

**RESOLUTION NO. 19-\*\***

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS  
APPROVING CONDITIONAL USE PERMIT #18-13  
TINY TOES ACADEMY PRESCHOOL/DAYCARE  
5397 BRACE ROAD – APN 044-123-009**

**WHEREAS**, the property has requested approval of Conditional Use Permit Application #18-13 subject to the attached findings (Exhibit A) and Conditions of Approval, (Exhibit B); and

**WHEREAS**, on March 26, 2019, the Planning Commission of the Town of Loomis conducted a public hearing on Use Permit Application #18-13, at which time any person interested in the matter had an opportunity to be heard; and

**WHEREAS**, the Planning Commission of the Town of Loomis 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 following findings to approve Use Permit Application #18-13 for Tiny Toes Academy Preschool/Daycare for the property at 5397 Brace Road, APN 044-123-009.

**NOW THEREFORE**, based on the findings set forth herein the Planning Commission of the Town of Loomis, at its meeting of March 26, 2019, did resolve as follows:

1. Find that the project is categorically exempt from the provision of CEQA under Section 15332, Class 32, In-Fill Development Projects.
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 Use Permit, Application #18-13, is hereby approved per the findings set forth in Exhibit A and the Conditions of Approval set forth in Exhibit B.

ADOPTED this 26<sup>th</sup> day of March 2019, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:

\_\_\_\_\_  
Carol Parker, Secretary to the  
Planning Commission

\_\_\_\_\_  
Planning Commission Chair\_\_\_\_

**EXHIBIT A  
FINDINGS  
USE PERMIT #18-13  
TINY TOES ACADEMY PRESCHOOL/DAYCARE  
5397 BRACE ROAD – APN 044-123-009**

The Planning Commission makes the following findings consistent with Municipal Code Chapter 13.62.050(F):

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provision of this title and the municipal code.
2. The proposed use 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.
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.

**EXHIBIT B**  
**CONDITIONS OF APPROVAL**  
**USE PERMIT #18-13**  
**TINY TOES ACADEMY PRESCHOOL/DAYCARE**  
**5397 BRACE ROAD – APN 044-123-009**

This Use Permit is approved for the conversion, construction, and operation of a preschool/daycare facility in an existing/vacant 2,689 sq.ft. residence on a one (1) acre (43,560 sq.ft.) parcel at 5397 Brace Road, Loomis, CA 95650.

Pursuant to Municipal Code Chapter 13.64.020 this Use Permit approval shall become effective on the 11<sup>th</sup> day following the date of application approval by the review authority, provided that no appeal has been filed in compliance with Chapter 13.74, April 8, 2019.

Pursuant to Municipal Code Chapter 13.64.040 this approval shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with Section 13.64.00. All applicable conditions of approval shall continue to apply after a change in property ownership.

Pursuant to Municipal Code Chapter 13.64.060(A)(1) any approval not exercised within two years of approval shall expire and become void, except where an extension of time is approved in compliance with Chapter 13.64.060(B) - Extensions of Time prior to the expiration of the permit (April 8, 2021).

<b>1</b>	The owner shall be responsible to ensure <u>all</u> of the below conditions of this permit approval are binding on all successors-in-interest (e.g. by incorporating them into the standard provisions of any sale, lease and/or rental agreement, etc.).	
		<b>Date Completed</b>
<b>2</b>	The owner shall comply with the Town of Loomis Municipal Code.	
<b>3</b>	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.	
<b>4</b>	The Use Permit shall be implemented substantially in accordance with the plans entitled “5397 Brace Road, Town of Loomis, CA”, received November 26, 2018, as prepared by Brittany N. Bair, RCE, consisting of four sheets, except as may be modified by the conditions stated herein.	
<b>5</b>	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 <u>will not</u> 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 attack, set aside, void, or annul, an approval of the Planning Commission, or Town Council concerning the Use Permit that is the 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 improvement plans.	

**IMPROVEMENTS (ROADWAY, DRAINAGE, GRADING)**

8	The owner shall obtain a Town of Loomis approved encroachment permit prior to any work within public rights-of-way.	
9	The plans for 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.	
10	The owner shall install all frontage improvements to Town Standards as approved by the Town Engineer and submit certified as-built Mylar plans, and computer-generated design files, on disk prior to final acceptance of improvements.	
11	The cost of all inspections related to on-site and off-site improvements shall be borne by the owner and shall be paid prior to completion of the improvements.	
12	The owner shall dedicate all necessary right-of-ways and easements for streets, water facilities, sewer facilities, utilities, drainage facilities, and other facilities as required by the Town Engineer and show such on the final as-built plans.	
13	The owner shall be responsible for all actions of their contractors and sub-contractors until the improvements are accepted as complete by the Town.	
14	The owner shall construct all improvements required as a condition of approval of this project, or enter into a contract agreement with the Town of Loomis to construct all improvements, and shall post a bond, cash deposit, or instrument of credit, guaranteeing the construction of all improvements within the time period specified herein or approved time extension in accordance with the Town of Loomis Municipal Code Chapter 13.64.060(B).	
15	All grading shall conform to the Town Grading Ordinance (Municipal Code Section 12), and/or as approved by the Town Engineer. All grading shall be performed 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.	
16	The owner shall submit for review and approval by the Town a copy of the terms of any public utility easement(s) shown on the Improvement Plans.	
17	Existing public facilities, and real and personal property damaged during the course of construction shall be repaired by the owner at his sole expense, to the reasonable satisfaction of the Town Engineer.	
18	The owner shall prepare and install erosion and sediment control on all disturbed areas during all demolition/construction activities per State Water Resources Handbook.	

**GENERAL PLANNING**

19	The owner shall be responsible for taking reasonable actions to abate nuisances caused by this project in the project area.	
20	Consistent with the requirements of Chapter 13.54 "Tree Conservation" of the Town of Loomis Zoning Ordinance. Every attempt shall be made to retain as many existing trees on-site as possible. Any trees determined to be removed for new construction shall also obtain a Town approved Tree Removal Permit and	

	provide payment of fees and/or replanting mitigation as required.	
21	Lot grading shall be limited to the area necessary for the parking and driveway improvements. A Town approved grading permit is required prior to any activity.	
22	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, and there shall be no work on Sundays or holidays.	
23	The owner shall pay development fees as may be required including the Community Facility Fee, Park & Recreation Fee, and Placer County Capital Facility Impact Fee prior to building permit issuance.	
24	The developer shall be required to pay the Road Circulation/Major Roads Fee prior to building permit issuance.	
25	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 day-night average sound level (Ldn) to exceed 65 A-weighted decibels (dBA) at the property line during or after construction, nor shall it cause the noise level at the property line to exceed 65 dBA at any time during or after construction.	
26	No request for final inspection for on-site improvements, pursuant to this Use Permit, shall be approved until all conditions are completed and accepted by the Town, or as acceptable to the Town Attorney, for those conditions not completed.	
27	Owner shall provide entrance gates and yard fencing with locked gates including 24/7 full site alarm monitoring.	
28	Pursuant to Municipal Code Chapter 13.38.030, the owner shall submit application and fee payment to obtain an approved Sign Permit prior to the installation of business signage.	

## AGENCIES

29	An all-weather access driveway shall be constructed to serve this site to the satisfaction of the <b>South Placer Fire Protection District and the Town Engineer</b> prior to installation of surface improvements, including compliance with the 2016 California Building Code and Fire Codes. Building, Fire Alarm Systems, and site plan submittals are required. The site plan shall include entry gate details. Fire Alarm plan submittal are deferred.	
30	<b>South Placer Fire Protection District</b> will perform final inspections on the Fire Alarm System, Site, Entry Gate, and Building.	
31	The project location is in close proximity to known tribal cultural resources and, as a result, the Owner is required to contact the <b>United Auburn Indian Community (UAIC)</b> to schedule an on-site meeting prior to grading of the parking area and landscape improvements to review all appropriate and respectful treatment and disposition of Inadvertent Discoveries that may occur on this site.	
32	Prior to <b>Placer County Water Agency (PCWA)</b> issuance of a Water Availability letter, the owner/applicant shall schedule a meeting with PCWA Staff to discuss the project and determine specific Agency requirements for treated water, meter applications and installations, fire service, and payment of required fees.	

33	The landowners shall comply with all regulations of the PCWA as to the maintenance, distribution, and improvements required for delivery and sale of irrigation water. Prior to construction, improvements, or expansion of water lines the owners shall obtain approved grading and building permits as may be required from the Town of Loomis.	
34	As requested by a Phase 1 Environmental Site Assessment was performed on March 5, 2019. Upon review (3/20/19) PCHHSD did not identify any issues outlined in the report. No further action required.	
35	Owner shall comply with all requirements of the <b>Placer County Health and Human Services Department, Environmental Health Division (PCHHSD)</b> for the existing well to be properly destroyed under permit with PCHHSD.	
36	PCHHSD records indicate that there may be a second well on this site. The owner shall provide information where this second well is located on the property, or if and how it was destroyed.	
37	Owner to provide proof of connection to PCWA water by way of will serve letter, or a monthly payment invoice to PCHHSD.	
38	<p>Owner shall meet all requirements of the <b>South Placer Municipal Utility District (SPMUD)</b>. The design and construction of all on-site and off-site facilities including the acquisition and granting of sewer easements, will be responsibility of the owner. All work shall conform to the Standard Specifications of SPMUD. Improvement plans shall be submitted to SPMUD for review and approval along with required participation fees.</p> <p>Additional comments:</p> <ol style="list-style-type: none"> <li>1. The existing 4" sewer connection in Brace Road is undersized for a commercial property based on SPMUD Standards and Specifications. Depending on the scope of work, the lateral may be required to be upsized to a 6' pipe.</li> <li>2. A property line cleanout is required at the back of walk or edge of the right-of-way per SPMUD Standards and Specifications.</li> <li>3. A grease removal device may be required depending on the kitchen improvements.</li> <li>4. Additional participation fees are required based on the change in use. Contact SPMUD for additional fee information.</li> <li>5. Additional requirements may be required as design information is provided.</li> </ol> <p><b>The owner shall schedule a meeting with SPMUD staff to discuss the project and to determine specific requirements prior to issuance of a will-serve letter.</b></p>	
39	Applicant shall meet all requirements of <b>Pacific Gas &amp; Electric Company (PGE)</b> for gas and electric service and provide all necessary public utility easements and right-of-ways. Owner shall meet with PGE for specific project requirements.	
40	<p>Applicant shall meet all requirements of <b>Placer County Flood Control and Water Conservation District (PCFCWCD)</b>. The project documents and map shall reflect the updated FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) dated 11/2/18. Owner shall confirm with PCFCWCD the depicted floodplain limits on the improvement plans are consistent with the FEMA FIRM dated 11/2/18. Owner to not that the elevations within the FEMA FIRM have a vertical datum of NAVD88.</p> <p>The applicant is referred to the PCFCWCD 1990 Stormwater Management Manual for applicable future drainage related design standards. This development is located within the Dry Creek watershed and, as such, local on-</p>	

	<p>site detention is not recommended, unless required to mitigate localized drainage impacts.</p> <p>PCFCWCD notes that this development will likely create or replace more than 2,500 sq.ft. of impervious surface; therefore, the project is likely subject to the requirements of Hydromodification Management and Low Impact Design (LID) measures. Owner shall meet all requirements of the Town's new Phase II NPDES Permit.</p>	
41	Owner shall meet all requirements of the <b>Central Valley Regional Water Quality Control Board</b> related to protecting the quality of surface and groundwaters of the state and obtain required permits prior to commencement of improvements.	
42	Owner shall subscribe to weekly curbside solid waste service ( <b>Recology</b> ) as required.	
43	Applicant shall pay \$50.00 California Notice of Exemption recording fee and provide proof of filing with the Placer County Recorder within 5 days of approval.	

\*\*\*\*\*

## Notice of Exemption

Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: Placer

2954 Richardson Drive

Auburn, CA 95603

**From:** (Public Agency): Town of Loomis

3665 Taylor Road, PO Box 1330

Loomis, CA 95650

(Address)

Project Title: Use Permit #18-13 – 5397 Brace Road, Loomis, CA 95650 (044-123-009)

Project Applicant: Nicholas & Amanda Bair, 5735 Stone Road, Loomis, CA 95650

Project Location - Specific: **5397 Brace Road, Loomis, CA 95650 (APN 044-123-009).**

Project Location - City: Loomis, CA

Project Location - County: Placer, CA

Description of Nature, Purpose and Beneficiaries of Project:

Use Permit #18-13 to construct and operate a preschool/daycare facility in an existing/vacant 2,689 sq.ft. residence on a one (1) acre (43,50 sq.ft.) parcel at 5397 Brace Road, Loomis, CA 95650.

Owner: Steven and Denise Bair, 1350 Desmond Lane, Newcastle, CA 95680

Name of Public Agency Approving Project: Town of Loomis, CA

Name of Person or Agency Carrying Out Project: Planning Department

Exempt Status: **(check one):**

Ministerial (Sec. 21080(b)(1); 15268);

Declared Emergency (Sec. 21080(b)(3); 15269(a));

Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

Categorical Exemption. State type and section number: #15332, Class 32 – In-fill Development

Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

**Class 32 consists of projects characterized as in-fill development meeting the conditions described as:**

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effect relating to traffic, noise, air quality, or water quality.
- (e) The site can adequately be served by all required utilities and public services.

Lead Agency

Contact Person: Mary Beth Van Voorhis Area Code/Telephone/Extension: 916-652-1840 x21

**If filed by applicant:**

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: Planning Director

Signed by Lead Agency  Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

21152.1, Public Resources Code.

Reference: Sections 21108, 21152, and

Revised 2011