



## Staff Report

December 10, 2018

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**TO:** Honorable Mayor and Members of the Town Council  
**FROM:** Sean Rabé, Town Manager  
**DATE:** December 10, 2018  
**RE:** Village at Loomis

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### **RECOMMENDATION**

Staff recommends that the Town Council (Council) receive a presentation from the Applicant regarding revisions to the project in response to Council direction, receive Staff's presentation, receive public comment during the public hearing, and that the Council consider each of the entitlements needed for the proposed project. This is a discretionary process, meaning that Council has the ability to either approve or deny the project, after weighing the project against the totality of the Town's existing planning documents. Staff recommends that Council conduct the required public hearings and, if Council believes the project should be approved, take the following actions:

1. Consider the Resolution (Exhibit A), certifying the Village at Loomis Environmental Impact Report (EIR) as being complete, adequate, and in compliance with the California Environmental Quality Act, adopting Findings of Fact, Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program;
2. Consider the Resolution (Exhibit B) amending the Town of Loomis General Plan Land Use Diagram for the project site and amending Table 3-1 of the Community Development – Land Use Element of the General Plan Text;
3. Introduce for First Reading an Ordinance (Exhibit C) approving the rezoning of the site to the Planned Development (PD) Zone District, including:
  - a. Approval of the Village at Loomis Preliminary Development Plan, including development standards and design guidelines for the entire site;
  - b. Approval of the Village at Loomis Development Standards;
4. Consider the Resolution (Exhibit D) approving the Design Guidelines for the Village at Loomis project;
5. Consider the Resolution (Exhibit E) approving the Specific Development Plan for Villages 1, 2 and 3;

6. Consider the Village at Loomis Tentative Map, subject to conditions of approval and findings under the Subdivision Map Act (Exhibit F); and
7. Introduce for First Reading an Ordinance (Exhibit G) authorizing the Town Manager to execute the Village at Loomis Development Agreement between the Town of Loomis and The Village at Loomis, LLC.

**Alternatively**, Council could also choose to deny the project. Should Council choose to deny the project, Staff recommends Council make specific findings of fact as part of the motion to deny. Staff will assist Council during the meeting if that is the direction Council opts to follow.

Staff suggests the following format for the meeting:

- Applicant Presentation
- Staff Presentation
- Council Questions and Discussion
- Public Hearing
- Council Deliberation and Action

## **EXECUTIVE SUMMARY**

At the City Council study session on July 31, 2018, the Applicant presented revisions to the proposed project. The Council heard public comment, discussed the project, and provided further direction to the Applicant regarding minimum lot sizes. In response to the Council's direction, the Applicant modified lot sizes in the project.

## **BACKGROUND**

The first public hearing of the Village at Loomis was on September 12, 2017, at a joint workshop of the Council and Planning Commission (Commission). During the Commission's hearings on the project, the public and Commission expressed concerns regarding the project's proposed development standards (e.g., lot sizes, setbacks) in the Village Residential and Village Green Court unit types. There were concerns regarding the configuration and amount of parkland, the supply and locations of off-street parking, alleys in the Village Residential area, and the two-story units proposed on the north side of the Village Traditional District adjacent to existing units on David Avenue. In response comments received, the Applicant returned to the Commission with modifications to the project.

At public hearings in March and April, the Commission discussed the revised project and identified additional concerns regarding development standards (e.g., setbacks, lot sizes) for the Village Residential and Green Courts, the amount of parkland, and the elimination of the Village Commercial site. On April 25, 2018, the Commission recommended denial of the project based on the following considerations:

1. Insufficient minimum lot sizes for the Village Residential and Village Green Court districts;
2. Too small of setbacks;
3. Aesthetic defects from situating two-story homes on David Avenue;
4. Inadequate active park space; and

5. Insufficient supply of general commercial zoning.

The Council held study sessions on May 24, 2018, and July 31, 2018, regarding the project. At the May 24, 2018 study session, Staff presented the Council with background regarding the Commission's recommendations and the Council heard public comment. After discussing the Commission's recommendations, the Council directed further revisions to the project, including:

1. Lot sizes should be increased in the Village Residential district to 3,500 square feet (SF) and Village Green Court district to 5,000 SF to more closely align with the Town's current lot sizes;
2. Additional active parkland should be incorporated in the project to meet the Town's standard for active parkland on-site;
3. Applicant should provide additional single-story units and additional design information regarding proposed pop-up unit plans adjacent to existing residential units on David Avenue; and
4. A retail impact analysis should be prepared to evaluate the demand for retail commercial uses in the project and provide information regarding the market area.

In response to the Council's direction, the Applicant returned to the Council at the July 31, 2018 Study Session with the following revisions to the project:

1. 25 lots were eliminated;
2. Park acreage was increased so that the project meets the Town's park requirements entirely through on-site parkland instead of meeting a portion of the requirement through payment of in-lieu fees;
3. In the Village Residential District, lot sizes were increased to an *average* of 3,500 SF and side setbacks were widened to five feet;
4. In the Village Court District (previously known as Village Green Court), lot sizes were increased to an *average* of 3,500 SF, the paseo area was removed, front-facing driveways and garages were added, and side yard setbacks of 4 feet were added; and
5. In the Village Traditional District, lot sizes were increased to an *average* of 5,000 SF, side setbacks widened to five feet; and the homes on David Avenue, Silver Ranch Avenue, and Sun Knoll Drive were limited to one-story.

After receiving public comment and further deliberating, the Council directed the Applicant to make the following additional revisions:

1. Increase lot sizes from an *average* lot size of 3,500 SF to a *minimum* lot size of 3,500 SF for Village Residential and Village Court;
2. Increase lot sizes from an *average* lot size of 5,000 SF to a *minimum* lot size of 5,000 SF for Village Traditional; and
3. Return to the Council with revised project plans for the Council to review and take action.

The Council also directed Staff to review the Applicant's revised park plan for consistency with the Town's requirements.

## **PROJECT REVISIONS**

In response to the Council's direction at the July 31, 2018 Study Session, the Applicant made the following revisions to the project:

1. Increased lot sizes from an *average* lot size of 3,500 SF to a *minimum* lot size of 3,500 SF for Village Residential and Village Court;
2. Increased lot sizes from an *average* lot size of 5,000 SF to a *minimum* lot size of 5,000 SF for Village Traditional;
3. Increased supply of off-street parking to the Village Residential; and
4. Reduced the unit count by ten units. The original application proposed 303 single-family lots and the current plan proposes 251 (reduction of 52 lots).

The revised project is reflected in The Village at Loomis project overview materials (October 25, 2018) (Attachment 1) submitted by the Applicant.

### Village Residential

Village Residential lots have been increased in size to a minimum of 3,500 SF that includes a portion (approximately 440 SF) of the alley on the rear of the lot. The alleys will be privately owned, insured, and maintained by the homeowners' association for use by residents and guests. The alleys are not designated as a public roadway and will not be owned or maintained by the Town. No public streets or rights-of-way are included in the lot area.

Additional off-street parking spaces were added to the Village Residential District. In addition to providing the required number of off-street parking spaces required by the Town Municipal Code Section 13.36, one additional parking space has been added to each of the 113 lots in the Village Residential District.

District	Number of Lots Current (Original)	Min. Lot Size	Avg. Lot Size	Setbacks - Side
Village Residential	113 (143)	3,500 SF	3,917 SF	5 ft

Below is an example of the Village Residential District lotting layout with the additional parking spaces.



### Village Court

Village Court (previously known as Village Green Court) lots have been increased in size to a minimum of 3,500 SF that includes a portion (approximately 470 SF) of the private drive on the front of the lot. Private drives will be privately owned, insured, and maintained by the homeowners' association and are intended for use by the residents and guests. The private drives are not designated as a public right-of-way and will not be owned or maintained by the Town. No public streets or rights-of-way are included in the lot area.

District	Number of Lots Current (Original)	Min. Lot Size	Avg. Lot Size	Setbacks - Side
Village Court	64 (71)	3,500 SF	3,852 SF	5 ft one side; 4 ft one side

Below is an example of the Village Court district lotting layout.



Village Court

### Village Traditional

Village Traditional lots have been increased in size to a minimum of 5,000 SF. No public streets or rights-of-way are included in the lot area. The project includes a single-story height restriction and a 20-foot rear setback for proposed units adjacent to existing units on Sun Knoll Drive, David Avenue, and Silver Ranch Avenue.

District	Number of Lots Current (Original)	Min. Lot Size	Avg. Lot Size	Setbacks - Side
Village Traditional	74 (89)	5,000 SF	5,902 SF	5 ft

### Residential Lot Count

The increase in lot sizes described above resulted in a reduction of ten lots, from 261 to 251 since the project presented at the Council's July 31, 2018 hearing of the project. Since the original application was filed in July 2014, revisions to the project made in response to Commission and Council direction have resulted in an overall reduction of 52 lots.

Modifications to acreage and unit counts since the project described in the Draft EIR are summarized below. Changes are shown in red.

Village at Loomis Land Use

Land Use	Acres		Units	
	Project Described in Draft EIR	Current Project (Oct 2018)	Project Described in Draft EIR	Current Project (Oct 2018)
Village Residential	14.6	14.5	141	113
Village Court	9.9	9.8	71	64
Village Traditional	17.2	16.1	89	74
Village High Density	6.6	6.6	117	117
<i>Total Residential</i>	48.3	47.0	418	368
Village Mixed Use	0.4	0.8	7	13
Village Office	1.3	0		
Village Commercial	4.9	4.9		
<i>Total Commercial</i>	6.6	5.7	7	13
Civic Park	0	1.3		
Open Space	11.6	12.5		
<i>Total Park and OS</i>	11.6	13.8		
<b>TOTAL</b>	66.5	66.5	425	381
<i>Gross acreage includes roadways, parks and detention areas</i>				
<b>Parks</b>				
Active Park	2.85	5.69		
Passive Park	1.25	0		
<i>Total Park</i>	4.10	5.69		

*Active park acreage described, below.*

**Active Park Acreage**

The Council directed Staff to review the Applicant's revised park plan for consistency with the Town's requirements. The Town's standard is five (5) acres of active park per 1,000 residents, which requires the project to provide 5.51 acres of active park. The revised project includes 5.69 acres of active park and meets the Town's requirement.

Park improvements associated with the 1.2-acre Civic Park adjacent to the Loomis Library and Learning Center on the extension of Library Drive includes proposed improvements to the Library site. Under the Town's definition of publicly-owned improvements that may be used or improved for general public use, the proposed improvements at the Library site are consistent with the Town's definition and calculation of active park. Similarly, portions of the fields at Del Oro High School, Loomis Grammar, and H.C. Powers Elementary School are included in the Town's inventory of active park area.

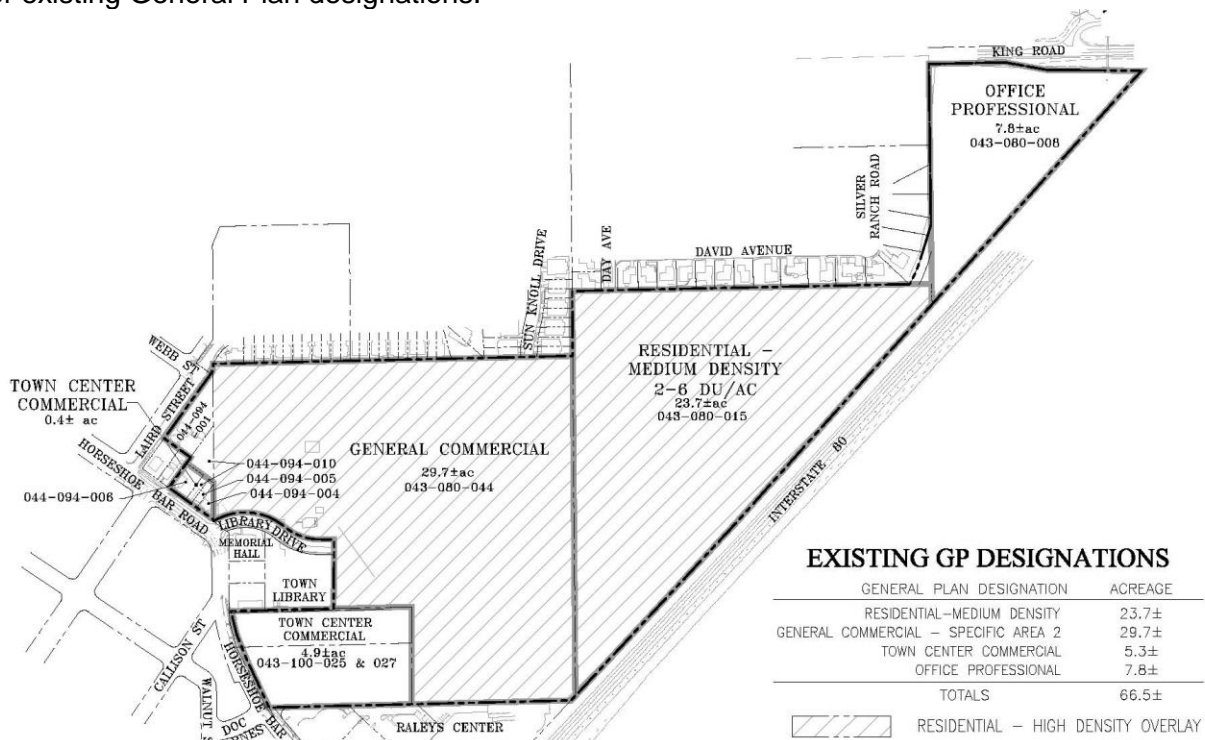
Park improvements are summarized below.

Park Improvement	Acreage
Parcel B, Civic Park	1.20
Parcel D, Paseo Park	0.59
Parcel F, Bark Park	0.91
Parcel J, Bramble Park	0.47
Parcel K, Boulder Park	0.48
Parcel L, Village Park	0.58
Parcel O, Bocce Park	0.37
Library site improvements	0.60
Parcourse with trails	0.49
Total	5.69

## **EXISTING GENERAL PLAN AND ZONING CODE ANALYSIS**

### **Existing General Plan Land Uses**

It should be noted that this property has been designated for development since the Town's incorporation in 1984 and, most significantly, in the 2001 General Plan update. See map below for existing General Plan designations.



For example, General Plan Land Use Specific Area 2 (2001 General Plan, page 39) describes the development anticipated for the project site as providing “a gradual transition of intensity of development adjacent to I-80 and existing commercial, and the neighboring residential areas.”

According to the General Plan consistency analysis prepared by the Town's EIR consultant, Dudek, the project "provides for this by placing high density residential and the mixed use area adjacent to the Raley's shopping center and placing residential uses of a similar density to the existing residences along the site's northern boundary."

Further, General Plan Land Use Specific Area 2 describes the anticipated land uses within the site as having three tiers of intensity, with general commercial and/or office uses adjacent to the Raley's center, low profile office structures adjacent to this area, and medium to medium-high density residential adjacent to the existing residential areas to the north of the site. The 2014 Housing Element added a seven-acre high-density overlay to most of the project site as well.

As Dudek's analysis notes, "The General Plan also notes that the northeast portion of the site, which is designated Office/Professional may instead support residential uses with a minimum of access points onto Doc Barnes Drive. The Revised Project limits office and commercial development within the site to the mixed use [and commercial] development area and provides residential development consistent with this section. The reduction in office and commercial space represents a variance from the General Plan description of the project site, but supports other General Plan concepts related to creating and maintaining a vibrant downtown and economic development."

In terms of allowing residential uses in the General Commercial land use designation of the General Plan, it should be noted that 2-10 units per acre, as allowed by specific area policies, are allowed (Table 3-1, page 26). The land use designation for residential medium density allows for 2-6 units per acre, and the land use designation for residential medium high allows for 6-10 units per acre. The project proposes 4.6 units per acre (Village Traditional); 6.5 units per acre (Village Court) and 7.8 units per acre (Village Residential) – all of which are below the allowable density of the General Plan.

Residential uses are also allowed in the Town Center Commercial land use category of the General Plan. This land use designation coincides with the Central Commercial zoning district. The General Plan allows for up to 15 units per acre in a mixed use project, with a height limit of three stories (Table 3-1, page 26). The description given in the General Plan notes, "The Town Center Commercial designation is intended to accommodate a mixture of land uses, with primarily retail commercial and office uses on the ground floors of commercial structures, and residential units allowed on second or third floors. The density of these mixed-use residential units should not exceed 15 dwelling units per acre. Building heights are limited to three stories or 35 feet. Site coverage may range from 35 percent to a maximum of 100 percent ..." (page 24).

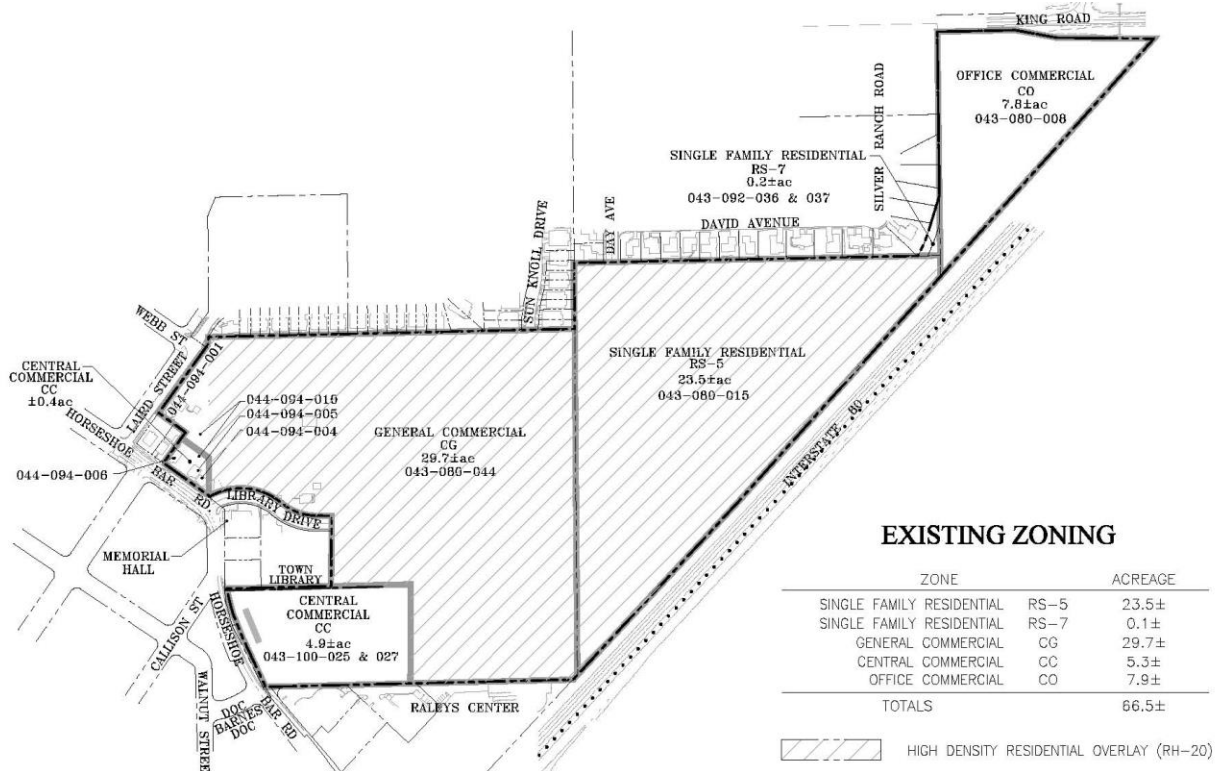
Residential uses are also allowed in the Office and Professional land use designation, if built in a mixed use project, with an allowable density of 2-10 units per acre.

For further detail regarding general plan consistency, please refer to Attachment 2 (General Plan Consistency Analysis).

### **Allowable Zoning for Project Site**

The project's location is currently zoned CC (Central Commercial), CG (General Commercial), RS-5 (Single Family Residential) and CO (Office Commercial). See map below.





It should be noted the Town's current zoning code allows for residential uses in the CC and CG zones at a density higher than is what is proposed by the applicant.

The zoning code allows as a permitted use (i.e., by right), multi-family housing in a mixed use structure in the CC zoning designation (Table 2-6 of the 2008 Zoning Code). The CC zone also allows, through a use permit, multifamily housing (see definition below).

The zoning code also allows in the CG zoning district, through a minor use permit, multifamily housing at between 2-10 units per acre (Table 2-6 of the 2008 Zoning Code). Multifamily housing is defined in the Zoning Code's glossary as "Multifamily dwellings include carriage units, duplexes, triplexes, fourplexes (buildings with two, three or four dwelling units, respectively, in the same structure); apartments (five or more units in a single building); and townhouse development (three or more attached dwellings where no unit is located over another unit). Multifamily housing may also comprise a row of single-family homes adjacent to existing single-family homes within a larger multifamily project."

The current zoning of RS-5 requires a minimum 5,000 square foot lot (Table 2-5 of the 2008 Zoning Code). The applicant proposes a mix of 5,000 square-foot and 3,500 square foot minimum lot sizes.

The CO zoning does not provide for single family residential; however, it does allow for multifamily housing in a mixed-use structure (Table 2-6 of the 2008 Zoning Code).

## 2014 Housing Element Consistency and Regional Housing Needs Assessment

Prior to the 2014 Loomis Housing Element update, the Town did not have a certified Housing Element with the California Department of Housing and Community Development (HCD). The result of the lack of a certified housing element caused the Town's Regional Housing Needs Allocation (RHNA) numbers for very low and low income units to accumulate over a period of time, resulting in the requirement for the Town to zone for the appropriate density to allow for 129 units of very low / low income housing to be built during the next housing element cycle.

In order to meet State law requirements (Government Code Sections 65583(c)(1)(A) and 65583(c)(1)(B) to address the Town's RHNA requirements, the Town amended the General Plan and Zoning Ordinance to provide adequate sites at adequate density for the 129 units of very low / low income housing with the approval of the 2014 Housing Element. The 2014 Housing Element and the resulting General Plan amendment approved by Council specifically committed the Town to rezone most of the Village site so that no regulatory restrictions prevent the building of high density housing to accommodate the Town's RHNA requirements. Ordinance #254, which was approved on October 14, 2014, enacts the General Plan amendment that makes the Housing Element consistent with the General Plan. This ordinance established a seven-acre high density overlay over the CG and RS-5 zoned portions of the Village sites that provides for the Town's RHNA requirements.

The ordinance (and General Plan amendment) reads, in part:

***“Residential – High Density Overlay.*** *This multi-family residential designation is applied to an area within “The Village at Loomis” project which is located north of the Raley’s Shopping Center between Horseshoe Bar Road and I-80. The overlay designation provides flexibility in site planning by allowing up to 7 acres of the project to be developed as high density residential at a density of 20 units per acre minimum in compliance with State minimum density standards. This overlay designation is consistent with and implements Program 10 of the 2013-2021 Housing Element. Alternative development standards to those in the Zoning Ordinance may be considered in order to achieve the goal of meeting affordable housing requirements. The maximum density shall not exceed 25 units per acre.”*

Further, the ordinance and General Plan amendment provides the following note:

***“Table 3-1 – General Plan Land Use Categories, Maximum Density and Intensity (1) shall be amended by inserting a new row “Residential – High Density Overlay” in the Land Use Category column, “20-25 d.u./acre” in the Maximum Residential Density (2) column, “(4)” in the Maximum Height column, “(4)” in the Maximum Site Coverage column, and “N.A.” in the Maximum Flood Area Ratio (FAR) column. A note “(4)” will be added at the bottom. “(4) Maximum height and site coverage standards to be determined on a project specific level.”***

Note that the allowable density is 20 to 25 units per acre. The proposed apartment complex meets the 25 units per acre density requirement. While the applicant has stated the apartment complex is not income-restricted housing, there is no ability for the Town to legally prevent that type of housing from being built because of State housing law and because of the Town's 2014 Housing Element (and resulting General Plan amendment) as detailed above. At this point in time, the Town has met its RHNA requirements by appropriately zoning the property for high-density housing.

### **What Could Be Built if The Village is Denied?**

Considering the totality of the information above – and based on recent conversations between Staff and the applicant – Council should be aware of the possibility of a more dense project (or projects) that could be proposed should the Town deny the Village project.

Under the existing General Plan land use designations, existing zoning code, and existing Housing Element, there is a very real possibility that a future project on the Village site would be even more dense than the project before the Council for decision. For example, given the General Plan land use designations, a future project could maximize the allowable residential densities in not only the center parcel (currently designated medium density residential) – but also in the Office and Professional, General Commercial AND Town Center Commercial land use designations. These land uses allow for multifamily housing under the existing General Plan, as noted above. The zoning code also allows for residential uses in each of these areas, at a greater density than is proposed with the Village project.

Thus, if the Town is looking to guard itself against the potential for less commercial space and more density, the Planned Development zoning designation is a mechanism to do so. Doing so will give the Town as much control as possible in the outcome of the land use for the Village site.

Additionally, if the project is denied and the applicant brings forward a project that meets the General Plan and zoning code (as described above), the Town will not have the ability to require that the Developer enter into a development agreement for the additional project benefits that cannot be secured through conditions of approval and mitigation measures. These additional project benefits include the coordinated, early construction and funding of traffic improvements identified in the Town's Circulation Element; the construction of new parks and trails; the formation of financing mechanisms to maintain parks and other public improvements; and a financing mechanism to provide a revenue source to fund public safety services.

### **PROPOSED ENTITLEMENTS**

#### **General Plan Amendment – Land Use Diagram**

On the Loomis General Plan Land Use Diagram, the project site is currently designated Residential – Medium Density (2-6 units/acre), General Commercial – Specific Area 2, Town Center Commercial (also known as Central Commercial), and Office Professional. A Residential – High Density Overlay is located on a 54-acre portion of the site (APNs 043-080-015 and -044).

Implementation of the project would require an amendment to the General Plan Land Use Diagram to adjust the acreages and locations of some designations and change the designations of other areas. The project proposes the following General Plan designations to conform to the land use plan: Residential – Medium Density (2-6 units/acre), Residential – Medium High Density (6-10 units/acre), Residential – High Density Overlay, General

Commercial, and Office/Professional. The area designated Town Center Commercial would not be changed.

The Village High Density Residential District within the project satisfies the intent of the High Density Overlay identified on the General Plan Land Use Diagram. Consequently, the Residential – High Density overlay would be removed from APNs 043-080-015 and -044. The density permitted in the Village High Density site would be 24.9 units per acre allowing 117 units on the site, consistent with the intent of the overlay and Housing Element Program 10.

The proposed amendment to the General Plan Land Use Diagram would result in a net increase of residential area, decrease of non-residential (office, commercial) area and an increase of area designated for park and open space uses as summarized below.

<b>General Plan Designation</b>	<b>Existing Acres</b>	<b>Proposed Acres</b>
Residential – Medium Density (2-6 units/acre)	23.7	16.1
Residential – Medium High Density (6-10 units/acre)	0	24.3
Residential – High Density – 20 (20-25 units/acre)	0	6.6
Special Area 2 - General Commercial	29.7	0
Town Center Commercial	5.3	5.7
Office Professional	7.8	0
Public/Quasi-Public	0	13.8
	66.5+	66.5+

General Plan designations would be amended in two areas of the project. The first location is the 7.8-acre area on King Road, between Interstate-80 and Silver Ranch Avenue where the existing designation in the General Plan is Special Area 2 – Office Professional. This area coincides with the Village Traditional District. The General Plan provides explicitly for residential uses on this parcel, “Any residential uses on [this site] should be developed with shared driveways to minimize access points on the new extension of Boynton Road [Doc Barnes Drive].” The proposed General Plan designation of Residential Medium Density is the same General Plan designation of the adjacent Silver Ranch Avenue neighborhood.

The second location is a 14.5-acre portion of the triangular area behind Sun Knoll Drive and David Avenue that is designated currently for Residential Medium Density (RMD). Implementation of the project requires an amendment of this area to Residential Medium-High Density (RMHD) and Public/Quasi Public. The 9.8-acre area proposed for RMHD is an isolated location adjacent to the future Doc Barnes Drive that corresponds to the Village Court District. The RMHD designation is appropriate for this location because it serves as a transition in density from Doc Barnes Drive to the RMD on the interior portion and adjacent David Avenue neighborhood. The remaining 5.6-acre area proposed for Public-Quasi Public coincides with the open space area.

As noted in Dudek’s General Plan Consistency Analysis, overall, the project is consistent with the policies of the Town General Plan. An analysis of the project’s consistency with the General Plan is included in Attachment 2. The project is also consistent with the vision of the Town Center Master Plan.

**General Plan Amendment – Land Use Text**

Table 3-1 of the Community Development – Land Use Element of the General Plan describes maximum densities and intensities for each General Plan land use type. Footnote 1 to Table 3-1 refers the reader to the narrative descriptions of each land use category contained in the

General Plan for exceptions and additional standards. However, the General Plan text is silent as to how to interpret the General Plan development standards listed in Table 3-1 in the context of a Planned Development (PD). This is problematic because the proposed project as a PD with development standards.

The General Plan text will be amended to expand Footnote 1 to Table 3-1 to state, “In Planned Developments consistent with Section 13.29 of the Zoning Code, development standards contained in Planned Developments shall apply”. Adding this additional language to the footnote will clarify, that in the case of PDs only, the relevant development standards will be those contained in the PD. The proposed revision to General Plan Table 3-1 is shown in Attachment 3.

**Rezone**

The project site is zoned Single Family Residential, General Commercial, Central Commercial and Office Commercial. A High Density Residential Overlay is located on a 54-acre portion of the site (APNs 043-080-015 and -044). The High Density Residential Overlay zoning corresponds to the General Plan Residential – High Density Overlay. as described above.

Existing zoning designations are inconsistent with the zoning designations necessary for implementation of the project. As proposed, the project will be implemented as a Planned Development and will be zoned Planned Development (PD), consistent with Zoning Ordinance Chapter 13.29. The purpose of the PD zoning district is to provide a zoning tool for greater creativity and flexibility in project design and implementation than would otherwise be available under the application of the Town’s other zoning districts and subdivision ordinance.

As an assemblage of 66.5 acres located in the Town Center, the project site’s location and size deem it suitable for the application of a PD. Further, the PD zoning district is appropriate for the project site because of the mix of uses in the project and because the development standards for some of the proposed housing types in the project were not anticipated in the Town’s existing zone districts.

As an example, the proposed Village Court neighborhood design in the project emphasizes architecture and eliminates driveways and garages on the street frontage. The development standards and design guidelines required to implement this streetscape design and configuration are set forth within the proposed PD. The design standards and guidelines necessary for the implementation of this design are not available in the Town’s other zoning districts.

As a PD, the entire site would be rezoned to the Planned Development Zone District and the site would be designated on the Town’s Zoning Map as PD-Village.

<b>Zoning Designations</b>		<b>Existing Acres</b>	<b>Proposed Acres</b>
Single Family Residential	RS-5	23.5	0
Single Family Residential	RS-7	0.2	0
General Commercial	CG	29.7	0
Central Commercial	CC	5.3	0
Office Commercial	CO	7.8	0
Planned Development	PD	0	66.5
		66.5±	66.5±

There has been concern expressed at several meetings that allowing the PD rezoning for the Village creates a precedence for future developments, and that the Town could be put in legal jeopardy if the Town were to deny any future PD rezoning requests. In consultation with the Town Attorney, Staff does not believe that is the case. The Town would need to consider any future PD rezoning request on its own merits, and because a rezoning is a discretionary action, the Town retains full control over each decision on an individual basis.

### **Preliminary Development Plan and Specific Development Plan**

The Town's PD Ordinance (Zoning Code Section 13.29) sets forth a two-step process for establishing the PD: 1) the Preliminary Development Plan and 2) the Specific Development Plan.

Preliminary Development Plan. The proposed Village at Loomis Preliminary Development Plan (PDP) (Attachment 4) shows the overall development scheme (PD land use plan) of the project, lists permitted and conditionally-permitted uses, sets forth development standards applicable to each land use, describes street standards, and includes design guidelines for the overall project. The Village at Loomis Design Guidelines (Attachment 5) address architecture, landscape and other design features.

Specific Development Plan. A Specific Development Plan (SDP) (Attachment 4) is proposed for three of the PD Areas: Village Residential (PD Area 1), Village Court (PD Area 2), and Village Traditional (PD Area 3). The SDP provides additional detail specific to the three PD Areas including sizes and arrangement of structures, site design, circulation, and project design features. The SDP requirements are met for PD Areas 1, 2, and 3 with incorporation contained in the Village at Loomis PDP, Village at Loomis Tentative Map and in the Design Guidelines.

SDPs for the remaining portions of the PD, (e.g., Village Commercial, Village Mixed Use, and Village High Density), are required before those uses can be developed in the future.

### **Tentative Subdivision Map**

The project includes a Tentative Subdivision Map (Attachment 6) to subdivide the site into parcels for residential lots as well as large lot parcels for the Village High Density, Village Mixed Use, Village Civic Park, Village Commercial, parks and open space.

The Subdivision Review Committee conducted a technical review of the Tentative Subdivision Map on August 31, 2017 and found the map to be technically complete. Findings pursuant to the Subdivision Map Act (Government Code, §66410 et seq.) and Title 14 of the Loomis Municipal Code are included in Exhibit F. Should Council approve the project, Council should approve the Tentative Subdivision Map subject to the conditions contained in Attachment D.

### **Development Agreement**

The project includes a Development Agreement (DA) (Attachment 7) between the Town of Loomis and The Village at Loomis, LLC. The DA has been negotiated between the Town and the Applicant to enforce the obligations between the parties and enable the orderly development of the project. The DA is a binding contract with a ten-year term that sets forth the terms, rules, conditions, regulations, entitlements, responsibilities and other provisions relating to the development of the project. The ten-year term may be extended for a period not to exceed five years. The Village Commercial (PD Area 7) is not controlled by the Applicant and therefore is not included in the DA.

The advantage of a DA for the Town is that it provides benefits that the Town would not have been able to obtain through conditions of approval or mitigation measures. There are also advantages for the Applicant, such as providing an extended vesting period of project entitlements and fixing the amount of development impact fees.

The agreement obligates the Applicant to construct, at its expense, the Circulation Element improvements through and adjacent to the project including:

- Doc Barnes Drive, from Horseshoe Bar Road to King Road, including traffic signals at each intersection;
- The extension of Webb Street from its terminus at Laird Street to a new intersection of Horseshoe Bar Road/Library Drive/Webb Street;
- A traffic signal at Taylor Road and Webb Street; and
- The roundabout at the Horseshoe Bar Road/Library Drive/Webb Street intersection;
- An obligation to construct the parks and trails.

These improvements would not be built to their proposed design without the DA because the Town cannot force a developer to pay for more than the direct impacts of a development.

The DA requires the Applicant to substantially complete Doc Barnes Drive construction before the issuance of the 20<sup>th</sup> building permit. It also requires the Applicant provide payment and performance bonds to the Town guaranteeing completion of the circulation improvements. The Town is obligated to contribute Traffic Impact Fee funds collected to date for the construction of Doc Barnes Drive, the balance of which is approximately \$194,140.

The DA also obligates the Applicant to fund maintenance of the parks and open space and additional costs for public safety services.

### **Environmental Impact Report (CEQA)**

An Environmental Impact Report (EIR), SCH #2007112072, (Attachment 8) was prepared to analyze and disclose the impacts of the project on the environment, consistent with the requirements of the California Environmental Quality Act (CEQA). The Draft EIR was circulated for public review and comment for a 45-day comment period from May 2 through June 16, 2016. Following the close of the public review period, a Final EIR (July 2017) was prepared that consists of the Draft EIR, with revisions, comments received during the public review period, and responses to those comments.

Since the Final EIR was completed in July 2017, the project has been revised in response to direction received from the Commission and Council. Compared to the Modified Transportation Alternative project described in the Final EIR, the revisions to the project include a reduction of 52 residential units, replacement of the Office District with Civic Park, modifications to the residential lotting pattern, and the addition of park acreage. A technical memorandum (Attachment 9) prepared to evaluate the modifications to the project relative to the Final EIR. concludes that the project, as revised, would not cause any new or substantially more severe environmental effects than those disclosed in the Draft EIR or Final EIR, the changes proposed to the project do not constitute significant new information, and recirculation of the EIR is not required.

A Mitigation Monitoring Reporting Program (MMRP) (Attachment 10) prepared for the project includes all mitigation measures from the EIR adopted with respect to the project and identifies how and by whom the measures will be implemented and enforced. The mitigation measures

and MMRP have been incorporated into the conditions of approval for the Tentative Subdivision Map.

## **CONCLUSION**

This is a discretionary process, meaning that Council has the ability to either approve or deny the project. Council's decision should be based on the totality of the existing planning documents – General Plan, Zoning Code, Housing Element and Town Center Master Plan – and should be weighed against what is best for the Town's current and future residents. Staff points out the following issues for Council consideration while formulating your decision:

1. The importance of a Development Agreement:
  - a. If the project is denied and an applicant or applicants bring forward a project that meets the General Plan and Zoning Code (as described above), the Town will not have the ability to enter into a Development Agreement. A Development Agreement allows the Town to secure additional project benefits beyond what is available through conditions of approval and mitigation measures. For example, if an alternative project was brought forward that met the General Plan and Zoning Code, the Town would not be able to require Doc Barnes Drive be built to the size and design it is currently proposed as. In addition, the Development Agreement obligates the Developer to construct parks and trails; to create funding mechanisms to maintain parks and other public improvements, and to provide additional funds for public safety.
2. The importance of minimizing density and maximizing commercial zoning:
  - a. As outlined above, an alternative project that maximized the allowable densities in both the General Plan and Zoning Codes could be built. The likelihood of that project being more dense than the proposed project is quite high. Thus, if the Town is looking to guard against the potential for less commercial space and more density, the Planned Development zoning designation is a mechanism to do so. Doing so will give the Town as much control as possible in the outcome of the land use for the Village site. In fact, based on allowable densities in the General Plan and Zoning Code, there is no guarantee ANY commercial uses will be built at all, outside of what would be built as part of a mixed-use project.
3. Compliance with the Housing Element:
  - a. As outlined above, the project meets the majority of the Town's existing RHNA requirements by including high density housing.

As noted above, Council could choose to deny the project. As stated above, Staff will assist the Council during the meeting to articulate the proper findings if Council opts to follow that path.

## **EXHIBITS**

- A. Resolution Certifying Village at Loomis Environmental Impact Report, adopting Findings of Fact, Statement of Overriding Considerations and adopting the Mitigation Monitoring and Reporting Program;



- B. Resolution Amending Town of Loomis General Plan Land Use Diagram and Amending Table 3-1 of the General Plan Text;
- C. Ordinance Approving Rezoning of the Site to Planned Development (PD) Zone District
  - a. Approving Preliminary Development Plan
  - b. Approving Development Standards
- D. Resolution approving Design Guidelines
- E. Resolution approving Specific Development Plan for PD Areas 1, 2 and 3
- F. Resolution approving Tentative Subdivision Map Findings and Conditions of Approval
- G. Ordinance Approving Development Agreement

## **ATTACHMENTS**

- 1. Project Revision letter from Todd Lowell, dated October 25, 2018
- 2. General Plan Consistency Analysis
- 3. General Plan Amendment Exhibit
- 4. Zoning Amendment Exhibit
- 5. Village at Loomis Preliminary Development Plan (PDP) and Specific Development Plan for PD Areas 1, 2 and 3
- 6. Village at Loomis Design Guidelines
- 7. Village at Loomis Tentative Subdivision Map (Sheets 1-10)
- 8. Village at Loomis Development Agreement
- 9. Village at Loomis Environmental Impact Report (previously distributed and posted online at <https://loomis.ca.gov/town-departments/planning/>)
- 10. Findings of Fact and Statements of Overriding Consideration
- 11. Technical Memorandum Evaluating Project Revisions Relative to Final EIR
- 12. Village at Loomis Mitigation Monitoring Reporting Program (MMRP)
- 13. Village at Loomis Illustrative Plan