



**PLANNING COMMISSION HEARING
SEPTEMBER 27, 2016**

**STAFF REPORT
APPLICATION #16-12 TAYLOR ROAD MIXED USE
TENTATIVE TRACT, CONDITIONAL USE PERMIT, DESIGN REVIEW EXTENSION
APN: 044-123-059 & 068**

REQUEST

To extend the approval of the Tentative Tract Map, Conditional Use Permit, and Design Review of the Taylor Mixed Project to December 20, 2018 subject to the previous conditions of approval and the previous Mitigated Negative Declaration (MND).

RECOMMENDATION

The Planning Commission adopt Resolution #16-09 to extend the Tentative Tract Map, Conditional Use Permit, and Design Review to December 20, 2018 subject to the findings and the previous conditions of approval, and adopt the previous Mitigated Negative Declaration as per the California Environmental Quality Act (CEQA).

PROJECT DESCRIPTION

Location: On the east side of Taylor Road, approximately 1000 feet north Sierra College Blvd.
APN: 045-123-059 & 068
Size: 8.9 acres

General Plan, Zoning, and Existing Land Uses

	GENERAL PLAN	ZONING	CURRENT LAND USE
ON SITE	GENERAL COMMERCIAL	CG	VACANT
NORTH	GENERAL COMMERCIAL	CG	COMMERCIAL\OFFICE
EAST	RESIDENTIAL SINGLE FAMILY	RS-10	SINGLE FAMILY RESIDENTIAL
SOUTH	GENERAL COMMERCIAL	CG	RV PARK
WEST	GENERAL COMMERCIAL	CG	VACANT\RAILROAD

Improvements/Utilities/Service Systems:

Sewer – SPMUD Water – PCWA Gas/Electric – PG&E
Trash – Recology Auburn Placer Fire – Loomis Fire District

The project consists of two existing parcels, to be divided into 45 lots (33 residential, 11 commercial and 1 open space) in order to construct 8 single story homes with detached garages, 13 two story homes with carriage units over detached garages, 3 duplexes with 6 units and 3 two-story and 3 one-story single family units with attached garages- totaling 46 units- and 19,020 square feet of commercial divided into 3 structures with 9 lots.

BACKGROUND

The Taylor Road Tentative Tract Map, Conditional use Permit and Design Review (Taylor Road Project) was approved by the Planning Commission on December 20, 2005 with an expiration date of December 20, 2007.

On August 21, 2007 the Planning Commission approved an extension of the Taylor Road Project to December 20, 2009. On July 21, 2009 the Planning Commission modified the Taylor Road Project, so the Conditional Use Permit and Design Review and Tentative Tract Map would run concurrently, and approved the Taylor Road Project to December 20, 2011.

On January 18, 2011 the Planning Commission approved a modification of the Taylor Road Project to accommodate a housing project sponsored by Mercy Housing. These modifications were granted only to January 18, 2013, when they would automatically expire if not implemented. As these were never implemented, they expired and the conditions of approval reverted back, as previously modified by the Planning Commission on July 21, 2009.

Due to the recession, the California Legislature passed a series of automatic extensions extending the expiration dates of tentative tract maps, in addition to any allowed by local ordinances and extensions. (i.e. AB333-July 15, 2009; AB208-January 31, 2011; AB116-July 11, 2013). The Town extensions and modifications, and those granted by the State legislature, have extended the Taylor Tentative Tract Map to December 20, 2016.

No comments were received from the review agencies, other than PCWA (attached) who provided their standard letter as to their requirements for providing water service.

No substantial changes have occurred which necessitate changes to the conditions of approval by the Planning Commission for this project. Thus the extension may be granted, as per the State Subdivision Map Act that allows an extension, when subject to the previously approved conditions of approval.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to CEQA Guidelines Section 15162 a previously adopted negative declaration may be used where there are no substantial changes to the project, and while it need not be re-circulated for public review, it must be considered by the Planning Commission prior to making a decision on the project.

RECOMMENDATION

The Planning Commission adopt Resolution #16-09 to extend the Tentative Tract Map, Conditional Use Permit, and Design Review to December 20, 2018 subject to the findings and the previous conditions of approval, and adopt the previous Mitigated Negative Declaration as per the California Environmental Quality Act (CEQA).

ATTACHMENTS

1. Draft Resolution #16-09
 - Exhibit A: Recommended Findings
 - Exhibit B: Recommended Conditions of Approval
2. 2005 Approved Taylor Road Tentative Tract Map
3. 2016 Extension Application 16-12
4. 2005 Adopted Final Initial Study\Mitigated Negative Declaration
5. PCWA Comment Letter August 4, 2016

NOTE: Notice published in paper September 15, 2016, and mailed September 14, 2016.

RESOLUTION NO. 16-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING A TWO YEAR EXTENSION OF TIME FOR THE TAYLOR ROAD MIXED USE TENTATIVE SUBDIVISION MAP, CONDITIONAL USE PERMIT, AND DESIGN REVIEW TO DECEMBER 20, 2018.

WHEREAS, the property owner Pat Cannon, has requested a two year extension of a 45-lot tentative subdivision map approval for an 8.9± acre site located on Taylor Road near Sierra College Blvd., APNS 044-123-058 & 069, such application being identified as #16-12; and

WHEREAS, on September 27, 2016, the Planning Commission of the Town of Loomis conducted a public hearing on the extension, at which time any person interested in the matter was given 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 reviewed and considered the Initial Study\Mitigated Negative Declaration adopted on December 20, 2005 for the Taylor Road Project; and

WHEREAS, the Planning Commission of the Town of Loomis hereby makes the findings attached herein as Exhibit A for the Taylor Road Tentative Tract Map Extension (#16-12).

NOW THEREFORE, based on the findings set forth hereinabove the Planning Commission of the Town of Loomis, at its meeting of September 27, 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. As per Section 15162 of the California Environmental Quality Act (CEQA), the Planning Commission adopts the previous Initial Study\Mitigated Negative Declaration, and directs staff to file a Notice of Determination with the Placer County Clerk.
3. An extension of the Taylor Road Mixed Use Tentative Subdivision Map #16-12 is hereby approved for a period of two year to expire on December 20, 2018, subject to the attached conditions of approval in Exhibit B.

ADOPTED this 27th day of September, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Robert King, Town Planner

Michael Hogan, Planning Commission Chairman

EXHIBIT A

**FINDINGS: TAYLOR ROAD TENTATIVE TRACT MAP, CONDITIONAL USE PERMIT, AND DESIGN REVIEW
EXTENSION; APPLICATION #16-12**

PLANNING COMMISSION, SEPTEMBER 27, 2016

California Environmental Quality Act (CEQA)

As per Section 15162 of the California Environmental Quality Act (CEQA) there have been no substantial changes due this extension that require revision of the previous Mitigated Negative Declaration adopted by the Planning Commission on December 20, 2005.

General Plan and Zoning Consistency

The proposed subdivision and its improvements are consistent with the Town of Loomis General Plan and the Zoning Ordinance.

EXHIBIT B

CONDITIONS OF APPROVAL TAYLOR ROAD TENTATIVE TRACT MAP, CONDITIONAL USE PERMIT, AND DESIGN REVIEW EXTENSION; APPLICATION #16-12

(AS MODIFIED BY THE PLANNING COMMISSION JULY 21, 2009)

GENERAL CONDITIONS- SUBDIVISION AND USE PERMIT

1. _____ Owner shall comply with all provisions of the Town of Loomis Municipal Code.
2. _____ The conditions of approval incorporate by this reference and require the owner to implement all of the mitigation measures listed in the Final Mitigated Negative Declaration, attached, with phasing as approved by the Planning Director and in accordance with the adopted Mitigation Monitoring Plan.
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 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.
4. _____ Development shall be substantially in accordance with the plans entitled "Tentative Subdivision Map (12/16/05), Preliminary Grading Plan (in concept, site plan later revised)(11/10/2005)" Preliminary Landscape Plans (in concept, site plan later revised), Taylor Road Mixed Use (in concept, final plans for all architectural designs to be approved by Planning Director) , as prepared by West Engineers, Inc. and Patterson /Neff consisting of 4 sheet(s), except as may be modified by the conditions stated herein.
5. _____ When submitting for Improvement Plan and each Building 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 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.
7. _____ The length of time of all approvals associated with this project shall be concurrent with the tentative subdivision map expiration date. (Added July 21, 2009)
8. _____ 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 (STREET, DRAINAGE, GRADING AND PARKING DESIGN) - SUBDIVISION AND USE PERMIT

9. _____ **PRIOR TO PARCEL/FINAL MAP APPROVAL**, the owner shall record a private access, sidewalk along Taylor Road and utility easements for the commercial properties on the parcel/final map.

10. **_____ PRIOR TO PARCEL/FINAL MAP APPROVAL**, the owner shall dedicate 50 foot wide roadway right-of-way through out the development on the parcel/final map as shown on the Tentative Map.
11. **_____ PRIOR TO PARCEL/FINAL MAP APPROVAL**, the owner shall enter into and record a reciprocal access agreements for the proposed commercial parking lots and enter into and record a reciprocal access agreement (not parking) for use of the area, up to and including the right-in, right-out parking lot access adjacent to the trailer park property for common access if such access is required by the Town in the future.
12. **_____ PRIOR TO PARCEL/FINAL MAP APPROVAL**, the owner shall construct curb, gutter, sidewalk, pavement and other improvements necessary to complete the roadway improvements as shown on the tentative map (improvements to be modified from that shown on the map to provide planting strips in the residential areas) The owner has agreed to work with the Town with respect to the width of the planting strips (between 4' to 6') to be as approved by the Planning Director with the minimum width being 4'.
13. **_____ PRIOR TO PARCEL/FINAL MAP APPROVAL**, the owner shall construct a 32-foot wide roadway adjacent to the businesses and 28-foot wide roadway adjacent to residential (with planting strips), 6- inch thick aggregate base with 3 -inches of asphalt.
14. **_____ PRIOR TO PARCEL/FINAL MAP APPROVAL**, the owner shall sign a legal agreement with the Town in a form acceptable to the Town Attorney to participate in a fair share of the improvement to construct a storm drain system along Taylor Road for the downtown drainage.
15. **_____ PRIOR TO PARCEL/FINAL MAP APPROVAL**, the parking areas shall be surfaced with a minimum of 2 inches of asphalt on 6 inches of aggregate base.
16. **_____ AS PART OF THE IMPROVEMENTS**, the disabled access ramp to be constructed in the public right-of-way, parking lot or adjacent to any buildings structure shall be designed to current ADA standards. The improvements on Taylor Road shall include re-stripping and provision of a left-turn lane.
17. **_____ PRIOR TO ANY CONSTRUCTION**, the owner shall obtain an encroachment permit prior to any work within public rights-of-way.
18. **_____ AS PART OF THE IMPROVEMENTS**, the owner shall install a standard post- top street light or approved equal at all intersections and at the ends of cul-de-sacs or as approved by the Town.
19. **_____ PRIOR TO FINAL ACCEPTANCE OF IMPROVEMENTS**, 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 satisfaction of the Town Engineer..
20. **_____ PRIOR TO PARCEL/FINAL MAP APPROVAL**, the 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.
21. **_____ PRIOR TO ANY CONSTRUCTION**, 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 reviewed and approved by the Town Engineer and any effected outside agencies.
22. **_____ PRIOR TO FINAL ACCEPTANCE OF IMPROVEMENTS**, the owner shall submit certified as-built plans and computer generated design files on disk detailing the completed improvements.

23. **_____ PRIOR TO FINAL ACCEPTANCE OF IMPROVEMENTS**, Cost of all inspections related to on-site and off-site improvements shall be paid by the owner.
24. **_____ DURING THE PROJECT**, the 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 or related to this project.
25. **_____ PRIOR TO PARCEL/FINAL MAP APPROVAL**, the owner shall dedicate all necessary easements for streets, alleys, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the Town and outside agencies
26. **_____ DURING THE PROJECT**, the 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.
27. **_____ PRIOR TO APPROVAL OF IMPROVEMENT PLANS OR ISSUANCE OF ANY PERMITS**, a fence and/or sound wall plan shall be submitted to the Town Engineer and Planning Director for approval.
28. **_____ PRIOR TO APPROVAL OF IMPROVEMENT PLANS**, the plans shall show the location and size of fire hydrants and water mains in conformance with the standards, requirements and approvals of the Loomis Fire District and Placer County Water Agency
29. **_____ DURING THE PROJECT**, all grading shall conform to the Town Grading Ordinance (Municipal Code Section 12), and as recommended by a soils report prepared by the Geotechnical Engineer, with prior review and approval by the Town Engineer. A Grading Permit shall be obtained prior to any grading.
30. **_____ PRIOR TO PARCEL/FINAL MAP APPROVAL**, on-site and off-site drainage facilities shall be designed and constructed as directed and approved by the Town Engineer in compliance with the Placer County Stormwater Management Manual.
31. **_____ PRIOR TO CONSTRUCTION**, the owner shall submit a grading and drainage plan to the Town Engineer for review and approval that addresses the impacts to the drainage patterns and runoff increases. On-site detention shall be provided on each project, for which a building permit is issued, for the increased runoff rate caused by project development in accordance with the Placer County Flood control District Storm Water Management Manual and the Loomis Land Development Manual.
32. **_____ AS PART OF THIS PROJECT**, no on-street parking on Taylor Road IS permitted.
33. **_____ PRIOR TO FINAL ACCEPTANCE OF IMPROVEMENTS**, the owner shall paint red curbing on Taylor Road and post "no parking" signs.
34. **_____ PRIOR TO FINAL ACCEPTANCE OF IMPROVEMENTS**, the owner shall petition the Town Council to form a Maintenance District for ongoing maintenance of the sidewalk, curb & gutter, residential street, sidewalk, curb & gutter, drainage facilities (including NPDES requirements), any common residential landscaping and trees, park area & open space, park equipment, fire hydrants, street sweeping, street lights, street signs, pavement markings and emergency access driveway. The owner shall provide the Engineer's Cost Report, property owner voting form and be approved by Town Council at a public hearing. The commercial sites landscaping on-site and along Taylor Road shall be maintained separately by the private ownership. Owner

shall dedicate landscape easements where necessary to insure that planter strips are maintained by the property owners. Irrigation shall be provided to the planter strips.

35. _____ **PRIOR TO PARCEL/FINAL MAP APPROVAL**, the owner shall submit the Covenants, Conditions and Restrictions (CC&R'S) for review and approval (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.

36. _____ **DURING THE PROJECT**, access to the parcels (for emergency and vehicular access) shall be maintained to the satisfaction of the Director of Public Works/Town Engineer at all times.

37. _____ **PRIOR TO ISSUANCE OF ANY BUILDING PERMITS**, the Town reserves the right to amend or add to Town Standard Plates and Standard Land Development Specifications.

38. _____ **PRIOR TO APPROVAL OF IMPROVEMENT PLANS**, an erosion and sediment control plan shall be prepared and included as part of the improvement plans. All the requirements of the Town's National Pollution Discharge Elimination System (NPDES) General Permit and the Town's Storm Water Management Program shall be followed. All erosion and sediment control best management practices shall follow the guidelines of the California Stormwater Quality Association (CASQA) handbooks.

AGENCIES - CONDITIONAL USE PERMIT AND SUBDIVISION APPROVAL

39. _____ The 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 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.

40. _____ The owner shall provide will-serve letters from the school districts in which this property is located and shall pay the impact fees as determined by the two school districts at building permit issuance, to the extent legally required.

41. _____ The owner shall install sewer, water, and utilities prior to Final Map Approval to the satisfaction of PCW A, Placer County Environmental Health Department, Loomis Fire Department, and South Placer Municipal Utility District in compliance with town standards, the Municipal Code, etc. The Town Engineer, in consultation with the applicable agencies, shall determine whether this condition has been met.

42. _____ All utility facilities shall be placed underground in accordance with the Loomis Municipal Code.

43. _____ The owner shall submit a Solid Waste Management Plan to the Town for review and approval in conformance with the Town's Solid Waste Management Plan by Town staff prior to building permit issuance.

44. _____ The owner shall submit, for the commercial units, a solid waste report to the Town on January 15 and July 15 of every year detailing items diverted, items reused, items sent for recollection/reconditioning/recycling, items composted, and other pertinent information in a form created and approved by the Town manager for use in the Town's Solid Waste Report.

45. _____ The owner shall insure that adequate dust controls are implemented during all phases of project construction and operation. Dust controls must be reviewed and approved by the Placer County Air Pollution

Control District prior to groundbreaking. A booklet on Fugitive dust is available from the Placer County Air Pollution Control District.

46. ____ The owner shall insure that the project conforms with all Placer County Air Pollution Control District Rules and Regulations.

47. ____ The owner shall not discharge of fuels, oils, other petroleum products, chemicals, detergents, cleaners, or chemicals to the surface of the ground or to drainageways on or adjacent to the site. (BI)

48. ____ The owner shall distribute alternate transportation materials to all employees. This information should include but is not limited to ridesharing, mass transit schedules, etc. (BI)

49. ____ The owner shall dispose of any hazardous materials in accordance with all applicable hazardous materials laws and regulations.

50. ____ The owner shall furnish future homeowners with information regarding the county's prohibition against open burning of refuse/household trash and the Blue Bag recycling program. The burning of construction debris is prohibited by County and State rules and regulations.

51. ____ The owners of each parcel shall subscribe to weekly refuse collection. Enclosure design and placement, if visible from a public road, shall be submitted for review and approval by the Planning Director in accordance with good planning practices, the adjacent building design, and the surrounding area and Auburn Placer Disposal prior to issuance of a building permit.

52. ____ The owner shall comply with the requirements of the Loomis Fire Protection District prior to recordation of Final Map. The improvement of a 20' emergency access road to the existing emergency access easement to Tudor Way shall be included in the improvement plans and its maintenance in the maintenance agreement.

53. ____ Per the Loomis Fire Protection District, prior to building permit issuance, an all- weather access driveway shall be provided to any new development, which shall be properly graded, culverted (if necessary), and surfaced with a 4-6 inch base material to allow emergency vehicle access to the parcels

54. ____ The owner is subject to the development approval standards established by Resolution No. 1-2004 of the Loomis Fire District, and the fire service fee established by Loomis Fire District Ordinance No. 1-2004 (for new commercial, industrial and office developments).

55. ____ Any security gates and/or fences shall require detailed plans that shall be submitted to the Sheriff's Substation and Fire Department and Planning Department for approval prior to issuance of building permits.

56. ____ The owner shall submit to the Planning Director and the Town Engineer verification from the U.S. Army Corps of Engineers and the California Department of Fish and Game that the project meets all regulations and that the owner has obtained all required permits relating to wetlands and waterways or mitigated at the no-net loss level- prior to issuance of improvement plans.

57. ____ The owner shall confer with local postal authorities regarding mailbox clustering and turnouts. A letter from the Post Office indicating their conditions are satisfied must be submitted prior to issuance of building permits

GENERAL PLANNING – USE PERMIT APPROVAL

58. ____ The residential portion of the project shall comply with the Town's multi-family zoning requirements. Setbacks for the residential units shall be front yard: 15' (with allowance for a 5' porch area), side yards: 15' total and rear: 20' for main structure, 5' for single story garage, 10' for carriage units. The stories and residential unit types shall be as approved with this permit and may not be revised unless through a modification of the Use Permit. Any proposed commercial use that will operate outside of the hours from 7:00 a.m. to 9:00 p.m. shall require minor use permit approval to ensure that the commercial use will not negatively impact the residential uses within the project. (This use permit extends the 8:00 am to 6:00 p.m. requirement to 7:00 a.m. to 9:00 pm)
59. ____ 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.
60. ____ The project shall conform to the Zoning Ordinance land use noise compatibility Standards.
61. ____ The project shall conform to the requirements of the noise study titled, "Noise Impact Study of Road and Rail Traffic at Taylor Road Mixed Use Project and Recommendations to Meet Town of Loomis Sound Levels", dated August 16, 2004, by The Acoustics and Vibration Group.
62. ____ Truck deliveries (loading and unloading), parking lot sweeping and garbage pick-up shall be limited to the hours of 7:30 a.m. - 6: p.m. weekdays and Saturdays. Such activity shall not be permitted on National holidays and Sundays.
63. ____ The property 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.).
64. ____ Prior to any occupancy of Phase II homes, the commercial units in Phase III shall be under construction . Prior to final occupancy of Phase II, the shells for Phase III commercial shall be constructed and ready for tenant improvements prior to final occupancy and Phase IV shall be under a marketing program. If Phase IV is not completed within one year of issuance of first building permit, the area shall be landscaped as approved by the Planning Director for screening and dust control.
65. ____ Prior to issuance of improvement plans, a Tree Mitigation and Protection Plan (including on-going arborist review while the project is under development and maintenance of new trees for five years), in accordance with the Town's tree requirements of the Zoning Ordinance shall be approved by the Planning Director. If the Town requirements for tree shading, or number of trees in parking lots or along streets is revised prior to final submittal of the improvement plans, the number and type of trees shall comply with the Town's requirements at that time.
66. ____ The grading plan shall show appropriate fencing and protection measures for the trees (which are shown to be retained in accordance with this approval) to the satisfaction of the Town Arborist in accordance with best practices and the following bullets. A grading permit shall be obtained prior to any onsite construction. Every attempt shall be made to retain as many existing trees on-site as possible. The owners shall limit tree removal to those trees approved to be removed by this approval in streets and on individual lots (marked Exhibit A (site plan) in the file prior to recordation of the Parcel/Final Map).

- Owner shall protect the trees and area within the dripline from damage during grading and construction.
- Owner shall protect the trees on existing adjacent residential lots during grading, construction and fence construction.
- Prior to on-site construction, the owner shall deposit funds with the Town to pay for a certified arborist to provide periodic inspection of the site during grading and construction, and verification to the Planning Director that the approved protection measures are properly implemented.
- Prior to issuance of any grading permit the owner shall have his arborist meet with his grading contractor to discuss the various arborist requirements during construction.

67. ____ Specific recommendations as stated in the arborist report and approved by the Planning Commission shall become requirements of the project and be completed prior to final occupancy.

68. ____ A minimum \$10,000 cash performance bond (or an amount deemed adequate by the Planning Director to insure that the heritage trees on site are protected and can be replaced, if required) shall be posted prior to issuance of improvement plans/grading permit to insure the preservation of trees during construction. The bond shall be posted in a form approved by the Town Attorney prior to issuance of any permits or any grading or movement of heavy equipment onto the site, whichever occurs first.

69. ____ No certificate of occupancy shall be issued until all conditions incorporated into this Conditional Use Permit are completed and accepted or approved by the Town.

70. ____ The hours for on-site construction shall be limited to Monday through Friday, 7 AM to 7 PM, and Saturday, 8 AM to 5 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.

71. ____ All lighting shall be shielded and directed on-site. A Detailed on-site exterior lighting plan, proposed by the owner of his lighting consultant, shall be reviewed and approved by the Planning Department and Town Engineer (for shielding, level of illumination for safety and coverage, design of fixtures in accordance with project and area of Town and possible decorative lighting visible from Taylor Road) prior to building permit issuance or improvement plan issuance, whichever occurs first. Said plan shall indicate fixture design, illumination, location, height and method of shielding, so as not to adversely affect adjacent properties. The lighting shall be installed prior to building final or any certificates of occupancy being issued.

72. ____ Sound wall design shall be in accordance with concept plan A-3 dated 8/04/05.

73. ____ At least 10 days prior to constructing fencing which is located adjacent to another property owner, the developer shall notify the adjacent property owner for comments and concerns. If the developer is unable to resolve the comments or concerns with fencing Planning Director shall resolve issues. Any fencing shall go around existing trees as approved by the Planning Director.

74. ____ 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.

75. ____ No parking space shall be offered for rent by the property owners or homeowners association.

76. ____ Garage and exterior parking spaces shall be maintained at all times so as to allow parking of one automobile per space (to be included in deed restrictions or similar document binding subsequent owners).

77. ____ If archaeological, historical, or paleontological features are discovered during construction, work

within 50 feet of the find shall be halted, and the Town of Loomis Planning Department shall be notified. A qualified archaeologist, historian, or paleontologist shall be retained at the developer's expense to conduct an on-site evaluation and provide recommendations for removal and/or preservation.

78. _____ At least one of the units on lots with the Carriage Units (22, 23, 28, 29, 2-10) shall be owner-occupied. This condition shall be placed as a deed restriction or similar document binding subsequent owners.

LANDSCAPING AND DESIGN – DESIGN REVIEW APPROVAL

79. _____ The owner shall construct the buildings as conceptually shown in the design plans (titled "Taylor Road Mix Use A-1 and A-2", " Taylor Road Retail and Housing, A-2 and "Sound Wall Details" by Patterson + Neff , dated 5/6/05, 6/4 and 8/4/05 respectively) presented to, reviewed by, and approved by the Planning Commission on December 20, 2005, and marked "CONCEPTUALLY APPROVED" in the project file. Final Approval shall be completed by the Planning Director in accordance with Planning Commission direction (crape mytles are not considered shade or street trees but may be used as accents), advice from the Town's architectural consultant and review of the General Plan/Master Plan and Zoning Ordinance requirements- as well as these conditions. Minor Modifications which do not have a material affect of the design of the project may be approved by the Planning Director so long as the Planning Director determines that they are in keeping with the Planning Commission's approval.

80. _____The maximum height of the single story garages shall be 16'. Maximum height of two story units shall be 26'.

81. _____ All heating, ventilation and air conditioning systems shall be screened from public view, as approved by the Planning Director (in accordance with the design of the project and the surrounding area). A roof plan shall be submitted with spot elevations showing location of all roof equipment including vents, stacks and skylights with the building permit submittals.

82. _____ Final landscaping plans shall be approved by the Planning Director in accordance with the Town Zoning Ordinance and the conceptual landscaping plans reviewed by the Planning Commission. The landscaping shall be installed in accordance with the requirements of the Town's Zoning Ordinance prior any building within a phase receiving final building approval or any certificates of occupancy. Minor Modifications which do not have a material affect of the design of the project landscaping may be approved by the Planning Director so long as the Planning Director determines that they are in keeping with the Planning Commission's approval. Plant materials shall consist of a mix of evergreen and deciduous trees, shrubs and groundcovers to provide design interest. Screening of all groundmounted utility equipment including air conditioners, transformers, backflow preventors, or other similar equipment shall be indicated on the plans. Said screening shall include the use, or combination, of shrubbery, berming or structures

83. _____ Detailed landscaping and irrigation plans stamped by a landscape architect or professional with similar qualifications shall be submitted and approved by the Planning Department as consistent with the approved plans and conditions of approval of the project prior to, or with, the submittal for building plan review. Explanation showing compliance with the Town's landscaping requirements shall be included on the plan.

84. _____ All landscape areas shall be maintained in a healthy, thriving condition, free from weeds, trash and debris. The owner shall enter into a landscape maintenance agreement with the Town prior to receiving final building approval or a certificate of occupancy

85. _____ Prior to issuance of final building approval, the landscape professional shall submit a written statement confirming compliance with approved plans and approval of materials and installation to the

Planning Department.

86. ____ A street tree plan shall be submitted to the Planning Director for review and approval consistent with these conditions and the Municipal Code at the time of submittal of improvement plans. When building permits are issued, the permittee shall purchase a copy of "Living among the Oaks - A Management guide for Landowners" to help him or her better preserve the existing oak trees.

87. ____ The owner shall dedicate the open space lot(s) to the Town. The area shall be marked in the field with permanent wrought iron fencing (and with temporary fencing protect the open space area during construction). Area for a tot lot shall be included in the open space (for use by the town if the Council determines a tot lot is desired at this location).

88. ____ The owner shall submit a master sign plan for the commercial project for the review and obtain approval of the Planning Director per the Sign Ordinance prior to issuance of the building permit/issuance of an occupancy permit. One free-standing monument-type sign shall be permitted for this project. The design of the monument sign shall be constructed of materials similar to those in the area and may be externally illuminated to conform to the existing signs in the downtown area. The individual building signs shall be consistent in location, color, size and style. The sign plan shall be submitted prior to receiving final building approval. Such signs shall only be lit by external lighting unless they are channel letters. Prior to construction of any sign, Owner must receive Planning Director approval of the plan.

89. ____ The trash dumpsters 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 owner shall subscribe to weekly refuse collection. The owner shall provide adequate, accessible, and convenient areas for collecting and loading commingled solid waste and recyclable materials.

90. ____ The owner shall be required to provide 1 parking space for each 250 square feet of area devoted to commercial (including office) use. Parking of any company vehicles shall be only if approved by the Planning Director if it can be found that adequate parking for the entire site is available or the company vehicle provides the main transportation for an employee. Property owner shall provide parking, open and available on site, for all employees. All employees shall park on site. Location of the parking and any gating of the parking is to be as approved by the Planning Director.

91. ____ The spaces shall be paved and striped and improved in accordance with the approved plans prior to issuance of the Certificate of Occupancy.

92. ____ Sign indicating extension of street to adjacent property shall be in place prior to first sales of residential properties.

FEES

93. ____ The owner shall pay the development fees (e.g. road circulation fees, drainage fees, community facilities fee, master plan fees and fire fees) in affect at the time of building permit issuance.

94. ____ Pursuant to Government Code Chapter 5 - Planning and Land Use 66000, the owner shall be responsible for reimbursement of all monitoring costs to insure compliance with conditions imposed upon the project incurred by the Town.