



**TOWN COUNCIL HEARING  
MAY 9, 2017**

**STAFF REPORT  
VESTING TENTATIVE MAP #16-10 "THE GROVE"  
APPLICANT: MANDARICH DEVELOPMENT**

**REQUEST**

The applicant is proposing to subdivide a 9.98 acre parcel into 26 lots southwest of the intersection of Humphrey Road and No Name Lane in the Town of Loomis. The land is designated Residential Medium Density in the Loomis General Plan and zoned RS-10a Single-Family Residential 10,000 average minimum.

**RECOMMENDATION**

The Town Council adopt *Resolution #xxxx (Attachment 1)* approving Vesting Tentative Map #16-10 "The Grove" as recommended by the Planning Commission on March 28, 2017, adopting the Mitigated Negative Declaration and Addendum to the Mitigated Negative Declaration for The Grove pursuant to the California Environmental Quality Act (CEQA), and approving the recommended findings and conditions of approval recommended by the Planning Commission.

**BACKGROUND**

On March 28, 2017, the Planning Commission held a public hearing to consider approval of Resolution #17-03, which would approve Vesting Tentative Map #16-10 "The Grove", approve Design Review for The Grove, adopt The Grove Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA), and adopt recommended findings and conditions of approval. The Planning Commission received public comments on the project, which included concerns regarding the drainage plans, project fencing and signage, feel of the project, and wildlife effects. The project applicant provided a response to the comments. Following consideration of public comment and deliberation, the Planning Commission approved Resolution #17-03.

The project was presented to the Planning Commission for approval, because the Planning Commission is generally the approval authority for tentative maps under the Town's Subdivision Ordinance (Loomis Municipal Code Section 14.20.090). However, because the tentative map for the Grove is a vesting tentative map, the Subdivision Ordinance designates the Town Council as the final approving authority (Section 14.20.120.) The Planning

Commission's March 28 action is therefore being treated as a recommendation of approval rather than final approval.

Following the Planning Commission's March 28<sup>th</sup> action, an appeal to Town Council of the Planning Commission's decision was filed by Bill Wenzel and was received by the Town on April 11, 2017. Although the Planning Commission's action was a recommendation only, the objections raised in the April 11 letter from Mr. Wenzel have been addressed below.

The project applicant, Mandarich Development, has revised the site plan and drainage plan to address some of the concerns expressed by the public and in the April 11 letter from Mr. Wenzel. The revised site plan and drainage plan would direct storm water flows to three discharge points, which are the existing discharge points for the site, rather than to a single discharge point. There would also be two storm water detention basins rather than a single retention basin. The project as revised is described in the Project Description section below.

Since the Planning Commission's March 28 consideration of The Grove project and its MND, an Addendum to the MND has been prepared to address the proposed changes to the site plan and drainage plan pursuant to the requirements of CEQA. As described under the CEQA section of this staff report, an Addendum is the appropriate document to address the changes to the project.

**PROJECT DESCRIPTION**

**Location:** Southwest of the intersection of Humphrey Road and No Name Lane within the Town of Loomis. APN: 044-021-008  
**Size:** 9.98 acres

**General Plan, Zoning, and Existing Land Uses**

	GENERAL PLAN	ZONING	CURRENT LAND USE
ON SITE	RESIDENTIAL MEDIUM DENSITY*	RS-10A	VACANT
NORTH	PUBLIC-QUASI PUBLIC	PI	H. CLARK POWERS SCHOOL
EAST	RESIDENTIAL MEDIUM DENSITY	RS-10	SINGLE FAMILY RESIDENTIAL
SOUTH	RESIDENTIAL MEDIUM DENSITY	RS-10	SINGLE FAMILY RESIDENTIAL
WEST	RESIDENTIAL AGRICULTURAL	RA	SINGLE FAMILY RESIDENTIAL

\* Specific Policy Area #6

**Current Conditions:**

The project site, while currently vacant, had been historically a pear orchard with limited grazing until 1961. The remaining structures were removed in 2003. The area is relatively flat with a wetland in the northwest corner along with some seasonal wetland swales along the southern and northern portions of the property. There are approximately 20 trees, primarily near the east

central portion of the site. The property drainage is primarily to the southwest and northwest corners of the land. The site is bordered by an existing residential subdivision to the south, and across Humphrey Road to the east. H. Clark Powers Elementary School is to the north of No Name Lane, a private gravel road. To the west are several large lot residences.

**Proposed Project:**

As shown on *The Grove Vesting Tentative Map Sheet 1 of 4 (Attachment 2)*, the site will consist of 26 lots accessed from Humphrey Road via a circular interior road "Grove Circle." Six of the lots (including the park) will be clustered in the center, with the remaining lots around Grove Circle backing to the sides of the project site. The proposed 26 lots will be as follows:

- 22 single family residential lots with a minimum lot of size of 11,859 sf, a maximum lot size of 14,168 sf, an average lot size of 12,307 sf, and an average gross density of 2.2 dwelling units per acre;
- A 5,720 sf landscaping lot (Lot A) 5,720 sf
- A 17,917 sf landscaping and storm water detention basin lot (Lot B);
- A 12,171 sf park lot located within the central portion of the site (Lot C); and
- A 14,168 sf storm water detention basin lot (Lot D).

The developer is proposing three styles of houses, Cottage, French Country, and Craftsman, each having several variations, with some having a second floor designed so as not to directly overlook neighboring backyards. Landscaping will include street trees and water wise landscaping along the front of each home, along with additional trees and landscaping along the Humphrey Road, and grass along No Name Lane frontages, and Lots A and B "Entry Way", Lot C "Pocket Park", and Lot D "Detention Basin." Wooden fencing is proposed along the west and southern perimeters, with a decorative wooden fence along the Humphrey Road and No Name Lane perimeters. (These are discussed in more depth under Design Review below.)

**PROJECT ISSUES**

**General Plan\Zoning Consistency**

The project site is designated Residential Medium Density in the Loomis General Plan, which allows single family homes of 2 to 6 dwelling units per acre. This site is specifically addressed in Policy G.6 of the Community Development – Land Use Element of the General that states:

*Residential Medium-Density site on the west side of Humphrey Road immediately south of the H. Powers Clark School. The allowable density of two to six dwelling units per acre shall be distributed on the site with lower density on the edges of the parcel. An application for the proposed subdivision of the property shall demonstrate special attention to potential flooding and drainage issues, and any proposed project shall be designed to create no greater volume of*

*storm water runoff [i.e rate]to downstream properties after development.*

The proposed 22 residential lots average approximately 12,000 sf each for an average density of 2.2 units per acre, near the lower end of the allowed density range of 2 to 6 units per acre. This has resulted in larger lots along the periphery and smaller lots clustered in the center, consistent with the intent of Policy G.6.

The proposed stormwater detention system would reduce existing drainage at all three discharge locations. Discharges from Shed A (which discharges at the northwest corner to No Name Lane) would be reduced from 2.7 cfs to 2.0 cfs during the 10-year condition and from 6.87 cfs to 2.0 cfs during the 100-year condition. Discharges from Shed B (which discharges at the southwest corner) would be reduced from 4.47 cfs to 1.8 cfs during the 10-year condition and from 11.08 cfs to 3.7 cfs during the 100-year condition. Discharges from Shed C (which discharges from the southeast corner to Humphrey Road) would be reduced from 2.05 cfs to 2.0 cfs during the 10-year condition and from 2.61 cfs to 2.0 cfs during the 100-year condition. Under developed conditions, storm water discharge from the site would be reduced for all shed areas. This is further described below under the Hydrology\Drainage Issue discussion.

The project is zoned Single Family Residential 10,000 sf minimum (RS-10a) which requires a minimum net lot size of 10,000 sf. The letter "a" appended to it, allows lots less than 10,000 sf as long as the overall lot sizes average more than 10,000 sf. The proposed residential lots average approximately 12,000 sf, allowing the creation of the four smaller non-residential lots reserved for public uses, consistent with the RS-10a zoning.

The proposed project is consistent with the other policies of the Land Use Element, and the regulations of the Loomis Zoning Ordinance.

### **Biology**

Approximately 1/3 of an acre of wetlands are proposed to be filled in due to the project. **Section 13.58 Wetland Protection and Restoration** of the Loomis Zoning Ordinance requires new development to mitigate loss of wetland to achieve a "no net loss" through avoidance, minimization, compensation, and/ or replacement. The applicant proposes to either purchase off-site credits at an approved mitigation bank or provide in-lieu payment to the Army Corps of Engineers In-Lieu Fee Program. No special-status species requiring protection of them or their habitat have been documented on the site or within one mile of the site.

The majority of trees are located along the east central portion of the project site. The tentative map and landscape plans have been designed to preserve the majority of the protected trees along with several other outstanding trees by placing them within dedicated open space and park lots. Those that will be removed within the site are subject to **Section 13.54 Tree Preservation and Protection** of the Loomis Zoning Ordinance. This requires the applicant to acquire a Tree Removal Permit prior to any on site grading or construction and provide mitigation and/or replacement as part of their improvement plans.

### **Cultural Resources**

There are no known Native American archaeological resources or other cultural resources at or near the project site. However, ground-disturbing activities have the potential to uncover previously unknown cultural artifacts. Should any cultural resources be discovered, work will be halted, and qualified archaeologists and local tribal representatives be notified.

### **Drainage**

While the site generally drains toward the west, the existing drainage characteristics of the site include three watershed areas which are identified and described in *the Revised Preliminary Storm Drainage Report* dated April 17, 2017 prepared by Meredith Engineering. (**Attachment 3**).

Shed A is approximately 4.17 acres and collects drainage and directs it to a small man-made pond at the northwest corner of the project site. The pond has an existing 12-inch pipe overflow structure that conveys drainage from the pond at the northwest corner of the site to an existing manhole and then across No Name Lane to a roadside ditch, flowing west to Antelope Creek.

Shed B is approximately 4.72 acres and collects drainage and directs it southwest overland through the backyards of the adjacent subdivision.

Shed C is approximately 1.11 acres and collects drainage and directs it to the southeast corner in a roadside ditch along the west side of Humphrey Road. See *Existing and Proposed Drainage Sheds* figures in **Attachment 3**

The original drainage plan submitted to the Planning Commission for consideration, proposed to convey the stormwater from Shed A , B, and C into a single storm drain system located around Grove Circle and discharge it into the stormwater detention basin located in the northwest corner of the project site. The proposed storm drain system for the project has been changed to address neighborhood concerns and now divides the site into three drainage sheds (Shed 1, Shed 2, and Shed 3), as shown in Figure 2. Drainage from these shed areas would be conveyed into a storm drain system, to address 10-year and 100-year storm events.

Under 10-year storm conditions, stormwater from Sheds 1 and 3 on the project site would flow from the residential, landscaping, and park lots toward Grove Circle. Stormwater would be collected and conveyed by 12-inch storm drain pipes within Grove Circle, which would be sufficient to convey a 10-year event. This stormwater would flow by gravity through these pipes to the stormwater detention basins located in the northwest (Lot D) and southeast (Lot B) areas of the site. Stormwater from Shed 2 would be collected and conveyed in rear yard ditches in the residential lots. Shed 2 would discharge at the existing discharge point to the adjacent property in the southwest corner.

During a 100-year storm event, stormwater would be collected within the piped storm drain system as described for the 10-year storm event for Sheds 1 and 3 and would drain to the rear yard ditches in Shed 2. Basin 1 (Lot D) is sized to accommodate a 100-year storm event and will have a capacity of 19,820 cubic feet (cf). Basin 2 (Lot B) is also sized to accommodate a 100-year storm event and will have a capacity of 12,911 cf.

Meredith Engineering completed hydrologic calculations for the stormwater conditions for the undeveloped and developed conditions for the project site. As shown in the table below, the detention basin located in the northwest corner of the project site is sized adequately to detain the 10-year and 100-year storm events, and reduce the post-development flow for both the 10-year and 100-year storm events to less than existing conditions at three discharge points (Meredith Engineering, 2017) for the Modified Project. Discharges from Shed A would be reduced from 2.7 cfs to 2.0 cfs during the 10-year condition and from 6.87 cfs to 2.0 cfs during the 100-year condition. Discharges from Shed B would be reduced from 4.47 cfs to 1.8 cfs during the 10-year condition and from 11.08 cfs to 3.7 cfs during the 100-year condition. Discharges from Shed C would be reduced from 2.05 cfs to 2.0 cfs during the 10-year condition and from 2.61 cfs to 2.0 cfs during the 100-year condition. Under developed conditions, storm water discharge from the site would be reduced for all shed areas.

**Drainage Flows at Shed Discharge Points**

LOCATION	EXISTING CONDITIONS (PRE-DEVELOPMENT)		ORIGINAL PROJECT (POST-DEVELOPMENT)		MODIFIED PROJECT (POST-DEVELOPMENT)	
	10-YEAR STORM EVENT	100-YEAR STORM EVENT	10-YEAR STORM EVENT	10-YEAR STORM EVENT	10-YEAR STORM EVENT	10-YEAR STORM EVENT
Shed A/1	2.7 cfs	6.87 cfs	2.0 cfs	2.0 cfs	2.0 cfs	2.0 cfs
Shed B/2	4.47 cfs	11.08 cfs	0 cfs	0 cfs	1.8 cfs	3.7 cfs
Shed C/3	2.05 cfs	2.61 cfs	0 cfs	0 cfs	2.0 cfs	2.0 cfs

SOURCE: MEREDITH ENGINEERING, 2016; MEREDITH ENGINEERING, 2017

Currently Drainage Shed B flows out of the southwest corner and through residential properties south of the project site. As originally designed the water in Shed B was to be channeled to the northwest detention basin, by placing additional fill on the southwest portion of the project site. This area would have then required retention walls to prevent the fill from sliding south into the neighboring yards. While most of the retaining wall would have been less than 1.5 feet high, some portions along the southwest could have been up to 7.5 feet, not including the 6 foot privacy fence of the new parcels.

In both comments on the MND, and at the Planning Commission hearing of March 28, 2017, concern was expressed about the height of the retaining wall, and the cessation of the existing flow of water. Given these concerns, the project applicant produced new grading plans to allow some storm water to drain off to the southwest and southeast and to reduce the height of the retaining walls. The retaining walls have been reduced by 1.5 feet at their maximum height.

The reduction of the existing off-site water flows through the implementation of the proposed stormwater detention system is consistent with General Plan Special Policy G.6 which states:

*An application for the proposed subdivision of the property shall demonstrate special attention to potential flooding and drainage issues, and any proposed project shall be designed to create no greater volume of storm water runoff to downstream properties after development.*

#### **Hazardous Materials\Pesticides**

The project site has been formerly a pear orchard that was removed in 1961. Subsequent investigation in 2003 identified elevated levels of pesticide contamination that would need to be removed prior to residential development. The developer working with the California State Department of Toxic Substance Control (DTSC) prepared a *Removal Action Work Plan (RAW)* August 2016 (Available at the **Loomis Town Website or Planning Department**) to address the removal and remediation of the contaminated soils. Prior to implementation of the RAW, it must be approved by DTSC who provides oversight of hazardous contamination that may affect public health, including authorization and supervision of the action.

Removal will be performed as per the RAW by a California Contractor licensed for this type of work, under the supervision of a professional geologist or engineer, and at the cost of the developer. The RAW includes measures to ensure that contaminated soils are contained during excavation and removal, and are properly disposed at licensed facilities. Once the remediation is satisfactorily completed, and the DTSC has confirmed the results, and certified the project site is safe will residential development be allowed. Only then will the Town authorize the actual grading and construction of the project.

#### **Transportation\Traffic**

Each of the 22 proposed residences will result in approximately an additional 9.52 vehicle trips a day or approximately a daily total of 210 additional vehicle trips on Humphrey Road, based on trip generation rates of the Institute of Traffic Engineers (ITE) *Trip Generation Manual* Traffic conditions are evaluated by Level of Service (LOS) ranging from "A" for excellent traffic flows to "F" being the worst impeded condition. The newly adopted Circulation Element of the Loomis General Plan has established that a LOS level of "C" be the minimum allowed on roadways such as Humphrey Road. Currently Humphrey Road has a LOS of "A" which will remain unchanged by the proposed build-out of the subdivision.

There will be a temporary increase of vehicle trips during construction, especially during the remediation of the pesticide contaminated soil from the site. Approximately 4,600 cubic yards of material will be removed requiring approximately 200 truckloads. The excavation is expected to take about two weeks (i.e., 10 working days) resulting in approximately 40 truck trips each day, 20 trucks coming in empty, and 20 more trips leaving the site once filled. Over an eight hour work day, there would be about five trucks per hour entering or leaving the site. *Traffic Impact Assessment KD Anderson 2016 (Loomis Town Website or Planning Department.)*

The projected truck route will not appreciably affect traffic on Humphrey Road. However, Humphrey Road is a student route to the nearby H. Clarke Powers Elementary School. A mitigation measure (T-4) has been added through the Addendum to the MND to ensure that there are not truck or other construction traffic conflicts along the project's Humphrey Road frontage with children walking or bicycling to or from school at the start and end of the school day.

The project will have no access unto No Name Lane which is a private road. Therefore, there is no nexus requiring mitigation or dedication of right of way to it. However, recognizing that No Name Lane may need to be widened at a future date, the developer is voluntarily dedicating a Right of Way (ROW) along the south side of No Name Lane to the Town for possible future road needs. Until such time that No Name Lane requires it, the maintenance of the ROW will be included with the subdivisions landscape maintenance district.

#### **Noise**

Construction of the proposed project would temporarily increase noise levels due to grading, site preparation, and construction. Much of the truck noise will be due to the remediation and removal of the containments on the site, resulting in temporary average increase of 1 dBA along Humphrey Road well within the standards required by Section 13.30.070 Noise Standards of the Loomis Zoning Ordinance. This section also limits construction activities to only 7:00 am to 7:00 pm M-F, 8:00 am to 7:00 pm Saturday, and no construction activities on Sunday and National Holidays.

Post construction noise will be typical of most suburbs from vehicle traffic, children playing, and dogs barking. The proposed project will not increase ambient noise levels in excess of the standards of General Plan or the Zoning Code.

#### **South Property Line**

Surveys have shown that there is a 3.5 to 4 foot discrepancy between the project's southern property line and that of the parcels to the south whose titles show their property extending to the existing fence line. (Attachment 4) The developer rather than disputing their respective titles has Quit-Claimed the overlapped area to the adjacent southern property owners. Therefore, the existing fence line is now the southernmost boundary of the project.

#### **Utilities\Public Services**

Both the Placer County Water Agency (PCWA) and the South Placer Municipal Utility District (SPMUD) have had the opportunity to review the project during the preliminary application review, and review of the proposed IS\MND. Both agencies have lines within Humphrey Road and have indicated they have capacity to serve the site subject to the developers obtaining Will Serve Letters and compliance with their standard conditions and regulations.



## DESIGN REVIEW

Design Review is required for all new subdivisions of five or more parcels as per **Section 13.62.040 Design Review** to ensure proposed development maintains and enhances *“the small-town, historic, and rural character of the community.”*

*In its review and approval the Planning Commission is required to evaluate and make finding on seven criteria as per Section 13.62.040 E Project Review:*

- 1. Complies with this section. (i.e Design Review)*
- 2. Provides architectural design, building massing and scale appropriate to and compatible with site surroundings and the community*
- 3. Provides attractive and desirable site layout and design, including, but not limited to, building arrangement, exterior appearance and setbacks, drainage, fences and wall, grading, landscaping, lighting, signs, etc.*
- 4. Provides efficient and safe public access, circulation and parking*
- 5. Provides appropriate open space and landscaping, including the use of water efficient landscaping*
- 6. Is consistent with the Loomis General Plan Special*
- 7. Complies with any applicable design guidelines and/or adopted design review policies.*

The lots on the perimeter of the site vary in size from 11,859 sf to 14,168 sf, with the largest lots occurring at the edges of the site. This is compatible with the surrounding residential parcels which support lower density residential lots that occur to the west of the project site and medium density residential lots occur to the south and east of the project site. The configuration of lots on the proposed project site allows for a relatively gradual shift in lot sizes and provides for a visual transition between urban and rural land uses.

The *Preliminary Landscaping Plan Sheets L1 – L3 (Attachment 5)* provides for landscaping along Humphrey Road, including a row of interior live oaks along the project fence line, and includes two landscaped entry lots to transition from Humphrey Road to Grove Circle. The project would include landscaping and tree planting in the front setbacks of each lot and would fully landscape the pocket park, including trees around the north, west, and southern perimeters of the park, as well as the detention basin to be landscaped with a mix of trees and ground cover.

As previously discussed under Drainage, the project site will be graded such that stormwater will flow to 2 detention ponds and 3 points of discharge. Retention walls will be constructed to retain the additional fill mostly along the southwest corner of the project. The retention walls would range from 0.5 to 6 feet with the top of the wall at the finished grade of the project site.

Generally walls are not allowed to exceed 6 feet, except as approved by the Planning

Commission for public safety as per **Section 13.30.040 A2 Fences**. The combination of the wall and fill will prevent further storm water draining unto the adjacent lots to the south and hold back the fill to accomplish it.

Fencing would be generally be six-feet tall, measured from the lowest ground level, except along the southern and southwestern boundary of the site, where the six-foot wooden fence will be above the retaining wall, with total wall and fence heights ranging from 6 to 12 feet. Fence heights located along side and rear setbacks are allowed to exceed 6 feet in height, subject to Design Review approval as noted above.

Outdoor lighting would be installed throughout the project site. **Section 13.30.080** of the Zoning Code requires outdoor lighting to be shielded or recessed so that the light source is not visible from off the site and so that glare and reflections are confined to the maximum extent feasible within the boundaries of the site. Further, **Section 13.30.080(b)** requires lighting fixtures to be directed downward and away from adjoining properties and public rights-of-way and requires that off-site illumination does not exceed one foot-candle.

Development of the proposed project would not substantially degrade the existing visual character or the quality of the site and its surroundings. The project site would be converted to residential uses that are similar in character to the uses to the south and east of the site. Existing vegetation and fencing help shield the project site from the surrounding properties. The proposed landscaping and fencing would visually buffer the developed residential uses from nearby public vantage points, including Humphrey Road.

The developer is proposing three styles of houses, *Cottage*, *French Country*, and *Craftsman*, each having several variations, with some having a second floor designed so as not to directly overlook neighboring backyards as shown in *Proposed Housing Elevations (Attachment 6)* The homes have an average footprint of approximately 2,500 sf, with an additional 500 sf for those models with a 2nd floor option. As the average lot size is approximately 12,000 sf, the home occupies around 20% of the lot well within the requirements of the zoning ordinance maximum lot coverage of 30%. All of the designs are traditional styles compatible with the rural suburban nature of Loomis. All also include to one degree or another rock fascia consistent with and enhancing the rock outcropping often found in Loomis.

The Planning Commission approved the Design Review for The Grove subdivision. While the site plan has been modified slightly as previously described, the design components remain the same and will be applied to the revised site plan.

## CITIZEN COMMENTS AND CONCERNS

As noted below under CEQA, several letters, Planning Commission oral comments, as well as the April 11 letter from Mr. Wenzel were received as part of the Planning Commission hearing

and in response to the Planning Commission's decision. The comments were generally concerned with drainage from the project site, maintenance of the drainage facility, the character (fencing and signage) of the project, and traffic controls (both construction truck traffic and a stop sign for project traffic) at the project entrance to Humphrey Road.

Public comments were also received in response to the Notice of Intent to Adopt a Negative Declaration. These comments were responded to in the *Grove Response to Comments (Attachment 10)* and were included in the Planning Commission staff report dated March 28, 2017. Those comments generally concerned drainage along No Name Lane, walls and fencing along No Name Lane, the southern retaining wall, and overall design and lighting of the project, as summarized below.

Drainage along No Name Lane, a private road, has been an ongoing problem for a number of years. General Plan Policy G.6 specifically addressed that development of this site would be required not to discharge water in excess of existing conditions downstream. Many comments have expressed concern the project will discharge additional water. The drainage plans prepared by a qualified engineer, and peer reviewed as part of the CEQA review propose a drainage system that upon completion will reduce off-site water flows. The project will not otherwise impact No Name Lane. The reduced water flow will continue as before once it leaves the site. The Placer County Stormwater Management Manual states, *"the downstream property owner(s) is obligated to accept and make provision for those waters which are the natural flow from the land above (i.e. 2.7 to 6.7 cfs) and allow for a reasonable increase in drainage runoff by paving or construction of other impervious surfaces."* The project will not have an "increase in drainage runoff" but upon completion reduce the peak flows to 2.0 cfs. The modifications to the drainage plan have reduced the area of the project site that will drain to No Name Lane; flows will also be directed to the existing southeast and southwest discharge points. All storm drainage from the project site will be less than occurs under existing conditions, as previously described.

In response to concerns about the proposed wall along No Name Lane and Humphrey Road, the developer is proposing to instead construct a six foot high wooden fence similar to that for Legacy Lane and more in keeping with the nature of the area. The entry way sign has been redesigned more in keeping with the existing sense of place in the community.

The retaining wall is only along a small portion of the southwestern perimeter of the project. Four lots in the adjacent subdivision to the south will have retaining walls of ranging from 0.6 to 2.9 feet in height. These four lots are APN 044-180-001; 044-180-002; 044-180-003; and 044-180-004. The rest of the adjoining parcels to the south will have retaining walls less than 0.6 feet in height, or no wall at all. One lot to the west, APN 044-021-009 will have a retaining wall ranging from 0.9 feet to 6.0 feet at the southernmost point, depending on final construction documents. The remaining three lots to the west will have retaining walls ranging from 0.9 to 2.6 feet in height. The retaining walls are necessary to control storm water flows. A retaining wall is a necessary safety measure to prevent the fill from eroding unto the

adjacent parcels to the south and west. The wall while noticeable to the adjacent parcels will only reach to the new grade level of the project site. From the project site side, the six foot fence will appear level along the south and west property lines sitting either on the existing grade or retaining wall.

The proposed design of the homes and associated landscaping is in keeping with design of the existing adjacent residential development. Lighting, including streetlights and exterior home lighting, is required to be shielded and directed so as not to spill off site.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Pursuant to CEQA Guidelines Section 15070 Decision to Prepare a Negative or Mitigated Negative Declaration the Town of Loomis prepared an *Initial Study Mitigated Negative Declaration (IS/MND)*. The Planning Commission adopted the *IS/MND* and *IS/MND Mitigation Monitoring Report Plan (MMRP) (Attachment 9)* and the mitigation measures are included as required Conditions of Approval for this project.

An Addendum to the Mitigated Negative Declaration has been prepared to address the revisions to the project, including the changes to the site plan, grading and drainage plan, and the retaining wall heights. CEQA Guidelines Section 15164 describe the circumstances where an addendum is the appropriate documentation. The project has been reviewed to determine whether the changes to the project or any conditions exist that would require preparation of a subsequent Mitigated Negative Declaration. As demonstrated in the attached Addendum, the proposed changes do not meet the criteria for preparing a subsequent EIR or negative declaration as described under CEQA Guidelines Section 15162. An addendum is appropriate to address the Modified Project because none of the conditions calling for preparation of a subsequent EIR or negative declaration have occurred. The MMRP (Attachment 8) has been revised to include Mitigation Measure T-4, identified in the Addendum.

A Notice of Intent to Adopt a Negative Declaration was posted and mailed to adjacent property owners during circulation of the IS\MND during the mandatory 30 day public review and comment beginning on December 27, 2016 and concluding January 27, 2017.

While a Negative Declaration is not obligated to Respond To Comments, the Town has elected to do so, to provide a comprehensive document that responds to issues, provides clarification, and addresses concerns of review agencies and the public.

Eleven comments were received from public agencies and the public, as to the proposed IS/MND. These letters have been responded to in the Planning Commission staff report dated March 28, 2017 and the response is included as Attachment 10 of this staff report. Six comments were from public agencies, three of which were of a routine nature essentially reminding the Town and applicant to comply with their or other regulations and have been included in the conditions of approval as necessary. (CCRWQCB, SCH, Loomis Fire District,

Caltrans) and five of the eleven comments were received from the public.

As part of the review of the revised plans for the project, the public comments received during and after the Planning Commission meeting were reviewed. While none of the comments identified specific issues with the IS/MND, the comments did raise environmental concerns, including drainage, project fencing, project lighting, air quality, and construction traffic safety. These comments are provided and responded to in **Attachment 11** of this staff report.

At its March 28 meeting, the Planning Commission took an action to approve the IS/MND. Because the Town Council is the final approving authority for the project, the Town Council will also need to approve the MND and Addendum.

A Notice of Determination will be filed with the Placer County Clerk upon approval of the project.

#### **APRIL 11 LETTER**

Mr. Bill Wenzel submitted a letter appealing the decision of the Planning Commission for The Grove project. Although the Planning Commission's action was a recommendation (and therefore not technically appealable), staff has specifically considered the issues raised in the letter. Mr. Wenzel's letter identified three issues regarding drainage, indicating that the issues were not addressed adequately and that the actions by the Town may affect his property values and access via No Name Lane. The letter and a detailed response are provided as **Attachment 12**.

Mr. Wenzel indicated that the parcel is being graded to drain all water to No Name Lane and identified concern that the retention basin is ill-equipped to handle heavy rain. Mr. Wenzel indicated that 10 acres receiving one inch of rain produces 36,302 cubic feet of water. Mr. Wenzel questioned how the pond could have an inflow of 20 cfs but limit the water to 2 cfs at the outflow without overflowing. The project has been revised to drain to the three existing discharge points, as previously described. The post-project drainage flows at each discharge location would be similar to or less than existing flows, as previously described.

Regarding the calculations used to determine the appropriate size of storm drain facilities, the Preliminary Storm Drainage Report describes the calculations used to determine the appropriate size of the detention basin. The calculations are based on design flows from the Placer County Flood Control Manual that are derived from historical rainfall data. The peak flow rate of 20.56 cubic feet per second referenced by Mr. Wenzel is the highest flow rate that is expected and is not an average flow rate. Flow rates peak and then taper off over the defined duration that studied when analyzing the size of the retention basin pursuant to Town and NPDES requirements.

Mr. Wenzel asks who is responsible for the water once it drains from the project onto the private No Name Lane, indicating that there is concern that water is causing flooding and

erosion. The flows to No Name Lane would be reduced with the construction and implementation of The Grove project. Regarding responsibility, the Placer County Stormwater Management Manual states "the downstream property owner is obligated to accept and make provision for those waters which are the natural flow from the land above and allows for the reasonable increase in drainage runoff by paving or construction of other impervious surfaces." As previously described, the proposed project will result in a decrease in flows to No Name Lane.

Mr. Wenzel requests that the culvert be relocated to the left side of No Name Lane, indicating that would reduce the changes of the current ditch from eroding and flooding the road like it currently does. As previously described, the project would reduce storm water flows to No Name Lane compared to existing conditions. No improvements to No Name Lane are necessitated by the project's storm drainage plan and no improvements to No Name Lane are proposed as part of the project.

#### **RECOMMENDATION**

The Town Council adopt Resolution #xxxx (Attachment 1) approving Vesting Tentative Map #16-10 "The Grove" and Design Review as recommended by the Planning Commission on March 28, 2017, and adopt the Mitigated Negative Declaration and Addendum as per the California Environmental Quality Act (CEQA) and the recommended findings and conditions of approval.

#### **ATTACHMENTS**

1. Draft Resolution #XX-XX3
  - Exhibit A: Recommended Findings
  - Exhibit B: Recommended Conditions of Approval
2. Grove Tentative Map Sheets #1 of 4 (Including Proposed Lotting Exhibit, Contextual Map, Conceptual Grading and Drain Plan, and Conceptual Utility Plan)
3. Preliminary Storm Drainage Report
4. Southern Property Line Exhibit
5. Preliminary Landscaping Plan Sheets L1 – L3
6. Proposed Housing Examples 1, 1x, 2, 2x
7. Grove Final Initial Study/Mitigated Negative Declaration (IS/MND)
8. Addendum of Grove Project Mitigated Negative Declaration
9. Grove Monitoring Mitigation Reporting Plan (MMRP)
10. MND Public Review Comment Letters and Response to Comments
11. Comment Letters, Response to Comment Letters, and Response to Oral Planning Commission Hearing Comments
12. Appeal and Response to Appeal
13. Application