



## STAFF REPORT

### TOWN COUNCIL MEETING OF AUGUST 9, 2016

To: Town Council

From: Town Manager  
Town Attorney

Subject: Review of Processing Sequence for the Village at Loomis Project

Date: July 28, 2016

#### **RECOMMENDATION:**

Hear staff presentation, hold discussion and hear public comment. No action is requested on this item.

#### **DISCUSSION:**

Town staff felt it valuable to present to both the Planning Commission and Town Council a better understanding of the next steps, sequence and actions regarding processing the Village at Loomis project. Staff presented the following process to the Planning Commission at their July 26, 2016 Planning Commission meeting.

As you may be aware, the Village at Loomis Final EIR is currently under preparation. The Final EIR will consist of the Draft EIR and the comments received during circulation and public hearings and the responses to those comments received. The Final EIR may also contain modifications to the Draft EIR which result from information received during the comment period. In short order, the project will progress into the project review process, which will involve hearings before the Planning Commission for their review and recommendation to the Town Council, who will take final action to approve, modify or deny the various entitlements requested for the Village at Loomis project.

The following actions will be coming before the Planning Commission/Town Council and are necessary for the project to proceed:

- **Staff Report:** Staff will prepare a report which will contain several items and requested actions on the project. In general the staff report will contain the following:
  - A summary of the issues and actions necessary for the Planning Commission and Town Council to certify the Final EIR, make findings, adopt statements of overriding considerations, and approve, modify or deny the project or one of the alternatives to the project analyzed in the EIR.

- **Request for a Recommendation that the Town Council Certify the Final EIR:** The Final EIR is the environmental document which evaluates all of the environmental impacts of the project and other actions requested by the applicant, such as General Plan Amendments, Zoning Amendments and Subdivision approvals. In order to certify the Final EIR, several findings need to be made by the Planning Commission and the Town Council. These include:
  - CEQA Findings of Fact. CEQA Guidelines Section 15091 requires that an EIR may not be certified for a project that has one or more significant environmental effects unless one of three possible findings is made for each significant effect identified:
    - Changes have been incorporated in the project to avoid or substantially lessen the identified significant environmental effect to a less than significant effect.
    - The changes are within the jurisdiction of another agency and the changes have been or should be adopted by that other agency.
    - Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

In other words, when a Lead Agency (in this case the Town) decides to approve a project that will cause one or more significant environmental effects, the lead agency is required to prepare a statement of overriding considerations which reflects the ultimate balancing of competing public objectives (including environmental, legal, technical, social, and economic factors).

- A Statement of Overriding Considerations must be made for each significant environmental effect identified, that cannot be reduced to a less than significant level with mitigation. The Village at Loomis DEIR identified Seven Significant Unavoidable Impacts. Each statement must:
  - be in writing and;
  - state specific reasons supporting agency action based on the final EIR or other substantial evidence in the record.

**General Findings:** These findings are distinct from the CEQA Findings of Fact and pertain to the actual proposed General Plan Amendments, Zoning Amendments and Subdivision approvals necessary for the project.

**Requested Approvals by the Village at Loomis:**

- General Plan Amendment
- Zoning Amendment
- Tentative Subdivision Map
- Parcel Merger
- Design Standards
- Development Agreement

**Town Council Actions:**

The process must be completely through the Planning Commission with recommendations before the item will proceed to the Town Council. The item will then be noticed indicating the Planning Commission recommended action to the Town Council. The Town Council will follow the same process, discussion, public testimony and deliberation as was done at the Planning Commission level.

In the end, it is recommended that a single be made to grant all of the final actions at one time.

**Additional Permits (Ministerial):**

- Grading
- Tree Removal
- Building

**Some of the Timing Considerations for Village Approvals**

- I. Notice of Town Council hearings (GP, zoning, DA) must include a summary of the Planning Commission's recommendations
- II. Published notice for most of the required actions – 10 days prior to hearings
- III. Published notice – Loomis News is a weekly publication. Need to consider publication dates and lead times
- IV. Town Council action on Zoning and DA ordinances: two readings, at least 5 days apart
- V. 2<sup>nd</sup> reading/adoption of zoning and DA ordinances can only occur at a regular Town Council meeting

## **Recommended Procedures for Town Council Hearings on Village Project**

1. Town staff makes its presentation on the Project (FEIR and all entitlements)
2. Council asks questions of staff
3. Mayor opens the public hearing
4. Applicant makes its presentation – 15 minutes
5. Council asks questions of the applicant (and staff)
6. Public comment – maximum 3 minutes per speaker, one opportunity to speak each
7. Applicant opportunity to respond to public comments – 5 minutes
8. Mayor closes the public hearing
9. Staff responds to all public comments; Council asks any additional questions of staff
10. Council deliberates and acts on requested entitlements