



## STAFF REPORT

### TOWN COUNCIL MEETING OF SEPTEMBER 9, 2014

To: Town Council  
From: Town Manager  
Subject: Gated Community Prohibition Discussion  
Date: August 28, 2014

#### **RECOMMENDATION:**

Hear staff report and public comment and direct staff.

#### **BACKGROUND:**

Staff has received a request from homeowners in the Monte Claire Subdivision to address the Town Council regarding the Town's prohibition against gated communities (see attached requests). Town staff and the Mayor have previously met with members of the Monte Claire Homeowner Association regarding the prohibition in the Town's General Plan.

At those meetings, staff set forth the steps, application forms and cost to process a General Plan Amendment to eliminate the 2 areas in the General Plan where gated communities are prohibited. On June 30, 2014 staff received an email from Michelle Verdult asking if the Town would soon be processing any General Plan Amendments. Staff responded that several General Plan Amendments were planned to come before the Council over the next several months (Housing Element, Amendments for The Village at Loomis and possible amendments for the Turtle Island property) Staff also forwarded all the forms and applications to Ms. Verdult. Staff has not heard back from Ms. Verdult.

On August 25, 2014 Town Hall received an email from David Andre (see attached) requesting that the item be placed on the next agenda for discussion by the Council.

#### **ISSUE:**

Staff has attached copies of the two sections in the General Plan which reference the avoidance and prohibition of gated communities in Loomis. In order for the Council to legally approve a gated community, the two references to the prohibition would have to be deleted from the General Plan. This requires a General Plan Amendment. The Town would then need to amend the Zoning Ordinance to include standards for such gates (height, public safety access requirements, material limitations, etc.) to provide standards for Town Planners to use for both Monte Claire's request and future requests come

in. In addition, if the Town approval of the Monte Claire subdivision was conditioned to not allow a gate, then a modification to the conditions of approval would also need to be done by Council.

The State did not make amending the General Plan an easy process. The Town, under state law, is permitted to amend the General Plan just 4 times per year. To amend the General Plan it takes public hearings before both the Planning Commission and Town Council (with majority affirmative votes) and an environmental document circulated and reviewed and approved by both the Planning Commission and Town Council.

On August 28, 2014, David Andre sent staff a power point which is attached. In Mr. Andre's cover email, he states it is intended to be a request for a General Plan Amendment, not a Special Use Permit as shown.

**CEQA:**

There are no CEQA issues with discussion of the issue.

**FINANCIAL IMPLICATIONS:**

None at this time.

**Attachments:** Emails from David Andre and Luke Burroughs  
Loomis General Plan Excerpts  
David Andre Power Point

## Rick Angelocci

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**From:** Cricket Strock  
**Sent:** Monday, August 25, 2014 3:18 PM  
**To:** Rick Angelocci  
**Subject:** FW: Gated neighborhoods

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**From:** David Andre [[mailto:david\\_l\\_andre@yahoo.com](mailto:david_l_andre@yahoo.com)]  
**Sent:** Monday, August 25, 2014 2:35 PM  
**To:** [townhall@loomis.ca.gov](mailto:townhall@loomis.ca.gov)  
**Subject:** Gated neighborhoods

Dear Town Council,

My name is David Andre and I live in the Monte Claire neighborhood in Loomis. I have been reaching out to both the incumbent Town Council members as well as the new candidates with regard to the Town of Loomis General Plan. I have spoken about this issue to Mayor Wheeler, and I am writing at the encouragement of Council Member Miguel Ucovich.

I would like to formally request that the Town of Loomis General Plan be amended to no longer prohibit gated communities. I would like this topic added to the next Town Council meeting and I will be attending that meeting on September 9th.

Monte Claire Lane is private property and the homeowners pay for the maintenance of the road. We have endured years of crime including several incidents of vandalism and theft. My wife's anniversary gift was stolen from our mailbox in May. I encountered an intoxicated individual in my backyard just outside my young son's bedroom with no concern over my 120 lb dog barking at him. I had my property vandalized and equipment stolen during construction. My neighbors all have similar stories of their own. The problems are not new but are ongoing.

Gated neighborhoods will be an issue in the upcoming election. Rocklin's high-dense residential crime has made its way into Loomis. The time for change has come and I feel that the Town of Loomis General Plan is currently infringing on my rights as a private land owner. A couple of you have recently been endorsed by the Placer County Republican Party, which historically favors private property rights over government intrusion. I look forward to your support in changing the way the Town of Loomis does business by actively supporting a General Plan change to allow gated neighborhoods in The Town of Loomis.

Sincerely,

David Andre  
(916)224-1333

## Rick Angelocci

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**From:** David Andre <david\_l\_andre@yahoo.com>  
**Sent:** Tuesday, August 26, 2014 11:41 AM  
**To:** Rick Angelocci  
**Cc:** Dave Wheeler  
**Subject:** Re: gated communities prohibition

Dear Mr. Angelocci,

Thank you for placing the item on the agenda, that is a big step in the right direction in my humble opinion.

I serve on the HOA Board with Michelle and I'm aware of your conversations with her, and Rick Claussens, and Paul Bilek. My understanding of the current process is that our HOA needs to risk thousands of dollars on an application that will likely be rejected based on the fact that the General Plan prohibits gated communities outright. We would be happy to formally apply for our gate when the circumstances become less daunting. Perhaps we could submit a gate request with a minimal upfront fee and perhaps the Town Council would like to find a way to help my neighborhood get approved for a gate without unreasonable costs?

As a Loomis residence that is being negatively impacted by the gate prohibition I would like to see the General Plan changed, but my ultimate goal is to get a gate approved as quickly and inexpensively as possible. I look forward to your support on this.

David Andre  
(916)224-1333

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**From:** Rick Angelocci <[rangelocci@loomis.ca.gov](mailto:rangelocci@loomis.ca.gov)>  
**To:** "[david\\_l\\_andre@yahoo.com](mailto:david_l_andre@yahoo.com)" <[david\\_l\\_andre@yahoo.com](mailto:david_l_andre@yahoo.com)>  
**Cc:** Dave Wheeler <[DWheeler@loomis.ca.gov](mailto:DWheeler@loomis.ca.gov)>  
**Sent:** Tuesday, August 26, 2014 8:42 AM  
**Subject:** gated communities prohibition

Dear Mr. Andre:

Thank you for your letter regarding a discussion on the prohibition of gated communities in the Loomis General Plan. I am sympathetic to your circumstances. I am placing the item on the September 9 Town Council agenda for discussion. I have previously been in communication with Michelle Verdult of Monte Claire regarding this issue. I have also met with Michele and provided the steps and applications necessary to proceed with an application for a General Plan Amendment so you may want to contact her regarding the information I have sent.

If you have any questions, don't hesitate to give me a call.

Thanks.

*Rick Angelocci*

## Cricket Strock

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**From:** wbcinc@msn.com  
**Sent:** Tuesday, August 26, 2014 9:47 AM  
**To:** townhall@loomis.ca.gov  
**Subject:** Gates

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Dear Town Council,

My name is Luke Burroughs and I live in the Monte Claire neighborhood in Loomis. I would like to formally request that the Town of Loomis General Plan be amended to no longer prohibit gated communities. I would like this topic added to the next Town Council meeting and I will be attending that meeting on September 9th.

Monte Claire Lane is private property and the homeowners pay for the maintenance of the road. I have had mail theft, petty theft, and vandalism to my vehicles.

Gated neighborhoods will be an issue in the upcoming election. I look forward to your support in changing the way the Town of Loomis does business by actively supporting a General Plan change to allow gated neighborhoods in The Town of Loomis.

Sincerely,

Luke Burroughs



## The Future of Loomis

The community's vision for the future of Loomis is based primarily on: 1) retaining the small town aspects of its character through the revitalization of the downtown village and the expansion of family-oriented community facilities; and 2) maintaining the rural aspects of its character by continuing the pattern of progressively lower residential densities as distance increases from the downtown, thereby preserving low-intensity agricultural uses and natural open spaces. Town residents value the community's distinct identity, featuring good public services and facilities, cultural activities, and agricultural heritage. The community workshop held on June 6, 1998, identified the following components as the participants' vision for the community's future.

- The design and development of both residential and commercial parcels to reinforce the small town character, rather than tending toward the more generic urbanization found in adjacent communities.
- The preservation of the remaining open space and rural character surrounding the community, ensuring distinction between adjacent urban communities and rural Loomis.
- The preservation of agricultural activities, including the farming of orchards and raising of livestock.
- The maintenance of primarily large lot, rural residential areas, but also providing some smaller parcels for young families and seniors.
- The avoidance of gated residential communities.
- The revitalization of the downtown core with a consistent design theme, pedestrian amenities (e.g. benches, crosswalks, shade trees), façade improvements, and reuse of historical structures.
- The development of a pedestrian-oriented downtown, with small retail boutiques, restaurants and sidewalk cafés, and a Town center complex for government offices and community events.
- The development of a "transportation center" at a renovated train station and plaza at Horseshoe Bar and Taylor Road in the downtown.
- Acceleration of the rehabilitation and reuse of historical fruit sheds and older residences for retail and office space in the downtown core.
- The expansion of parking facilities and improvement of circulation patterns in the downtown core.
- The expansion of economic development and tourist activities in the downtown to increase Town revenues.
- The expansion of local theater and arts activities.
- The design of new commercial uses in "village" scale, focusing on the construction of historical façades, minimization of signage, and planting of street trees and landscaping.

residential development shall not be permitted on arterials serving as entryways to the Town unless substantial setbacks and landscaping are provided.

12. Proposed development shall be planned and designed to preserve and enhance significant natural features (e.g. creeks, wetlands, native trees, rock outcrops, wildlife habitat), and retain the existing topography, to the greatest extent practical.
13. Loomis shall evaluate all new residential subdivisions and other significant development proposals for consistency with the Town's design standards, with the objectives of maintaining a small, neighborly, rural community, reflective of the Town's heritage. Proposed projects that are inconsistent with the Town's design guidelines shall be denied, or be revised to be consistent.
14. Loomis shall encourage the retention and enhancement of natural vegetation along major roadways in new developments as a tool for mitigating noise impacts and providing scenic open spaces.
15. New residential development near the freeway shall consider alternative noise mitigation measures and avoid the construction of artificial freeway sound walls.
16. Loomis shall prohibit the development of gated residential communities.
17. Loomis will monitor the rate and type of residential development within the Town in relation to commercial and industrial revenue-producing development, and may enact measures to ensure balance between residential and non-residential development so that excessive residential growth does not adversely affect Town finances.
18. All new development in Loomis shall conform to the land use map, land use categories and development intensities set forth in this General Plan.

### **Policies for Specific Residential Land Use Issues**

The policies of this section apply to the following specific residential development issues.

#### **Second Residential Units**

State law, and past Town policies and regulations have provided the possibility for residential parcels of sufficient size to be developed with a second residential unit in addition to the primary dwelling normally allowed. This possibility raises important land use policy issues for the Town, because an uncontrolled proliferation of second units could change the single-family residential character of neighborhoods and rural residential areas, and increase traffic on roads that were planned in anticipation of lower densities. Inappropriately designed and sited second units in the rural areas of the Town can also disrupt neighbors' privacy, and impair the rural character of those areas. Therefore, second residential units may be approved through the process required by the Zoning Ordinance, subject to the following standards.

- a. **Minimum site area.** Outside of the Downtown area identified in Figure 3-3 (page 42) second units may be placed only on parcels of 20,000 square feet or larger. Within the Downtown, second units may be allowed as provided by the Zoning Ordinance.

## Rick Angelocci

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**From:** David Andre <david\_l\_andre@yahoo.com>  
**Sent:** Thursday, August 28, 2014 4:28 PM  
**To:** Rick Angelocci  
**Cc:** Dave Wheeler  
**Subject:** Fw: gated communities prohibition  
**Attachments:** Monte Claire Request For Special Use Permit.pptx

Hi Rick,

Please see attached documentation re: Monte Claire gate. It was a "request for special use permit" presentation that I didn't have time to modify into a "request for general plan amendment" document, but it has the information you were looking for.

Thanks,

David



# Request For Special Use Permit for Monte Claire Lane Entrance Gate

January, 2014



## Basis for Exception Request

1. Original Gate Approval of Monte Claire Development
2. Purpose for Loomis Ordinance
3. Ongoing Safety Concerns
4. Efforts to Resolve safety and property issues short of asking for gate

## Background to Cover Issues

- Originally planned, permitted and built for gated community in 200X
- Developer went back to add 2 more lots to subdivision at which time the amendment for bidding gates was adopted. This took place one month prior in the general plan (July 31, 2001)
- In order to get amended map for Monte Claire, builder was forced to agree to new terms
- Original lot owners expected to be a part of a gated community; end of street is already gated
- Street is a Private Road, maintained by the homeowners, for all practical purposes, it's just like a driveway for a private home which is allowed under the general plan
- Homeowners are interested in limiting our liability and keeping the neighborhood safe



## Purpose for Loomis Ordinance

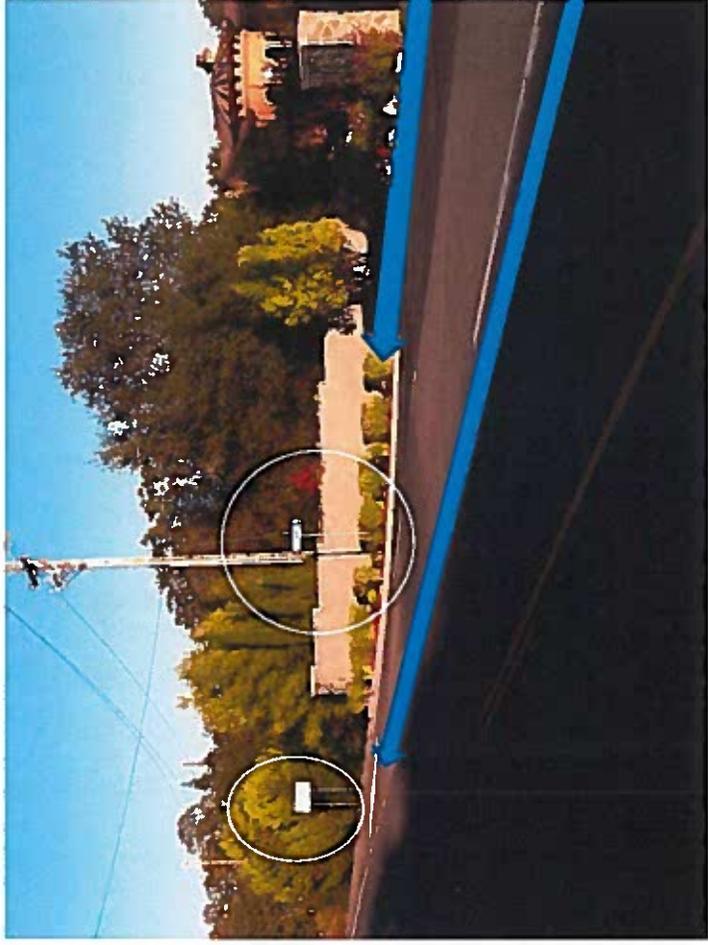
- Maintain country feel especially to large lots within City

Why The ordinance purpose should not apply to Monte Claire:

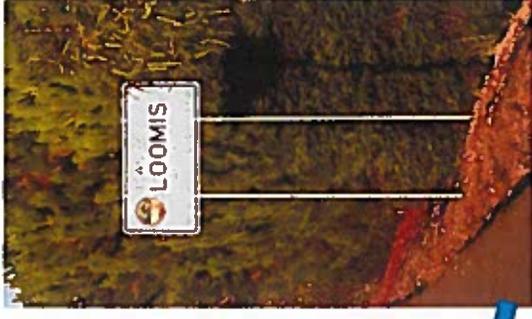
Unlike most parcels [4.6 acre or better], Monte Claire designed to flow off sizes in 1.0 acre St. Francis Woods, because of narrow configuration;

City permitted gate installation at the rear. should include rear gate, not clear here

However, Monte Claire doesn't even APPEAR to be in Loomis; perception is that it is in Rocklin!

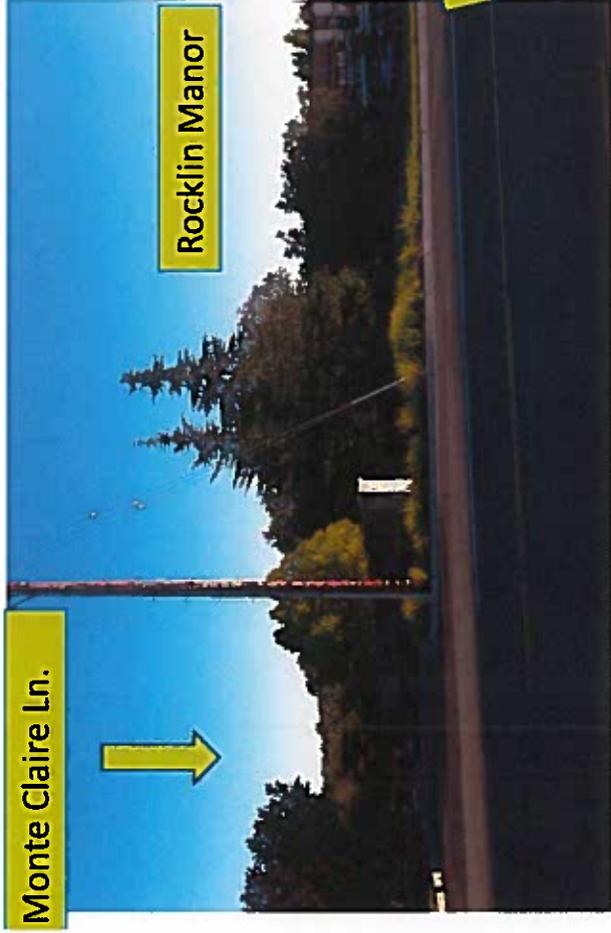


The "Town of Loomis" sign is after you drive by Monte Claire Lane!

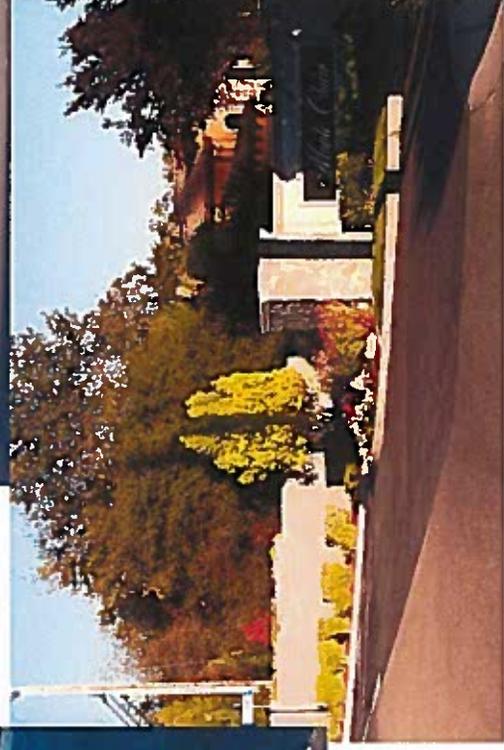
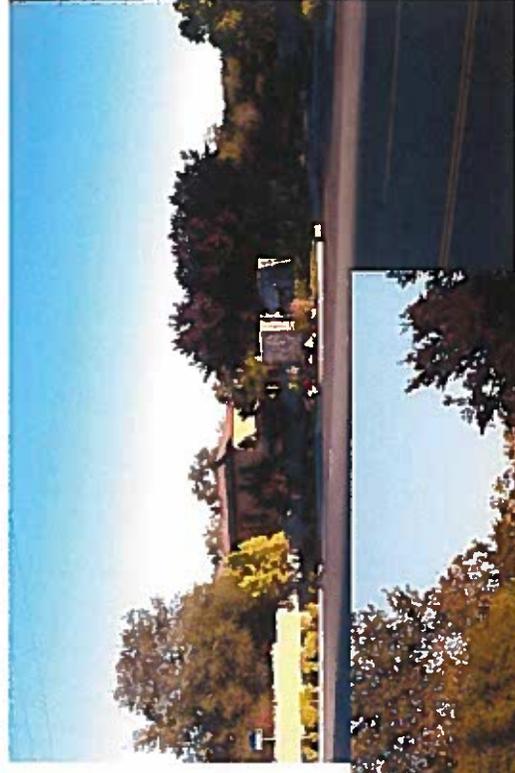


However, Monte Claire doesn't even APPEAR to be in Loomis; perception is that it is in Rocklin!

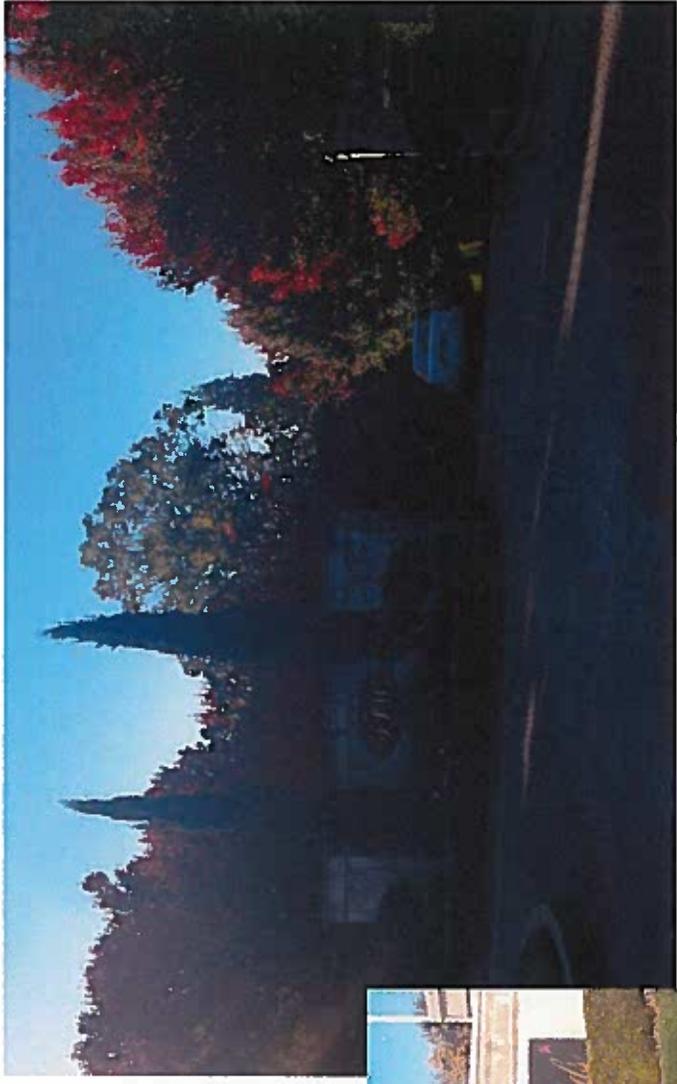
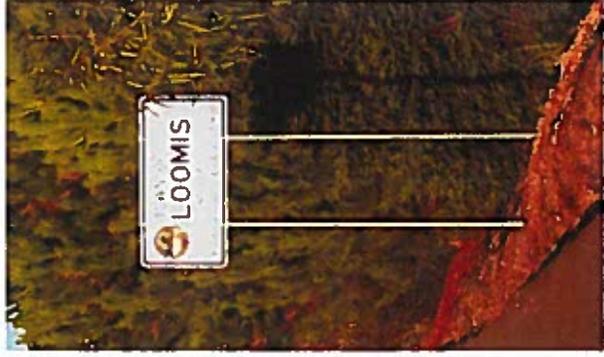
Our private road is right next to Rocklin Manor Apartments



Monte Claire Lane is already built-out for gate in the front so  
“gate feeling” already exists; also the end of the street is already  
gated



St. Francis is the first neighborhood after the “Loomis Town City Limits” sign, and yes it’s gated



## Ongoing Safety Concerns

- Currently 26 lots, 21 homes on PRIVATE road
  - Situated next to Rocklin Manor Apartments
  - ¼ mile from Sierra College
  - ¾ mile from new Wal Mart shopping center
- 43 Police/Sheriff visits in 3 years, averaging over 1 per month
  - Theft
  - Vandalism
  - Trespassing
  - Suspicious circumstances

## Summary of Request for Special Use Permit

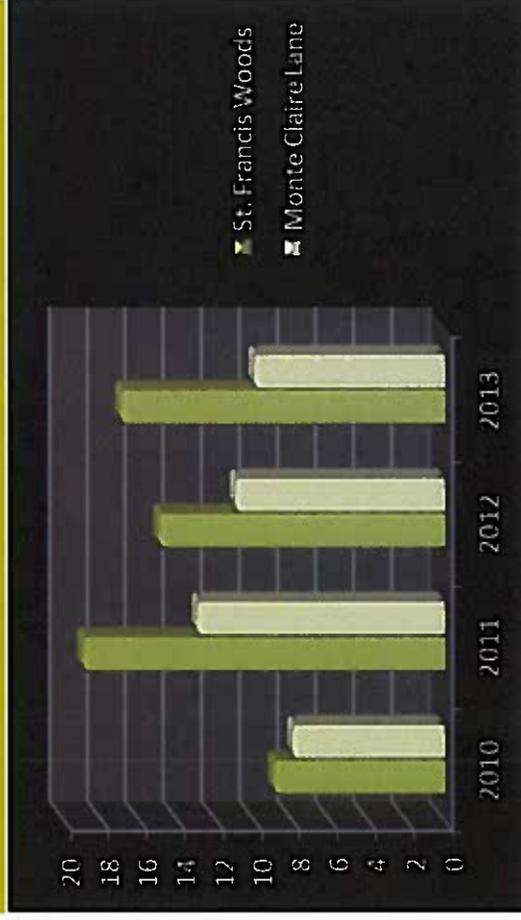
Homeowners of Monte Claire Lane would like to request a special use permit for a front gate considering the following:

- Street was originally approved by the city to have a gate and entrance was built for a gate; gate at end of street already exists
- Perception to Loomis community is that Monte Claire is in Rocklin
- Monte Claire is a private road which is maintained by homeowners
- Trespassers pose as a liability to homeowners
- We are averaging over 1 police/sheriff call per month for issues such as: Theft, Vandalism, Trespassing and Suspicious circumstances

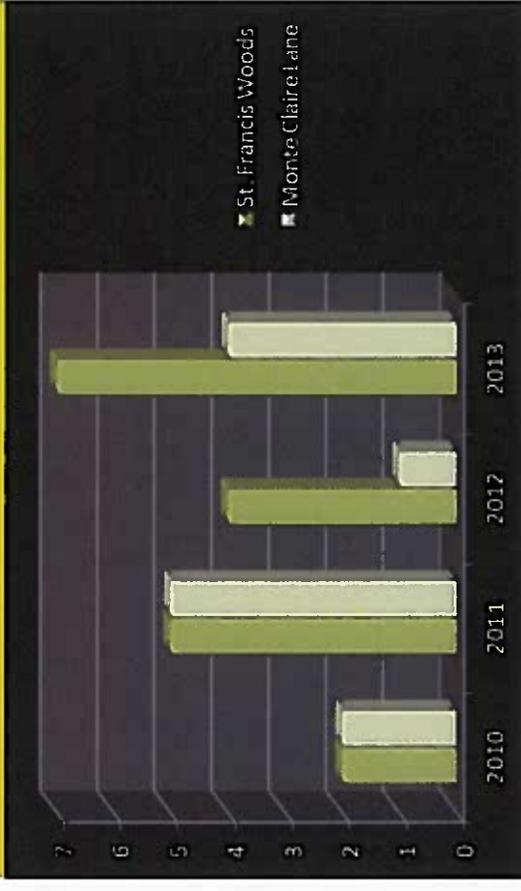
# Sheriff/Police Call Log

## Monte Claire vs. St. Francis Woods

Total Calls



Theft-Trespassing- Vandalism Calls



- St. Francis Woods has more than 3 times the homes, yet their calls are not even double
- The gate is a preventative measure

# A Sample of Safety and Security Concerns

Monte Claire Lane

# Aug 14, 2011

## 5610 Monte Claire Lane

*This morning at 1:22 a.m. two individuals came up to our property, urinated on our lion, pulled up our solar light, rang the doorbell and ran off.*

- *We caught all of this on security cameras*
- *Then at 1:30 a.m. they threw a rock from next door (5620) through our laundry room window*
- *We reported to the police this morning as soon as we saw it. He said that they had also pushed over the outhouse on David Andre's property, and put in a report.*



# Sept. 18, 2011

## 5501 Monte Claire Lane

- We found there was a stranger's car parked in our drive way; later we saw a guy walk out behind our arch pole, around the front door; he told me that his brother-in-law built the house and that he wanted to see if anyone lived in the house. When we replayed our video camera recording, we found that he was on our property for almost ½ hour. We couldn't tell from the tape what he had in his hands or what he was doing behind the arch.
- *He appeared impaired.*





March 8, 2012

5700 Monte Claire Lane

- Somebody broke into my yard and stole navigation from the truck, registration and other items.
- We are now forced to keep dogs in the yard for protection.
- I have noticed strangers that are walking and driving on the street and sometimes parking on vacant lots for long time or overnight.

# August 17, 2012

## 5620 Monte Claire Lane

- Friday night just before midnight a young white male (early 20's, approx 6' tall, 190 lbs) was in our backyard, 1/2 passed out, petting my dog.
- If you've ever seen my dog you would understand how brazen it was to enter the yard and befriend the dog. I had heard the dog barking, then stop, whimper, and run up to the fence on my side yard - so I went to investigate.
- He said his name was Kyle and he was clearly inebriated. I had him at gunpoint, asked him to get up, and asked him what he was doing in my yard.
- His speech was slurred and hard to understand. He said something about wanting to check out the neighborhood.
- I immediately called 911.

Oct. 12th, 2013

5660 Monte Claire Lane

- My street lights and my neighbors street lights were vandalized last night. I reported it to the Placer County Sheriffs office.
- Vandals took the tops off the lights and threw them around the neighborhood. They also took 6 of my 8 light bulbs. I can't imagine there is money to be made on used light bulbs.
- The officer I contacted put a report in his computer and said he would up the patrols in the area.

Nov. 4, 2013

5710 Monte Claire Lane

- A thief came onto my property and broke into my work van over the weekend. They took change out of the cup holder and scattered the contents of the glove box.

# Appendix

Monte Claire Lane

# Summary of Calls

Type of Call	SFW	MC	SFW2	MC3	SFW4	MC5	SFW6	MC7
	2010	2010	2011	2011	2012	2012	2013 to date	2013 to date
Theft / Burglary	1	2	2	2	2	1	3	3
Suspicious Person / Trespassing / Threat	1		1	3	2	1	4	3
Vandalism			2	2				1
Drunk in Public / Disturbance / Shot Fired / Noise / Party	1		2	2	1	1	2	2
Audible Alarm	5	2	6	4	6	3	3	5
Area Check / Welfare Check / Injury / Extra Patrol	1	4	6	2	4	6	5	1
<b>Total</b>	<b>9</b>	<b>8</b>	<b>19</b>	<b>13</b>	<b>15</b>	<b>11</b>	<b>17</b>	<b>10</b>

\* Call logs from Placer County Sheriff and Rocklin Police Department