

**City of Citrus Heights  
Special Planning Commission Meeting  
February 26, 2020  
APPROVED Minutes**

**1. CALL SPECIAL MEETING TO ORDER (6:00 pm)**

Chair Schaefer called the Special Meeting to order at 6:04 PM.

**2. ROLL CALL**

**Commission Present:** Duncan, Ingle, Lagomarsino, Van Duker vice Chair Scheeler, Chair Schaefer

**Absent:** Flowers

**Staff Present:** Bermudez, Flores, Hodgkins, Jones, Kempenaar, McDuffee, Ramsay, Singer

**3. STUDY SESSION**

**A. Discussion of Old Auburn Complete Streets Plan**

Planning Manager Kempenaar, Traffic Engineer Leslie Blomquist and Fehr and Peers Project Manager Adrian Engle gave a presentation on Old Auburn Complete Streets Plan.

There were Planning Commission and staff questions and comments.

Chair Schaefer opened the public hearing for the study session.

There were no speakers.

Chair Schaefer closed the public hearing.

**4. ADJOURNMENT**

The Study Session for Old Auburn Complete Streets Plan was adjourned at 6:47 PM

**5. CALL REGULAR MEETING TO ORDER (7:00 PM)**

**6. ROLL CALL**

**Commission Present:**

Duncan, Ingle, Lagomarsino, Van Duker vice Chair Scheeler, Chair Schaefer

**Absent:** Flowers

**Staff Present:** Bermudez, Flores, Hodgkins, Jones, Kempenaar, McDuffee, Ramsay, Singer

**7. FLAG SALUTE**

Planning Commissioner Van Duker led the flag salute.

**8. PUBLIC COMMENT**

None

**9. CONSENT CALENDAR**

The meeting minutes for February 12, 2020 were approved as submitted.

**M/S:** Lagomarsino/Van Duker

**AYES:** (6) Duncan, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker,

**NOES:** (0)

**ABSENT:** (1) Flowers

Chair Schaefer continued agenda item 6C (Zoning Update – Accessory Dwelling Units) to the regular meeting of April 8, 2020.

**10. PUBLIC HEARING**

**A. CAREFIELD SENIOR CARE FACILITY – 8220 SUNRISE BOULEVARD:**

Project Planner Singer presented a request for approval of a Use Permit, Design Review Permit and Tree Permit application for the construction of an 80-unit, 88-bed Senior Care Facility, including 60 Assisted Living Units and 20 Memory Care Units. A Mitigated Negative Declaration was prepared for a similar project in 2008, and a Mitigated Negative Declaration Addendum has been prepared.

There was Planning Commission and staff discussion.

Chair Schaefer opened the public hearing.

Property owner, Steve Barklis and managing partner for Carefield Living, said that they have two other projects in development in Sacramento and have owned a property in Sacramento for five years.

Michael Morgan said he lives close to this project and has concerns regarding parking from visitors during holidays. Mr. Morgan also asked if this will always remain a Senior Care home or will it end up being something else? He also voiced concern that it could have an effect on our taxes.

Val Morgan said he had concerns regarding parking and is also asked if there would be fencing so no one wanders off site.

Chair Schaefer asked for clarification regarding the property being fenced.

Project Planner Singer replied that there would be fencing around the perimeter of the site.

Chair Schaefer closed the public hearing.

Chair Schaefer reopened the public hearing so that the applicant could address question.

The applicant confirmed that there would be fencing and that no resident would be outside unescorted.

Chair Schaefer closed the public hearing.

Commissioner Ingle said she had a question for the applicant regarding parking.

Chair Schaefer reopened the public hearing.

The applicant responded to the question stating that when they have special events they typically will shuttle staff. During holidays they would provide valet or shuttle people.

Chair Schaefer closed the public hearing and asked for Commission comments.

### **Commission Comments**

Commissioner Lagomarsino said this will be a great project for this area and great addition to this city.

Chair Schaefer commented that he likes the idea of shuttling employees so that parking is available for visitors. He is disappointed that they don't know what staff levels would be during the day, but other than that it is a great project.

Chair Schaefer called for a motion.

### **Motions**

1. Adopt Resolution No. 2020-05, approving the Mitigated Negative Declaration Addendum as complete and determine that the 2008 Mitigated Negative Declaration is appropriate for the proposed project.

M/S: Lagomasino/Scheeler

**AYES:** (6) Duncan, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker,

**NOES:** (0)

**ABSENT:** (1) Flowers

APPROVED  
Planning Commission Minutes  
February 26, 2020

2. Approve a Use Permit to allow for the operation of a Senior Care Facility (Medical Services – Extended Care) including 60 Assisted Living Units and 20 Memory Care Units, totaling 88 beds, based on the findings and conditions of approval contained in the staff report;

M/S: Lagomasino/Scheeler

**AYES:** (6) Duncan, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker,

**NOES:** (0)

**ABSENT:** (1) Flowers

3. Approve a Design Review Permit to allow for the construction of a 74,000 square foot facility on an existing 4.55-acre site based on the findings and conditions of approval contained in the staff report; and

M/S: Lagomasino/Scheeler

**AYES:** (6) Duncan, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker,

**NOES:** (0)

**ABSENT:** (1) Flowers

4. Approve a Tree Permit to remove 28 protected trees on site based on the findings and conditions contained in the staff report.

M/S: Lagomasino/Duncan

**AYES:** (6) Duncan, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker,

**NOES:** (0)

**ABSENT:** (1) Flowers

<b>CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (FILE # UP-19-02)</b>
--

1. The applicant shall comply with all City of Citrus Heights Codes and Regulations, including but not limited to the Citrus Heights Municipal Code and Zoning Code, Uniform Building Code; Uniform Fire Code and Sacramento County Environmental Health Department standards. [Planning]
2. The project is approved as described in the staff report and as shown in Attachment 8 and described in the Applicant's project description and shall conform to all conditions of approval and exhibits included within this project; File # UP-19-02 and DRP-19-05 for the construction of a 74,000 square foot assisted living facility including 80 senior care units located at 8220 Sunrise Boulevard. The total number of patient beds shall not exceed 88 beds. [Planning]

3. The Use Permit approval is valid for two years. The Use Permit will expire on February 26, 2022 unless the permit is effectuated or a time extension has been granted. [Planning]
4. Prior to occupancy, the applicant shall supply the city documentation of the State license to operate an assisted living facility at the proposed location. Any modifications to the State license shall require Planning Division approval. [Planning]
5. Developer agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this permit challenging the validity of the Agreement or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Agreement. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein. [Planning]

**CONDITIONS OF APPROVAL FOR DESIGN REVIEW PERMIT (FILE # DRP-19-05)**

1. The applicant shall comply with all City of Citrus Heights Codes and Regulations, including but not limited to the Citrus Heights Municipal Code and Zoning Code, California Building Standards. [Planning]
2. The project is approved as described in this report and as shown in Attachments 1 through 9 and described in the Applicant's project description and shall conform to all conditions of approval and exhibits included within this project; File # UP-19-02 and DRP-19-05 for the construction of a 74,000 square foot assisted living facility including 80 senior care units located at 8220 Sunrise Boulevard. The total number of

APPROVED  
Planning Commission Minutes  
February 26, 2020

- patient beds shall not exceed 88 beds. [Planning]The project is approved as shown in Attachments 7 & 8 and as conditioned or modified below. The project shall comply with the requirements of all agencies including service providers. [Planning]
3. Minor modifications to the design of the project, including site layout, colors and materials, may be approved by Community Development staff, provided such changes are consistent with the overall design as approved herein. Major modifications will require Planning Commission approval. [Planning]
  4. This Design Review Permit approval does not include any signs. All sign plans must receive separate review and approval by the Planning Division prior to installation of any new signs. [Planning]
  5. All outdoor lighting including parking lot lighting shall be designed with full shields, and cut off flat lenses to ensure that all light from any fixture will not direct light skyward, and will minimize light pollution consistent with section 106.35 of the Zoning Code. Flood lights are strictly prohibited. [Planning]
  6. Rooftop equipment shall be screened from public view subject to Planning Division Approval. [Planning]
  7. Any plans submitted to the Building Division for review and approval shall indicate all approved revisions/alterations as approved by the Planning Commission. [Planning]
  8. The applicant shall comply with all mitigation measures outlined in the Staff Report, Mitigated Negative Declaration Addendum, and Mitigation Monitoring Plan as listed below:
    - **BIO 1:** Schedule tree removal and ground-clearing activities prior to the initiation of nesting activity (April) or after fledging (August)  
If this is infeasible, conduct pre-construction surveys between February 15 and August 15 in potential nesting habitat to identify nest sites. If an active raptor nest is observed within 350 feet of the project site, contact CDFG and establish a 350-foot buffer around the nest tree. Prohibit construction activities in the buffer zone until the young have fledged. [Planning]
    - **BIO 2:** The contractor shall adhere to all requirements included in the relevant project permits and approvals as applicable such as the Stormwater Pollution Prevention plan National Pollutant Discharge Elimination System permit, and/or other permits and approvals from

the City of Citrus Heights pertaining to water quality requirements. [Planning]

- **BIO 3:** Standard construction best management practices will be implemented throughout construction in order to avoid and minimize adverse effects to the water quality within the project site. Appropriate erosion control measures will be used (e.g., hay bales, filter fences, vegetative buffer strips or other accepted equivalents) to reduce siltation and contaminate runoff from the construction areas into the wetland or unnamed drainage. [Planning]
- **BIO 4:** Prior to construction, a biologist approved by the City of Citrus Heights shall designate environmentally sensitive areas on the project site to include any wetland and unnamed drainage. The biologist will demarcate the boundaries of the environmental sensitive areas with flagging. To ensure that construction equipment and personnel do not affect these environmentally sensitive areas, the contractor will erect orange barrier fencing or other similar approved fencing to clearly define their boundaries. [Planning]
- **BIO 5:** The environmentally sensitive areas will be off limits to construction activities including grading and clearing and grubbing. No construction personnel or equipment will be allowed in the environmentally sensitive areas. No parking of vehicles or storage of construction equipment, materials, or chemicals such as oil or gasoline will be allowed within the environmentally sensitive area. [Planning]
- **BIO 6:** All construction personnel will be notified of the environmentally sensitive areas on the project site and will be instructed regarding the avoidance and minimization measures included in the project approvals. [Planning]
- **BIO 7:** If construction of the project cannot avoid impacts to the environmentally sensitive area, the U.S. Army Corp of Engineers should be contacted regarding the potential need for a Section 404 Permit and the Department of Fish and Game should be notified under the Lake and Streambed Alteration Program (1600) regarding the potential need for a Streambed Alteration Agreement. If a Nationwide Permit is required, a Water Quality Certification (401 Permit) will also be required from the Regional Water Quality Control Board. [Planning]
- **BIO 8:** The applicant shall submit a final Tree Impact Assessment. The tree impact assessment report shall include all preservation measures,

including details for modified curbs and paving that the applicant shall undertake during construction to ensure the long-term health and safety of the trees. The impact assessment report shall take into account improvement plans that show any encroachment into the drip-lines of any protected trees. [Planning]

- **CULTURAL 1 (amended to reflect recent legislation):** If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for precontact and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.

If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the lead federal agency, the City of Citrus Heights, and applicable landowner. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to their satisfaction.

If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Sacramento County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for

the project (§ 5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the Public Resources Code).

This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction. [Planning]

- **NOISE 1:** Mechanical ventilation shall be provided to allow occupants to close windows and doors in order to achieve the desired acoustical isolation. [Planning]

#### **Prior to Issuance of Building Permit**

9. Final detailed landscaping and irrigation plans for the project site shall be submitted to Planning staff prior to issuance of any building permits. [Planning]
10. A Final Tree Impact Assessment shall be submitted and approved by the Planning Division prior to issuance of any building permits. The Impact Assessment shall assess construction impacts to the existing trees as well as outline construction methods that shall be used to protect the trees during construction of the project. [Planning]
11. The design and materials for any proposed retaining walls shall be approved by the Planning and Engineering Divisions prior to issuance of building permits. Anti-graffiti coating is required. [Planning]
12. Prior to issuance of building permits, Development Impact Fee shall be paid. Rates shall be calculated during the building permitting process. [Engineering]
13. The following dedications shall be completed prior to issuance of the Building Permit:

APPROVED  
Planning Commission Minutes  
February 26, 2020

- a. Dedicate 18-ft wide Public Utilities & Pedestrian Easement (PUPE) along Sunrise Boulevard.
  - b. Dedicate additional Right-of-Way, if any, that is required to accommodate required frontage improvements along Sunrise Boulevard. This includes the future box culvert extension located at the NW corner of the parcel.
  - c. For the existing water line and the required 18-in SD pipe, dedicate a 15-ft wide water easement and a second 15-ft drainage easement along the east property line. The easements can overlay each other as long as there is a minimum 10-ft separation between pipes measured from outer walls of pipes.
  - d. Dedicate a minimum 15-ft wide Drainage Easement along the north property line for maintenance of the existing creek.
  - e. Dedicate a maintenance vehicle access easement for the city's crews to maintain the drainage facilities along the north and east property lines. This could be part of the fire lane access easement.  
[Engineering]
14. The owner must contact Permit Services Unit at [PermitServices@sacsewer.com](mailto:PermitServices@sacsewer.com) or by phone at (916) 876-6100 to determine if sewer impact fees are due. Fees are to be paid prior to the issuance of building permits. [SASD]
15. SASD requires each building on each lot with a sewage source to have a separate connection to SASD's sewer system. If there is more than one building in any single parcel and the parcel is not proposed for split, then each building on that parcel must have a separate connection to a private onsite sewer line or a separate connection to the SASD public sewer line. These improvements must be shown on the plans. [SASD]
16. SASD requires each building on each lot with a sewage source to have a separate connection to SASD's sewer system. If there is more than one building in any single parcel and the parcel is not proposed for split, then each building on that parcel must have a separate connection to a private onsite sewer line or a separate connection to the SASD public sewer line. These improvements must be shown on the plans. [SASD]
17. Show on the plans how Fire Lanes will be marked. Fire Lane identification shall be provided along the required fire access roadway. Fire Lane

- identification shall be in accordance with the Sacramento Metro Fire Districts Fire Prevention Standard #3 and the California Vehicle Code. Vehicle parking is prohibited on any street less than 28 feet in width. Vehicle parking is permitted on both sides of streets 36 feet or more in width. Roadway widths shall be measured between the gutter-line or edge of pavement on opposite sides of the road. Identification of fire apparatus access roadways may be required on private roads. [Fire]
18. All perimeter gates and fences shall be permitted and installed in accordance with the Sacramento County Emergency Access Gates and Barriers Standard. [Fire]
  19. Provide a note on the plan that reads, "Fire access roadways shall be built to bear a minimum of 80,000 pounds and meet the Sacramento County Public Works Standards for roadways." A report, prepared by a registered geotechnical engineer, verifying the ability of the road to bear the required minimum weight, shall be submitted with any plan indicating construction of roadway. Verification of constructed roadway shall be provided by a registered geotechnical engineer prior to final of the project. [Fire]
  20. The applicant shall meet the following: Civil Site Plans and Architectural Plans shall be submitted and approved prior to Final Building Permit being issued. Fire Service Underground, Fire Sprinkler and Fire Alarm plans shall be submitted prior to Final Building Permit being issued. Please note: The Sacramento Metro Fire District does not allow deferred submittals for Fire Sprinkler and/or Fire Alarm plans. [Fire]
  21. Approved numbers or addresses shall be placed on all new or existing buildings in such a position as to be easily read from the street or road fronting the property. The minimum size of the numbers shall not be less than twelve (12) inches and shall be mounted immediately adjacent to a light source and shall also contrast with their background. [Fire]

**Other Conditions of Approval**

22. The following frontage improvements are required along Sunrise Boulevard and shall be constructed per city Standards:
  - a. Separated 6-ft wide sidewalks (minimum 5-ft wide sidewalk with 6-in wide vertical curb over the existing SD box culvert at the NW corner of the parcel). Sidewalks shall meet all accessibility requirements.

APPROVED  
Planning Commission Minutes  
February 26, 2020

- b. Install a LID (Low Impact Design) storm drain inlet between the south side of the creek and the proposed north driveway to capture runoff along Sunrise Blvd. Please contact Engineering for design guidelines.
  - c. Type 2 (vertical) curbs and gutters.
  - d. Class II Bike Lane.
  - e. Street paving widening (as needed).
  - f. Two streetlights (Type A, LED).
  - g. Storm drain system as designed for the project.
  - h. At the NW corner of the parcel, the frontage improvements over the existing box culvert shall match the dimensions & improvements located along the west side of Sunrise Boulevard. However, the height of the existing headwall & rail will need to be modified to meet current accessibility requirements. It is the responsibility of the applicant to verify whether these modifications require permits from California Fish & Wildlife (CDFW) and/or U.S. Army Corps of Engineers (USACE). These frontage improvements do not appear to require an extension of the existing box culvert on the east side of the street in order to accommodate the new improvements. However, if during the design phase the box culvert needs to be extended; approvals from California Fish & Wildlife (CDFW) and/or U.S. Army Corps of Engineers (USACE) are required.
  - i. Proposed driveways shall be Type A (commercial) driveways.
  - j. Existing power poles may need to be relocated depending on layout of frontage improvements. [Engineering]
23. The south driveway shall be aligned with Eva Rita Court on the west side of Sunrise Boulevard. [Engineering]
24. The location of the proposed gate across the EVA (Emergency Vehicle Access) driveway shall be approved by Sacramento Metro Fire District and the city's Traffic Engineer to assure that use of the gate will not cause vehicle queuing problems onto Sunrise Boulevard. [Engineering]

APPROVED  
Planning Commission Minutes  
February 26, 2020

25. The EVA driveway should be designed in such a manner as not to be mistaken for a driveway into the project. [Engineering]
26. All masonry walls for this development, shall have anti-graffiti coating on sides that face the public streets and/or public open space. [Engineering]
27. Landscaping between the back of curb and sidewalk shall be maintained by the property owner. [Engineering]
28. Plantings adjacent to the driveways shall comply with the visibility restriction requirements per Detail 4-18 (Sac Co Imp Stds). [Engineering]
29. Site shall meet the pre- and post-construction Best Management Practices (BMP's) and Low-Impact Development (LID) design for Stormwater Quality Mitigation per State of California requirements. The city is a member of the Sacramento Stormwater Quality Partnership and uses their guidelines and requirements. [Engineering]
30. Property owner shall complete a storm-water maintenance declaration for the proposed stormwater treatment system(s) on the site. Declaration shall specify owner's ongoing maintenance responsibilities and allow periodic city inspections of the stormwater treatment devices. Declaration shall be executed prior to issuance of the Certificate of Occupancy for any building on site. [Engineering]
31. Project must comply with the State's Stormwater Trash Amendment requiring 100% trash capture of all trash, litter and debris that flows through the storm drain systems. Maintenance plan for the trash capture elements shall be included in the required stormwater maintenance declaration. [Engineering]
32. The project's post-development (proposed) stormwater runoff cannot exceed the pre-development (existing) runoff. [Engineering]
33. Project shall adhere to the State of California's General Construction Permit requirements. A Storm Water Pollution Prevention Plan (SWPPP) shall be reviewed and approved by the city's Engineering Division prior to any grading or construction on-site. [Engineering]
34. Submit a copy of the project's California Notice of Intent (NOI) to the city's Engineering Division prior to any grading or construction on-site. [Engineering]
35. Roof drains for the buildings shall not directly connect into the storm drain system. Downspouts shall flow to rain garden, landscaped areas, bio-

- swale, and/or other approved filtering methods before entering the city's storm drain system. [Engineering]
36. A trash enclosure shall be provided that is:
- a. Covered, prevents run on or run off, and drains to a sanitary sewer;
  - b. It is preferable to also have a hose bib connection to the water system to facilitate cleaning needs; and
  - c. If alternative trash handling is proposed, it must be clearly identified on the civil plans including location, capacities, and handling processes. [Engineering]
37. The walkway within the creek setback area shall be constructed of a permeable (DG, pavers, etc.) surface. [Engineering]
38. The development's stormwater runoff is proposed to discharge into the creek. The discharge into the creek shall be designed such that the slopes of the creek are protected from erosion. Rip-rap outfall or other similar protection is needed. Proposed erosion protection will likely require approvals from California Fish & Wildlife (CDFW) and/or U.S. Army Corps of Engineers (USACE). The applicant shall obtain required approvals from the CDFW and/or USACE or provide written notice from these agencies confirming project is exempt from permits. [Engineering]
39. Applicant is required to provide a drainage plan to identify how the additional drainage created by the proposed project will be properly routed to an approved public drainage facility or mitigated for the 100-year design storm. One method for compliance in lieu of the 100-year analysis is to incorporate additional Low Impact Development (LID) and Best Management Practice (BMP) features to reduce stormwater impacts. [Engineering]
40. The Zoning Creek Setback prohibits any structures within the setback area. Setback is calculated as 30 feet plus 2.5 time the depth of the creek/channel (as measured from the top of creek bank). [Engineering]
41. The emergency generator cannot be located within any easements because the generator may inhibit access for maintenance & repairs to the underground utilities. [Engineering]
42. Any work within the city's Right-of-Way (ROW) requires an Encroachment Permit from the General Services Department. [Engineering]

APPROVED  
Planning Commission Minutes  
February 26, 2020

43. A 12-inch water main will be required across the entire frontage of the property along the east side of Sunrise Boulevard with two tie-in connections across Sunrise Boulevard. [CHWD]
44. A looped water main design will be required for the site with two connections to the aforementioned 12-inch water main and at least one connection to the existing 10-inch water main. [CHWD]
45. An easement to the District will be required for District water facilities that are located within the parcel (if not dedicated as private by isolation backflow devices from the main along Sunrise Boulevard) but are outside of the public road Right of Way and Public Utility Easement. [CHWD]
46. A new metered domestic water service(s) will need to be installed to serve the property, size(s) dependent upon water demands. [CHWD]
47. A dedicated metered irrigation service will need to be installed to serve the property. [CHWD]
48. A backflow prevention device with insulated cage will be required for the metered irrigation service. [CHWD]
49. The existing on-site private water lines being served through the existing water service to be abandoned should be located and removed in their entirety and not abandoned in place. [CHWD]
50. Applicant agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this Permit challenging the validity of the Agreement or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Agreement. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to

pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein.

**CONDITIONS OF APPROVAL FOR TREE PERMIT (FILE # TP-19-58)**

1. **BIO 8:** The applicant shall submit a final Tree Impact Assessment. The tree impact assessment report shall include all preservation measures, including details for modified curbs and paving that the applicant shall undertake during construction to ensure the long-term health and safety of the trees. The impact assessment report shall take into account improvement plans that show any encroachment into the drip-lines of any protected trees. [Planning]
2. No activity within the dripline of any tree beyond that identified within this report is permitted without approval from the Planning Division as identified in Attachment 11. Only those trees identified as appropriate for removal, in accordance with Attachment 11 are authorized for removal, in accordance with the information provided earlier in this staff report. [Planning]
3. All recommendations contained in the Arborist Report shall be incorporated as part of these conditions except as modified herein. This includes:
  - Maintenance pruning to remove deadwood and excessive weight and minor clearance pruning;
  - Regrading and mulching as indicated;
  - Deep root fertilization; and
  - Installation of cable system when called for. [Planning]
4. The conditions of approval shall be distributed to all contractors and subcontractors who have access to the site. It is the responsibility of the property owners and contractor to inform all subcontractors of the tree preservation requirements. [Planning]

**Prior to Issuance of a Building Permit**

5. A fencing plan shall be shown on the approved site plan demonstrating the dripline for the affected trees. The fencing plan shall be reviewed and

approved by the Planning Department prior to the placement of the protective fencing. [Planning]

6. The applicant shall install a minimum of a five-foot high chain link fence (or acceptable alternative) at the outermost edge of the dripline of the trees. Signs must be installed by the applicant on the temporary fence at least two (2) equidistant locations to be clearly visible from the front of the lot. The size of each sign shall be a minimum of two feet (2') by two feet (2') and must contain the following language:

“WARNING  
THIS FENCE SHALL NOT BE REMOVED OR  
RELOCATED WITHOUT WRITTEN  
AUTHORIZATION FROM THE PLANNING DEPARTMENT”

[Planning]

7. The applicant shall contact the Planning Department to inspect and approve the temporary fencing and signs around the protected zones before beginning any construction. [Planning]
8. All pruning shall be completed prior to the beginning of construction. Pruning shall be done by an Arborist or under the direct supervision of a Certified Arborist, in conformance with International Society of Arboriculturalists (I.S.A.) standards. [Planning]
9. Any watering or deep root fertilization which the arborist deems necessary to protect the health of the trees due to the construction impacts shall be completed by the applicant, prior to occupancy. [Planning]
10. A utility trenching plan shall be submitted which demonstrates that the trenching-pathway for all utilities will be located outside the dripline of all retained trees. If this mitigation is not feasible other mitigation measures offered by a certified arborist and accepted by the Community Development Director must be made. [Planning]
11. Replacement planting of trees shall be completed so that for each inch of protected tree removed, a replacement 15-gallon size tree shall be planted in its place within the subject property. The applicants must submit a planting plan to the city to the satisfaction of the Community Development Director or pay into the city's tree preservation fund (\$298 per inch of diameter). [Planning]

**During Construction and Prior to Issuance of an Occupancy Permit**

12. Following completion of landscape installation and prior to issuance of occupancy permits for any buildings, the Landscape Architect shall certify that:
  - a. Soil has been tested and prepared as necessary based on the Soils Analysis;
  - b. The irrigation has been installed compliant with the Zoning Code and the Model Water Ordinance and approved landscape plan; and
  - c. Tree planting sites shall comply with the minimum soil volume as identified in the Zoning Code and landscape plan. [Planning]
13. The following information must be located on-site during construction activities:
  - Arborist's report
  - Approved site plan including fencing plan
  - Conditions of approval for the Tree Permit
14. To avoid root injury, any excavation within the dripline shall be conducted with hand tools. [Planning]
15. A certified arborist shall monitor any excavation within the dripline of any tree. [Planning]
16. All finished grading shall ensure that no water will collect within the dripline of any native oak tree. [Planning]
17. Submit and receive approval of a Landscape and Irrigation Plan for any landscaping within the dripline of any oak tree. Only low-water usage plantings may be planted under the dripline of any oak tree. [Planning]
18. If any native ground surface fabric within the dripline must be removed for any reason, it shall be replaced within forty-eight (48) hours. [Planning]
19. Storage of materials, equipment and vehicles is not permitted within the dripline of any oak tree. Vehicles and other heavy equipment shall not be operated within the dripline of any oak tree. [Planning]
20. The certified arborist shall immediately treat any severed or damaged roots (NOTE: Without exception, all digging shall be done using hand

APPROVED  
Planning Commission Minutes  
February 26, 2020

- tools, no machine trenching shall be allowed in the dripline of any oak tree). Minor roots less than one (1) inch in diameter may be cut, but damaged roots shall be traced back and cleanly cut behind any split, cracked or damaged area. Major roots over one (1) inch in diameter may not be cut without approval of an arborist and any arborist recommendations shall be implemented. [Planning]
21. The temporary fencing shall remain in place throughout the entire construction period and shall not be removed without obtaining written authorization from the Planning Department. In no event shall the fencing be removed before the written authorization is received from the Planning Department. [Planning]
  22. Within 5 days of the completion of the construction, a Certification Letter from a certified arborist shall be submitted to and approved by the Planning Department. The certification letter shall attest to all of the work (regulated activity) which was conducted in the dripline of the trees, either being in conformance with this permit or of the required mitigation still needing to be performed. [Planning]
  23. Applicant agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this Permit challenging the validity of the Permit or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Permit. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein.

**B. TENTATIVE COMMERCIAL SUBDIVISION AND CONDOMINIUM CONVERSION USE PERMIT – 7916-PEBBLE BEACH DRIVE:** Project Planner Singer presented a request for approval of a Tentative Commercial Subdivision and Condominium Conversion Use Permit for the conversion of an existing office building into twelve (12) parcels (11 parcels for individually owned office units and one common area. The project is Categorically Exempt from CEQA under Section 15301 (k) which relates to Subdivision of Existing Facilities.

There was Planning Commission and staff discussion.

Chair Schaefer opened the public hearing.

Applicant Representative Kyle Brinklin said that typically practices are passed down over time and sold off to the younger generation of dentists. Many dentists want to own the facility that they are in or the air space that they currently occupy. This provides a vested interested.

Chair Schaefer closed the public hearing and asked for Commission comments.

### **Commission Comments**

Chair Schaefer said this type of arrangement creates a vesting in the community by the business owner and I think this is a reasonable measure to take.

Chair Schaefer called for a motion.

### **Motions**

1. Adopt Resolution 20-06 finding that the project is Categorically Exempt from CEQA per Section 15301 (k) of the California Environmental Quality Act (Subdivision of Existing Facilities);

M/S: Lagomasino/Duncan

**AYES:** (6) Duncan, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker,

**NOES:** (0)

**ABSENT:** (1) Flowers

2. Approve the Tentative Commercial Subdivision Map to allow the split of an existing parcel into 12 separate parcels (11 individual office suites and 1 common area parcel), based on the findings and conditions of approval contained in the staff report; and

M/S: Duncan/Scheeler

**AYES:** (6) Duncan, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker,  
**NOES:** (0)  
**ABSENT:** (1) Flowers

3. Approve the Conditional Use Permit for the Pebble Beach Condo Conversion located at 7916 Pebble Beach Drive subject to the findings and conditions of approval contained in the staff report.

M/S: Duncan/Scheeler  
**AYES:** (6) Duncan, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker,  
**NOES:** (0)  
**ABSENT:** (1) Flowers

**CONDITIONS OF APPROVAL FOR TENTATIVE COMMERCIAL SUBDIVISION MAP AND CONDITIONAL USE PERMIT (FILE # TT-19-01 & UP-19-06)**

1. This approval is for a Tentative Commercial Subdivision Map and Conditional Use Permit as shown in the exhibits submitted to the Planning Division on December 12, 2019. [Planning]
2. The Tentative Map approval shall be effectuated within a two (2) year period from this date and if not effectuated shall expire on February 26, 2022.
3. The project is approved as shown in Attachment 3 and as conditioned or modified below.
4. Prior to recordation of the final map, the applicant shall create (or update any existing) Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and Common Area Operating and Maintenance (CAM) Agreement and submit them to the city for City Attorney review and approval. The CC&Rs and/or CAM shall reflect the shared utility cost arrangement for each office suite. Applicant shall have the approved updated CC&Rs and CAM Agreement recorded with the Sacramento County Recorder's Office concurrent with the final map. The City Attorney can modify this requirement as necessary to reflect ownership changes or CC&R modifications [Planning]
5. The applicant shall dedicate reciprocal access, parking, sewer, water, use and drainage easements on the Final Map to address roadways, drive aisles, and other common areas including recreation facilities as required by the Community Development Director. [Planning]

6. Any physical changes to the project which are required to bring it into compliance with any section of the City Condominium Conversion Ordinance or Building Code requirement shall be accomplished prior to approval of the final Condominium Map. [Planning]
7. Prior to recordation of the final map, the applicant shall update the map to reflect any utility easements necessary for cross-parcel utility access. [Planning]
8. Developer agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this permit challenging the validity of the Agreement or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Agreement. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein. [Planning]

**C. ZONING UPDATE – ACCESSORY DWELLING UNITS:** Project Planner Bermudez presented a review of updates to Chapter 106.42.015 and 106.80.020 of the city's Zoning Code. Updates are necessary to bring the city's Zoning Code in conformance with state regulations in regard to accessory dwelling units. A complete list of changes can be obtained from the Planning Division. The project is Categorically Exempt from CEQA under Section 15282 (h) which exempts ordinances amendments for accessory dwelling units from environmental review. **THIS ITEM WAS CONTINUED TO THE NEXT MEETING OF APRIL 8, 2020.**

## 11. REGULAR CALENDAR

### A. GENERAL PLAN REPORT – ERIC SINGER

Project Planner Singer presented the 2019 General Plan Annual Progress Report.

.There was Planning Commission and staff discussion.

#### **Motion**

Staff recommends that the Planning Commission recommend that the City Council approval the 2019 General Plan Annual Progress Report and direct staff to forward the report to the appropriate state agencies in accordance with Government Code Section 65400.

**M/S:** Scheeler/Lagomarsino

**AYES:** (6) Duncan, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker,

**NOES:** (0)

**ABSENT:** (1) Flowers

### B. PLANNING MANAGER COMMENTS

Planning Manager Kempenaar reminded the Commission of the Joint City Council and Planning Commission meeting that will be held on March 12 at 5:00 PM.

## 2. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:05 PM to the next meeting of April 8, 2020.

Respectfully Submitted,

Karen Ramsay  
Planning Commission Secretary