



**PROJECT REVIEW PROCESS:****A. Environmental Determination**

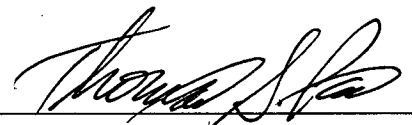
Project denials are exempt from environmental review, pursuant to the California Environmental Quality Act Guidelines, Section 15270.

**PROJECT APPROVAL PROCESS:** Of the entitlements below, Planning Commission has the authority to approve or deny A and B. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 calendar days of the Planning Commission action.

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact, which finds that project denial is exempt from environmental review.
- B. Adopt the attached Notice of Decision and Findings of Fact **denying** the Inclusionary Housing Plan Amendment to remove the on-site inclusionary housing requirement and to instead construct affordable units off-site on a 9.83 acre parcel of R-2B-PUD zoned land located at the southeast corner of Bruceville Road and Jacinto Avenue.

Report Prepared By,



Thomas S. Pace, Senior Planner

Report Reviewed By,



Gary Lane, Principal Planner

**Attachments**

Attachment 1  
Exhibit 1A  
Attachment 2

Notice of Decision & Findings of Fact  
Amended Inclusionary Housing Plan  
Land Use & Zoning Map

## Attachment 1

**NOTICE OF DECISION AND FINDINGS OF FACT  
FOR MEADOWVIEW ESTATES INCLUSIONARY HOUSING PLAN AMENDMENT  
TO REMOVE THE ON-SITE INCLUSIONARY HOUSING REQUIREMENT AND TO  
INSTEAD CONSTRUCT AFFORDABLE UNITS OFF-SITE  
ON A 9.83 ACRE PARCEL OF R-2B-PUD ZONED LAND  
LOCATED AT THE SOUTHEAST CORNER OF BRUCEVILLE ROAD AND JACINTO  
AVENUE, SACRAMENTO, CA. (P02-170)**

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At the regular meeting of July 24, 2003, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. **Environmental Determination:** Exempt;
- B. **Denied the Inclusionary Housing Plan Amendment** to remove the on-site inclusionary housing requirement and to instead construct affordable units off-site on a 9.83 acre parcel of R-2B-PUD zoned land located at the southeast corner of Bruceville Road and Jacinto Avenue (APN: 117-0204-018).

These actions were made based upon the following findings of fact:

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**FINDINGS OF FACT**

- A. **CEQA Exemption:** The City Planning Commission finds that the project denial is exempt from environmental review, pursuant to the California Environmental Quality Act Guidelines, Section 15270.
- B. **Inclusionary Housing Plan Amendment:** The Amended Inclusionary Housing Plan is denied based on the following findings of fact:
  - 1. The proposed amended plan does not implement the intent of the Housing Element of the General Plan and the Mixed Income Ordinance in that it fails to provide for inclusion of housing affordable to low and very low income families within the project boundaries. The purpose of "inclusionary" housing is to integrate affordable housing into the affected market rate development, not to segregate affordable housing from the market rate development.
  - 2. The proposed amended plan's off-site location is not superior to on-site construction in that:

- a. The proposed off-site location currently lacks adequate infrastructure, especially arterial street capacity to handle existing and future traffic;
  - b. The proposed off-site location currently lacks adequate available public transit service, with only one bus route currently in service on Bruceville Road;
  - c. The proposed off-site location currently lacks adequate available amenities for residential development including on-street bike lanes and sidewalks for pedestrian access; and,
  - d. The proposal would result in a consolidation of affordable units in the vicinity of Bruceville Road and Jacinto Avenue not justified by any need.
3. In the alternative, the off-site location cannot be presumed to provide a more cost-effective solution to the inclusionary housing component than the standard (on-site) approach in that:
    - a. The applicant failed to demonstrate an inability to build the required number of inclusionary units on-site; and,
    - b. No facts were presented in the application or public testimony relating to financial infeasibility of on-site construction of inclusionary units.
  4. Therefore, because the above findings cannot be made to affirmatively support the applicant's request, the Inclusionary Housing Plan Amendment is denied.

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CHAIRPERSON

ATTEST:

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SECRETARY TO CITY PLANNING COMMISSION  
(P02-170)

Exhibit 1A

Proposed Inclusionary Housing Plan Amendment

**Exhibit 1A – Amended Inclusionary Housing Plan****Meadowview Estates  
Amended Inclusionary Housing Plan**

Revised February 17, 2003

**Introduction**

JTS Communities & Bryte Gardens Associates, Ltd, is the owner and developer (the "Developer") of certain real property in the City of Sacramento on which it proposes to develop and construct the Meadowview Estates residential community (the "Development Project"). The 117.7± acre (gross) Project is located south of Meadowview Road, east of Interstate-5, between Freeport Boulevard and 24th Street. The Development Project consists of 450 single-family residential units (the "Residential Project"), a 3.0-acre park and one 26.5-acre open space lot. Of the 450 single-family units, 58 units will be attached half-plex units and 392 units will be detached single-family residential units.

The Mixed Income Housing Ordinance, City of Sacramento Municipal Code Chapter Title 17 (Zoning), Chapter 17.190, requires that ten percent (10%) of the units in a residential development project be affordable to very low income households and five percent (5%) to low income households (the "Inclusionary Requirement" and "Inclusionary Units"). The developer proposes that this inclusionary obligation be met off-site, pursuant to Section 17.190.060 of the ordinance.

As part of the legislative entitlements for the Development Project, Chapter 17.190 of the City Code, section 17.190.110 (A) requires an Inclusionary Housing Plan setting forth the number, unit mix, location, structure type, affordability and phasing of the Inclusionary Units in the Residential Development.

An Inclusionary Housing Plan (dated June 21, 2002) was approved with the entitlements for the Meadowview Estates project in June 2002. The June 2002 Inclusionary Housing Plan was based on 491 units within the Residential Project and 423 units within the geographical area of the Mixed Income Housing Ordinance which required 63 Inclusionary Units including 42 affordable to very low income households and 21 units affordable to low income households.

This Inclusionary Housing Plan is based on the Developers' proposed Tentative Map for the project, which includes a total of 450 units and supersedes the Inclusionary Housing Plan approved in June 2002.

This Inclusionary Housing Plan, as supplemented and amended from time to time, is intended to begin implementation of the Inclusionary Requirement. All future approvals for the Development Project, including final maps, subsequent tentative maps, planned development permits, special permits, site development plans, and plan reviews shall be consistent with this Inclusionary Housing Plan.

The Inclusionary Requirement for the Residential Project will be set forth in more detail in the Inclusionary Housing Agreement executed by the Developer and the Sacramento Housing and Redevelopment Agency ("SHRA"). The Inclusionary Housing Agreement will describe with particularity the site and building arrangements for the construction and financing of the Inclusionary Units, pursuant to Section 17.190.110 C. The Inclusionary Housing Agreement shall be consistent with this Plan.

**Residential Numbers**

The tentative map for the Residential Project proposed by the Developer includes 450 single-family residential units. Of the 450 units, 58 will be half-plex attached units and 392 units will be detached single-family residential units. Within the Residential Project, 387 units are located within the geographical area of the Mixed Income Housing Ordinance. The Inclusionary Requirement for the Residential Project is 58 units which includes 39 units affordable to very low income households and 19 units affordable to low income

households.

If the legislative entitlements and project approvals for the Development Project decrease or increase the number of residential units, this Plan will be amended to reflect a number equal to five percent (5%) Low Income Units and ten percent (10%) Very Low Income Units of the total residential units in the Development Project entitlements.

#### **Location of Off-Site Inclusionary Units**

The Off-Site Location is a 9.83± acre property (APN 117-0204-018) located in a new growth area of the City of Sacramento at the southeast corner of Bruceville Road and Jacinto Road, as shown on the attached Exhibit "A".

The Off-Site Location is owned by Branches NPC Associates. The Developer is in contract to purchase the Off-Site Location. Developer, or its successors and assignees, will transfer Off-Site Location to an affordable housing developer ("Affordable Housing Developer") to develop, construct, own and manage the development of the Inclusionary Units at the Off-Site Location.

The Inclusionary Units will be included in a mixed-income multi-family rental community to be constructed on the Off-Site Location by the Affordable Housing Developer. The Off-Site Location is zoned R-2B-PUD which allows for the development of multi-family residential units. The infrastructure necessary to serve the development of the Off-Site Location for multi-family uses is available and proximate.

~~The Off-Site Location may be used by the Affordable Housing Developer to accommodate the inclusionary housing obligations for the Sheldon Whitehouse project. The inclusionary housing obligation of the Sheldon Whitehouse project is 24 units and may be accommodated at the Off-Site Location. The Sheldon Whitehouse project is located on the northeast corner of Sheldon and Bruceville Roads. A separate Inclusionary Housing Plan and Inclusionary Housing Agreement shall be prepared for the Sheldon Whitehouse project and for the off-site location development. (Deleted by Staff on 7/24/03)~~

#### **Inclusionary Units by Type and Tenure**

The 58 Inclusionary Housing Units will be rental apartments constructed at the nearby Off-Site Location (described below) as part of an apartment project with a mix of affordable and market-rate units.

The 39 units affordable to very low income households will be restricted to occupancy by households with incomes that do not exceed fifty percent (50%) of the Sacramento area median income, adjusted for family size. Rents for these units shall not exceed one twelfth of thirty percent (30%) of fifty percent (50%) of the Sacramento area median income, adjusted for family size.

The 19 units affordable to low income households will be restricted to occupancy by households with incomes that do not exceed eighty percent (80%) of the Sacramento area median income, adjusted for family size. Rents for these units shall not exceed one twelfth of thirty percent (30%) of eighty percent (80%) of the Sacramento area median income, adjusted for family size.

The term of affordability for the Inclusionary Housing Units will be a minimum of thirty (30) years from the date of certificate of occupancy.

#### **Planning Director's Findings**

The Planning Director has made the following findings with regard to this Off-Site Location, and has determined that the proposal is in conformity with Section 17.190.060 of the Sacramento City Code.

Standard for Approval: More cost-effective solution or superior location. The location of the Off-Site Location is superior to an affordable development on the Meadowview Estates site because it is adjacent to a transit hub, retail and commercial services and to Cosumnes River College. The Meadowview Estates

property does not have this complement of features nearby. Potential financing sources for the affordable development, the California Debt Limit Allocation and the California Tax Credit Allocation Committees, also give priority to these location features.

Number of Inclusionary Units: The maximum potential Inclusionary Units to be required from the Meadowview Estates development is 58 units, including 39 units affordable to very low-income households and 19 units affordable to low-income households, all of which can be accommodated at the Off-Site Location.

Site Suitability: The Off-Site Location on Jacinto Road is zoned R-2B-PUD, which allows for development of multi-family residential units. The site is located adjacent to and nearby transit service, retail and commercial services and Cosumnes River College. Infrastructure necessary to serve development of the Off-Site Location is available and proximate.

Site Identification and Regulatory Status: The Off-Site Location on Jacinto Road has been identified. The site is zoned R-2B-PUD and has the legislative entitlements necessary for the development of multi-family residential units, including apartments on the site. An application for building permits for a multi-family project on the Off-Site Location has not been filed with the City.

Opportunity for Additional Units at Off-Site Location: ~~The Off-Site Location is 9.83 acres and is capable of accommodating a greater number of multi-family units than is obligated by the Development Project. The remainder of the multi-family units available at the Off-Site Location may be used to accommodate the Inclusionary Unit requirement from the Sheldon Whitehouse project. (Deleted by Staff)~~

Planning Director Action: This amendment to the Inclusionary Housing Plan (March 25, 2003) will supersede the Inclusionary Housing Plan (dated June 21, 2002) approved with the legislative entitlements for the Meadowview Estates project (June 25, 2002).

Implementation: The Mixed Income Housing Ordinance's requirement for timely, contemporaneous development will be met by the Developer's ownership of the Off-Site Location and development of the multi-family units by the Affordable Housing Developer. An Inclusionary Housing Agreement will be recorded against the Development Project and Off-Site Location to ensure implementation of this Inclusionary Housing Plan.

### **Phasing/Linkages**

The following describes the relationship of market rate development activity at the Development Project to the Inclusionary Unit development activity at the Off-Site Location. These milestones are outlined to ensure that the development of Inclusionary Units occurs concurrent with development of market rate units:

- The Inclusionary Housing Plan shall be approved concurrent with the approval of the Development Project's tentative map.

The Development Project was approved on June 25, 2002 and an Inclusionary Housing Plan (dated June 21, 2002) was approved concurrently. This Inclusionary Housing Plan (revised October 29, 2002) supersedes the Inclusionary Housing Plan (June 21, 2002) approved with the Development Project's tentative map.

- Approval of the first final map for the Residential Development is subject to:
  - Execution/recordation of the Inclusionary Housing Agreement;
  - Ownership of the Off-Site Location by the Developer.
- Approval of the fifth or last final map for the Residential Development is subject to:

- The Affordable Housing Developer obtaining all the necessary project-level discretionary entitlements to develop the mixed-income housing project on the Off-Site Location; AND
- The Affordable Housing Developer obtaining ownership of the Off-Site Location; AND
- The Affordable Housing Developer obtaining an allocation from the California Debt Limit Committee and closing the issuance of these bonds; OR
- The Affordable Housing Developer obtaining all of the external financing necessary for development of the Off-Site Location; AND
- Public services are available to serve the site; OR
- (If the Affordable Housing Developer cannot complete the above five requirements by September 2004) dedication of the Off-Site Location to SHRA at no cost.
- Release of the Inclusionary Housing Agreement from the first four phases of the Residential Development is subject to:
  - The Affordable Housing Developer receiving an allocation of funding from the Multifamily Housing Program (MHP) of the State Department of Housing and Community Development (HCD); AND
  - The Affordable Housing Developer submitting an application to the City Planning Department that is deemed complete.
- Release of the Inclusionary Housing Agreement from the final (fifth) phase of the Residential Development is subject to:
  - Successful completion of all linkages as outlined in the Inclusionary Housing Plan.

**Amendment and Administration of this Housing Plan**

The Planning Director, with the advice of the Executive Director of SHRA, shall administer this Inclusionary Housing Plan. The Planning Director may make minor administrative amendments to the text of this Plan as provided in Sacramento City Code section 17.190.030.

Exhibit A

**Legal Description of Off-Site Location**

The land referred to as the Off-Site Location is situated in the State of California, County of Sacramento, City of Sacramento, and is described as Lot 19, as shown on the "Plat of Laguna Meadows", recorded in Book 184 of Maps, Map No. 6, records of said County

The Off-Site Location is known as APN 117-0204-018.

