

Staff Report

TO: Town of Loomis Planning Commission Members

FROM: Mary Beth Van Voorhis, Planning Director

DATE: March 26, 2019

RE: CONDITIONAL USE PERMIT – APPLICATION #18-13

5397 BRACE ROAD (APN 044-123-009), LOOMIS, CA 95650

TINY TOES ACADEMY PRESCHOOL/DAYCARE

Recommendation

1. Conduct a public hearing and receive public input; and

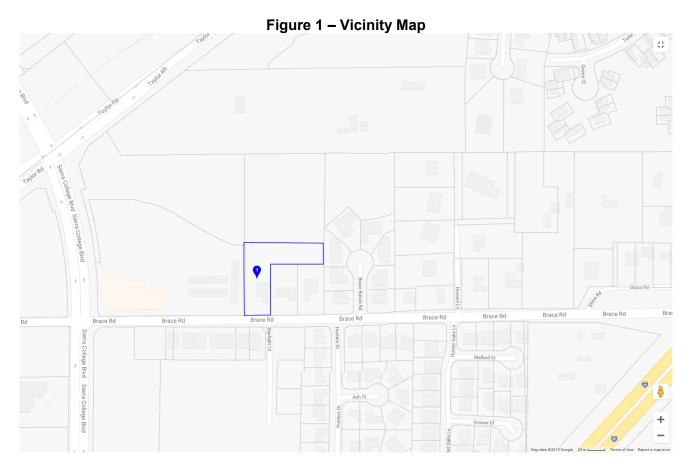
- 2. Adopt the recommended Notice of Exemption as per the requirements of the California Environmental Quality Act (CEQA); and
- 3. Adopt Resolution #19-** approving Conditional Use Permit #18-13 for Nicholas & Amanda Bair to operate Tiny Toes Academy Preschool/Daycare subject to the findings in Exhibit A and the recommended conditions of approval as outlined in Exhibit B.

Issue Statement and Discussion

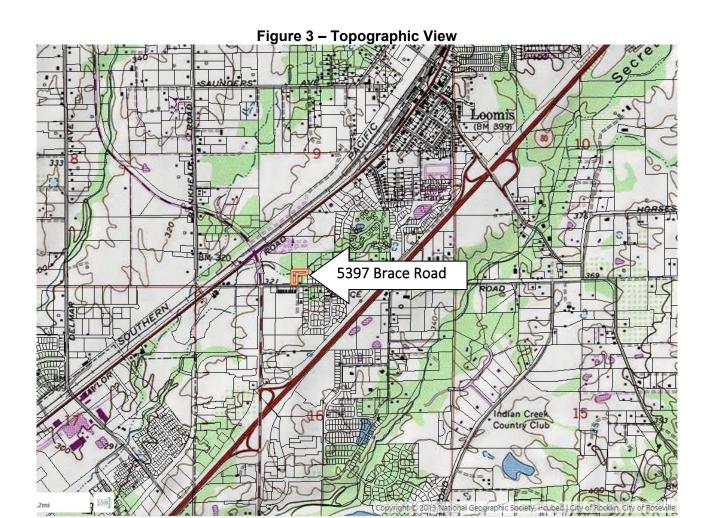
Conditional Use Permit Application #18-13 proposes to construct and operate a preschool/daycare facility in an existing/vacant 2,689 sq.ft. residence on a one (1) acre (43,560 sq.ft.) parcel at 5397 Brace Road, Loomis, CA 95650. The Town of Loomis Zoning Code allows for this type of use in a residential zone with an approved Use Permit.

The interior of the existing 2,689 sq.ft. single family residence will be remodeled to provide four (4) classrooms, including handicap accessibility, updated kitchen facilities and bathrooms suitable for a maximum of forty (40) children and six (6) teachers. Exterior improvements include minor grading to provide required parking (pursuant to Town of Loomis Code), a new gated entrance, and landscape improvements. The existing natural vegetation at the northeast portion of the parcel will remain natural (no proposed improvements).

The existing one acre parcel site (Figure 1-Vicinity Map) consists of one parcel, with an existing/vacant single family residence with vacant (undeveloped) land (Figure 2-Aerial View) to the north and east on the "L" shaped lot. The existing site north and east portion of the parcel is undeveloped with several stands of oak and other trees (Figure 3-Topographic Map) and is directly south of the floodway and east of the 100 year floodplain (Figure 4-Floodway/Floodplain Map). Proposed Parcel 1 is directly accessed from Brace Road and can be served by all public utilities in front of the parcel within Brace Road. The four page Improvement Plans are shown in Figure 5.







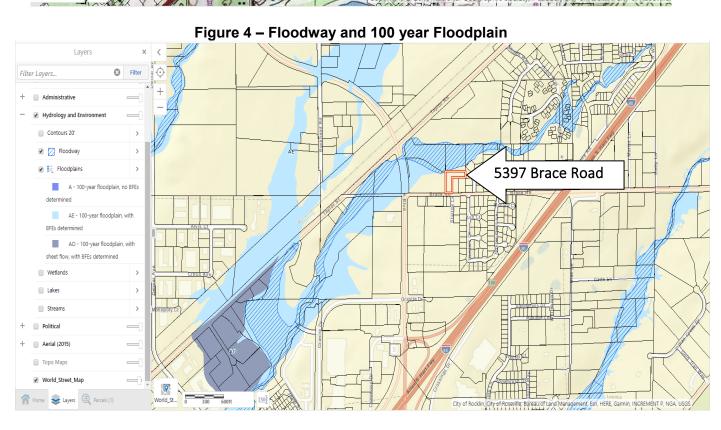


Figure 5 – Improvement Plans (Total four pages)

GENERAL NOTES

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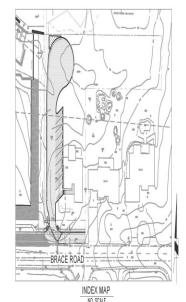
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IMPROVEMENT PLAN

5397 BRACE ROAD DAYCARE

APN: 044-123-009 TOWN OF LOOMIS

PLACER COUNTY, CALIFORNIA



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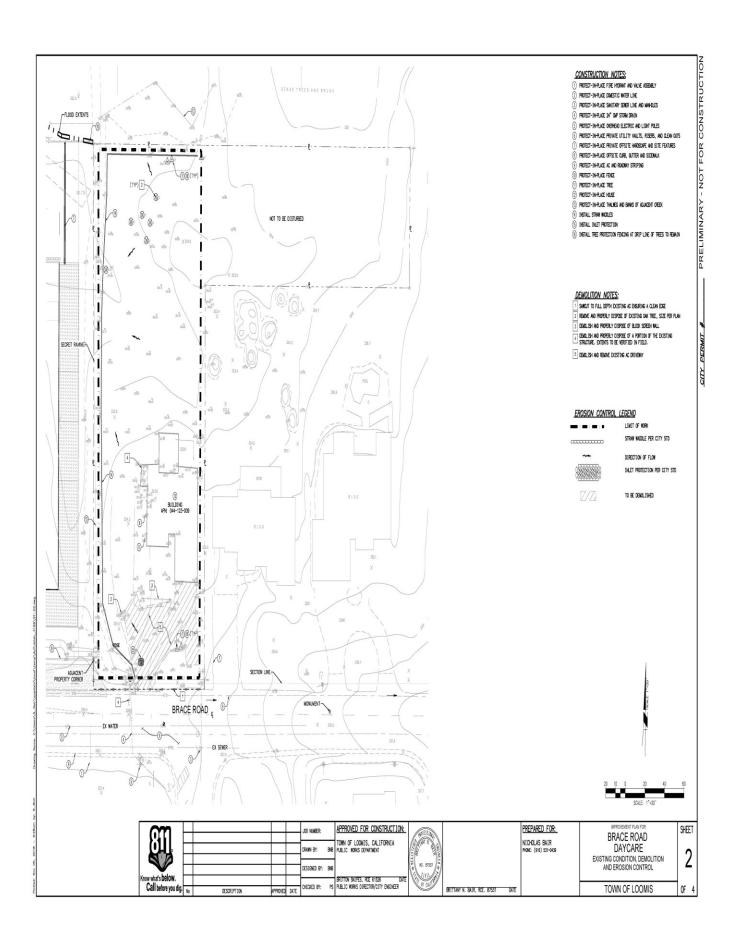
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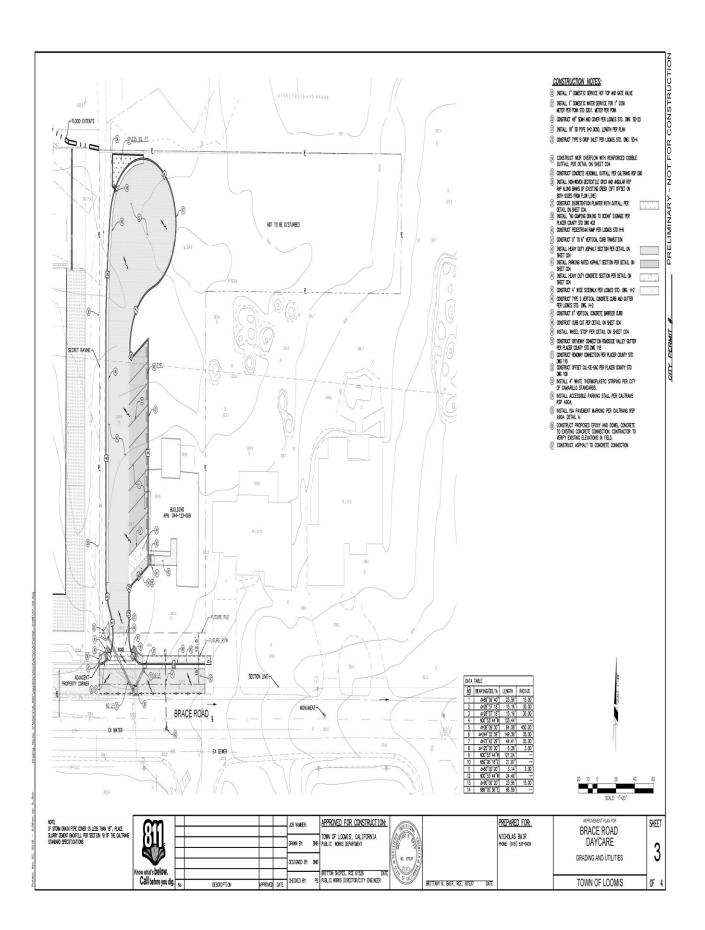
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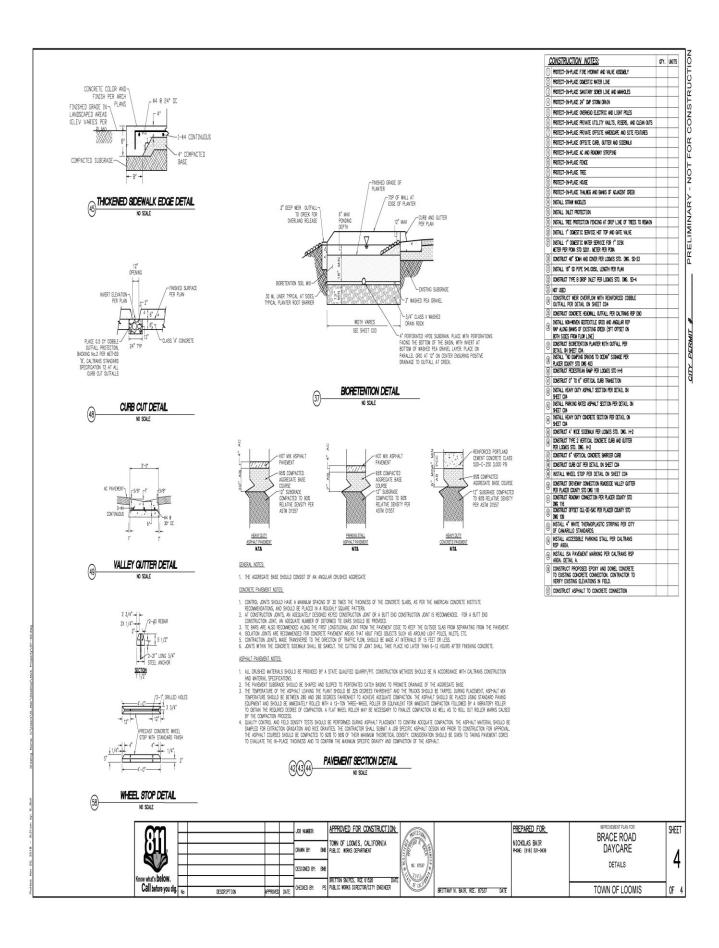
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General Plan, Zoning, and Existing Land Uses:

	GENERAL PLAN	ZONING	CURRENT LAND USE
ON SITE	RESIDENTIAL MEDIUM DENSITY	RS-10	SINGLE FAMILY RESIDENTIAL
NORTH	RESIDENTIAL MEDIUM DENSITY	RS-10	SINGLE FAMILY RESIDENTIAL
EAST	RESIDENTIAL MEDIUM DENSITY	RS-10	SINGLE FAMILY RESIDENTIAL
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General Plan: Residential - Medium Density (RM): The single-family residential land use designation is applied to approximately 330 acres, including: the Sunrise Loomis neighborhood and adjacent areas on the west side of Humphrey Road and south of King Road; two areas on the north and south sides of King Road between Taylor Road and I-80; and an area on the north and south sides of Brace Road between Sierra College Boulevard and I-80.

This land use designation may accommodate residential use at densities ranging from two to six dwelling units per acre, with the appropriate minimum parcel size for proposed subdivisions determined by the Zoning Ordinance. Building heights are limited to two stories or 30 feet, and structural development shall not exceed 50 percent of lot coverage.

Zoning: RS-10 (Single-Family Residential) – Chapter 13.24.020. The RS zoning district is applied to areas appropriate for neighborhoods of single-family homes, and related, compatible uses. The maximum allowable density ranges from one dwelling per half-acre, to two to six dwellings per acre, with the specific allowable density for each parcel shown on the zoning map by a numerical suffix to the RS map symbol (see Section 13,24.050). The RS-5 district is intended to be applied only within the downtown area of Loomis. The RS zoning district is consistent with and implements the residential – low density and residential – medium density land use designation of the general plan.

Pursuant to Zoning Code Chapter 13.24.040 – Residential district general development standards, Table 2-2, a Child or adult day care center <u>IS</u> an allowed use, with Use Permit Approval within the RS district with specific use regulations as outlined in Chapter 13.42.080 which provides:

13.42.080 - Child day care facilities.

- A. **Applicability**. Child day care facilities shall comply with the following standards. These standards apply in addition to the other provisions of this title and requirements imposed by the California Department of Social Services (DSS). DSS licensing is required for all facilities.
- B. **Standards for Large Family Day Care Homes**. As required by state law, a large family day care home shall be approved if it complies with the following standards:
 - 1. **Location Requirements**. In order to avoid the concentration of intensive, nonresidential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within five hundred feet of an existing large family day care home, or child day care center. In no case shall a residential property be directly abutted by a large family day care center on two or more sides.

2. Parking, Drop-off Area.

a. At least two off-street parking spaces shall be provided exclusively for dropping off and picking up children. The driveway may be used to provide the off-street parking required by Section 13.36.040, if the parking will not obstruct any required drop-off and pick up areas nor block any sidewalks or other public access. Alternative parking and drop-off arrangements may be approved by the director based on traffic and pedestrian safety considerations.

b. A home located on a street with a speed limit of thirty-five miles per hour or greater shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street (e.g., circular driveway).

3. Outdoor Activity Areas.

- a. Any side or rear yard areas intended for day care use shall be enclosed with a fence or wall to separate the children from neighboring properties.
- b. Outdoor recreation equipment over eight feet in height shall be set back a minimum of five feet from perimeter property lines.
- 4. **Noise**. Noise generated from the large family day care home shall not exceed the standards in Section 13.30.070.
- 5. Additional Standards. Each large family day care home shall comply with applicable building and fire codes, and standards adopted by the state, and Social Services Department licensing requirements (California Code of Regulations, Title 22, Division 2).

C. Standards for Child Day Care Centers.

- 1. **Minimum Site Area**. The minimum site area for a child day care center shall be ten thousand square feet.
- 2. **Fencing**. A six-foot high solid decorative fence or wall shall be constructed on all property lines, except in the front yard. Fences or walls shall provide for safety with controlled points of entry. Fences and walls shall be provided in combination with landscape materials to help mitigate the appearance of long, flat walls.

3. Parking and Loading.

- a. Off-street parking shall be provided as required through the use permit process, but shall be a minimum of one space per employee on the largest shift.
- b. Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.
- 4. **Noise**. Potential noise sources shall be identified during the use permit process, and noise attenuation and sound dampening shall be addressed.
- 5. **Activity/Play Areas**. The facility shall be provided with both indoor and outdoor play areas in compliance with state requirements. (Ord. 205 § 1 (Exh. A), 2003)

Zoning Code Chapter 13.80.020 provides the following definition:

D. Definitions, D.

Day care means facilities that provide nonmedical care and supervision of minor children for periods of less than twenty-four hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services:

1. **Child day care center** means commercial or nonprofit child day care facilities designed and approved to accommodate fifteen or more children. Includes infant centers, preschools, sick-child centers and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.

The State of California regulates all Child Care Centers General Licensing Requirements under Division 12, Chapter 1, Section 101152. The applicant is always required to meet state regulations during operation.

Parcel Information:

	Required	Proposal
Minimum lot size Area (net)	10,000 sq.ft.	Complies
Minimum lot width	60 ft.	Complies
Minimum lot depth	100 ft.	Complies
Maximum Site Coverage	30%	Complies

Owner Information:

Applicant:

APN 044-123-009 Steven and Denise Bair 1350 Desmond Lane Newcastle, CA 95680 (530) 889-1516

Nicholas and Amanda Bair 5735 Stone Road Loomis, CA 95650 (916) 316-6375

Existing Improvements/Utilities/Service Systems:

Sewer – South Placer Municipal Utilities District
Trash - Recology
Fire – South Placer Fire District
Water – Placer County Water Agency
Gas/Electric – Pacific Gas & Electric

As previously mentioned, the existing one (1) acre (43,560 sq.ft.) parcel has an existing 2,689 sq.ft. single family dwelling that is proposed to be improved on the interior to create a child day care facility in accordance with Town codes and operated under State of California regulations.

The applicant proposes the creation of a small farmhouse preschool and early education center for children ages 18 months to 5 years (pre-k). They will be offering a farm to fork gardening center with a blend of Waldorf, Montessori and traditional styles of learning. The proposal includes four classrooms with a maximum capacity of 8-10 children per class (40 maximum) with a maximum teaching staff of 6 employees. Proposed hours of operation will be Monday through Friday, from 7:00 a.m. to 5:30 p.m.

The area just west of the structure will be graded to provide ample parking for the day care and includes a turn-around at the back of the parcel for vehicles and emergency responders. The north western parcel boundary is just outside of the designated floodway. Surface improvements are proposed in this area.

The number of parking spaces required by land use is defined in Zoning Code Chapter 13.36.040, Table 3-7 and requires kindergarten and nursery schools to provide 1 space per employee (6 required) plus 1 space per 10 children (4 required). The proposal provides for 10 parking spaces, which includes 1 handicap accessible space near the building entrance.

Pursuant to Municipal Code Chapter 13.54, Tree Conservation, as indicated on Page 2 of 4 of the improvement plans, there are six trees (one black oak and five live oaks) that have been identified for removal in the area of the newly created turnaround (Exhibit D). These trees range in size from 7-9 inches in diameter(dbh) and are not salvageable and, therefore, are exempt from mitigation. A Town approved tree permit is required prior to removal of these trees.

The area to the east of the newly created parking/turn around area will remain natural vegetation.

The front of the property entrance will be improved to Town Standards with the inclusion of proper gating. The entire yard will be fenced with locked gates. The fenced yard will have 24/7 full-site monitoring.

Agency Review and response comments:

The application, project information, and exhibit maps were sent to concerned agencies on January 7, 2019 requesting their comments by January 28, 2019. Dated comments received have been included in the conditions of approval of the project, are provided in Attachment C, and summarized below:

1. 1/10/19 Town of Loomis, Engineer

Applicant shall meet all Town codes and standards, provide frontage improvement, dedicate right of ways and drainage easements.

2. 1/18/19 United Auburn Indian Community (UAIC)

Tribal monitoring may be required. Should inadvertent discoveries of tribal cultural resources occur, immediately contact UAIC for consultation on appropriate and respectful treatment and disposition.

3. 1/23/19 Placer County Water Agency (PCWA)

Prior to issuing a Water Availability letter, the owner and/or the owner's representative will need to schedule a meeting with Agency staff to discuss the project and determine specific Agency requirements.

- 4. 1/24/19 Central Valley Regional Water Quality Control Board (CVRWQCB) Applicant is required to consult with the CVRWQCB and obtain any approval consistent with matters within their purview and as outlined in detail as included in their response.
- 5. 1/28/19 Placer County Flood Control and Water Conservation District (PCFCWCD) Applicant is required to meet all requirements of the PCFCWCD.

Applicant is required to reference the FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) dated 11/2/18 for Secret Ravine as the most current and best available information for development of this site.

Applicant is also referred to the District's 1990 Stormwater Management Manual for future drainage related design standards. On-site detention is not recommended, unless required to mitigate localized drainage impacts.

The development is likely subject to the requirement Hydromodification Management and Low Impact Design (LID) measures of the Town's new Phase II NPDES Permit.

- 6. 1/28/19 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 owner/applicant. All work shall conform to the Standard Specifications of SPMUD. Submit improvement plans to SPMUD for review and approval prior to commencement of any work. For public sewer, the applicant/owner is required to meet with District staff to determine specific requirements prior to issuance of a will-serve letter.
- 7. 1/31/19 Placer County Health and Human Services Department (Environmental Health) A Phase 1 Environmental Site Assessment (ESA) is required. The applicant completed the Phase 1 ESA on 3/5/19. A copy of the Phase I ESA was forwarded to Environmental Health on 3/12/19 for review and is on file in the Planning Department. They replied on 3/20/19 that they did not identify any issues outlined in the report. No further action is required.

The existing well shall be properly destroyed under an approved permit from Environmental Health.

Applicant to confirm if the site contains a second well on the property or provide proof of how it was

destroyed.

Applicant to provide proof of connection to PCWA water by way of will serve letter or monthly payment invoice.

8. 2/1/19 Pacific Gas & Electric (PG&E)

Applicant to meet all requirements for gas and electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, application must work with PG&E to ensure compatible uses and activities near their facilities.

9. 2/18/19 South Placer Fire District (SPFD)

All construction must comply with SPFD standards, as well as the 2016 California Building and Fire Codes.

Building, Fire Alarm System, and Site plan submittals are required.

The site plans shall include entry gate details.

Fire Alarm plans submittals are deferred.

SPFD will perform final inspection on the Fire Alarm Systems, Site, Entry Gate, and Building.

Will serve process, fee schedule, application process, plan submittal form, appendix "D" and "E" have been included for applicant's use.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

A determination has been made that the project is categorically exempt from the provision of CEQA under Section 15332, Class 32, In-Fill Development Projects. "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.

A Notice of Exemption may be filed, but is not required, after a public agency decides that a project is exempt from CEQA and grants approval of the project. Should the Notice of Exemption be filed, a shorter statute of limitations of 35 days commences for any challenge to the approval. If a Notice of Exemption is not filed, the normal 180 day statute of limitations will apply.

ATTACHMENTS:

A. Draft Resolution #19-__ (Pages 13 – 20)

Exhibit A: Recommended Findings

Exhibit B: Recommended Conditions of Approval

Exhibit C: Notice of Exemption

- B. Application #18-13
- C. Public Agency Comments
- D. Tree Removal Plan Photographic Evidence

NOTE: Notice published in the Loomis News on March 15, 2019 and mailed to adjacent property owners within 300 feet on March 13, 2019.