to the City's municipal code extending the effective date of any final action of the Planning Commission, Design Review Committee, and Historic Preservation Commission to be ten days following notice of the action appearing as an "Information Only" Item on the Consent Calendar of the City Council's public agenda.

Lastly, the City Council directed staff to provide continued quarterly check-ins regarding recently filed permit applications, with a strengthened pre-screen process; and directed the City Attorney to review and provide advice to the City Council on the ability of the City Council to pre-screen land use applications and what, if any, actions may be taken at the pre-screening stage.

February 2, 2015 – The City Council received a policy consideration and directed staff to draft a resolution to establish an "application window" for new 2015 residential permit applications and to establish a residential growth management strategy.

November 17, 2014 – The City Council received information related to the potential implementation of a building permit and/or water connection moratorium triggered by persistent drought conditions. The City directed the Water Task Force to determine whether substantial evidence and findings exist to support either a water connection or building permit moratorium and whether substantial evidence and findings exist to distinguish, within any moratorium, between geographical areas, classifications, and residential customers.

September 25, 2014 – In response to the Pending Project Status discussion on August 11, 2014 regarding growth management, the General Plan Ad Hoc Committee proposed a revised General Plan Refinement work plan to include and prioritize the creation of a residential allocation program and sent a policy consideration to the City Council.

September 14, 2014 – Staff issued a memo to the City Council outlining a proposed scope of work which prioritized the development of a growth management program within the General Plan Refinement scope of work.

August 11, 2014 – During a special meeting, the City Council received the Quarterly Community Development Director's Pending Projects Report which generated a discussion regarding managed growth tied to levels of infrastructure and resources. The City Council directed staff to elevate growth management as a top priority and revise the General Plan Refinement work plan to reflect this shift in priorities.

August 4, 2014 – The City Council conceptually approved recommendations for twelve City Council goals for the General Plan Refinement project; and approved the preliminary scope of work and timeline with direction to return with a detailed final scope of work effort for approval in September 2014.

May 5, 2014 – The City Council received a status report regarding progress of efforts toward development of a revised Preliminary Screening Process; Development Code Refinement effort and initiation of the City Council General Plan Refinement Ad Hoc Subcommittee.

March 3, 2014 - The City Council appointed a General Plan Update Subcommittee to evaluate the desired scope of work to be pursued in an update of the General Plan. The General Plan Subcommittee began meetings in May 2014 to develop the scope of work and budget for the General Plan Update effort.

October 28, 2013 – The City Council reviewed and provided direction regarding project thresholds that would trigger application of the amended Preliminary Screening tool and suggested evaluation criteria to apply to the screenings. The City Council directed staff to proceed with revisions to the General Plan Preliminary Screening process; revision and deletion of the Housing Approval Program; and ordinance amendment for Rezone procedures.

July 15, 2013 –The City Council heard a summary and recommendation of the joint workshop of May 20, 2013 regarding the *Infill First Strategy*, Development Codes and General Plan, and directed staff to proceed with a formulation of a scope of work for a Development Code Refinement effort, including a Development Code Refinement Working Group; expansion of the General Plan Preliminary Screening process to include project types of concern to the City Council and repeal of the Housing Approval Program; and interim guidelines for the continued use of Warrants and Exception.

May 20, 2013 – In a joint session with the Historic Preservation Committee, Design Review Committee, and Planning Commission, the City Council participated in a workshop to discuss current Prescreen Processes for development applicants; principles of the *Infill First Strategy* of the General Plan; and application of Development Code tools used in implementing the General Plan. City Council, Committee and Commission members considered such issues as community benefit agreements; ranking and prioritizing infill areas; refining principles and tools for density caps including parking and height provisions; prioritizing development distribution amongst infill areas; parking standards; adaptive reuse; variance tools; and neighborhood context and sensitivities.

January 7, 2013 – The City Council received a City Manager’s report which provided an overview and history of the land use policy framework associated with reviewing development projects and implementing the *Infill First Strategy* of the General Plan

through application of the form-based Development Codes, the Municipal Code and County and State initiatives such as SOAR and Housing Element requirements.

November 5, 2012 – The City Council received a report evaluating trends and issues associated with implementation of the Infill First Strategy of the General Plan in light of several development projects of concern the year prior; and considered a proposal to adopt a resolution providing interim policy direction on the use of minimum parking standards, the application of Warrants and Exceptions and other amendments to the Development Codes. The City Council failed to pass a motion to take action at that time.

SUMMARY

On April 13, 2015, the City Council directed staff to develop a residential growth management strategy tied to levels of infrastructure and resources. Following City Council direction to create the RAP, a community engagement process allowed stakeholders to contribute to the program design. Two community workshops were held and all materials from the workshops, including summary notes, were posted on the City's web page for review and comment. Following community input, the proposed RAP outlined an application process structured on a three-year cycle with a maximum number of residential units that may be approved in any one year and in any cycle. The proposal also included an accompanying General Plan amendment and proposed Municipal Code amendment to revise an existing City Council appeal procedure concerning individual project approvals.

However, on November 12, 2015 and November 20, 2015, the RAP proposal was heard before the Planning Commission in public hearings.

After consideration of the proposed Residential Allocation Program (RAP) and associated actions, and conducting a duly noticed public hearing, the Planning Commission, on a 5-0 vote recommended that the City Council not adopt the RAP, but review and study revisions to the City's Appeal Procedure contained in the Municipal Code to comply with existing law (Attachments B & C). The recommended City Council actions include the following (The City Council Resolution related to the Planning Commission recommendation is contained in Attachment E):

- f. Not adopt a new Chapter 24.508, "Residential Allocation Program" Division 24 Part 5 of the San Buenaventura Municipal Code establishing a Residential Allocation Program.
- g. Not amend the 2005 General Plan to include the RAP ordinance.
- h. Amend the City's Appeal Procedures contained in Chapter 24.565 of the San Buenaventura Municipal Code in order to comply with existing law.

DISCUSSION

Analysis: In order to implement the population growth policies set forth in the Land Use Element of the Comprehensive Plan, the City Council adopted a Residential Growth Management Program (RGMP) in 1990. This program was replaced in 2006 with the Housing Approval Program (HAP) which followed as the first implementation action of the 2005 Ventura General Plan. The 2005 General Plan updated and replaced the Comprehensive Plan for non-coastal zone areas to address city development through the year 2025. Per the General Plan, the HAP was intended to promote and achieve high-quality urban design for place-making and to build a sustainable community. The HAP was envisioned as an interim program to fulfill the role of urban design requirements for residential development until such time as other design-oriented regulations, such as community plans and development codes, could be drafted and enacted for the City's various planning communities. Some of those plans and codes were subsequently adopted. In addition, the City is currently engaged in a work effort toward refining the General Plan for adoption in 2016, as well as revisions to the Development Codes that would follow at a later time. Since land use policies such as the adopted Community Plan and Development Code areas continue to be refined to meet community expectations, and Design Guidelines can be amended to incorporate desired design principles in other areas of the City accordingly, the HAP was felt to be no longer necessary. However, the City Council still wished to maintain appropriate oversight to manage the pace and quality of residential development.

On April 13, 2015, the City Council directed staff and a consulting team to develop a residential allocation program (RAP) that would achieve the following goals:

1. Provide the City Council authority and discretion over the housing types, pace of growth, and quality of residential development;
2. Ensure thoughtful allocation of limited City resources and services, such as water, land, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas; and
3. Ensure a range of housing types that accommodate all income levels, from executive estates to affordable housing units.

The proposed RAP included provisions to allow the City Council to control the pace and quality of residential development while continuing to meet the overall goals of the 2005 General Plan, including the adopted 2014-2021 Housing Element. The RAP proposed a three-year cycle, commencing with calendar years 2016 through 2018, with a ceiling on the number of residential allocations for building permits that may be approved. Criteria to evaluate award allocations were proposed to guide the City Council's preliminary review of applications, as well as review and analysis by staff, the Design Review Committee and the Planning Commission. In order to comply with recent court decisions, the allocations would be awarded by the City Council after all discretionary approvals had been granted and environmental review had been completed. Exemptions were proposed for 100% affordable housing projects, projects within

existing and future adopted Specific Plan areas and, importantly, to ensure the RAP did not prevent the City from achieving the goals set forth in the Housing Element (See Attachment A).

Planning Commission Recommendation:

At its meeting of November 12, the Planning Commission unanimously voted (5-0) to recommend that the City Council NOT adopt the RAP. The Planning Commission cited the following reasons for its recommendation:

- The residential growth rates for the City have been below the growth projections set forth in the City's General Plan, and, therefore, there is no need to regulate the pace of development.
- The City currently employs a robust residential development review process, commencing with the City Council check-in process, through Planning Commission and/or Design Review Committee review, and the ability of the City Council to appeal decisions regarding residential developments.
- Issues relating to design standards for residential development are more appropriately addressed through amendments to the City's General Plan, Zoning Code, and Development Guidelines.
- In light of the existing residential development review process and the ability of the City to address residential development design standards through legislative and administrative guidelines, the proposed RAP ordinance is not necessary and only serves to add time and expense to the residential development process.

Since the Planning Commission did not support the RAP, the proposed revision to the General Plan to reflect the RAP was also not supported. The Planning Commission also recommended that the revisions to the procedures for appeals of decisions on development cases be further reviewed to comply with existing law and the revision be undertaken separately from the RAP. The formal resolution memorializing the Planning Commission's recommendation was adopted on November 20, 2015 and is attached as Attachment C. The draft minutes of the Planning Commission's discussion on the RAP on November 12 and 20, 2015 are included as Attachment B.

Other Modifications to Land Use Policies and Procedures: Per the City Council's direction staff is currently working on several other programs to further refine the City's land use policies and procedures.

- *General Plan Refinement* - In order to address the City Council's concerns regarding growth management policy, the General Plan refinement will: Identify parcels with

inconsistent zoning and land use designations, which may contribute toward ambiguity in project level land use decisions; revise Chapter 2 - *Our Prosperous Community* chapter of the General Plan for consistency with the current Economic Development Strategy; amend Montalvo land use designations to better match the General Plan to the existing neighborhood context of this recently annexed area; amend the Vista Del Mar land use designation from residential to industrial to resolve outstanding conflict between the Local Coastal Plan (1989 Comprehensive Plan) and the General Plan; analyze Commerce, Industry, where Commerce only should be allowed, where Mixed Use land use designations would be permissive or required to clarify the Infill First Strategy and identify where land use/zoning inconsistencies exist; and confirm and prioritize “focus” areas.

- *Development Code Refinement* - In July 2013, the City Council directed staff to convene a Development Code Refinement Working Group to make adjustments to the adopted form-based development codes to accomplish the following goals: Revise Warrants and Exceptions for thresholds and guidance, use, applicability and revised findings to ease adverse impacts to project review; clarify the design purpose and intent of each code area; strengthen Code regulations for sensitivity to neighborhood context; refine building massing standards; adjust the mechanics of building types, heights, setbacks, percentages for stacked dwellings, frontage types and signage requirements; and simplify the complicated format of the Codes for ease of use. Additionally, the Code Refinement effort will also be tasked with revising transects in the Victoria Avenue Code for more compatible heights in select areas of the Code; and adjusting the use of Shopfront Overlays and allowable land uses commensurate with the revised Infill strategy decisions which may occur as a result of the General Plan Refinement.
- *Design Guidelines Amendments* - In conjunction with the RAP proposal, the City Council would be expected to rescind the HAP were the RAP to be adopted. This would necessitate updates and amendments to the City Design Guidelines and, where appropriate, the procedures for adoption of Specific Plans would need to be initiated to bring the current collection of design guidelines into consistency with the body of adopted Development Code and Municipal Code requirements. This would include components that would be inadvertently eliminated upon repeal of the HAP in areas regulated by the Municipal Code. If the City Council selects not to adopt the RAP, this effort can be initiated in a future work plan effort as early as 2016 to bring the City’s process in compliance with current legal requirements.
- *City Council Appeal and Call for Review Procedure* - Included in the proposed action, the City Attorney’s office has proposed revisions to the current appeal procedures to make it easier for the City Council to receive notification and potentially “call for review” of decisions made by the Design Review Committee and the Planning Commission (Attachment D, Part 4). The ability to review these decisions is critical if the City Council has concerns with any component of a project, as modifications to approved projects cannot occur through the allocation process.

This ordinance revision will require all project approvals by the Design Review Committee and Planning Commission to be listed on the following City Council agenda. The project entitlement appeal timeframe will not commence until the date of the City Council agenda on which the project appears.

CEQA Summary: For the RAP Adoption Alternative, the California Environmental Quality Act §21166 and State CEQA Guidelines §15162 provide that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence, one or more of the following:

- Substantial changes are proposed in the project that would require major revision to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- Substantial changes occur with respect to the circumstances under which the project is undertaken which would require major revisions of the previous EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance shows that the project would have one or more significant effects not discussed in the previous EIR, or that significant effects previously examined would be substantially more severe, or that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects but the City Council declined to adopt them, or mitigation measures or alternatives that are different from those included in the previous EIR would substantially reduce one or more significant effects on the environment but the City Council declined to adopt them.

Section 15006 of the State CEQA Guidelines expressly encourages public agencies to reduce delay and paperwork associated with implementation of CEQA by using previously prepared environmental documents when those previously prepared documents adequately address potential impacts of the proposed project.

In August 2005, the City Council approved the 2005 General Plan for purposes of guiding development and land use within the City (“General Plan”). Pursuant to the California Environmental Quality Act, the City Council certified a Final Environmental Impact Report for the General Plan in August 2005 (“General Plan FEIR”). The General Plan FEIR identified feasible alternatives and mitigation measures to mitigate to the extent feasible all environmental impacts associated with all uses contemplated by the General Plan at a programmatic level, and adopted a Mitigation Monitoring and Reporting Program for the same.

In light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 subdivisions (a) through (c) and State CEQA Guidelines

section 15162 a Modified Initial Study plus Errata was prepared that concluded that the General Plan FEIR fully analyzed and mitigated all potentially significant environmental impacts, if any, that would result from the RAP actions and therefore, no subsequent EIR or MND is required. Because the RAP actions require the City to make some changes and additions to the certified 2005 General Plan FEIR, the City has prepared Addendum #3 plus Errata to the 2005 General Plan FEIR pursuant to State CEQA Guidelines 15164. A copy of Addendum #3, Modified Initial Study and Errata are included as Exhibit A to the CEQA Resolution attached to the administrative report as Attachment D, Part 1 and should be considered by the City Council together with the 2005 General Plan FEIR.

Since release of Addendum #3 to the Ventura General Plan Final EIR and consideration of the same at the Planning Commission, staff has determined that some minor clean-up revisions to the text of Addendum #3 to the Ventura General Plan Final EIR are appropriate to enhance the clarity of the document.

Staff's revisions are attached to Attachment D, Part 1, Exhibit A in redline. These revisions include:

- Minor clean-up of typos.
- Minor revisions to the wording of certain findings, to ensure internal consistency and improve clarity. However, no findings or determinations are altered by these minor revisions in wording.
- The insertion of citations to additional General Plan Actions and Mitigation Measures that further support (and do not alter) the findings of the Addendum's analysis.

However, for the Planning Commission recommendation to adopt the revision to the Appeal Procedure, staff identified an applicable provision pursuant to State CEQA Guidelines, California Code of Regulations §15061 (b)(3), that it can be seen with a certainty that there is no possibility that the proposed project may have a significant effect on the environment and thus the activity is not subject to CEQA.

Public Engagement: Public engagement in the preparation of the RAP was prioritized at the outset of the process and provided early guidance to the City staff and consultant team on key elements and components of the previously proposed RAP. Following pre-workshop phone interviews with pre-selected community stakeholders about the format and ideas for engagement, the consultant team and City staff designed and held two community workshops. Each was attended by about 45 community stakeholders, according to sign-in sheets. A stakeholder e-mail distribution list was maintained throughout the public engagement process and was used to provide e-mail notifications of upcoming community workshops and the availability of new documents and materials on the RAP web page (<http://www.cityofventura.net/page/residential->

allocation-program-rap). The Planning Commission was encouraged to review the webpage to gain a sense of the discussion and process to involve the public in the RAP Program development, beyond the summary provided below.

Community Workshop #1 was held on June 30, 2015 at City Hall in the Community Meeting Room to: (1) provide an overview of the RAP preparation process; (2) present examples of key elements of growth management programs from other communities in the state; (3) solicit input on allocation methods, process, criteria, and exemptions; (4) facilitate dialog among stakeholders about community priorities for the RAP; and (5) answer clarifying questions about the RAP. A significant volume of community input was received at the workshop and provided critical guidance in the preparation of an initial draft RAP ordinance. The agenda, PowerPoint presentation, summary notes, and comment cards from Workshop #1 were posted on the RAP web page following the workshop.

The initial draft ordinance and agenda for Community Workshop #2 were published on the RAP web page one week prior to the workshop. Workshop #2 was held on September 10, 2015 at the same location to: (1) provide a recap of Workshop #1; (2) present the fundamental components of the draft RAP ordinance; (3) solicit additional input and feedback on the draft evaluation criteria; (4) solicit input and feedback on the implementation mechanics of the draft RAP; and (5) answer clarifying questions. The agenda, PowerPoint presentation, summary notes, and comment cards from Workshop #2 were posted online following the workshop. As described in earlier sections of this report, additional modifications and refinements were made to the draft RAP ordinance in response to input received at Workshop #2.

Relevant input and comments received during the public engagement process, including workshop input and e-mail correspondence, are summarized in the discussion and alternatives sections of the Planning Commission administrative report (Attachment A, Pages PC -005 & 014). A healthy balance of input and comments were received from different perspectives, all of which were reviewed and considered during the drafting process of the RAP ordinance.

Additionally, the Planning Commission received 13 public comment letters from members of the public in opposition to the proposed RAP or requests for exemptions from the program, two of which were not received prior to the Planning Commission cut-off point for receipt of packet materials, but which are now included. The Planning Commission also heard from 14 speakers in opposition to the RAP on November 12th, 4 of whom later refined their remarks at the Planning Commission of November 20th to support the proposed RAP in concept, but with modifications to the program (Attachment A, Page PC -207).

The current Planning Commission recommendation not to adopt the RAP is a result of public hearings conducted at its meetings of November 12, 2015 and November 20, 2015 in which the Planning Commission took public testimony prior to moving to

recommend to the City Council that the RAP not be adopted in favor of other program proposals.

In conjunction with the proposed RAP General Plan Amendments, the City also conducted required Tribal Consultation notification to designated Tribal representatives per Government Code §65352; §65352.3 and §65092. No responses or requests for Tribal Consultation were received from designated local Tribal representatives.

IMPACTS

Legal Implications: The California Supreme Court has indicated that taking any steps to approve projects prior to completion of CEQA review is not appropriate (Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116, 138). If the City Council wishes to continue to grant allocations through the HAP, the process would require modification to grant allocations at the end of the entitlement process.

Fiscal Impacts: Staff presently processes applications for compliance with the HAP. These costs are offset by a filing fee to cover staff processing costs. The appeal process currently proposed is not expected to increase the amount of time required for staff to process applications for residential allocations and no net impact to the general fund is anticipated.

ALTERNATIVES

The City Council may consider a variety of alternatives that include issues that were raised by community stakeholders as summarized below. Other than Alternative 1, all alternatives involving the proposed RAP would require a motion of intent and the return of a revised adoption resolution/ordinance to be accompanied by the proposed CEQA Initial Study and Addendum as presented to the Planning Commission (Attachment A, Page PC - 032) plus Errata contained in the currently proposed City Council Resolution to Adopt the CEQA Addendum (Attachment D, Part 1, Exhibit A).

1. Support the Planning Commission recommendation to not implement the RAP and use other means for City Council input into the development process.
2. Adopt the proposed RAP with a reduced range of exemptions. Some community members believe that the proposed program exempts too many units. The implication of this alternative would mean more residential development proposals would be subject to RAP.
3. Adopt the proposed RAP with modifications to allow discretionary projects that have been deemed complete as of the date of adoption of the RAP to be exempt. These projects either have already been reviewed through the HAP or are located

in a Development Code area and subject to detailed design regulations. In addition, the RAP criteria were not available during the initial project design by the applicants' that are well into the City's review process. The implication of this alternative is that a total of 929 residential units, as of February 1, 2016 would be exempt from RAP, assuming each of these projects received entitlement approval, which may or may not occur and not necessarily at the number of project residential units requested.

4. Adopt the proposed RAP with modifications to exempt projects that include a certain percentage of affordable units from the RAP. As proposed, only projects that reserve 100% of the units for low-income households will be exempt. Advocates have suggested that a lower threshold is more appropriate. The implication of this action is that the City may receive more development proposals that include units for low-income households and achieve more Housing Element RHNA, but the City Council will have less authority and discretion over the housing types, pace of growth, and quality of residential development.
5. Adopt the proposed RAP with modifications to exempt all projects for which the City has authorized a density bonus in order to provide affordable housing and/or senior housing. A stakeholder has pointed out that a recent court decision regarding a program in another community found that imposing additional requirements on projects eligible for a density bonus created a disincentive for developers to construct such projects and, thus, was not consistent with the State's Density Bonus Laws.
6. Adopt the proposed RAP with modifications to incorporate more of the evaluation criteria from the HAP into the RAP. The implication of this action is that the City Council would need to direct staff to consider the additional evaluation criteria and return the RAP for adoption at a future hearing date.

Retention of the HAP is not recommended as an alternative due to the fact that its pre-qualification process would not likely stand up to a legal challenge, and the zoning code now contains urban design and place making provisions. However, as noted earlier in this report, future staff work is anticipated to capture some key design elements from HAP and incorporate those into an update to the Citywide Design Guidelines.

Prepared by Best Best & Krieger, Kimley-Horn and Associates and Maggie Ide, Associate Planner, for Dave Ward, AICP, Planning Manager

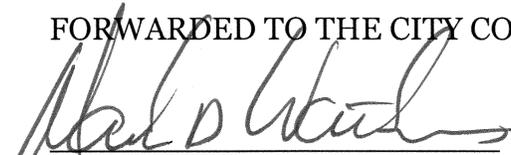
For:

Jeffrey Lambert, AICP
Community Development Director

Reviewed as to fiscal impacts


Gilbert Garcia
Finance and Technology Director

FORWARDED TO THE CITY COUNCIL


City Manager's Office

ATTACHMENTS

- A. Planning Commission Administrative Reports of November 12, 2016 and November 20, 2016
- B. Planning Commission Minutes of November 12 and November 20, 2016
- C. Planning Commission Resolution 2015-25 Recommending the City Council Not Adopt the RAP
- D. Draft City Council Resolutions and Ordinances to Adopt the RAP Program
- E. Draft City Council Resolution Not to Adopt the RAP Program