

# APPROVED

## City of Citrus Heights

### Planning Commission Meeting Minutes October 23, 2019

#### 1. CALL MEETING TO ORDER

Chair Lagomarsino called the meeting to order at 7:00 PM.

#### 2. ROLL CALL

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

**Staff Present:** Hodgkins, Jones, Kempenaar, McDuffee, Ramsay

#### 3. FLAG SALUTE

Commissioner Ingle led the flag salute.

#### 4. PUBLIC COMMENT

None

#### 5. CONSENT CALENDAR

The meeting minutes for June 26, 2019 were approved as submitted.

**M/S:** Scheeler/Schaefer

**AYES:** (7) Duncan, Flowers, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker

#### 6. PUBLIC HEARING

##### A. SENIOR AFFORDABLE APARTMENTS – 12057 FAIR OAKS

**BOULEVARD:** Project Planner Kempenaar presented a request for approval to construct a 110-unit affordable senior apartment complex on three parcels containing an existing single family home and orchard. The project includes a Rezone to change the zoning from RD10 to RD20. The project also requires a Design Review Permit for the apartment development as well as concessions and a density bonus and affordable housing agreement related to the affordable housing. The project includes a Tree Permit for the removal of several protected trees.

There was Planning Commission and staff discussion.

APPROVED  
Planning Commission Minutes  
October 23, 2019

Chair Lagomarsino opened the public hearing.

Applicant Craig Myers addressed the Planning Commission's questions.

Scott and Tom Balash spoke in opposition to the project and have concerns regarding parking.

Stan Frank discussed his concerns about how his property development would be impacted by this project.

Mike Gorenberg discussed his concerns about how his property development would be impacted by this project.

Joan Pederson spoke in support of this project and said she is impressed with this organization, but has reservations about Celine Drive access.

Barbara Sorensen had concerns regarding the need for a traffic light on Fair Oaks.

Steven Justenson spoke in opposition to this project.

Meredith Lattin submitted a letter of opposition to this project.

Dawn Lea Kahane submitted a letter with concerns regarding the plan to build three-story apartments.

Tom Balash submitted a letter in opposition of the project and noted that it is not compatible with the surrounding environment.

Chair Lagomarsino closed the public hearing.

### **Commission Comments**

Commissioner Ingle commented that the apartments are a good fit for that location and senior apartments are very well managed. She does have some parking concerns but overall it is a great project.

Commissioner Duncan said that all cities need senior housing and this is better than what is there now.

Vice Chair Schaefer said that if the project meets the General Plan and Zoning Code requirements it should get approved. The speeding and parking concerns should be addressed with the Police Department.

Commissioner Scheeler said he echo's Commissioner Ingles comment and added that there is a need for senior housing and this is a quality project.

Commissioner Flowers said that we really need to think for the future and this meets the requirements of the General Plan so she is in support of this project.

Commissioner Van Duker said that this property would be developed anyway and this is better than alternatives.

Chair Lagomarsino said that there is a need for senior housing and he cannot find any fault with this project.

Chair Lagomarsino called for a motion.

### **Motions**

1. Recommend that the City Council adopt the resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring Plan as shown in Attachment 2.
2. Recommend that the City Council adopt the ordinance approving a Rezone from RD-10 to RD-20 as shown in Attachment 3.
3. Recommend that the City Council adopt the resolution approving a Design Review Permit and granting a density bonus and three concessions to allow the construction of 110-unit senior affordable housing project based upon the findings and conditions of approval listed in Attachment 4.
4. Recommend that the City Council approve a Tree Permit to allow the removal of several trees subject to the findings and conditions of approval contained in Attachment 4.

M/S: Flowers/Duncan

AYES: (7) Duncan, Flowers, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker

### **Exhibit A to Attachment 4 Fair Oaks Affordable Senior Apartments Conditions of Approval**

#### **CONDITIONS OF APPROVAL FOR THE DESIGN REVIEW PERMIT DRP 18-05**

1. The project requires final action by the City Council including but not limited to the review and approval of the Rezone, Design Review Permit, the granting of three concessions to allow parking within the

DRAFT  
Planning Commission Minutes  
October 23, 2019

setback, require 11.6-percent less parking, and to allow the fire department turnaround within a landscape planter area and the approval of the Affordable Housing Agreement. (Planning)

2. The Design Review Permit approval shall be exercised within a two (2) year period from the date of final approval and if not exercised shall expire. (Planning)
  3. The project shall be operated and managed as described within the staff report including an on- site live-in property manager and resident services shall be provided as described in Attachment
12. (Planning)

4. This project is approved as shown in Attachment 11 and discussed in the Staff report, and as conditioned. (Planning)
5. The project shall comply with the Mitigation and Monitoring Plan as depicted in Attachment 2b. The following measures must be complied with as outlined in the Mitigation and Monitoring Program and summarized below:
  - a. Mitigation Measure 1- Prior to commencement of grading and/or building construction, the City of Citrus Heights shall ensure that site plan notes include requirements for the contractor to implement the following Basic Construction Emission Control Measures.
  - b. Mitigation Measure 2 - Prior to any activity occurring on the site, a qualified botanist shall conduct a pre-construction survey and proceed in compliance with the mitigation measure
  - c. Mitigation Measure 3- A qualified biologist should conduct a pre-construction survey for special-status bat species, including pallid bat and silver haired bat, within 14 days prior to ground disturbing activities and proceed in compliance with the mitigation measure
  - d. Mitigation Measure 4 - If construction activities within the Study Area begin during the nesting season (February 15 to August 31), a qualified biologist should conduct a pre- construction survey of the project footprint, where accessible, for active nests and proceed as outlined in the mitigation measure.
  - e. Mitigation Measure 5 - Prior to construction of the project, the applicant shall prepare a Tree Protection and Replacement Plan that addresses each onsite tree that is protected under the city's Tree Preservation and Protection Ordinance and proceed as outlined in the mitigation measure.
  - f. Mitigation Measure 6- 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 and proceed as outlined in the mitigation measure.
- g. Mitigation Measure 7 – The two buildings nearest to Fair Oaks Boulevard shall install windows with an STC rating of 32 as outlined in the mitigation measure
  - h. Mitigation Measure 8 – The applicant shall comply with the construction related noise mitigation as outlined in the mitigation measure.
  - i. Mitigation Measure 9 – The applicant shall submit a Construction Traffic Management Plan (plan) to minimize traffic impacts to public streets and maintain a high level of safety for all roadway users, as outlined in the mitigation measure.
6. The project shall comply with all requirements of all servicing agencies of the City of Citrus Heights including but not limited to Sacramento Metropolitan Fire District, Citrus Heights Water District, Sacramento Area Sewer District, and with the implementation measures of the Sacramento Metropolitan Air Quality Management District (SMAQMD) *Basic Construction Emission Control Practices*.

#### **Prior to Issuance of Improvement Plans**

- 7. The applicant shall provide written evidence of compliance with the mitigation and monitoring plan and all conditions of approval
- 8. The applicant shall submit for review and approval, improvement plans that depict the following:
  - Fair Oaks Boulevard*
    - a. Construct the following frontage improvements: street paving widening with Class II bike lane, vertical curbs, gutters, 6-ft wide separated sidewalks, one streetlight (Type A, LED), and any storm drain system.
    - b. Dedicate any additional Right-of-Way (ROW) needed for frontage improvements. The separated sidewalk may require a Pedestrian Easement if portions of the sidewalk are located outside of the ROW.
    - c. Dedicate a minimum 18-ft wide Public Utilities Easement (PUE) along Fair Oaks Blvd. PUE shall be located west of new ROW limits.
    - d. Property owner shall maintain all landscaping along Fair Oaks Blvd.
    - e. Landscaping, signs, and structures located near the driveway and Fair Oaks Blvd shall meet the visibility restriction height requirements per Citrus Heights Municipal Code

DRAFT  
Planning Commission Minutes  
October 23, 2019

106.30.060.E. The 30" maximum height shall be measured from roadway elevation.

- f. The private street shall be aligned with Walnut Hill Way (located on the east side of Fair Oaks Blvd).

*Celine Drive*

- a. Construct the following frontage improvements: street paving, rolled curbs, gutters, sidewalks (width shall match existing sidewalks, and any storm drain system).
  - b. Install sign indicating the private the north end of Celine Drive.
  - c. Dedicate any additional Right-of-Way (ROW) required for frontage improvements. ROW to extend to proposed access gate.
  - d. Dedicate a minimum 12.5-ft wide Public Utilities Easement (PUE) along Celine Drive. PUE shall be located east of the new ROW limits.
  - e. Provide accessible path of travel onto Celine Drive. A pedestrian gate is shown adjacent to the vehicle access gate. This gate shall connect the public sidewalk along Celine Drive to the on-site pathway system.
  - f. At the north end of Celine Drive, accessible ramps on the east and west sides of the street shall be installed to provide accessible connection to both sides of Celine Drive. (GSD)
9. Demonstrate that the site meets the pre and post Best Management Practices (BMP's) for Stormwater Quality Mitigation per State of California requirements and the project's post-development (proposed) stormwater runoff cannot exceed the pre-development (existing) runoff. (GSD)
10. Submit and receive approval of a Storm Water Pollution Prevention Plan (SWPPP) and California's Notice of Intent (NOI). The project shall adhere to the State of California's General Construction Permit requirements. (GSD)
11. Any work within the City's Right-of-Way (ROW) requires an Encroachment Permit from the General Services Department. (GSD)
12. Prior to beginning any construction activities (including demolition and grading) on-site, the applicant shall submit and receive approval of a Construction Management Plan. This Plan should address measures that will be taken to ensure public safety during construction. At a minimum this Plan shall include a fencing plan and a circulation plan for equipment and vehicles during construction. The plan shall include a screening plan to screen equipment and storage onsite, subject to Planning Division approval. (Planning)

13. SASD Design Standards require 6-inch service laterals for multi-family parcels. The existing 4- inch service lateral must be upsized to a 6-inch service lateral with a manhole installation. Any construction and/or modification to the public sewer system shall be required to the satisfaction of SASD prior to the approval of improvement plans. SASD Design Standards apply to any onsite and offsite sewer construction. (SASD)
14. SASD requires each building on each lot with a sewage source to have a separate connection to the 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 shall have a separate connection to a private onsite sewer line or a separate connection to the SASD public sewer line. (SASD)
15. Demonstrate compliance with SMUDs design criteria:
  - a. SMUD has existing overhead \_12 and 69\_kV facilities along the northern property boundary, Fair Oaks Blvd and on the project site that will need to remain. The Applicant shall be responsible for maintaining all CalOSHA and State of California Public Utilities Commission General Order No. 95 safety clearances during construction and upon building completion. If the required clearances cannot be maintained, the Applicant shall be responsible for the cost of relocation
  - b. Structural setbacks less than 14-feet shall require the Applicant to conduct a pre- engineering meeting with all utilities to ensure property clearances are maintained.
  - c. Any necessary future SMUD facilities located on the Applicant's property shall require a dedicated SMUD easement. This will be determined prior to SMUD performing work on the Applicant's property.
  - d. In the event the Applicant requires the relocation or removal of existing SMUD facilities on or adjacent to the subject property, the Applicant shall coordinate with SMUD. The Applicant shall be responsible for the cost of relocation or removal.
  - e. SMUD reserves the right to use any portion of its easements on or adjacent to the subject property that it reasonably needs and shall not be responsible for any damages to the developed property within said easement that unreasonably interferes with those needs.
  - f. The Applicant shall not place any building foundations within 5-feet of any SMUD trench to maintain adequate trench integrity. The Applicant shall verify specific clearance requirements for other utilities (e.g., Gas, Telephone, etc.).

DRAFT  
Planning Commission Minutes  
October 23, 2019

- g. In the event the city requires an Irrevocable Offer of Dedication (IOD) for future roadway improvements, the Applicant shall dedicate a 12.5-foot public utility easement (PUE) for overhead and/or underground facilities and appurtenances adjacent to the city's IOD.
  - h. The Applicant shall comply with SMUD siting requirements (e.g., panel size/location, clearances from SMUD equipment, transformer location, service conductors). The Applicant shall provide separate SMUD service points to each parcel to the satisfaction of SMUD.
  - i. The Applicant shall dedicate a 12.5-foot public utility easement for overhead and/or underground facilities and appurtenances adjacent to all public street rights-of-ways.
  - j. The Applicant shall dedicate any private drive, ingress and egress easement, (and 10- feet adjacent thereto) as a public utility easement for (overhead and) underground facilities and appurtenances. All access roads shall meet minimum SMUD requirements for access roads.
  - k. The Applicant shall dedicate and provide all-weather vehicular access for service vehicles that are up to 26,000 pounds. At a minimum: (a) the drivable surface shall be 20-feet wide; and (b) all SMUD underground equipment and appurtenances shall be within 15-feet from the drivable surface. (SMUD).
16. A water main shall be provided that runs through the property and is isolated from the District water mains via backflow device(s), creating a "private" system within the project property. Connection point(s) to the District's water distribution system will be determined during the plan review process. (CHWD)
17. Fire Protection and related water facilities shall be approved by CHWD and Sac Metro Fire. (CHWD)
18. A domestic metered water service(s) with backflow device (size and quantity of services determined by water demand calculations by the developer's engineer) to provide water to the property. Connection point(s) for domestic service(s) will be determined during the plan review process. (CHWD)
19. A separate dedicated metered water service(s) with backflow device for landscape/irrigation purposes at the property. (CHWD)
20. Installation of the water distribution system modifications will be by the developer's contractor at the developer's expense. (CHWD)
21. Any easements granted to the District for the water facilities will be



prepared by the developer at the developer's expense. (CHWD)

22. Comply with all requirements of the Sacramento Fire Metropolitan Fire District. (SMFD)

### **Prior to Issuance of Building Permits**

23. Prior to issuance of a Building Permit, file an application to be located in the Citrus Heights Postal Delivery Boundary, subject to Planning Division approval (Planning).
24. The applicant shall enter into an affordable housing agreement with the city as required by Section 106.32.100. The agreement shall be recorded at the County Recorder's Office prior to the issuance of a Building Permit for the dwelling units. (Planning)
25. Parking stall dimensions shall meet or exceed the minimum dimensions contained in the Citrus Heights Zoning Code. All parking stalls shall be double striped as required by the Zoning Code. All parking areas shall meet the minimum shade requirements of the Zoning Code. (Planning)
26. The project shall comply with the Outdoor Lighting Ordinance. All on-site external lighting shall be designed to have no off-site glare. All light fixtures shall have full cut-off lenses and be dark sky friendly. Floodlights are not permitted. Lighting cut-sheets are required prior to issuance of Building Permit. (Planning)
  - a. The applicant shall submit a final Landscape Plan that demonstrates all landscaping complies with the requirements of the Zoning Code including water efficient landscape requirements, shading requirements, and landscape area requirements. (Planning)
27. Prior to final of each building permit, submit written documentation identifying compliance with the Greenhouse Gas Reduction Plan. (Planning)
28. Prior to issuance of a building permit, the applicant shall record an acknowledgement or other document approved by the City Attorney which requires compliance with Section 106.36.070.C of the Zoning Code related to changes in occupancy or operations which would lead to the need for additional parking. (Planning)
29. Submit a detailed landscape plan for the Fair Oaks Boulevard Driveway that demonstrates compliance with the required site distance requirements specified in the Traffic Impact Analysis, subject to city review and approval. (Planning)

DRAFT  
Planning Commission Minutes  
October 23, 2019

30. Prior to issuance of the first building permit, the applicant shall record a lot line adjustment with APN 233-0430-014 to preserve the existing Cypress trees, subject to Planning Division approval. (Planning).
31. Merge the three existing parcels into a single parcel, subject to Engineering Division approval. (GSD)
32. Prior to recordation of the lot merger or prior to issuance of the first building permit (whichever is first), the applicant shall record, in a form approved by the City Attorney, an access easement benefitting 12023 Fair Oaks Boulevard (APNs: 233-0043-003, -004, and/or -005), which easement shall have effect only at such time as the owner of 12023 Fair Oaks Boulevard is willing to record a reciprocal access easement, in a form approved by the City Attorney, benefitting the applicant for the same purpose, as described below.

The purpose of the reciprocal access easements is to allow a shared access to the Fair Oaks Senior Apartments driveway on Fair Oaks Boulevard. The city will require the owner of 12023 Fair Oaks Boulevard to record a reciprocal access easement benefitting Fair Oaks Senior Apartments at such time as the owner of 12023 Fair Oaks Boulevard seeks entitlements from the city. The city shall retain discretion on whether to proceed with implementation of the easement based on whether the proposed use is compatible with the Fair Oaks Senior Apartments. At a minimum, the access easement provided by applicant shall:

- a. Allow for a shared driveway on Fair Oaks Boulevard between the Fair Oaks Senior Housing site and 12023 Fair Oaks Boulevard at such time as 12023 Fair Oaks Boulevard seeks entitlements from the city.
- b. Allow for through access from the west side of 12023 Fair Oaks Boulevard to the driveway on Fair Oaks Boulevard.
- c. Allow for the property owner at 12023 Fair Oak Boulevard to construct the necessary improvements to result in a shared driveway, including the removal of landscaping and any other physical improvements, and construction necessary to achieve the above purpose.
- d. Allow for a minimum aisle width of 24'.
- e. Allow for reciprocal access between the project site and 12023 Fair Oaks Boulevard upon completion of the shared driveway.
- f. The applicant shall be responsible for City's costs of reviewing

the access easement and associated documentation including City Attorney Fees whether directly or by timely reimbursement on a monthly basis. (Planning)

33. At such time as 12023 Fair Oaks Boulevard seeks entitlements from the city, the city shall determine if the easement is warranted based on that the proposed land use on 12023 Fair Oaks Blvd. The city shall evaluate whether or not the proposed use and drive aisle connection (whether for emergency access or primary access) is complementary to the existing land use within the Fair Oaks Senior Apartments. The easement shall not be granted if the city finds the proposed use or connections to the drive aisle would impact the health, safety, and welfare of the residents on the project site or the vicinity. If the city determines the connection is warranted, the property owners or their successors of the Fair Oaks Senior Apartments development shall work in good faith with the property owner of 12023 Fair Oaks Boulevard to allow for the vehicular and pedestrian connection to the north/south drive aisle on the Fair Oaks Senior Apartment site. The applicant will have constructed its fair share of driveway and drive aisle (as depicted in Attachment 11). Accordingly, the reconfiguration of the driveway and drive aisle will be at the sole cost of the 12023 Fair Oaks Boulevard property owner at such time as the property owner seeks entitlements from the city. (Planning)
34. Submit and receive approval of a final site plan that addresses the following:
  - a. Final site plan shall include details of the outdoor activity areas as outlined in the Landscape plan. Details about specific fixtures, materials, path placement, etc. shall be provided, subject to Planning Division approval.
  - b. Provide a vehicular and pedestrian gates at Celine Drive. The gates shall use a restricted entry system by use of a key fob, code or other system. (Planning)
35. The applicant shall submit a final Landscape and Irrigation Plan that demonstrates all landscaping complies with the requirements of the Zoning Code including water efficient landscape requirements, shading requirements, and landscape area requirements including the following:
  - a. Screening trees shall be placed at the best extent possible along the perimeter where the project site adjoins a residential property.

- b. The landscape plan shall be revised to provide appropriate number of shade and screening trees. The location of existing and proposed utility lines and proposed site lighting shall be considered during the placement of trees.
36. A solid 6' high masonry fence is required along all perimeters of the site with the exception of the northern property line where a wrought iron fence is required. Submit and receive approval of the design of all fencing and walls prior to the issuance of any building permits. All masonry walls shall have anti-graffiti coating on sides that face the public streets (Planning)
37. Submit and receive approval of a photometric plan. All on-site external lighting shall be designed to have no off-site glare. All light fixtures shall have full cut-off lenses and be nighttime sky friendly. Floodlights are not permitted. Lighting cut-sheets may be required prior to issuance of Building Permit. (Planning)
38. Demonstrate on the Building Plans that roof drains for the buildings do 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. (GSD)
39. Applicant shall pay all the appropriate development fees at the time of permit issuance. (GSD)
40. SASD and the Sacramento Regional County Sanitation District will require sewer impact fee payments in accordance with each District's Ordinances. Fees are to be paid prior to the issuance of building permits. (SASD)

### **During Construction and Prior to Issuance of Occupancy Permits**

41. 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

42. Property owner shall enter into a storm-water device maintenance and access agreement for the proposed storm water filtering system(s) on the site. Agreement shall specify owner's ongoing maintenance responsibilities and allow periodic city inspections of the storm-water devices. Agreement shall be executed prior to issuance of a Certificate of Occupancy for any building on site. (Engineering)

### **Other Conditions of Approval**

43. The Sacramento Metropolitan Fire Districts requirements are not to be construed as abrogating more restrictive requirements by other agencies having jurisdiction. Final acceptance is subject to field approval and completion of required tests. (SMFD)
44. Construction hours shall be restricted to the hours of 6:00 AM to 8:00 PM weekdays, and 7:00 AM to 8:00 PM on weekends. (Planning)
45. Display transit information in prominent location(s) in the clubhouse/office area for both employees and residents. (Regional Transit)
46. Following the installation of the landscaping, all landscape material shall be maintained in a healthy and weed free condition; dead plant material shall be replaced immediately. All trees shall be maintained and pruned in accordance with the accepted practices of the International Society of Arboriculture. Any pollarding or significant tree trimming performed on existing or proposed trees is subject to Planning Division approval prior to commencing trimming. (Planning)
47. This Design Review Permit approval does not include any signs. (Planning)
48. Minor modifications to the design of the project, including site layout, colors and materials, may be approved by the Planning Division provided such changes are consistent with the overall design as approved herein. Major modifications will require Planning Commission approval. (Planning)
49. The applicant/owner and/or successor in interest 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 Project Approval or any Subsequent Project Approval, or otherwise arising out of or

stemming from these Approvals. The applicant/owner and/or successor in interest may select its own legal counsel to represent their interest at their sole cost and expense. The parties shall cooperate in defending such action or proceeding. The applicant/owner and/or successor in interest 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 the applicant and/or successor in interest agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein. (City Attorney)

#### CONDITIONS OF APPROVAL FOR THE TREE PERMIT

1. Minor modifications to the Tree Permit, including additional trees and/or encroachments, may be approved by the Planning Division provided such changes are consistent with the guidelines for tree preservation. (Planning)
2. The conditions of approval shall be distributed to all contractors and subcontractors who have access to the site. It is the responsibility of the developer and contractor to inform all subcontractors of the tree preservation requirements. (Planning)

#### **Prior to the Issuance of Any Permits (Including Grading)**

3. The applicant shall submit an updated arborist report and tree impact assessment report. The tree impact assessment report shall include all preservation measures that the applicant shall undertake during construction to ensure the long-term health and safety all trees that will remain or be relocated. This arborist report shall include any trees located off-site that may be impacted by construction. (Planning)
4. The project applicant shall provide mitigation for the loss of protected trees consistent with the Tree Preservation Ordinance and Mitigated Negative Declaration. (Planning)
5. The applicant shall prepare a Tree Replacement and Revegetation Program for the city's review and approval. The program shall monitor and maintain replacement trees that are established over a period of three years. If the applicant pursues tree planting on private property, the applicant shall provide a long term maintenance and protection plan to ensure these trees are preserved long-term. (Planning)

6. The applicant shall comply with the MND and fulfill all of the measures contained in the Mitigation and Monitoring Program. The following measures must be complied with as outlined in the Mitigation and Monitoring Program and summarized below:
  - a. The project applicant shall provide compensation for the loss of trees sufficient to meet the city of Citrus Heights' requirement that one diameter inch of tree be planted for each diameter inch of tree removed or that a revegetation plan approved by the city has been implemented. (Planning)
7. Prior to mobilization of construction equipment, grading activities, or site work (whichever comes first), the applicant shall install a minimum of a six-foot high chain link fence (or acceptable alternative) at the outermost edge of the tree protection zone for each tree or group of trees proposed to remain. Signs must be installed by the applicant on the temporary fence at least two (2) equidistant locations to be clearly visible from 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 DIVISION”(Planning)

8. The applicant shall contact the Planning Division and certified project arborist to inspect and approve the temporary fencing and signs around the protected zone before beginning any construction. (Planning)
9. Any watering or deep root fertilization which the arborist deems necessary to protect the health of the tree due to the construction impacts shall be completed by the applicant. (Planning)

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

10. The following information must be located on-site during construction activities:
  - a. Arborist reports
  - b. Approved site plan including fencing plan
  - c. Conditions of approval for the Tree Permit (Planning)
11. The project's certified arborist shall monitor any excavation within the dripline of any tree, including off-site trees if their protected zone

DRAFT  
Planning Commission Minutes  
October 23, 2019

- extends into the project site. (Planning)
12. All finished grading shall ensure that no water will collect within the dripline of any native oak trees. (Planning)
  13. Submit and receive approval of a Landscape and Irrigation Plan for any landscaping within the dripline of any protected trees. Only low-water usage plantings may be planted under the dripline of oak trees. (Planning)
  14. 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)
  15. Storage of materials, equipment and vehicles is not permitted within the dripline of any tree. Vehicles and other heavy equipment shall not be operated within the dripline of any tree. (Planning)
  16. The project's certified arborist shall immediately treat any severed or damaged roots (NOTE: Without exception, all digging shall be done using hand tools, no machine trenching shall be allowed in the dripline of any 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)
  17. The temporary fencing shall remain in place throughout the entire construction period and shall not be removed without obtaining written authorization from the Planning Division. In no event shall the fencing be removed before the written authorization is received from the Planning Division. (Planning)
  18. At least five (5) days before the applicant seeks their Building Permit Final for each building, a Certification Letter from a certified arborist shall be submitted to and approved by the Planning Division. The certification letter shall attest to all of the work (regulated activity) which was conducted in the dripline of all trees, and outline whether any continuing measures are needed for tree health. (Planning)
  19. The city may elect to hire a certified arborist to assist in monitoring the project. Should the city desire to do this, the applicant will be responsible to reimburse the city for these costs. (Planning)
  20. The applicant/owner and/or successor in interest 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 Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from these Approvals. The applicant/owner and/or



DRAFT  
Planning Commission Minutes  
October 23, 2019

successor in interest may select its own legal counsel to represent their interest at their sole cost and expense. The parties shall cooperate in defending such action or proceeding. The applicant/owner and/or successor in interest 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 the applicant and/or successor in interest agrees to pay directly or timely reimburse on a monthly basis city for all such court costs, attorney fees, and time referenced herein. (City Attorney)

## **7. REGULAR CALENDAR**

**A. UPDATE ON ENGINEERING PLANNING PROJECTS:** City Engineer, Stuart Hodgkins presented an update on transportation planning projects.

## **8. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:15 PM to the next meeting of November 13, 2019.

Respectfully Submitted,

Karen Ramsay  
Planning Commission Secretary