

APPROVED

**City of Citrus Heights
Planning Commission Meeting
Minutes
May 8, 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, Scheeler, Van Duker

Absent: Schaefer

Staff Present: Flores, Kempenaar, McDuffee, Ramsay, Ziegler

3. FLAG SALUTE

Commissioner Van Duker led the flag salute.

4. PUBLIC COMMENT

None

5. CONSENT CALENDAR

The meeting minutes for April 24, 2019 were approved as submitted.

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

ABSENT: (1) Schaefer

PUBLIC HEARING

A. MINOR USE PERMIT AND MINOR VARIANCE – 7437 ANTELOPE ROAD:

Project Planner Kempenaar presented a request for approval of a Minor Use Permit and a Minor Variance to allow the construction of a three story single family home within an existing parcel in the Open Space Zone. The project also requests a Tree Permit for the encroachment within the protected zone of nearby trees. A Mitigated Negative Declaration has been prepared.

There was Planning Commission and staff discussion which included questions regarding parking, drainage, and concerns that the lot may not be large enough.

Chair Lagomarsino opened the public hearing.

Applicant Hassan Minoeifar said he would be happy to answer any questions.

There were no other speakers.

APPROVED
Planning Commission Minutes
May 8, 2019
Chair Lagomarsino closed the public hearing.

Commission Comments

Commissioner Ingle said this is a nice use of that space.

Commissioner Van Duker spoke in support of this project and said that people should be able to build on their own property noting that nothing else could go on this site.

Chair Lagomarsino spoke in support of this project and said this makes good use of this property.

Chair Lagomarsino called for a motion.

Motions

- A. Adopt the attached Resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring Plan
- B. Approve a Minor Use Permit and allow the construction of a single family home within the Open Space Zone at 7437 Antelope Road subject to the findings and conditions of approval contained in this report.
- C. Approve a Minor Variance reducing the required front yard setback to 16' to the second and third floor, within the Open Space Zone at 7437 Antelope Road, subject to the findings and conditions of approval contained in this staff report.
- D. Approve a Tree Permit allowing the encroachment into the protected zone of existing trees onsite, subject to the findings and conditions of approval contained in this report.

M/S: Van Duker/Duncan

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

ABSENT: (1) Schaefer

CONDITIONS OF APPROVAL FOR MINOR USE PERMIT 18-04

- 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 and the Auburn Boulevard Specific Plan. [Planning]

APPROVED

Planning Commission Minutes

May 8, 2019

- 2) 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, Sacramento Suburban 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
- 3) This approval will expire in two (2) years (5/8/2021) after the date of its initial approval, unless a building permit has been issued for the work. The Director may extend the term of approval for one additional year. [Planning]
- 4) This Minor Use Permit shall run with the land through any change of ownership of the subject site and all conditions of approval shall continue to apply after a change in ownership. [Planning]
- 5) The applicant shall comply with the Mitigated Negative Declaration and fulfill all of the measures contained in the Mitigation and Monitoring Plan. The following measures must be complied with as outlined in the Mitigation and Monitoring Plan and summarized below:
 - a) Mitigation Measure 1: Prior to issuance of any grading, demolition or building permits, site plan notes should include requirements for the contractor to implement the following Basic Construction Emission Control Measures
 - b) Mitigation Measure 2: Conduct one pre-construction survey for nesting birds, special-status bats, and western pond turtle (as applicable) within 14 days prior to the start of construction within the limits of the Study Area.
 - c) Mitigation Measure 3: Install high-visibility protective fencing along the project footprint to mark the limits of work and to avoid impacts to the adjacent perennial drainage and special-status species.
 - d) Mitigation Measure 4 Prior to construction of the project, the applicant shall prepare a Tree Protection and Replacement Plan
 - e) Mitigation Measure 5 (Cultural): 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.
 - f) Mitigation Measure 6 (Noise): A traffic noise barrier should be constructed as identified in the Acoustical Analysis.
 - g) Mitigation Measure 7 (Noise): Prior to issuance of Building Permit the applicant shall demonstrate the windows meet the minimum standards outlined in the acoustical report.
 - h) Mitigation Measure 8 (Traffic): The applicant shall submit a Construction Traffic Management Plan (plan).

Prior to Issuance of Building Permit

- 6) The applicant shall submit a lighting plan that depicts the proposed on-site lighting will not exceed .50 foot-candles within 2 feet of the property line of the light source. All lighting shall be full cut off and not allow lighting to trespass above the horizontal plane. [Planning]
- 7) Submit written documentation identifying compliance with the Greenhouse Gas Reduction Plan. [Planning]
- 8) Prior to issuance of building permit, submit building plans adding windows along the proposed stairwell. Demonstrate windows comply with the noise mitigation requirements. [Planning]
- 9) Developing this property will require the payment of sewer impact fees. Impact fees shall be paid prior to filing and recording the Final Map or issuance of Building Permits, whichever is first. [SASD]
- 10) Development Impact Fees shall be calculated using current fees at time of development and shall be paid prior to issuance of the building permit. [Engineering]

Other Conditions of Approval

- 11) Prior to final of Building Permit, the applicant shall call for inspection by the Planning Division to verify compliance with the approved plans. [Planning]
- 12) Minor modifications to the design of the project, including site layout, colors and materials, may be approved by the Community Services Director provided such changes are consistent with the overall design as approved herein. Major modifications will require Planning Commission approval. [Planning]
- 13) All motor vehicles must exit onto Antelope Road facing forward. [Engineering]
- 14) Dedicate 12.5-ft wide PUE along Antelope Road prior to ANY occupancy. [Engineering]
- 15) Show limits of FEMA's 100-Yr Floodplain on the site plan. (Once site plan is approved by City staff, the land surveyor will sign and seal the "Surveyor's Statement" for final document). [Engineering]
- 16) Prior to ANY occupancy, a FEMA Elevation Certificate is required to verify the structure's lowest floor elevation is at least two feet above the 100-Yr Base Flood Elevation (BFE). [Engineering]

- 17) Development Impact Fees shall be paid prior to Building Permit issuance. The rate shall be assessed at the current rate when the building permit application is submitted. [Engineering]
- 18) 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 MINOR VARIANCE 18-02

- 19) Prior to issuance of Building Permit, demonstrate the first floor of the home achieves a minimum setback of 20' from the back of sidewalk and the upper floors achieve a minimum of 16' setback. [Planning]
- 20) Prior to final of Building Permit, the applicant shall call for inspection by the Planning Division to verify compliance with the approved plans. [Planning]
- 21) 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

APPROVED
Planning Commission Minutes
May 8, 2019

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 TREE PERMIT

- 22) No activity within the dripline of any tree beyond that identified within this report is permitted without approval from the Planning Division. Only those trees identified as appropriate for removal, in accordance with the site plan, and the arborist's report, are authorized for removal, in accordance with the information provided earlier in this staff report. [Planning]
- 23) All recommendations contained in the Arborist Report shall be incorporated as part of these conditions except as modified herein. [Planning]
- 24) The applicant shall ensure a certified arborist shall monitor any excavation within the dripline of any tree to remain. (Planning)

PRIOR TO ISSUANCE OF A BUILDING PERMIT

- 25) Prior to issuance of a Building or Grading Permit, 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 proposed to remain, including off-site trees. The impact assessment report shall take into account improvement plans that show any encroachment into the drip-lines of any protected trees including utility trenching, retaining walls, etc.
- 26) If avoiding construction within the dripline of protected trees is not feasible other mitigation measures offered by a certified arborist and accepted by the Planning Division must be made. [Planning]
- 27) 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]
- 28) 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 Division prior to the installation of the protective fencing. [Planning]
- 29) Prior to commencing demolition, grading, or construction, 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

APPROVED
Planning Commission Minutes
May 8, 2019

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 DIVISION” [Planning]

- 30)The applicant shall contact the Planning Division to inspect and approve the temporary fencing and signs around the protected zones before beginning any construction. [Planning]
- 31)All pruning, trimming, or construction within the dripline of any protected tree 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. Prior to issuance of any grading or building permit, the applicant shall submit evidence that an arborist is under contract to perform required monitoring. [Planning]
- 32)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]
- 33)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]
- 34)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. Replacement trees shall include root barriers when within 6' of a sidewalk, curb, or other improvement. The applicants shall submit a planting plan and irrigation plan to the City to the satisfaction of the Planning Division or pay into the City's tree preservation fund (\$298 per inch). At least 50% of trees replanted on site shall be oak trees.[Planning]

DURING CONSTRUCTION AND PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT

35)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

APPROVED
Planning Commission Minutes
May 8, 2019

- 36) To avoid root injury, any excavation within the dripline shall be conducted with hand tools. [Planning]
- 37) A certified arborist shall monitor any excavation within the dripline of any tree. [Planning]
- 38) All finished grading shall ensure that no water will collect within the dripline of any tree. [Planning]
- 39) 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]
- 40) 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]
- 41) 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 proposed to remain. [Planning]
- 42) The 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 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]
- 43) 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]
- 44) 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 Division. 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]
- 45) 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 any Project

APPROVED
Planning Commission Minutes
May 8, 2019

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]

6. REGULAR CALENDAR

A. AUBURN BOULEVARD PLAN UPDATE – Casey Kempenaar

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:44 PM to the next meeting of June 12, 2019.

Respectfully Submitted,

Karen Ramsay
Planning Commission Secretary