

**CITY OF FOLSOM  
PLANNING COMMISSION MINUTES  
February 15, 2012**

**CALL TO ORDER PLANNING COMMISSION:** Vice Chair Ross Jackson; Commissioners: John Arnaz, Dave Benevento, Lance Klug, Brian Martell, Thomas Scott

**ABSENT:** Greg Eldridge

**CITIZEN COMMUNICATION:** None

**MINUTES:** Minutes of February 1, 2012 were approved as submitted.

**NEW BUSINESS:**

1. **PN11-201, A Resolution Amending the City of Folsom General Plan Land Use Element (Text Amendment) to Increase Maximum Building Intensity in the Multi-Family Medium Density (MMD) and Multi-Family High Density (MHD) Land Use Designations**

Associate Planner Kei Zushi gave the staff report, stating Bob Klousner of Environmental Planning Partners was in attendance to answer any technical questions about CEQA and the Initial Study. Associate Planner Zushi shared some background information, stating that the current General Plan was adopted by the City in 1988 and provides long-term goals and policies related to physical development of the City and contains seven mandatory elements and several voluntary elements. The mandatory elements are concerning land-use, housing, open space, etc. The General Plan has to be internally consistent (individual elements cannot be in conflict with other provisions in the General Plan). The Housing Element is subject to oversight by the State and is required to be periodically updated (every seven years). Through the update process, local housing needs are projected for the following four income categories – above moderate, moderate, low income and very low income. This is referred to as the RHNA (Regional Housing Needs Allocation) process, which the City did in 2009. In the 2009 element, a number of goals were adopted into the Housing Element, which included providing new housing opportunities for existing and future residents of all income groups. Each city is required to ensure that it has sufficient land to accommodate housing needs for all income categories. To implement Goal 18, more than a dozen programs were adopted into the Housing Element, and Program 18j directs the City to increase the maximum density from the current 17.9 dwelling units per acre to 20 units per acre in the multifamily medium density designation and from 25 units per acre to 30 dwelling units per acre in the multifamily high density land use designation. The proposal is to bump up these densities so that the current Land Use Element will be consistent with the Housing Element.

There are a total of 32 affected sites that total 418.4 acres. A map showing the location of all 32 sites was shared with the Commission. Fifteen sites totaling 142 acres were considered in the Initial Study – location of those sites were pointed out for the Commission. Staff's proposal would accomplish the following:

- Make the Land Use Element consistent with the 2009 Housing Element
- No additional urbanization in areas not currently designated for urban uses would occur
- The proposal is consistent with such adopted regional plans as the Ozone Attainment Plan, SACOG's 2035 Metropolitan Transportation Plan, and urban growth policy principles outlined in the Preferred Blueprint scenario
- No modification will be made to the existing development regulations applicable to multi-family uses

Staff recommended that the Planning Commission:

- 1) Adopt a Negative Declaration for the City of Folsom General Plan Land Use Element Amendment to increase the maximum building intensity for the Multi-Family Medium Density (MMD) Land Use Designation from 17.9 to 20 units per acre and the maximum building intensity for the Multi-Family High Density (MHD) land use designation from 25 to 30 units per acre, and
- 2) Recommend to the City Council Approval of the City of Folsom General Plan Land Use Element Amendment

Associate Planner Zushi pointed out a correction to the recommendation to include the approval of the Negative Declaration.

Commissioner Martell asked if this change would affect the height requirements since the densities were higher especially as it relates to parking.

Associate Planner Zushi replied that after this proposal was adopted, staff would be allowing higher density, not necessary requiring higher minimum density for each project.

Director Miller added that until you get up to 30-40 units per acre, you really don't get above the typical 2-3 story apartment building height and the only time you do that density is if you end up doing tuck-under parking (podium parking). Generally speaking in this market that is not feasible – it makes it feasible when the price per square foot of land is equal to or greater than the price of building the structured parking on the same footprint. He added that in the RHNA process, the regulations from the State say that you can get credit for your affordable housing if you're 20 units per acre or greater and that was the reason the MMD was increased to 20 units to include two zoning categories and get the credit for it.

In response to Vice Chair Jackson, Director Miller stated that the lots were already zoned for multi-family – this is to change the range in density.

Vice Chair Jackson opened the Public Hearing; no one came forward to speak so the Public Hearing was closed.

COMMISSIONER KLUG MOVED TO ADOPT A NEGATIVE DECLARATION FOR THE GENERAL PLAN LAND USE ELEMENT AMENDMENT TO INCREASE THE MAXIMUM BUILDING INTENSITY FOR THE MULTI-FAMILY MEDIUM DENSITY (MMD) LAND USE DESIGNATION FROM 17.9 TO 20 UNITS PER ACRE AND THE MAXIMUM BUILDING INTENSITY FOR MULTI-FAMILY HIGH DENSITY (MHD) LAND USE DESIGNATION FROM 25 TO 30 UNITS PER ACRE WITH THE FOLLOWING FINDINGS; AND MOVE TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE CITY OF FOLSOM GENERAL PLAN LAND USE ELEMENT AMENDMENT TO INCREASE THE MAXIMUM BUILDING INTENSITY FOR THE MULTI-FAMILY MEDIUM DENSITY (MMD) LAND USE DESIGNATION FROM 17.9 TO 20 UNITS PER ACRE AND THE MAXIMUM BUILDING INTENSITY FOR THE MULTI-FAMILY HIGH DENSITY (MHD) LAND USE DESIGNATION FROM 25-30 UNITS PER ACRE WITH THE FOLLOWING FINDINGS: GENERAL FINDINGS "A" AND "B," CEQA FINDINGS "C" THROUGH "E."

COMMISSIONER ARNAZ SECONDED THE MOTION WHICH CARRIED WITH THE FOLLOWING VOTE:

AYES:	ARNAZ, JACKSON, BENEVENTO, KLUG, MARTELL, SCOTT
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	ELDRIDGE

2. **PN12-027, Folsom General Plan Land Use Element Amendment (Text Amendment) Regarding Mixed-Use (MU) District AND Folsom Municipal Code Amendment Regarding Mixed-Use (MU) Zoning Regulations**

Associate Planner Zushi gave the staff report, stating that in 2009 the City adopted a revised and updated General Plan Housing Element based on the RHNA requirements. Program 18d calls for creation of a Mixed-Use District within one-quarter mile of transit stops (walkable distance). The goal is to provide citywide mixed use policies and goals for future mixed-use development. Currently, mixed use development is not allowed outside of the Historic District and the newly annexed SOI area. The first step of the proposal is to amend the General Plan Land Use Element to provide citywide goals and policies relative to mixed-use development. The second step is to amend the Folsom Municipal Code to add new Section 17.23 related to mixed-use zoning regulations (use restrictions, development standards, and site and architectural design standards).

Goals of Mix-Use District include:

- Allowing for a mixture of uses that are mutually compatible near public transportation routes by encouraging a variety of high quality and innovative site design conducive to economic, social, and cultural vitality, unique identity, and safety of the district.
- Provide for diverse employment, housing, and transportation options to all segments of population by allowing a greater degree of flexibility in design, development standards, and practices
- Promote efficient land use consistent with the SACOG's Blueprint principles and conservation of natural resources by reducing vehicle miles traveled (VMT) and greenhouse gas emissions by locating clusters of mutually supportive uses adjacent to public transportation hubs.

Photographs of an existing mixed-use project in Folsom were shared with the Commission, as well as illustrations of desirable mixed use development.

Associate Planner Zushi discussed the following key elements /standards that would be achieved through this proposal:

- ☐ Mixed-Use areas must be located within walking distance (1/4 mile) of public transportation routes.
- ☐ 3 MU Zones are proposed:
  - General Mixed-Use Overlay Zone (MU)
  - Mixed-Use Town Center Overlay Zone (MU-TCOZ)
  - Mixed-Use Entertainment District Overlay Zone (MU-EDOZ)
- ☐ Residential component will be required:
  - 20 units/acre min.
  - 30 units/acre max.
 (unless a higher density is allowed by the Density Bonus standards)
- ☐ A Planned Development (PD) Permit will be required for all mixed-use development.
- ☐ A parking study will be required for all mixed-use development.
- ☐ Vertical mixed-use will be preferred to horizontal mixed-use.
- ☐ Encourage human-scale development.
- ☐ Zero setbacks and/or pedestrian-friendly amenities will be encouraged along street frontages.
- ☐ Establish and maintain pedestrian connectivity both within and near the development site
- ☐ Signs, kiosks, public art, street furniture, water elements, and streetscape lighting shall be designed in a way that complements the overall design of the site.

This proposal will make the Land Use Element consistent with the 2009 adopted Housing Element; will help the City meet its RHNA requirements by encouraging a variety of housing types to all income groups; will be consistent with adopted regional plans; would not affect any specific parcels; and after proposed amendments are adopted, a property owner can request the City rezone his/her property to one of the mixed-use zones.

Staff requested that the Planning Commission recommend City Council approval of the City of Folsom General Plan Land Use Element Amendment to establish a Mixed-Use District and the City of Folsom Municipal Code Amendment to add a new Section 17.23 pertaining to Mixed Use zoning regulations.

In response to Commissioner Benevento with regard to transit, Director Miller stated that the mixed use development would be required to be one-quarter mile from transit routes.

Vice Chair Jackson opened the Public Hearing; no one came forward to speak so the Public Hearing was closed.

COMMISSIONER SCOTT MOVE TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE CITY OF FOLSOM GENERAL PLAN LAND USE ELEMENT AMENDMENT TO ESTABLISH A MIXED-USE DISTRICT AND THE CITY OF FOLSOM MUNICIPAL CODE AMENDMENT TO ADD A NEW SECTION 17.23 PERTAINING TO MIXED-USE ZONING REGULATIONS WITH THE FOLLOWING FINDINGS: GENERAL FINDINGS "A" AND "B," AND CEQA FINDING "C."

COMMISSIONER BENEVENTO SECONDED THE MOTION WHICH CARRIED WITH THE FOLLOWING VOTE:

AYES: JACKSON, KLUG, SCOTT, MARTELL, ARNAZ, BENEVENTO  
 NOES: NONE  
 ABSTAIN: NONE

ABSENT: ELDRIDGE

3. **PN11-148, The Parkway Lot I (Marbella) Design Review**

Senior Planner Steve Banks gave the staff report, stating this was an application for residential design review for 43 previously approved lots within the Parkway Lot I subdivision (Marbella). The original project was approved in December 2005 and at that time was for 137 detached, single-family homes. The applicant (John Laing Homes) proceeded with site improvements and constructed a number of the homes. In 2007, they submitted a revised application for 209 residential units that included a number of single-family homes, as well as condominium units. In 2009, John Laing Homes filed for bankruptcy and the project stopped. In September of this year, the City engaged The New Home Company and began discussions on proceeding with development of that project again.

2005 and 2007 site plans for Parkway, Lots I and J were shared with the Commission. The applicant is proposing to finish off the remainder of the 57 originally approved single-family homes. An aerial photograph was shared with the Commission. There are 3 master plans and 9 different building elevations (Spanish theme, Craftsman theme and European Cottage theme). There are 12 different color schemes and all the homes are two-stories in height and similar in square footage to the previously approve homes (1800 sq. ft. to 2,200 sq. feet). The homes range from 3-4 bedrooms, with varying number of bathrooms. All units have a 2-car garage. The applicant has been very responsive in working with staff to add a lot of additional details as shown on the elevations.

Senior Planner Banks added that The New Home Company has acquired the remainder of Lots I and J and do plan on coming back to the Commission for an entitlement request to develop the rest of Lot I and all of Lot J.

Staff recommended approval of the Parkway Lot I (Marbella) residential design review application.

Commissioner Klug thanked the applicant for the details in the elevations - during these times, some developers would want to tone down some of the enhancements.

In response to Commissioner Martell, Senior Planner Banks stated that the color schemes were similar to the surrounding area – a lot of earth tones.

Senior Planner Banks added that the project did go through the Parkway Design Review Board, which was one the most arduous boards within the City, and they did recommend approval after a couple iterations.

Aaron Sussman, The New Home Company, stated that they were very excited to get started on their first Folsom project. He invited the Commission to look at other projects they were doing in the area. They were hoping to get an application to staff for the rezone of the existing project within the next couple of months. They were looking at a more traditional product on Lot J.

In response to Commissioner Scott, Mr. Sussman replied that the models that were currently for sale are listed at mid- to high- \$200,000.

Vice Chair Jackson opened the Public Hearing; no one came forward to speak so the Public Hearing was closed.

COMMISSIONER MARTELL MOVED TO APPROVE RESIDENTIAL DESIGN REVIEW FOR EXTERIOR MODIFICATIONS TO 43 PREVIOUSLY-APPROVED SINGLE-FAMILY RESIDENTIAL UNITS WITHIN THE PARKWAY LOT I (MARBELLA) SUBDIVISION LOCATED AT 1700 PARKWAY DRIVE NORTH AS ILLUSTRATED ON ATTACHMENTS 2 THROUGH 6 WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL: GENERAL FINDINGS "A" AND "B," CEQA FINDING "C," DESIGN REVIEW FINDINGS "D" THROUGH "F"; AND CONDITIONS 1 THROUGH 65.

COMMISSIONER BENEVENTO SECONDED THE MOTION WHICH CARRIED WITH THE FOLLOWING VOTE:

AYES: ARNAZ, SCOTT, JACKSON, KLUG, BENEVENTO, MARTELL  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: ELDRIDGE

#### 4. **PN11-067, The Phoenix School Conditional Use Permit**

Senior Planner Banks gave the staff report, stating this was a request for a Conditional Use Permit for the continued operation of the Phoenix School Childcare Center at 640 Willard Drive. In May of 1997, the Planning Commission, as well as the City Council, approved a tentative map as well as planned development permit for development of an 11,000 square foot building for the Folsom Elementary School. Also as part of that approval was a retail office building (10,800 square feet). In 1998, the Folsom Elementary School opened and also in that year Phoenix School placed a childcare center in the other building that was anticipated to be developed with office and retail uses. In July 1998, the Planning Commission approved a planned development permit for three more retail office buildings as well as a playground for the elementary school. In 1999, the elementary school leased one more of the retail/office buildings and 2006, they lease an additional office building for a total of 3 buildings for the elementary school. In April 2009, the City's Code Enforcement Division received a complaint regarding noise issues related to the elementary school – specifically there were concerns about children playing in close proximity to the border of the school and the homes. The complaint also revolved around the cleaning service being noisy during the evening hours. City staff contacted the elementary school and worked with the principal to address those concerns. A year later, the City received more complaints about landscaping being removed as well as pruning of oak trees along the border of the residential area and the elementary school. Staff required replanting of the landscaping and also added an extension to the common fence between the residential property and the school and replanted landscaping where turf had been placed. The school has been very responsive to the neighbors concerns. He reiterated that the concerns were with the elementary school and not the childcare center.

An aerial photograph of the project site was shared with the Commission. Key aspects of the project include:

- The Phoenix School Childcare Center
  - 10,800-Square-Foot School Building
  - Fenced Outdoor Playground
  - Driveway(s), Parking, Sidewalks, Monument Sign, Lighting, and Landscaping
- Serves Approximately 200 Children (Ages 6 weeks to 5 years)
  - Infant Program
  - Toddler Program
  - Pre-School Program
  - Pre-Kindergarten Program
- Employs 31 Teachers
- Open Monday-Friday, 6:30 a.m. to 6:00 p.m. (Closed on Weekends)
- Continuously Operated Since 1998

In order to approve this request for a Conditional Use Permit, the Commission must find that the “establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood, or to the general welfare of the City.”

Senior Planner Banks stated that there are various land uses in the area and historically schools and childcare centers have been located in close proximity to residential areas and in evaluating this request, staff feels it serves a valuable need of the nearby residents and employees (i.e., Intel, Folsom High School, etc.). City staff has not received any complaints about the childcare center. Staff took noise readings at various locations, and the noise generated from the center complies with the City's noise level standards for exterior noise. Photographs of the project site were shared with the Commission.

Staff recommended approval of the Conditional Use Permit.

Commissioner Klug noted that since he has been on the Commission, he doesn't remember asking someone who has been in the community for 14 years to submit a Conditional Use Permit. He asked if it was to protect them or the City.

Senior Planner Banks explained that the reason this came to staff's attention was based on the complaints about the elementary school. C-1 Zoning requires a conditional use permit for a childcare center and it hadn't been noticed for all these years. The school is a permitted use in this designation.

Sharon Moran, Vice President for Corporate Development of Phoenix Children's Academy, stated that they didn't know about the need for a Conditional Use Permit until recently. She appreciated the Commission taking time to hear this item and hopefully clear this up.

Vice Chair Jackson opened the Public Hearing; no one came forward to speak so the Public Hearing was closed.

COMMISSIONER BENEVENTO MOVED TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW THE PHOENIX SCHOOL CHILDCARE CENTER TO OPERATE AT THE PROPERTY LOCATED AT 640 WILLARD DRIVE WITH THE FOLLOWING FINDINGS AND CONDITIONS: GENERAL FINDINGS "A" AND "B," CEQA FINDING "C," CONDITIONAL USE PERMIT FINDING "D"; AND CONDITION 1 THROUGH 7.

COMMISSIONER ARNAZ SECONDED THE MOTION WHICH CARRIED WITH THE FOLLOWING VOTE:

AYES: MARTELL, JACKSON, BENEVENTO, ARNAZ, SCOTT, KLUG  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: ELDRIDGE

**REPORTS:**

**Planning Commission/Director:**


Planning Manager Scott Johnson stated that currently no projects have been scheduled for the March 7<sup>th</sup> Planning Commission meeting, but for those Commissioners that sit on the Historic District Commission, there will be two items scheduled.

There being no further business, the meeting was adjourned at 7:28 p.m.

RESPECTFULLY SUBMITTED,

  
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Omega Deppe, Administrative Assistant

**APPROVED:**

  
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CHAIR GREG ELDRIDGE