

**RESOLUTION NO. 17-02**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING A MAJOR USE PERMIT AND DESIGN REVIEW (APPLICATION, #17-02) TO ALLOW THE CONSTRUCTION AND OPERATION OF AN 11,000-SQUARE FOOT RETAIL FURNITURE STORE AT 3264 TAYLOR ROAD IN THE TOWN OF LOOMIS. (APN: 043-014-011)

**WHEREAS**, Richard Massie, the applicant/owner, has requested to construct and operate an 11,000-square foot, furniture store 3264 Taylor Road and submitted a Major Use Permit and Design Review, Application #17-02; and,

**WHEREAS**, on April 18, 2017, the Planning Commission conducted a public hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

**WHEREAS**, the Planning Commission reviewed and considered the staff report relating to the application, the plans, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

**WHEREAS**, the Planning Commission of the Town of Loomis hereby makes the findings attached herein as Exhibit A for the Major Use Permit and Design Review for the construction and operation of an 11,000-square foot, furniture store at 3264 Taylor Road.

**NOW THEREFORE**, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of April 18, 2017, did resolve as follows:

1. The Project is exempt from CEQA as per *Section 15183 Projects Consistent with a Community Plan, General Plan, or Zoning*, and a Notice of Exemption will be filed with the Placer County Clerk.
2. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
3. The Major Use Permit and Design Review (Application for #17-02) is hereby approved per the findings set forth in Exhibit A and the Conditions of Approval set forth in Exhibit B.

ADOPTED this 18th day of April, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

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Mike Hogan, Chairman

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Robert F. King, Town Planner

## **EXHIBIT A**

### **FINDINGS: FEATHERED NEST MAJOR USE PERMIT AND DESIGN REVIEW APPLICATION #17-02 PLANNING COMMISSION, APRIL 18, 2017**

#### California Environmental Quality Act (CEQA)

The Project is exempt from CEQA as per *Section 15183 Projects Consistent with a Community Plan, General Plan, or Zoning.*

1. The proposed project is consistent with the Loomis Zoning Ordinance and the Loomis General Plan, both of which were adopted with Environmental Impact Reports;
2. There are no project specific significant effects peculiar to the project or the site.

#### Conditional Use Permit

1. The proposed use as conditioned is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code;
2. The proposed use as conditioned is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property or improvements in the vicinity and zoning district in which the property is located in that the impacts of the use on the surrounding neighborhoods and the Town of Loomis have been minimize to acceptable levels by the recommended conditions of approval conditions of approval.

#### Design Review

1. The proposed Project complies with Section 13.62.040 Design Review of the Town of Loomis Zoning Code.
2. The proposed Project provides architectural design, building massing and scale appropriate to and compatible with the site surroundings and the community.
3. The proposed Project provides attractive and desirable site layout and design, including, but not limited to, building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
4. The proposed Project provides efficient and safe public access, circulation and parking.
5. The proposed Project provides appropriate open space and landscaping, including the use of water efficient landscaping.
6. The proposed Project is consistent with the Town of Loomis General Plan.
7. The proposed Project complies with any applicable design guidelines and/or adopted design review policies.

**EXHIBIT B  
CONDITIONS OF APPROVAL  
THE FEATHERED NEST MAJOR USE PERMIT, AND DESIGN REVIEW APPLICATION #17-02  
PLANNING COMMISSION, APRIL 18, 2017**

**Major Use Permit and Design Review Application #17-02** is approved to allow the applicant/owner to construct and operate an 11,000 square foot retail furniture store, at 3264 Taylor Road (APN 043-014-011) as per the following conditions. The applicant/owner has one (1) year [April 18, 2018] in which to initiate building construction.

**GENERAL CONDITIONS**

1. \_\_\_\_\_ The applicant/owner shall comply with all applicable provisions of the Town of Loomis Municipal Code.
2. \_\_\_\_\_ The Project shall proceed only in accordance with approved plans on file in the Planning Department, the conditions contained herein and the Town of Loomis Municipal Code. Prior to any use of the Project site or business activity being commenced thereon, all conditions of approval and required improvements, shall be completed to the satisfaction of the Town. Approval of this Project shall not waive compliance with all sections of the Town of Loomis Municipal Code (Zoning, Building Codes, etc.), Loomis General Plan, and applicable policy plans.
3. \_\_\_\_\_ The project shall proceed only in accordance with approved plans on file in the Planning Department, the conditions contained herein, and the Town of Loomis Municipal Code. Approval of this project, subject to these plans, conditions, and Code(s), shall not be interpreted as the Town having waived compliance with any sections of the Town of Loomis Municipal Code (Zoning, Building Codes, etc.), Loomis General Plan, or applicable Plans.
4. \_\_\_\_\_ Development shall be substantially in accordance with the plans approved by the Planning Commission on April 18, 2017, except as may be modified by the conditions stated herein.
5. \_\_\_\_\_ When submitting for Plan Check, the owner must provide to the Planning Department a copy of the final conditions of approval with a cover letter specifying how and where the revised plans address each of the conditions. Plan Check by the Planning Department and Town Engineer will not be initiated without compliance with this condition. All plans shall be consistent with that approved by the Planning Department. The owner shall be responsible for correcting any inconsistency which may occur through error or omission during plan preparation or construction.
6. \_\_\_\_\_ The owner shall defend, indemnify, and hold harmless the Town of Loomis and its agents, officers and employees from any claim, action or proceeding against the Town, or its agents, officers and employees to attach, set aside, void, or annul, an approval of the Planning Commission, or Town Council as to the project, subject of this application.

7. \_\_\_\_ The conditions of approval of the application shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, which may or may not be shown on the map or improvement plans.
8. \_\_\_\_ All construction plans, such as, but not limited to the site plan, building elevations, landscaping, and irrigation plans, grading plan, mechanical drawings, street improvement plans, and detailed drawings submitted to the Building Division for permits shall be coordinated for consistency by the applicant/owner prior to the issuance of any permits, or commencement of the subject use, whichever comes first. Any change or modification to one particular plan shall require the corresponding revisions on other plans. All plans shall be consistent with that approved by the Planning Department. The applicant/owner shall be responsible of correcting any inconsistency which may occur through error or omission during plan preparation or construction.

## IMPROVEMENTS

9. \_\_\_\_ The applicant/owner shall obtain an encroachment permit prior to any work within public rights-of-way.
10. \_\_\_\_ The applicant\owner shall provide frontage improvements including asphalt, curb. Gutter and sidewalks at the ultimate right of way width of Taylor Road consistent with Town specifications and approval of the Town Engineer.
11. \_\_\_\_ Provide acceleration and deceleration lanes as required by a traffic study if required by Town Engineer.
12. \_\_\_\_ The applicant/owner shall construct all improvements required as a condition of approval of this Project prior to tenant occupancy of the building or enter into a contract agreement with the Town to construct all improvements, and shall post a 150% bond, cash deposit, or instrument of credit, guaranteeing the construction of all improvements for a twelve month period. Approved time extension in accordance with the provisions of the Loomis Municipal Code.
13. \_\_\_\_ The plans for site improvements required as a condition of approval of this Project shall be prepared by a California Registered Civil Engineer and shall be approved by the Town Engineer prior to any construction by the applicant/owner.
14. \_\_\_\_ The applicant/owner shall submit certified as-built Mylar plans, and computer generated design files, on disk prior to final acceptance of improvements.
15. \_\_\_\_ Cost of all inspections related to on-site and off-site improvements shall be borne by the applicant/owner and shall be paid prior to completion of the improvements.
16. \_\_\_\_ The applicant/owner shall indemnify, exonerate and hold harmless the Town of

Loomis and all officers and employees thereof against all claims, demands and causes of action arising out of improvements constructed within this Project.

17. \_\_\_\_ The applicant/owner shall be responsible for all actions of his contractors and subcontractors until such time as the improvements have been accepted as complete by the Town.
18. \_\_\_\_ All grading shall conform to the Town Grading Ordinance (Municipal Code Section 12), with prior review and approval by the Town Engineer. All grading shall be constructed in a manner so that post-development runoff flows do not exceed predevelopment flows, through the use of a drainage plan that includes provisions for on-site detention of runoff flows, in accordance with the Placer County Flood Control District Storm Water Management Manual and the Loomis Land Development Manual.
19. \_\_\_\_ All utility facilities shall be placed underground in accordance with Town Ordinance.
20. \_\_\_\_ Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the Penryn Fire District and Placer County Water Agency.
21. \_\_\_\_ No construction, including but not limited to impenetrable barriers, structures, and/or fencing, shall occur within the area defined as the streambed/wetlands as delineated by Foothill Associates in their Aquatic Resource Delineation Report dated November 23, 2016.

#### AGENCIES

22. \_\_\_\_ *The owner shall provide a will-serve letter from the South Placer Municipal Utility District (SPMUD) and complete all requirements or conditions imposed upon the project by SPMUD to their satisfaction, prior to any building permits being issued.*
23. \_\_\_\_ *As required by The South Placer Municipal Utility District (SPMUD) "...the design and construction of all on-site and off-site facilities which may be required as a result of this project, including the acquisition and granting of sewer easements, will be the responsibility of the developer\owner."*
24. \_\_\_\_ Obtain and provide to the Town a Will-Serve letter from the Placer County Water Agency (PCWA) prior to the issuance of Building Permits
25. \_\_\_\_ The Town of Loomis and the Penryn Fire District will review and approve the plans submitted by the applicant/owner to ensure the building and all future occupant is in compliance with regulations in accordance with the use which will occupy the building as per the Uniform Building Code.

26. \_\_\_\_ The applicant shall provide a will-serve letter from Recology prior to occupancy, and ensure sufficient room for service vehicle turnaround to exist without backing out. The applicant/owner shall subscribe to weekly refuse collection. The applicant/owner shall provide adequate, accessible, and convenient areas for collecting and loading commingled solid waste and recyclable materials.
27. \_\_\_\_ Provide two fire hydrants with 1500 gpm capacity as per the direction of the Penryn Fire Protection District.

#### GENERAL PLANNING

28. \_\_\_\_ The property owner and future property owner shall be responsible to ensure all conditions are incorporated into the standard provisions of any sale, lease and/or rental agreements entered into with any new owners or tenants on the property subject to this Conditional Use Permit.
29. \_\_\_\_ All lighting shall be shielded (bulb shall not be visible from roadway or adjacent properties) and directed on-site. The plans shall be reviewed by the Planning Department and Town Engineer prior to building permit issuance and the lighting shall be installed prior to building final or any certificates of occupancy being issued in accordance with the Loomis Municipal Code.
30. \_\_\_\_ The applicant/owner shall pay the Road Circulation Fees, Drainage Fees, Community Facilities Fee and Fire Fee in affect at the time of building permit issuance.
31. \_\_\_\_ The applicant/owner shall provide 1 parking for each 500 square feet of building area for a total of 20 parking spaces and disabled parking as may be required by the Building Department.
32. \_\_\_\_ Tenant occupancy shall not be permitted until all conditions incorporated into this Permit are completed by the applicant/owner and accepted or approved by the Town.
33. \_\_\_\_ The applicant/owner shall construct the building as shown in the design plans presented to, reviewed by, and approved by the Planning Commission on April 18, 2017, and marked "APPROVED" in the Project file.
34. \_\_\_\_ Prior to issuance of building or grading permits, the owner shall submit the Covenants, Conditions and Restrictions (CC&R'S) for review and approval to prohibit future development and restrict, protect, and maintain in perpetuity the area as delineated in the Foothill Associates "Aquatic Resource Delineation Report" and subject to the town's Streambed setback requirements (in accordance with these conditions insuring that those parts of the CC&R's that involve these conditions cannot be amended without the consent of the Town) by the Planning Director, Town Engineer and Town Attorney .
35. \_\_\_\_ If construction or tree removal occurs during the nesting season of bird species protected by the Migratory Bird Treaty Act (MBTA) or the California Department of Fish

and Wildlife (CDFW) between February 15 through August 31 a qualified biologist shall conduct a pre-construction survey for active nests within 14 days prior of construction activities or tree removal. If no active nests are located a report shall be filed with the Town prior to issuance of building, grading or tree removal permits. If active nests are located the Town shall be immediately notified and a qualified biologist shall mark buffer zones and monitor nests until the end of breeding or the young have fledged to the satisfaction of the Planning Director.

36. \_\_\_\_ If prehistoric or historical archaeological deposits are discovered during project activities, all work within 25 feet of the discovery shall be halted and the Town of Loomis Planning Department shall be notified. The archaeologist shall assess the situation, and consult with agencies and Native American Tribes, as to the treatment of the discovery. Mitigation may consist of, but is not necessarily limited to, systematic recovery and analysis of archaeological deposits; recording the resource; preparation of a report of findings; and accessioning recovered archaeological materials as appropriate with affected tribal groups.
37. \_\_\_\_ The project shall conform to the General Plan, including the Noise Element standards, State Noise Insulation Standards (CA code of Regulations, Title 24) and Chapter 35 of the Uniform Building Code. Noise generated by the project shall not cause the Ldn to exceed 60 dBA at the property line during or after construction, nor shall it cause the noise level at the property line to exceed 75 dBA at any time during or after construction.
38. \_\_\_\_ No construction work shall begin prior to 7:00 a.m. nor occur after 7:00 p.m. Monday through Friday nor prior to 8:00 a.m. or after 5:00 p.m. on Saturday, with no work to occur on Sundays or holidays.
39. \_\_\_\_ Screening shall be provided along that portion of the eastern property line to screen the project site from the viewscape of the residence to the east as per Section 13.30.100 A of the Loomis Zoning Ordinance.
40. \_\_\_\_ The applicant/owner shall construct the buildings as shown in the design plans presented to, reviewed and approved by the Planning Commission on April 18, 2017, and marked "APPROVED" in the Project file
41. \_\_\_\_ All landscape areas shall be maintained in a healthy, thriving condition, free from weeds, trash and debris. Comply with landscaping maintenance agreement which is required to be signed by applicant/owner and Town prior to final building approval.
42. \_\_\_\_ Final landscape and irrigation plans shall be submitted to the Planning Department for review and approval as shown in the design plans presented to, reviewed by, and approved by the Planning Commission on April 18, 2017, and marked "APPROVED" in the Project file in conjunction with the building plan review. Such plans shall be prepared and stamped by a California licensed landscape architect or landscape contractor as required by the Town's Water Efficient Landscape Conservation Ordinances. Calculations showing that the parking lot will be shaded 50 percent (%) in 15 years shall be included on the plan.

Screening of all ground-mounted utility equipment including air conditioners, transformers, backflow preventers or other similar equipment shall be indicated on the plans. These plans shall be reviewed and approved by the Planning Director prior to issuance of building permit. The landscaping shall be designed to meet the Town's landscaping (water conservation) requirements and shall shade the parking lot by 50 percent (%) with 15 years (calculations to be submitted with plans), screen the yard and improve the general appearance of the parcel. All landscape planting areas shall be mulched and/or covered with bark chips or other similar material, unless growth of live groundcovers would be impeded, or is necessary for weed control, as determined by the Planning Director. Minimum tree size is 15 gallon. Large shrubs required for screening purposes shall not be less than 24-36 inches in height at time of planting. Spacing shall be between 4 and 6 feet on-center, as determine by the Planning Director. Prior to tenant occupation of the building, the applicant/owner shall enter into a landscape maintenance agreement with the Town.

43. \_\_\_\_ Screening of all ground-mounted utility equipment including air conditioners, transformers, backflow preventers, or other similar equipment shall be indicated on the plans submitted by the applicant/owner to the Town. Screening shall include the use or combination of shrubbery, berming, or structures.
44. \_\_\_\_ All ground-mounted utility appurtenances such as transformers or air conditioning units shall be located out of public view and/or adequately screened through the use or combination of concrete or masonry walls, berming, painting and landscaping by the applicant/owner.
45. \_\_\_\_ During installation of landscaping and irrigation, and prior to tenant occupation of the building, the landscape architect or design professional responsible for preparing the required plans, or his/her designee, shall monitor installation and visit the site prior to completion of the landscape work, and thereafter, provide to the Department of Planning and Development a written statement confirming compliance with approved plans and approval of materials.
46. \_\_\_\_ No permits for Grading and Building shall be issued on either the project site, or the sewer easement until the Tree Removal Permit is approved and mitigation accepted by the Town.