



**#15-13 – BRCO CONSTRUCTORS OFFICE BUILDING - CONDITIONAL USE  
PERMIT MODIFICATION (CUP MOD) REQUEST  
5900 KING ROAD APN: 044-072-036**

**STAFF REPORT  
PLANNING COMMISSION MEETING OF April 26, 2016**

**RECOMMENDATION:** That the Planning Commission approve Resolution #15-13 for the Conditional Use Permit Modification with the findings in Exhibit A and the recommended conditions of approval in Exhibit B.

**REQUEST:** Loomis Corp Offices, LLC (herein referred to as the Applicant/Owner) is requesting a Conditional Use Permit Modification (CUP MOD) to CUP #04-20 that was approved by the Town of Loomis Planning Commission in 2004. Approval of CUP #04-20 allowed for a 3,300 square foot office building addition to an existing 2,050 square foot office building for a single tenant occupancy. The building located at 5900 King Road was occupied solely by the employees of BRCO Constructors until the downturn in the economy occurred in 2008. Over the past years the current level of employee staffing has only occupied the ground floor of the building. The proposed CUP MOD is being requested to allow for multitenant occupancy where BRCO Constructors Inc. will occupy the first floor of the building and multiple-tenants will occupy the second floor individual offices. These individual offices that will be available for lease would provide space for Office-Professional uses. The building is currently occupied by seven full-time/part-time employees with BRCO Construction on the first floor. If the CUP MOD is approved the occupancy of the building (including BRO Construction employees on the first floor and Multitenant employees on the second floor) is anticipated to be 19 employees.

**BACKGROUND:** In 1993 BRCO Constructors, Inc., received a Conditional Use Permit to occupy the site and existing 2,050 square foot office/storage building with a storage yard (Phase 1) and to construct a 3,000 square foot building addition (Phase 2); the second phase of the CUP was not exercised by the set date (November 16, 1998) and subsequently the approval for the building addition expired.

In the past the Town had received complaints about the site's appearance particularly the outdoor storage yard, cargo containers and lack of landscaping. In 2003 the applicant was made aware of the complaints and use permit violations.

In 2004, the applicant's requested a Conditional Use Permit (CUP) and Design Review approval. The request was to construct a 3,300 square foot office building addition to an existing 2,050 square foot office building (totaling 5,350 square feet). This project was consistent with the General Plan and the Zoning Ordinance. The Planning Commission

approved the applicant's request for a Conditional Use Permit and Design Review on December 21, 2004.

In the period between receiving the original CUP (1993) and, approval of Application #04-20 by the Town Planning Commission, the applicant had constructed a temporary storage area consisting of 4 connected cargo containers (totaling 2,996 square feet) and set-up 2 temporary modular offices on-site. The applicant stated that the intention for the addition was to create additional office space and bring the site into compliance; additional site landscaping and screening was also proposed. In conjunction with approval of Application #04-20 by the Town Planning Commission and Conditions of Approval, the applicant improved the parking area, removed modular offices, and eliminated the outside storage area including the removal of materials, equipment, trailers, and supplies from the parcel.

In November 2006, the Applicant requested a Design Review for the installation of a new covered parking area in conjunction with the approved project #04-20. The new covered parking structure allowed for 8 parking stalls to be installed. The Town of Loomis Planning Director approved this request on November 22, 2006 with Conditions of Approval.

#### **PROJECT DESCRIPTION:**

**Location of Project:** The Project is located at 5900 King Road in the Town of Loomis (APN: 044-072-066-000)

**Surrounding Uses and Zoning:** The site is zoned Office Commercial (CO) and designated "Office Commercial" in the General Plan. Surrounding uses are as follows:

**North (across King Rd.) - Single Family Residential (RS-10)**

**East (abutting property lines) - Office Commercial (CO) and Single Family Residential (RS-10)**

**South (across Webb St.) - Single Family Residential (RS-10)**

**West (across Webb St.) - Single Family Residential (RS-10)**

**Note:** The site abuts 2 residential properties to the east zoned CO (front) and RS-10 (rear).

**Parking- 5,350 square feet/300 (Professional Office Space) = 18 required spaces**

The Applicant has provided a site plan (please see Attachment 3) which proposes a total of 24 parking stalls onsite which would meet and exceed the 18 parking stalls required by the Town of Loomis. Under existing conditions, the Project site has a total of 8 parking stalls, a handicap stall, and two visitor stalls. Parking stalls 1, 2, and 3 (as shown on the site plan) are 18-feet long by 10-feet wide (which currently does not meet the parking stall dimensions of 20-feet long by 10-feet wide as required by the Town). The Applicant has indicated that these parking stalls cannot be lengthened because the

stalls would extend into the path of travel for the exit/entrance to the parcel. Parking stalls 4, 5, and 6 are 19-feet long by 10-feet wide; dimensions which were approved by the planning commission in Application #04-20. Parking stalls 7 and 8, the handicap stall, and the two visitor stalls are compliant with the dimension requirements of the Town. The Applicant proposes seven new parking stalls (stalls 9 through 15 on the site plan) with dimensions of 20-feet long by 10-feet wide which meet the parking stall dimension requirements of the Town. These stalls will be located east of the existing trash enclosure. Proposed parking stall 16 will be a parallel parking spot with dimensions of 24-feet long by 9-feet wide (meeting the Town parking stall dimension requirements). Proposed parking stalls 17 through 24 will be located on the east side of the building beneath an existing Parking Structure that was approved by the Town under application #6-23. These stalls will have dimensions of 18 feet long by 9 feet wide due to the existing Parking Structure and inability to remove supports associated with the structure. Staff recognizes the physical constraints due to the existing Parking Structure and recommends an exception be made to allow the eight spaces as planned. Overall, the Applicant will have a total of 27 parking stalls (24 parking stalls, one handicap stall, and two visitor stalls) which meets and exceeds the Town's 18 required parking spaces.

## **ISSUES**

**Land Use:** The zoning and land use designations have not changed since the approval of Application #04-20. The zoning and land use designation for the site is Office Commercial (CO) and will continue to remain such designation with implementation of this Project.

**Traffic/Circulation:** The proposed Project is located at 5900 King Road (APN: 044-072-036) and is bordered to the north by King Road and to the west by Webb Street. Access to the Project site is via a 19-foot wide driveway off of King Road. According to the Trip Generation Rates 9<sup>th</sup> Edition for General Office (710) a building approximately 5,350 square feet in size will generate a total of 59 daily trips. Application #04-20 which was approved by the Town did not provide an analysis for trip generation; however, the daily trip generation would not change from when Application #04-20 was approved since the on-site building will not be any larger under this proposed Project. The applicant of this Project has indicated the first floor will continue to be occupied by BRCO employees (7 employees) and the offices on the second floor will be multi-tenant occupied with an estimated 12 employees. The applicant has also noted that the type of tenant that the Applicant/Owner will seek to lease the individual offices on the second floor for Office – Professional uses. These types of tenants typically have no employees and will not sell products onsite where customers come to the site to purchase such products. Therefore, additional vehicle trips (above and beyond the 59 daily trips) generated by customers are not anticipated to occur. Circulation patterns and traffic volumes are not anticipated to increase as a result of Project implementation.

**RECOMMENDATION:** That the Planning Commission approve Resolution #15-13 for the Conditional Use Permit Modification with the findings in Exhibit A and the recommended

conditions of approval in Exhibit B.

**ATTACHMENTS:**

1. Exhibit A: Draft Resolution and Findings
2. Exhibit B: Conditions of Approval
3. Application, Statement of Justification, Site Plans, and Building Plans
4. Conditions of Approval for #04-20.

**NOTE: Notice published in paper April 14, 2016 and mailed April 14, 2016.**

**EXHIBIT A  
RESOLUTION NO. 15-13**

*A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING A CONDITIONAL USE PERMIT MODIFICATION (#04-20) FOR LOOMIS CORP OFFICES, LLC (APPLICANT) TO ALLOW FOR MULTI-TENANTS TO OCCUPY THE SECOND FLOOR OF THE EXISTING BUILDING AT 5900 KING ROAD APN: 044-072-066-000*

**WHEREAS**, Loomis Corp Offices LLC, the applicant(s), has requested a Conditional Use Permit Modification (#04-20) allowing for the existing building at 5900 King Road APN: 044-072-066-000 to be occupied by multi-tenants on the second floor with an increase of up to 12 employees (a total building occupancy of 19 employees [seven BRCO employees occupying the first floor of the building]); such application being identified as #15-13; and,

**WHEREAS**, on April 26, 2016, 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 said 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 in connection with the Conditional Use Permit Modification allowing multi-tenant occupancy at the existing building located at 5900 King Road APN: 044-072-066-000.

**NOW THEREFORE**, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of April 26, 2016, did resolve as follows:

1. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
2. The BRCO Construction Office Building CUP Modification is hereby approved per the findings set forth in Exhibit A and the conditions set forth in Exhibit B.

ADOPTED this 26 day of April, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

\_\_\_\_\_  
Chris Graham, Staff Planner

\_\_\_\_\_  
Michael Hogan, Chairman



**FINDINGS**  
**PLANNING COMMISSION 04/26/2016**

Notice of Exemption

1. The project is Categoricaly Exempt under CEQA 15301.

Conditional Use Permit Modification

1. The proposed modification is consistent with the Town's General Plan and Zoning Ordinance and will not 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 Town.



**EXHIBIT B**  
**RECOMMENDED CONDITIONS OF APPROVAL**  
**PLANNING COMMISSION 04/26/16**

This Conditional Use Permit Modification application is approved for the existing 5,350 square foot building at 5900 King Road, APN: 049-072-036, which was permitted for single-tenant occupation through project #04-20 on December 21, 2004 to allow for multi-tenant occupation within the existing building. The Applicant/Owner has two (2) years in which to exercise the Conditional Use Permit Modification. The approval expires on April 26, 2018, unless extended by the Planning Director.

**GENERAL CONDITIONS**

1. \_\_\_\_\_ The Applicant/Owner shall comply with all 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. Approval of this project, subject to said 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.
3. \_\_\_\_\_ Development shall be substantially in accordance with the plans entitled "5900 KING ROAD LOOMIS, CA 95650", as prepared by Loomis Corp Offices, LLC consisting of sheet(s) of a "Site Plan" and "Building Plan" dated "April 6, 2016" and "December 16, 2015" respectively, except as may be modified by the conditions stated herein.
4. \_\_\_\_\_ When submitting for Plan Check the Applicant/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 Applicant/Owner shall be responsible for correcting any inconsistency which may occur through error or omission during plan preparation or construction.
5. \_\_\_\_\_ 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.
6. \_\_\_\_\_ 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.

#### IMPROVEMENTS (ROADWAY, DRAINAGE, GRADING AND PARKING DESIGN)

7. \_\_\_\_\_ Prior to multi-tenant occupation of the building on the parcel the Applicant shall provide painted (marked) stalls as identified on the Site Plan dated April 5, 2016. The dimensions of the parking stalls shall be designed as proposed on the Site Plan dated April 5, 2016 and shall be inspected by Town Staff to determine completion.
8. \_\_\_\_\_ Any disabled access ramp to be constructed by the Applicant/Owner in the parking lot shall be designed to ADA standards
9. \_\_\_\_\_ The Applicant/Owner shall obtain an encroachment permit prior to any work within public rights-of-way.
10. \_\_\_\_\_ Existing public facilities, and real and personal property, damaged during the course of construction shall be repaired by the Applicant/Owner at his sole expense, to the reasonable satisfaction of the Town Engineer.
11. \_\_\_\_\_ The Applicant/Owner shall construct all improvements required as a condition of approval of this project or enter into a contract agreement with the Town to construct all improvements, and shall post bond, cash deposit, or instrument of credit, guaranteeing the construction of all improvements within the time period specified herein or an approved time extension in accordance with the provisions of the Loomis Municipal Code and other applicable laws.
12. \_\_\_\_\_ 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.
13. \_\_\_\_\_ The Applicant/Owner shall dedicate all necessary easements for streets, alleys, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the Town of Loomis.
14. \_\_\_\_\_ 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 of Loomis.
15. \_\_\_\_\_ No on-street parking on King Road or Webb Street is permitted in conjunction with this permit modification.
16. \_\_\_\_\_ Access to the parcel (for emergency and vehicular access) shall be maintained to the satisfaction of the Director of Public Works/Town Engineer at all times during the development.

#### AGENCIES

17. \_\_\_\_ The Applicant/Owner shall provide will-serve letters from all applicable utilities, the franchised refuse collector, the post office, and the fire department for the review and approval of Town staff, to the extent legally required. The Applicant/Owner shall complete all legally enforceable requirements or conditions imposed upon the project by these agencies to the satisfaction of the agencies prior to any building permits being issued.
18. \_\_\_\_ Placer County Water Agency (PCWA) is currently serving treated water at the parcel by an existing 5/8-inch meter connected to PCWA's 8-inch treated water main in Webb Street. Additional water can be made available upon receiving from the parcel Applicant/Owner a completed board application, and payment of all fees and additional Water Connection Charges that may apply. The owner/applicant shall contact PCWA Customer Services at (530) 823-4850 for the required forms and fees.
19. \_\_\_\_ The PCWA Agency Board of Directors declared a drought emergency on February 6, 2014 and may impose restrictions on the use of water during the pendency of the emergency. These restrictions are in addition to those of existing customers. Until the Agency Board of Directors has declared the drought emergency to have ended, the Applicant/Owner shall comply with all water use restrictions that may be adopted by the Agency and shall inform each transferee of any parcel covered by this Facilities Agreement that water use may be restricted due to the drought emergency. Water use restrictions are subject to change; therefore, the Applicant/Owner shall direct each transferee to access PCWA's website or consult with PCWA Staff to ascertain what water use restrictions may apply.
20. \_\_\_\_ The Loomis Fire District shall conduct inspections for any tenant improvement projects that might occur on the second floor of the existing building located at 5900 King Road prior to multi-tenant occupancy permit issuance. The building Applicant/Owner shall advise prospective tenants that all improvements shall be properly permitted through the Town of Loomis prior to tenant occupation on the second floor of the existing building.
21. \_\_\_\_ South Placer Municipal Water District (SPMUD) requests from the applicant, if there are any change or addition or alteration in use, which results in an increase in density, additional fees shall be paid to the District. In addition, it is the real property Applicant/Owner's responsibility to notify SPMUD of each tenant prior to occupancy, and of any change in tenants, use, occupancy or density, as well as any change in property ownership. Any additional fees which become due as a result of any alterations or changes in use, occupancy, or density are due and payable to SPMUD immediately upon such change.

## GENERAL PLANNING

22. \_\_\_\_\_ The operation of the multi-tenant offices within the existing onsite building shall be conducted inside the building. The Planning Director may approve minor modifications in writing.
23. \_\_\_\_\_ The current approved use on the Project site is that of Office-Professional. Office-Professional uses allowed to occupy the onsite building under this CUP Modification are defined in Section 13.80.20 of the Town of Loomis Zoning Code. Prior to multi-tenant occupation of the building, the Applicant/Owner shall provide to the Town Planning Director a copy of the lease agreement between the Applicant/Owner and the prospected tenant so the Planning Director can determine and approve that the tenant fits under the Office-Professional use definition. Any use other than Office-Professional that would lease tenant space in the existing building through the Applicant/Owner must be approved by the Town Planning Director prior to building occupation by such tenant.
24. \_\_\_\_\_ 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 operation, nor shall it cause the noise level at the property line to exceed 75 dBA at any time during operation.
25. \_\_\_\_\_ The Project shall conform to the Zoning Ordinance land use noise compatibility standards.
26. \_\_\_\_\_ Truck deliveries, parking lot sweeping and garbage pick-up shall be limited to the hours of 7:00 a.m. - 6:00 p.m. weekdays and Saturdays. Such activity shall not be permitted on National holidays and Sundays.
27. \_\_\_\_\_ The property Applicant/Owner shall be responsible to ensure all conditions to this permit are binding on all successors-in-interest (e.g. by incorporating into the standard provisions of any sale, lease and/or rental agreements, etc.).
28. \_\_\_\_\_ The Applicant/Owner shall be responsible for taking reasonable actions to abate nuisances caused by multi-tenants occupying the offices in the project area which are under the Applicant/Owner's control.
29. \_\_\_\_\_ No certificate of occupancy for multi-tenant use shall be issued until all conditions incorporated into this Conditional Use Permit are completed and accepted or approved by the Town.
30. \_\_\_\_\_ The hours for conducting of business activities, shall be limited to Monday through Friday, 7:00 AM to 7:00 PM, and Saturday, 8:00 AM to 5:00 PM to assure public health, safety and welfare. No work shall occur on Sundays. Work inside the building which cannot be heard at the property lines is specifically excluded from these restrictions.

31. \_\_\_\_\_ No inoperable vehicles shall be stored out-of-doors at the site for more than 24 hours, except as may be approved by the Planning Director.
32. \_\_\_\_\_ No parking space shall be offered for rent by the property Applicant/Owners.
33. \_\_\_\_\_ No storage shall be allowed on site.
34. \_\_\_\_\_ Cargo containers shall not be permitted on-site.
35. \_\_\_\_\_ Modular office buildings shall not be permitted on-site.
36. \_\_\_\_\_ All Outdoor storage shall not be permitted on-site.
37. \_\_\_\_\_ No trailer shall be stored on-site.

#### LANDSCAPING AND DESIGN

38. \_\_\_\_\_ One free-standing monument-type sign, which allows for multi-tenant advertisement, shall be permitted for this Project. The design of the monument sign shall be constructed of materials similar to those on King Road and shall be externally illuminated to conform to the existing signs in the area. The individual building signs shall be consistent in location, color, size and style. External lighting shall only light signs. Prior to construction of the sign, the Applicant/Owner shall receive Planning Director approval of the signage plan. All signage on-site requires permit approval from the Town prior to installation.
39. \_\_\_\_\_ The trash dumpster shall be enclosed and screened from public view. The dumpster location shall be subject to the approval of Auburn Placer Disposal Service and the Planning Director prior to issuance of the building permit for location, accessibility and design in accordance with the project and Planning Commission approval and screening from the public. 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.