



**CITY OF CITRUS HEIGHTS
PLANNING DIVISION STAFF REPORT
PLANNING COMMISSION MEETING**

January 24, 2018

Prepared by: Colleen McDuffee, Planning Manager

REQUEST

The applicant is requesting approval of a Minor Use Permit, Design Review Permit and Tree Permit that will allow for the development of a 42-unit apartment project. The applicant is also requesting adoption of a Mitigated Negative Declaration.

Applicant: C. Frederick Brave
C. F. Brave Architecture
758 Dornach Ct.
Folsom, CA 95630

Owner: Thomas Romeo
Bearpaw Equities
7524 Old Auburn Road
Citrus Heights, CA 95610

SUMMARY RECOMMENDATION

The Planning Division recommends that the Planning Commission:

- A. Adopt the attached Resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring Plan;
- B. Approve a Minor Use Permit to allow development of the Bearpaw apartment project, including a clubhouse and community pool, subject to the Findings and Conditions of Approval in this report;
- C. Approve a Design Review Permit to allow development of the Bearpaw apartment project, including a clubhouse and community pool, subject to the Findings and Conditions of Approval in this report; and
- D. Approve a Tree Permit for to allow development of the Bearpaw apartment project subject to the Findings and Conditions of Approval in this report.

BACKGROUND

The proposed site is located near the southeast quadrant of Sylvan Corners. It is being developed as a residential component of the Sylvan Village development, which currently includes a shopping center that includes office, food and retail businesses. Together with the shopping center, the project will form a “u” shape – Vice’s auto repair business in the middle of the “u” is not a part of the development. The shopping center portion of the project is in the midst of a significant renovation.

The project site anchors the southern boundary of the Auburn Boulevard specific plan. The City adopted The Boulevard Plan, Reinventing the Auburn Boulevard Corridor, in 2005. The Boulevard Plan developed a long-term vision for the Boulevard. The introduction of residential uses was part of this vision and seen as a key piece of the puzzle to transform Auburn Boulevard into a vibrant mixed use and pedestrian friendly area. The City of Citrus Heights has invested significantly in the street improvements along Auburn Boulevard to aid in achieving the vision of The Boulevard Plan.

The project setting is summarized in the tables below:

Location:	7534 Old Auburn Road - southeast corner of Sylvan Road and Old Auburn Road (see Attachment 1).
Parcel Size:	Approximately 2.7 acres
REACH Neighborhood:	The site is within the Sylvan Old Auburn Road Neighborhood Association (SOAR) - #10). SOAR has submitted a letter opposing the project – see Attachment 11.

ZONING AND LAND USES

LOCATION	ZONING	GENERAL PLAN LAND USE	ACTUAL USE
On-Site	Auburn Boulevard Corridor Special Planning Area (ABC SPA)	General Commercial	One single family home / Vacant
North	ABC SPA	General Commercial	Sylvan Corner Pet Hospital; Vice's Auto Collision Repair
South	RD-7	Low Density Residential	Residential – single family homes
East	RD-5	Low Density Residential	Residential – single family homes
West	ABC SPA	General Commercial	Shopping center

Minor Use Permit – Description of Request

The applicant is seeking approval of a Minor Use Permit to develop a residential component of a mixed use project. The commercial portion of the project, the Sylvan Village shopping center, is already in existence. Primary tenants of the center are Bearpaw shoes (both their corporate office and a retail store), three food uses (Wonderful Chinese, Beer Dawgs and Mr. Pickles), and a liquor store. Attachment 2 contains information from the applicant on his vision for this development, such as the opportunity for employees of the Bearpaw corporate office to be able to live in the adjoining apartments.

The site plan for the proposed project is provided as Exhibit B. As shown on the site plan, Buildings A-D comprise the shopping center. Buildings E-H are the proposed apartment buildings. Forty two (42) apartment units are proposed, as well as living quarters for an onsite manager. The primary access to the apartments will be from an existing driveway on Old Auburn Road. This driveway is a shared driveway with Vice's and the shopping center. In addition, there is an "egress" only drive for the apartment residents through the shopping center. The project will be gated. There is also a pedestrian gate between the shopping center and apartments.

Each apartment unit will contain two bedrooms and have a one-car garage. There will be a community clubhouse and pool. There will also be a community garden where residents can grow their own food. Management of the apartment portion of the project will be by a property management firm that is associated with the Bearpaw company.

Minor Use Permit – Analysis of Request

The residential component of a mixed use project requires approval of a Minor Use Permit. The Citrus Heights Zoning Code (Section 106.62.050) requires that the Planning Commission must be able to make five findings before approving a Minor Use Permit. The required findings are listed below in ***bold italics*** and are followed by an evaluation of the applicant's request in relation to the required findings.

- ***The proposed apartments are allowed within the applicable zoning district and comply with all other applicable provisions of the Zoning Code and the Municipal Code;***
- ***The proposed use is consistent with the General Plan and The Boulevard Plan;***

The proposed apartments are allowed, with approval of a Minor Use Permit, in the Auburn Boulevard Corridor SPA. The Zoning Code contains provisions specifically for mixed use projects (Attachment 3). These provisions are focused on ensuring the compatibility between the commercial activities of the mixed use component and the residential component. The Bearpaw apartments are located in a manner that they will be compatible with the adjoining commercial properties. A masonry wall separates the apartments from adjoining commercial uses. Based on the activities that occur within the commercial portion of the project, it is not expected the commercial uses will generate glare, noise or odors that would impact the residential portion of the project. While the Vice's auto collision facility is not a part of the project, it was also evaluated and, with construction of the masonry wall, determined to be compatible with the apartments. Additional discussion related to noise is provided below.

The project is consistent with both the General Plan and The Boulevard Plan. The project site has a General Plan designation of General Commercial (GC). In addition to a wide variety of commercial uses, the GC designation also allows apartments and mixed use projects. The General Plan, as discussed in greater detail in the Design Review Permit portion of this report, contains numerous Goals and Policies that support new housing developments of differing types. The Boulevard Plan is also supportive of introducing housing to the Auburn Boulevard corridor.

- ***The design, location, size and operating characteristics of the proposed apartments are compatible with the existing and future land uses in the vicinity;***
- ***The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and***
- ***Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property or improvements in the vicinity and zoning district in which the property is located.***

The project is designed to be compatible with existing and future land uses in the vicinity. Compatibility with the commercial uses has been discussed above. The project was also designed to be compatible with the adjoining single family uses on the east and southern boundaries. A minimum 20' setback is maintained on the borders adjoining the residential areas. An 8' masonry wall will be installed along the property line. Most of the buildings that are on the perimeter of the site are designed such that the rear of the unit faces the single family homes – on these buildings, there is only one second-story window facing the rear, limiting privacy concerns for the adjoining neighbors. Additionally, all of the second story windows will have awnings that partially limit the viewshed from the second story windows. Landscaping is provided along the entire perimeter, including in the rear yards of the units, that back up to the single family homes.

The Sacramento Metropolitan Air Quality Management District (SMAQMD) evaluated potential health risks that could occur to future residents as a result of the paint booth at the adjoining Vice's Auto facility (Attachment 4). A health risk assessment (HRA) was originally conducted when the paint booth at Vice's was installed. At that time, the project site was designated for non-residential uses. The SMAQMD updated the original HRA to reflect the proposed residential uses on the project site. The HRA considered both short term and long term health risks related to residents living next to a business with a paint booth. The SMAQMD determined that the risk of living at the project site would not exceed what they consider a safe level.

A Noise Study (Attachment 5) was prepared that addressed noise during both the operational and construction phases. During the operational phase, primary noise sources are traffic and Vice's collision facility. Noise testing was conducted and it was determined that noise from these sources would not exceed the City's noise standards for residential uses. The study also looked at potential noise from new individual HVAC units and determined they would be far enough from the property line to not impact adjoining residential uses. Noise would increase in the vicinity during construction. Impacts were considered less than significant due to limiting the hours of construction from 6:00 AM to 8:00 PM on weekdays and 7:00 AM to 8:00 PM on weekends. (Condition No. 5)

A potential area of concern is that the pool and clubhouse areas are fairly close to the eastern property line. This could be a concern if a large number of residents are gathered at once or if residents bring music with them to the pool area. To address this, a condition of approval has been included (Condition No. 2) that requires the development of rules for the use of these areas that are incorporated into the rental agreements. At a minimum, the rules should state that this area closes at 9:00 PM and that music cannot be played in this area that is audible at the adjoining property line. Condition No. 4 requires the project to utilize an onsite manager.

Minor Use Permit – *Conclusion*

Staff believes the Findings are present to approve the Minor Use Permit for a residential component of a mixed use project. Staff recommends approval of the Minor Use Permit subject to the findings and conditions of approval contained in the staff report.

Design Review Permit – Description of Request

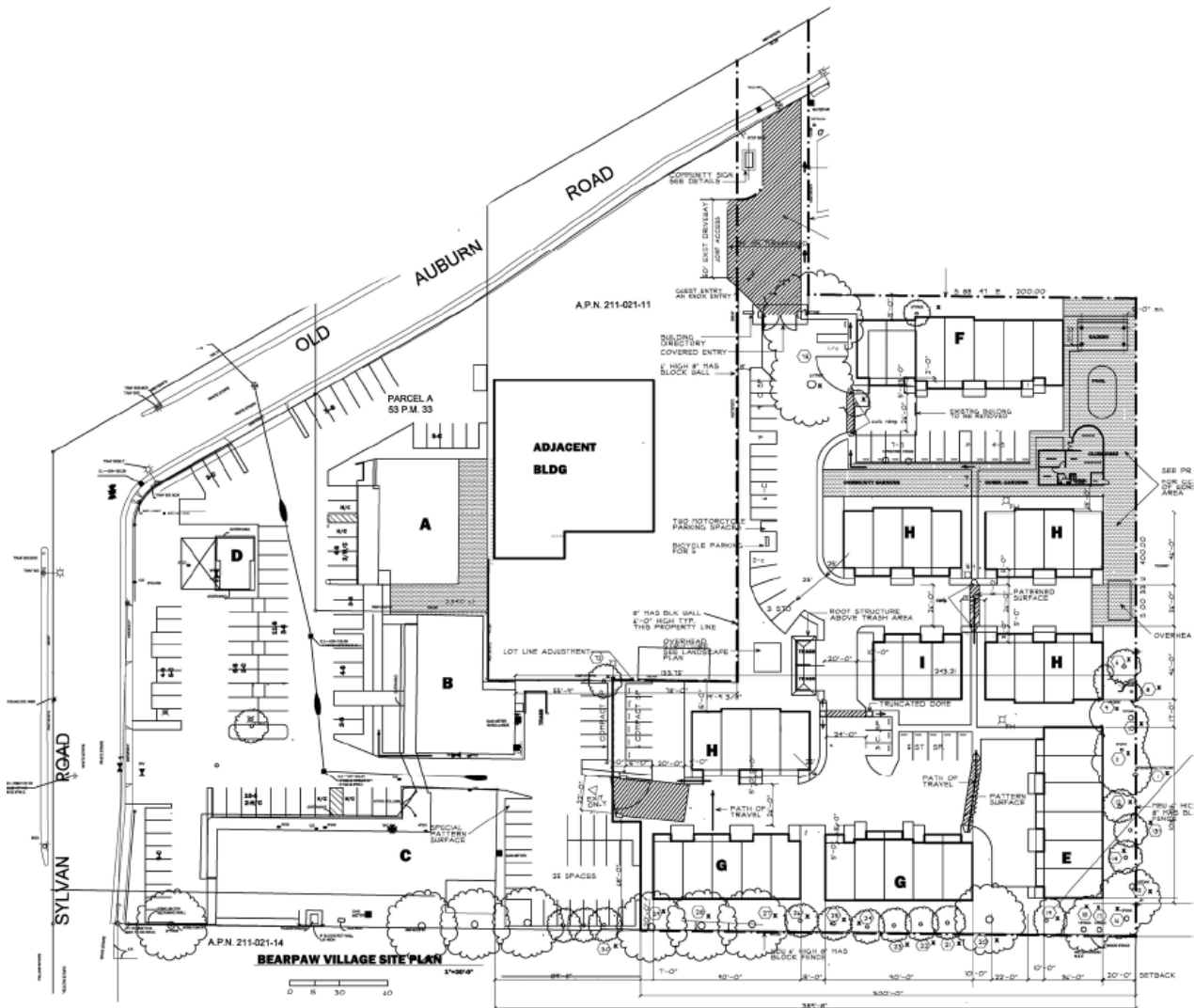
Site Layout

The applicant is proposing to construct 10 buildings on the site. A breakdown of the buildings proposed for the site is provided below:

Building E (6 units)	-	1 building
Building F (7 units)	-	1 building
Building G (5 units)	-	2 buildings
Building H (4 units)	-	4 buildings
Building I (3 units)	-	1 building
Clubhouse/office	-	1 building

Each of the dwelling units will contain two bedrooms, be approximately 1,200 square feet in size and have its own attached one-car garage. All but one of the units will have its own small private rear yard.

The site plan for the project is provided below and attached as Exhibit B.



A pool and 2,270 square foot clubhouse is located in the northeast corner of the project. Within this community area are gazebos, BBQs and similar amenities. A unique feature, located just west of the clubhouse, is a community garden. As shown on the preliminary Landscape Plan (Exhibit C), the community garden consists of 20 individual raised planters ("horse troughs") where residents can plant their own gardens.

Architectural elevations are provided in Exhibit D. The two-story units will have a stucco exterior, with a stone accent along the front and side elevations. Each unit will have an entrance and garage along the front elevation; a standing seam metal roof provides coverage from the weather and architectural interest along the front first story elevation. Lap siding is provided above the garage doors and on the side elevations. The second story window elevations have decorative balconies. There are two color schemes for the buildings, both utilizing earth tones (the color and materials board will be available at the meeting). The architecture is intended to be compatible with the design renovation underway in the commercial portion of the center. The buildings all incorporate varying heights. A typical elevation is provided below:



As shown on Exhibit C, landscaping is provided throughout the project, including along the perimeter adjoining single family homes. A masonry wall is provided along the property line shared with adjoining residential uses as well as adjoining the Vice's auto facility and the Sylvan Village shopping center.

The Grading and Drainage Plan is provided as Exhibit E. The site is relatively flat, with the highest portion being along the southern boundary. The site slopes gently down to the north, and will continue to do so with the project. There is an existing drainage ditch on the property which will be piped in conjunction with the project.

Design Review Permit – Analysis of Request

The Citrus Heights Zoning Code (Section 106.62.040) requires that the Planning Commission must be able to make seven findings before approving a Design Review Permit. The required findings are listed below in ***bold italics*** and are followed by an evaluation of the applicant's request in relation to the required findings.

- ***The project is consistent with the General Plan, any applicable specific plan, development agreement and/or any previously approved planning permit;***
- ***The project complies with the Zoning Code;***

General Plan and The Boulevard Plan

The site is designated General Commercial (GC) in the General Plan. The General Plan allows for mixed use projects and multi-family residences; The Boulevard Plan also allows for mixed use projects. The Floor Area Ratio (FAR) for residential projects in the GC designation is .60. With a FAR of .53, this project is below the maximum. The maximum density for residential projects in the General Commercial designation is 20 units per acre. With a density of approximately 15.5 units per acre, this project is below the maximum.

This project is consistent with several goals of the General Plan, including the following:

Policy 9.2 Provide opportunities for mixed use projects within commercial corridors

Policy 9.4 Implement The Boulevard Plan, which promotes improvements that will enrich existing businesses, stimulate private investment, and encourage new business opportunities.

Policy 25.1 Promote development of a variety of housing types in terms of location, cost, design, style, type, and tenure, while ensuring compatibility with adjacent land uses.

Policy 25.3 Facilitate mixed-use development and redevelopment in appropriate areas.

Policy 26.2 Promote construction of housing types with a variety of prices, styles, and designs.

Goal 28 Ensure housing opportunities for all segments of the community

As shown above, development of this project would further several goals of the General Plan related to housing. The General Plan acknowledges there is a need for additional housing in the City, and that new housing should serve all segments of the community. The Housing element portion of the General Plan was adopted in 2013. It identified a housing goal of 696 units for the period 2013-2021. For the 5 year period of 2013-2017, 89 units were constructed. Nearly all of these units were single family homes. This project would therefore provide a type of housing that has not been built in the City recently.

The project is also consistent with the General Plan in that it implements the Boulevard Plan. The introduction of residential uses along Auburn Boulevard is part of the overall vision to revitalize the corridor.

The Boulevard Plan, Reinventing the Auburn Boulevard Corridor, was adopted in 2005. Adoption of this Plan occurred after a lengthy public process, and had as its goal the transformation of Auburn Boulevard from Sylvan Corners to the northern City limits. The Boulevard Plan recognized that this transformation would take many years, even decades. This project is consistent with the following land use goal and principles of The Boulevard Plan:

Goal To create a boulevard of vibrant districts and neighborhood centers that serve the commercial and social needs of the surrounding neighborhoods, the community of Citrus Heights and the region.

Policy 10 Reestablish Sylvan Corners as a distinctive focal point of civic, social and commercial activities.

Policy 12 Integrate infill housing into Auburn Boulevard's commercial frontage and adjacent neighborhoods.

The vision for Auburn Boulevard was for a walkable vibrant community. Such communities benefit from residents who live in the area. Residents living in the area, who are present at all hours of the day, and can walk to local shops and restaurants, will play an important role in bringing this vibrancy to Auburn Boulevard. While Auburn Boulevard has benefitted from significant investments in the streetscape by the City, and private commercial renovations and developments, this project represents the first housing project introduced since the Plan was adopted.

Height & Setbacks. The project is zoned ABC SPA; apartments as part of a mixed use project are allowed with approval of a Minor Use Permit. The project meets the building setbacks as required in The Boulevard Plan as shown in the table below:

	The Boulevard Plan	Apartments
Old Auburn Setback	5'	100+'
Transition to Residential	20'	20'

The maximum height in the Sylvan Corners portion of The Boulevard Plan is two stories or 30'. Each of the proposed buildings has variations in height. The majority of each building meets the 30' height limit, however the highest peak in each building is about 32'. A condition of approval has been added to the project (Condition No. 10) to reduce the maximum height to 30'.

- ***The project's architectural design and building massing and scale are appropriate to and compatible with the site surroundings and the community;***
- ***The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;***
- ***The project complies with all applicable design standards in Chapter 106.31 and/or other applicable City design guidelines and policies;***

Building Massing and Scale. The project's massing and scale are appropriate as a transition from the commercial development to single family homes. Rather than consolidate units in a larger building, the units have been grouped into buildings ranging in size from 3 to 7 units each. Each unit also contains its own attached garage and all but one unit have a private rear yard, features more common in townhome/ownership products than rental units.

Fencing. As shown on Exhibit C, a masonry wall will be built on the perimeter of the project which adjoins single family homes and the commercial uses to the west. Along the northern boundary, adjoining the pet hospital, the 7 apartment units whose rear yards adjoin the pet hospital property are shown to have wood fences. Staff recommends this stretch of fencing also be masonry. (Condition No. 7).

As noted above, one unit does not have a private rear yard. This unit is the most western unit of Building I, across from the trash enclosure. Because this unit has a sliding glass door as its rear, it would be appropriate to provide a fence so that this unit also has a private rear yard. Condition No. 7 has been included to address this.

Drainage. The preliminary drainage plan is provided as Exhibit E. Proposed drainage improvements include piping an existing ditch located in the northern portion of the site. Biologists have investigated the ditch and determined that filling it in will not trigger any state or federal environmental permits (Helix, November 2017). The drainage plan also indicates the applicant will utilize pervious paving to meet water quality requirements.

Recreation Area. The Zoning Code requires a minimum of 250 square feet of recreation area per unit, requiring this project to provide 10,750 square feet. This project is fulfilling this requirement through the pool and club house area, including BBQS, as well as the community garden area, which includes 20 individual planters. This type of recreational area is more passive than the type of recreational area provided by other projects, many of which include outdoor tennis courts. In recent years, the City has been approached by several older apartment projects desiring to remove the tennis courts, because they are not being used. Staff supports the use of the community garden in fulfilling the recreation area component of the Zoning Code.

Design Guidelines. The City's Guidelines for architectural design and site layout are described in Chapter 106.31 of the Zoning Code. Staff believes the overall design complies with the minimum standards in the Design Guidelines. There are three minor recommendations which would further enhance the exterior appearance of the project. First, the stone accent material is shown to trim the garage doors. Staff recommends it be extended along the entire front elevation. Second, the stone accent material is proposed to be included on only some of the side elevations – staff recommends it be included on all of the side elevations. Third, some of the elevations depict architecturally enhanced garage doors, while some of the units are more basic – staff recommends the use of enhanced garage doors for all of the garages. Condition No. 10 reflects this recommendation.

- ***The project provides safe and efficient public access, circulation and parking, including bicycle and pedestrian accommodations where appropriate; and***

The entrance to the project is from an existing driveway off of Old Auburn Road. This driveway is a shared drive and is shared with Vice's auto facility. Although not the most convenient driveway for them, persons going to the shopping center can also enter or exit the site at this driveway. Residents of the apartment project can exit the project through either the Old Auburn Road driveway or a driveway that connects to the shopping center (and then Sylvan Road).

A Traffic Impact Study (TIS) was prepared for the project and is provided as Attachment 5; a Supplemental Analysis is provided as Attachment 6. The TIS evaluated two intersections near the site:

- Old Auburn Road @ Sylvan Road / Auburn Boulevard
- Old Auburn Road @ Site Access Driveway

The TIS looked at the above intersections, both under “existing conditions” and under “existing plus project” conditions, and evaluated the project against the City's Level of Service (LOS) policy as outlined in Policy 29.2 of the General Plan. Policy 29.2 calls for the City to strive to achieve LOS E on City roads and intersections during peak hours, with exceptions to certain intersections, where LOS E can be exceeded. The Old Auburn @ Sylvan/Auburn intersection, and the segment of Old Auburn Road from Sylvan Road to Fair Oaks Boulevard, are locations where the LOS E standard can be exceeded.

As shown in the table below, the apartments would be expected to generate 304 daily trips, of which there would be 26 AM peak hour trips and 30 PM peak hour trips. The majority of AM Peak hour trips would be outbound, while the majority of PM Peak hour trips would be inbound. Although the project's proximity to transit, neighborhood commercial and schools would be anticipated to result in some non-vehicular trips, the TIS did not assign any non-vehicular trips in order to be conservative.

Land Use	Total Daily Trips	AM Peak Trips In /Out /Total	PM Peak Trips In /Out /Total
Apartments (42)	304	4 inbound / 22 outbound / 26 total	20 inbound / 10 outbound / 30 total

Source: Kimley Horn, 2015

According to the TIS, all of the study intersections currently operate at an acceptable LOS (in accordance with Policy 29.2 of the General Plan) and would continue to operate at an acceptable LOS with the addition of the apartments. The two intersections studied in the TIS currently operate at LOS D and E, respectively, and will continue to do so after project construction. The segment of Old Auburn Road between Sylvan and Mariposa currently operates at LOS F in the peak hour. Because

the proposed project would contribute less than 5% to the total peak hour volume on the segment, it is not considered a significant impact.

In addition to analyzing impacts of the project on intersection operations and queuing, the TIS also looked at on-site circulation. The TIS noted that, because the Old Auburn Road driveway is the only Old Auburn Road driveway that permits outbound left-turn movements, it is possible that onsite vehicle queuing/blocking could result in safety concerns. Specifically, vehicles exiting the existing shopping center via this driveway could be in conflict with both entering traffic and traffic exiting the project site. The TIS recommends that driveway markings and/or signing be provided to ensure the area between Vice's and the access point to Old Auburn Road (i.e., the most northern part of the site where vehicles from both the site and the commercial area will look to access Old Auburn Road) is not blocked and the likelihood of spillback onto Old Auburn Road is minimized. A mitigation measure addressing this is included in the Mitigated Negative Declaration and Condition No. 7.

Parking

The Zoning Code requires two parking spaces per unit. As a mixed use project, additional guest parking spaces are not required. The project includes a total of 84 parking spaces. Of these 84 parking spaces, 42 are provided as garage parking – each unit will have a one car garage. In addition to the 42 rental units, there is a living area for the manager above the clubhouse. Two additional parking spaces are therefore required (Condition No. 7), for a total of 86 parking spaces on site.

As noted above, a “stand-alone” apartment project would be required to provide guest parking in addition to the two spaces per unit. Because this is a mixed use project, the Zoning Code does not require any additional guest parking. The rationale for this is that the peak parking requirements for the apartments will usually occur at lower peak parking times for the shopping center. Allowing the apartments to park in the commercial area is an efficient shared use of resources. A condition of approval is recommended that provides for this linkage in perpetuity (Condition No. 4). This condition is needed to ensure that should the two parcels be under different ownership in the future, their relationship as a mixed use project shall remain.

It is important in a project like this that the garage area actually be used for vehicles, and not just for storage. Otherwise, there could be parking impacts in the adjoining commercial areas. A condition of approval is recommended that the rental agreements for these units stipulate that the garages are to be used for vehicle parking with only ancillary storage (Condition No. 3 of the Minor Use Permit).

Each parking space, including the spaces within the garage, must be 9' wide by 19' long. A maximum of 25% of the parking lot can be compact spaces, which measure 8' wide by 16' long. The parking layout shown on the site plan contains 50% compact spaces. Condition No. 8 requires the site plan be modified to provide a maximum 25% compact spaces in the parking lot. This will require that 11 of the spaces currently designated as compact must be converted to a standard size.

The Zoning Code requires that a minimum 8' landscape strip be provided where parking areas adjoin property lines. This requirement is not being met in one area, along the southern boundary of the Vice's property. Condition No. 7 of the Design Review Permit is included to address this requirement.

Pedestrians

On-site sidewalks are provided to link the apartment units with the clubhouse area, the trash area, and the shopping center. There is one segment where a sidewalk could be installed to improve walkability on site. This area is opposite the trash enclosure, on the west side of Building I. Condition No. 7 requires the site plan to be modified to include a sidewalk in this area.

- ***The project provides open space and landscaping, including the use of water efficient landscaping.***

The preliminary Landscape Plan is attached as Exhibit C. In addition to identifying the plantings proposed throughout the site, the Landscape Plan also identifies amenities throughout the site, including the pool area, the community garden, BBQs, etc. The Landscape Plan also identifies plantings for each of the rear yards. The project includes water efficient landscaping and the final Landscape Plan must demonstrate it fulfills the City's drought tolerant requirements (Condition No. 9).

Design Review Permit - Conclusion

As proposed and conditioned, staff believes the required findings can be made to approve the Design Review Permit for this project. Staff recommends approval of the Design Review Permit subject to the conditions of approval contained in the staff report.

Tree Permit

Chapter 106.39 of the Zoning Code contains the City's Tree Preservation and Protection measures. The purpose of this section is to preserve and protect the City's remaining native Oak trees, heritage trees, mature trees, and others as identified in the Zoning Code.

The applicant has submitted an Arborist Report (Attachments 8 and 9). While there are 81 trees on site, very few warrant consideration for preservation. Overhead power lines along the eastern boundary of the site have resulted in severely disfigured trees as a result of pruning under power lines. The majority of trees along the southern property line are Tree of Heaven trees. These are considered invasive trees and not recommended for an urban setting. Some of the trees are in a dangerous condition. There are 3 trees on-site that warrant consideration for preservation (Tree #s 17, 18, & 19). These are 3 valley oak trees in the southeast corner of the site. A condition of approval has been added that requires additional analysis of these 3 trees. If intended for preservation, an impact assessment will be needed to minimize construction impacts. The Mitigated Negative Declaration also calls for a Tree Protection and Replanting Plan.

Tree Permit - Conclusion

Based on the analysis above, staff recommends approval of the Tree Permit subject to the findings and conditions of approval contained in the staff report.

PUBLIC OUTREACH

The project is located within the SOAR Neighborhood Association. The applicant did attend one of their meetings. SOAR has submitted a letter (Attachment 11) in opposition to the project. In addition, one other comment letter from a resident was received and is attached as Attachment 12.

ENVIRONMENTAL DETERMINATION

In accordance with the requirements of the California Environmental Quality Act (CEQA), an Initial Study was prepared for the Bearpaw Apartment project. The Initial Study thoroughly analyzed the potential for environmental impacts. As a result of the environmental analysis described in the Initial Study, it was determined that with the incorporation of six mitigation measures, the project would not have a significant effect on the environment. The Initial Study determined that an EIR was not required for the project and that a Mitigated Negative Declaration (MND) was the appropriate level of review under CEQA. The MND was released for public review on December 21st; the public comment period on the MND ended on January 11, 2018.

The Initial Study/Mitigated Negative Declaration is attached for your review as part of Exhibit A. The mitigation measures included within the Initial Study/Mitigated Negative Declaration are summarized below (see the MND for full description of each mitigation measure):

- Basic emission control measures shall be followed during construction, such as watering surfaces two times daily, utilizing street sweepers, limiting on-site vehicle speeds, completing paving as soon as possible, and requiring haul trucks to meet certain criteria.
- Pre-construction nesting bird surveys shall be conducted if construction commences during nesting season (February 1 – August 31)
- A Tree Protection and Replacement Plan shall be prepared.
- Cessation of all work should occur if cultural or human remains are encountered.
- An asbestos survey shall be prepared prior to demolition.
- Provision of pavement markings and/or signing at the Old Auburn Road driveway

CEQA requires that mitigation measures must be incorporated into a Mitigation Monitoring Plan. The purpose of the Mitigation Monitoring Plan is to ensure compliance with the mitigation measures during implementation of the project. The Mitigation Monitoring Plan for the project is attached as part of Exhibit A. The attached Resolution incorporates adoption of the Mitigation Monitoring Plan.

Greenhouse Gas Emissions. The City of Citrus Heights adopted a Greenhouse Gas Reduction Plan (GGRP) in 2011. Projects that are consistent with the GGRP are considered, under CEQA, to have a less than significant impact with regard to the project's Greenhouse Gas emissions. The applicant has submitted information (Attachment 10) to demonstrate their compliance with the GGRP. Some items the project will undertake that are consistent with the Greenhouse Gas Reduction Plan are noted below:

- Utilize recycled materials in construction
- Utilize Energy Star appliances
- Drought tolerant landscaping
- Shade trees
- Solar hot water heaters
- Pedestrian connections between land uses

Condition of Approval No. 13 requires the applicant to submit evidence of compliance with the items in Attachment 10 prior to issuance of any building permits.

Conclusion

Staff recommends that the Planning Commission adopt the attached Resolution, adopting the Mitigated Negative Declaration and Mitigation Monitoring Plan.

SUMMARY/RECOMMENDED ACTION

Staff recommends approval of the following motions:

MOTION NO. 1: MOVE TO ADOPT THE ATTACHED RESOLUTION (EXHIBIT A) ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN.

MOTION NO. 2: MOVE TO APPROVE THE MINOR USE PERMIT FOR THE BEARPAW PROJECT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED BELOW.

MOTION NO. 3: MOVE TO APPROVE THE DESIGN REVIEW PERMIT FOR THE BEARPAW PROJECT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED BELOW.

MOTION NO. 4: MOVE TO APPROVE THE TREE PERMIT FOR THE BEARPAW PROJECT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED BELOW.

FINDINGS

Findings for Approval of the Minor Use Permit

- *The proposed apartments, as part of a mixed use project, are allowed within The Auburn Boulevard Corridor Special Planning Area;*
- *The proposed apartments, as part of a mixed use project, are consistent with the General Plan and The Boulevard Plan and will contribute to the transformation of Auburn Boulevard;*
- *The design, location, size and operating characteristics of the proposed apartments are compatible with existing and future land uses in the vicinity with the incorporation of the conditions of approval;*
- *The affected site is physically suitable for the type, density and intensity of the proposed apartments; and*
- *Granting the permit will not be detrimental to the public interest, health, safety, convenience or welfare or materially injurious to persons, property or improvements in the vicinity and zoning district in which the property is located.*

Findings for Approval of the Design Review Permit

- *The proposed apartments are consistent with the General Plan and The Boulevard Plan and will contribute to the transformation of Auburn Boulevard;*
- *The project complies with the Zoning Code with the incorporation of the conditions of approval included herein;*
- *The project's architectural design and building massing and scale are appropriate to and compatible with the site surroundings and the community;*
- *The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, etc.;*
- *The project complies with all applicable design standards in Chapter 106.31 and/or other applicable City design guidelines and policies with the incorporation of the conditions of approval included herein;*
- *The project provides safe and efficient public access, circulation and parking, including bicycle and pedestrian accommodations where appropriate with the incorporation of conditions of approval; and*

- *The project provides open space and landscaping, including the use of water efficient landscaping.*

Findings for Approval of the Tree Permit

- *Approval of the Tree Permit for the Bearpaw project will not be detrimental to the public health, safety or welfare; and*
- *Measures have been incorporated into the project to mitigate impacts to remaining trees.*

CONDITIONS OF APPROVAL FOR THE MINOR USE PERMIT
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- 1) The Minor Use Permit approval shall be exercised within a two (2) year period from the date of final approval and if not exercised shall expire. (Planning)
- 2) The clubhouse and pool area shall be closed to residents after 9:00 PM. This requirement shall be made part of the rental agreement (or equivalent agreement acceptable to staff) for each tenant. This agreement shall also stipulate that music shall not be played in this area that is audible at the adjoining residential property line. Prior to the first apartment building receiving its final Certificate of Occupancy, the applicant shall submit for review and approval the proposed rental agreement template with wording addressing use of the clubhouse and pool area. Each tenant/occupant is required to sign and adhere to this stipulation. (Planning)
- 3) The garages shall be used for the parking of vehicles. Storage or other activities are only allowed as an ancillary use. Prior to the first apartment building receiving its final Certificate of Occupancy, the applicant shall submit for review and approval the proposed rental agreement (or equivalent agreement acceptable to staff) with wording addressing use of the garages. Each tenant/occupant is required to sign and adhere to this stipulation. (Planning)
- 4) An onsite manager shall be present to address any issues that arise and ensure the project is not a nuisance to neighbors. (Planning)
- 5) Construction hours shall be restricted to the hours of 6:00 to 8:00 PM weekdays, and 7:00 AM to 8:00 PM on weekends. (Planning)
- 6) 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 DESIGN REVIEW PERMIT
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- 1) 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)
- 2) This project is approved as shown in Exhibits A-E and as conditioned or modified below. (Planning)
- 3) 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:
 - i) All exposed surfaces shall be watered two times daily.
 - ii) Haul trucks transporting soil, sand or other loose material shall be covered and/or shall maintain at least two feet of free board space. Any haul trucks traveling on freeways or major roadways shall be covered.
 - iii) Wet power vacuum street sweepers shall be used to remove any visible trackout mud or dirt onto adjacent public roads at least once a day.
 - iv) Vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
 - v) All roadways, driveways, sidewalks, parking lots to be paved shall be completed as soon as possible. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
 - b) Mitigation Measure 2: Should construction activities commence between February 1-August 31, pre-construction nesting surveys shall be conducted within 7 days prior to the commencement of construction.
 - c) Mitigation Measure 3: Prior to construction of the project, the applicant shall prepare a Tree Protection and Replacement Plan. Replacement for removed protected trees shall be by replacement, payment of an in-lieu fee or a combination of both.
 - d) Mitigation Measure 4: If artifacts for unusual amounts of shell bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance, the on-site contractor shall immediately notify the City and the Native American Heritage Association as appropriate. All soil disturbing work shall be halted within 100' of the discovery until a qualified archaeologist completes an evaluation. Any human remains unearthed shall be treated in accordance with all laws. If disturbance of a cultural resource cannot be avoided, a mitigation program shall be implemented.
 - e) Mitigation Measure 5: Prior to any demolition activities, the applicant shall prepare an asbestos survey to the satisfaction of the Sacramento Air Quality Management District.

- f) Mitigation Measure 6: Prior to construction the applicant shall prepare a plan depicting pavement markings and/or signing at the Old Auburn Road driveway to the satisfaction of the City Engineer.
- 4) Submit for review and approval by the City Attorney a document stipulating that the property containing the commercial portion of the mixed use project shall allow residents and guests of the residential portion of the mixed use project to park on its site. This document shall be recorded and binding on future property owners. (Planning)
- 5) Construction hours shall be restricted to the hours of 6:00 to 8:00 PM weekdays, and 7:00 AM to 8:00 PM on weekends. (Planning)

Prior to Issuance of Building Permits

- 6) The applicant is responsible for securing all permits for the demolition of the existing building from all appropriate agencies, including the Building Division and Sacramento Metropolitan Air Quality Management District. (Planning)
- 7) Submit and receive approval of a final site plan that addresses the following:
 - a) Sidewalk should be added to the west of Building I, adjoining the main drive aisle.
 - b) A private fenced rear yard shall be provided for the most western unit of Building I.
 - c) Provide an 8' wide planter adjoining the parking area located south of Vice's, along the shared property line.
 - d) Ensure two parking spaces are provided for each unit, including the managers unit.
 - e) Demonstrate that the minimum recreation area provided by the Zoning Code (250 square feet per unit) is being met.
 - f) Provide a masonry wall at the rear of the units which share a property line with the pet hospital property.
 - g) Identify location of pavement markings and any signage location required in response to Mitigation Measure 6 of the Mitigated Negative Declaration. (Planning)
- 8) 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.
 - a) All parking areas shall meet the minimum shade requirements of the Zoning Code.
 - b) The site plan shall be revised to provide 2 parking spaces for each unit, including the managers unit.
 - c) Parking spaces in the garage must be a minimum of 9' x 19'.
 - d) The maximum amount of compact spaces in the parking lot is 25%. Compact spaces should be dispersed throughout the parking lot. (Planning)
- 9) The applicant shall submit a final Landscape and Irrigation Plan that:

- a) Demonstrates all landscaping complies with the requirements of the Zoning Code including water efficient landscape requirements, shading requirements, and landscape area requirements. (Planning)
- 10) Submit and receive approval of revised architectural elevations that address the following:
- a) The maximum height at any point of a building is 30'. The architecture shall maintain varying heights for each building, as shown on Exhibit D, but must be revised so that no part exceeds 30'.
 - b) Provide elevations for the clubhouse that are similar in detail, colors and material to the overall project.
 - c) Provide the decorative stone treatment along the entire front of each building, not just trimming the garage doors. The stone shall also be applied to the side elevation of each building.
 - d) Provide architecturally enhanced garage doors for each garage.
 - e) Proposed awnings shall be analyzed during the building permit review to ensure they comply with the Uniform Building Code. To the extent possible, awning design shall endeavor to limit views from second stories. (Planning)
- 11) A solid 8' high masonry fence is required along the southern and eastern property boundaries adjoining the residential uses and along the northern boundary directly north of Building F. Submit and receive approval of the design of all fencing and walls prior to the issuance of any building permits. (Planning)
- 12) 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)
- 13) Submit written documentation identifying compliance with the Greenhouse Gas Reduction Plan as outlined in Attachment 10.
- 14) Project shall be made accessible per A.D.A. and California Non-Residential Disabled Access Regulations Title 24 part 2. This includes parking areas, sidewalks, and curb cuts. The applicant shall provide accessible pedestrian paths in accordance with the Uniform Building Code (UBC) to the building. An "exterior routes of travel" site accessibility plan incorporating slope, cross-slope, width, pedestrian ramps, curb ramps, handrails, signages, detectable warnings or speed limit signs or equivalent means shall comprise part of the site improvement plans submitted to the City for review, prior to the issuance of any building permits. The site accessibility plan shall also include:
- a) Handicapped parking stalls shall be located closest to accessible entrances (i.e. main entry). The total number of accessible spaces shall be determined by the UBC.
 - b) Handicapped spaces and crosswalks shall be signed, marked, and maintained as required by Title 24 amendments of the UBC. (Building)
- 15) Applicant shall pay all the appropriate development fees. (Engineering)
- 16) Submit and receive approval of Construction Traffic Management Plan. (Engineering)

- 17) Submit and receive approval of a Lot Line Adjustment reflecting property boundaries as depicted on Exhibit B. The Lot Line Adjustment shall be recorded prior to issuance of any building permits. (Engineering)
- 18) Provide a copy of the Notice of Intent and SWPPP to the City Engineer prior to any grading on site. (Engineering)
- 19) The location and design of all pervious paving shall be approved by the Engineering Division and Sacramento Metropolitan Fire District. (Engineering)
- 20) The proposed parking area must meet the pre and post Best Management Practices (BMPs) for stormwater mitigation. Stormwater must be filtered prior to exiting the site. (Engineering)
- 21) The on-site storm system shall be designed to accommodate the pre-existing off-site watershed to the east of the site. (Engineering)
- 22) Comply with any federal or state requirements for piping the existing on-site ditch. (Engineering)
- 23) Provide a manhole where the proposed 18" drain pipe connects to the existing 18" drain pipe on the west property line. (Engineering)
- 24) Provide a drainage study to calculate on and off-site runoff, pipe sizing, and capacity of the existing pipes that this development connects to. (Engineering)
- 25) Submit and receive approval of improvements plans from the Fire District. Minimum requirements include the following:
 - a) The fire access roadway shall be not less than 20' unobstructed width, 13'6" of vertical clearance, and turning radii of 25' inside and 50' outside. The access roadway shall extend to within 150' of all portions of the exterior walls of the first story of any proposed building.
 - b) Dead-end fire access roads greater than 150' long shall have an approved turn around.
 - c) Show how fire lanes will be marked.
 - d) Roadways shall bear a minimum of 80,000 pounds.
 - e) Show the location of fire hydrants.
 - f) All gates must be approved. The exit only gate shall be capable of providing emergency access from both directions of travel. (Sacramento Metropolitan Fire District)

During Construction and Prior to Issuance of Occupancy Permits

- 26) Prior to installation of landscaping, the project Landscape Architect shall submit documentation to the City that demonstrates:
 - 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 approved landscape plan.

- c) Tree planting sites comply with the minimum soil volume as identified in the Zoning Code and landscape plan. (Planning)
- 27) Following completion of landscape installation and prior to issuance of occupancy permits for any buildings, the Landscape Architect shall:
- a) Certify in writing that the landscaping has been installed in compliance with the Zoning Code and approved landscape plan.
 - b) Demonstrate and certify in writing that the irrigation has been installed and is in compliance with the Zoning Code and landscape irrigation plans. The City may require an irrigation audit performed by a certified irrigation auditor. (Planning)
- 28) The existing 10' wide drainage easement must be abandoned. A new 15' wide drainage easement will be required for the new pipe. (Engineering)
- 29) The location of any future monument sign shall be located outside of the visibility restriction area along Old Auburn Road. (Engineering)
- 30) The developer (or designated consultant) shall certify that the building pad foundation locations have been placed according to all approved setback requirements shown on the approved site plan. The developer (or designated consultant) shall also certify that the elevation of the building pad is as shown on the approved grading and improvement plans. The developer shall provide a written statement concerning building foundation location and placement prior to the foundation inspection for each building. (Building)
- 31) The developer (or designated consultant) shall certify that the elevation of the finished grade of the each building and sidewalks are per approved plans and meet UBC accessibility requirements. (Building)
- 32) The project shall comply with the requirements of the Sacramento Metropolitan Fire District. (Fire)
- 33) Address numbers shall be placed on all new buildings in such a position to be easily read. The minimum size of the numbers shall not be less than 10 inches. (Fire)
- 34) The project shall comply with all requirements of the Sacramento Area Sewer District (SASD), including the following:
- a) Connection or reconnection to the SASD system shall be required to the satisfaction of SASD. District design standards shall apply. Construction of both off-site and on-site SASD sewer infrastructure may be required.
 - b) Each parcel with a sewer source shall have a separate connection to the SASD system.
 - c) Payment of sewer impact fees will be required. (SASD)
- 35) The applicant shall comply with all requirements of the Citrus Heights Water District (CHWD), including the following:
- a) Submit and receive approval of improvement plans from the CHWD. It is anticipated that a public water main loop will be required. The loop would connect to the existing main in Old Auburn Road, travel south through the project, then west to a connection in Sylvan Road.

- b) A water main easement or a public utility easement may be required for District water facilities that are located outside the public road right of way.
 - c) The existing 1" water meter that currently serves this property will need to be abandoned as it is located on the adjacent property.
 - d) Water services and reduced backflow prevention assemblies will be required for the pool area, clubhouse, and irrigation areas.
 - e) Pay all appropriate fees and charges. (CHWD)
- 36) The applicant shall comply with all requirements of the Sacramento Municipal Utility District (SMUD)
- 37) Existing overhead 12kV infrastructure along the eastern boundary will need to remain. (SMUD)
- 38) All paved surfaces shall be accessible to a 26,000 pound SMUD service vehicle in all weather. (SMUD)
- 39) Easements may be required. (SMUD)
- 40) Structural setbacks of less than 14' may create clearance issues; coordinate with SMUD. (SMUD)
- 41) Building foundations shall have a minimum clearance of 5' to a SMUD trench placed within the PUE. (SMUD)

Other Conditions of Approval

- 42) Display transit information in prominent location(s) in the clubhouse/office area for both employees and residents. (Regional Transit)
- 43) 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)
- 44) This Design Review Permit approval does not include any signs. (Planning)
- 45) 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)
- 46) 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 and relocation requirements. (Planning)

PRIOR TO ISSUANCE OF A BUILDING PERMIT OR DEMOLITION PERMIT

- 3) The applicant shall submit an updated arborist report and tree impact assessment report for the 3 oak trees in the southeast corner of the property (Tree #s 17, 18 & 19). The arborist report shall also address any tree that is located off-site but whose protected zone extends into the project site. 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 of all trees that will remain. This tree impact assessment report shall take into account all on-site activities, including demolition, grading, wall construction and trenching for utilities. (Planning)
- 4) 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 that will 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)

- 5) 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)
- 6) 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

- 7) The following information must be located on-site during construction activities:
 - a) Arborist's reports

- b) Approved site plan including fencing plan and clearing denoting trees planned for removal, relocation or retention.
 - c) Conditions of approval for the Tree Permit (Planning)
- 8) A certified arborist shall monitor any excavation within the dripline of any tree designated to remain, including off-site trees if their protected zone extends into the project site. (Planning)
 - 9) All finished grading shall ensure that no water will collect within the dripline of any native oak trees. (Planning)
 - 10) 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)
 - 11) 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)
 - 12) 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)
 - 13) 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 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)
 - 14) 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)
 - 15) At least five (5) days before the applicant seeks their Building Permit Final, 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)
 - 16) 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 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)

Attachments:

1. Vicinity Map
2. Letter from Bearpaw stamped December 1, 2017
3. Zoning Code excerpt re: mixed use projects
4. Letter from Sacramento Air Quality Management District dated February 9, 2015 (w/o attachments)
5. Acoustical Analysis (w/o appendices. Appendices available on City website)
6. Traffic Impact Study (w/o appendices. Appendices available on City website)
7. Supplemental Traffic Access Analysis (Att. C to this analysis available on City website)
8. Arborist Report
9. Supplemental Arborist Report
10. Greenhouse Gas Reduction Plan Checklist
11. Comment letter from SOAR dated August 23, 2016
12. Comment letter from Lynn Avery dated August 21, 2016
13. Reduced copies of plans
 - Site Plan
 - Landscape Plan
 - Architectural Elevations
 - Civil Plans
14. Typical two bedroom layout
15. Aerial photo with site plan overlay

Exhibits:

- A. Resolution Adopting the Mitigated Negative Declaration
 - *A-1: Mitigated Negative Declaration / Initial Study
 - *A-2: Mitigation Monitoring Plan
- B. Site Plan
 - *Sheet A-1.0
- C. Landscape Plan
- D. Architectural elevations (11x17) (Sample board of colors and materials available at meeting)
- E. Civil Plans
 - *Civil site plan
 - *Preliminary Grading and Drainage