



## Attachment 1



**CITY OF CITRUS HEIGHTS**  
 Planning Division  
 6237 Fountain Square Drive  
 Citrus Heights, CA 95621  
 (916) 725-2448



Date: December 12, 2013

To: Larry Washington, AIA  
 Two Rivers Architects  
 2400 Professional Drive  
 Roseville, CA 95661

John Steitz  
 Stearns 8220 Senior Care, LLC  
 8310 Sunrise Boulevard  
 Citrus Heights, CA 95610

From: Planning Division

File #'s: UPMOD-13-04, DRPMOD-13-08 & TP-13-45

On **December 11, 2013** the Planning Commission **APPROVED a USE PERMIT MODIFICATION, DESIGN REVIEW PERMIT MODIFICATION and TREE PERMIT** to allow development of a 129 bed, assisted living and memory care facility located at **8220 Sunrise Boulevard** as conditioned below.

## EXPIRATION DATE

You have two (2) years from the date of the Planning Commission approval in which to exercise the permits, or else the Use Permit Modification, Design Review Permit Modification and Tree Permit approvals become null and void.

The expiration date of this request is **December 11, 2015**

## EXTENSION OF PERMIT

You may request that a permit be extended for a period up to a maximum of one (1) year. An application for an extension shall be submitted to the Planning Division prior to the expiration date indicated above. No notice will be sent to you prior to the date of permit expiration.

**YOU WILL BE RESPONSIBLE FOR REQUESTING ANY EXTENSION.**

## APPEAL PROCEDURE

Persons dissatisfied with an act or determination of the Planning Division relating to provisions of the Code may appeal the action by filing a written notice and payment of the appropriate appeal fee with the Secretary of the Planning Commission not later than ten (10) calendar days after the day on which the determination was made.

## CONDITIONS OF APPROVAL FOR USE PERMIT MODIFICATION (UPMOD-13-04)

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, Uniform Building Code; Uniform Fire Code and Sacramento County Environmental Health Department standards.



2. The project is approved as described in this report and as shown in Exhibits A through K and described in the Applicant's project description and shall conform to all conditions of approval and exhibits included within this project; File # UPMOD-13-04, DRPMOD-13-08 and TP-13-45 for the construction of a 129 bed, 74,000 square foot assisted living and memory care facility at 8220 Sunrise Boulevard. The total number of patient beds shall not exceed 129 beds. [Planning]
3. The Use Permit Modification approval is valid for two years. The Use Permit Modification will expire on 12-11-2015 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 Department approval. [Planning]
5. If parking on the site becomes an issue or twelve months after the facility is occupied or reasonable time thereafter, a parking assessment shall be conducted to determine if the parking provided for the site is adequate. The applicant shall reimburse the city of any cost incurred in conducting this study, including hiring a private consultant to conduct the study. If this assessment indicates there is a scarcity of parking, the applicant shall provide additional parking. Additional parking may be provided off-site, on-site, employee shuttle or other method subject to the Community Development Director's approval. The applicant shall record a notice of this requirement with the title for the company that shall run with the land. The Planning Department may require a bond prior to occupancy to ensure this requirement is implemented. The bond and the notice shall be approved by the City Attorney prior to recordation. [Planning].
6. 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 DESIGN REVIEW PERMIT MODIFICATION (FILE # DRPMOD-13-08)**

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.
2. The project is approved as described in this report and as shown in Exhibits A through K and described in the Applicant's project description and shall conform to all conditions of approval and exhibits included within this project; File # UPMOD-13-04, DRP-13-08 and TP-13-45 for the construction of a 129 bed, 74,000 square foot assisted living and memory care facility at 8220 Sunrise Boulevard. The total number of patient beds shall not exceed 129 beds. [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 Modification approval does not include any signs. All sign plans must receive separate review and approval by the Planning staff 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 Department Approval. [Planning]
7. The applicant shall utilize pervious concrete in the parking areas as shown on Exhibit B. The pervious concrete shall be limited to parking areas only; pervious concrete is not permitted within the Fire Access Lane. [Planning and Fire]
8. Any plans submitted to the Building Department for review and approval shall indicate all approved revisions/alterations as approved by the Planning Commission. [Planning]
9. The applicant shall comply with all mitigation measures outlined in the Staff Report, Mitigated Negative Declaration (dated September 24, 2008), and Mitigation Monitoring Plan (also dated September 24, 2008) 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 the 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.

- **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:** Bone, exotic stone, or historical debris turned up in excavated earth or visible along excavation cuts may be uncovered anywhere within the project. If subsurface remains are found, work within 100 feet of the affected area shall stop immediately until a qualified archeologist or paleontologist (as appropriate) can evaluate the find. If the find is found to be significant, measures shall then be developed in coordination with the City, and implemented by the applicant, to reduce impacts to a less-than-significant level before construction continues. According to Section 7050.5 of the Health and Safety Code, in the event human remains are discovered during construction, work must stop immediately and the County Coroner contacted. Section 5097.94 and 5097.98 of the Public Resources Code require consultation with the Native American Heritage Commission, protection of Native American remains, and notification of most likely descendents. SB 447, (Chapter 404, Statutes of 1987) also protects Native American remains and grave goods. [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]

10. The applicant shall also be responsible for paying any required City fees and fees from other associated agencies prior to the issuance of a building permit. Contact General Services Division at (916) 727-4770 for a fee quote and agency contact list. [General Services]

11. The project must comply with the requirements of the Sacramento Metropolitan Fire District. [Sacramento Metropolitan Fire District]

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

12. Final detailed landscaping and irrigation plans for the project site shall be submitted to Planning staff prior to issuance of any building permits. [Planning]

13. A Final Tree Impact Assessment shall be submitted and approved by the Planning Department 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]

14. The design and materials for any proposed retaining walls shall be approved by the Planning Department prior to issuance of building permits. Anti-graffiti coating is required. [Planning]
15. The applicant shall provide improvement plans that address post best management practices for storm water quality. [Engineering]

**Prior to Final Occupancy**

16. Connection to the District's sewer system shall be required to the satisfaction of the District. District Design Standards apply to new sewer construction. [Sacramento Area Sewer District]
17. Each parcel with a sewage source shall have a separate connection to the District public 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 District public sewer line. [Sacramento Area Sewer District]
18. In order to obtain sewer service, construction of public sewer is expected to be required. [Sacramento Area Sewer District]
19. Transit information shall be displayed in prominent locations throughout the residence building for residents, guests, and employees. [Regional Transit]
20. Provide bicycle parking facilities at building entrances per City of Citrus Heights requirements. [Regional Transit]
21. A looped water main design will be required for the site with a minimum of two connections to existing water distribution facilities (likely one each to the 12-inch and 10-inch water mains). [CHWD]
22. An easement to the District will be required for District water facilities that are located outside of the public road right of way. [CHWD]
23. Fire protection facilities and requirements will need to be determined by Sacramento Metropolitan Fire District. [CHWD]
24. The existing water service will need to be abandoned at the main connection in Sunrise Blvd. [CHWD]
25. New metered water services for domestic and landscape irrigation will be required. [CHWD]
26. The existing on-site private water line being served through the existing water service to be abandoned should be located and removed in their entirety and not abandoned in place. [CHWD]
27. Installation of the water distribution system will be by the developer's contractor at the developer's expense. [CHWD]
28. Post construction Best Management Practices for storm water runoff shall be implemented. This may include a storm treatment vault and grassy swales. [Engineering]
29. Dedication of 20-feet of right of way on Sunrise Boulevard required. The street is ultimately 100-feet right of way. [Engineering]
30. Public frontage Improvements including vertical curb, 6-foot sidewalk (meandering if possible), and pavement widening are required. The developer may request a deferral of the box culvert extension. [Engineering]



31. Street lights required subject to Engineering Division approval. [Engineering]
32. Prior to the Final of Building Permits, the applicant shall call for inspection by the Planning Department to verify compliance with the approved plans. [Planning]
33. Prior to occupancy, the applicant shall supply the City documentation of the State license to operate an assisted living facility at the proposed location. [Planning]
34. All site improvements shall comply with all accessibility standards including the UBC and the American Disability Act (ADA) requirements. [Building]
35. 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-13-45)**

1. 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 Department as identified in Exhibit E. Only those trees identified as appropriate for removal, in accordance with Exhibit E 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. 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
13. To avoid root injury, any excavation within the dripline shall be conducted with hand tools. [Planning]
14. A certified arborist shall monitor any excavation within the dripline of any tree. [Planning]
15. All finished grading shall ensure that no water will collect within the dripline of any native oak tree. [Planning]
16. 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]



17. 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]
18. 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]
19. 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]
20. 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]
21. 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]
22. 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 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. [Planning]

**NOTICE TO PROJECT APPLICANT**

All materials introduced at a public hearing or included with the project's staff report, including but not limited to exhibits, photographs, video or audio tapes, plan sets, architectural drawings, models, color and materials palettes, and maps must be retained by the Planning Department as a part of the public record for one year following the City's final action on the project. Official project file materials will be kept in conformance with the Department's adopted retention schedule. Color renderings and material boards will be disposed of after the project is built and the project receives a certificate of occupancy or at the end of one year, whichever is later.