

**Citrus Heights
Planning Commission Meeting Minutes
July 13, 2022
Draft**

MEETING CALLED TO ORDER

Chair called meeting to order at 7:00 pm

1. **FLAG SALUTE:** Commissioner Ingle led the flag salute.

2. **ROLL CALL:** Commission Present: Commission Present: Ingle, Makhnovskiy, Nishimura, Scheeler, Turner-Mike, Vice Chair Van Duker
ABSENT: Chair Flowers
STAFF PRESENT: Bermudez, Flores, Hildebrand, Jones, Kempenaar, Singer

3. **CONSENT CALENDAR**
Approval of minutes for May 11, 2022
MOTION 1: Approval of minutes for May 11, 2022
M/S: Scheeler/Nishimura
AYES: (6) Ingle, Makhnovskiy, Nishimura, Scheeler, Turner-Mike, Vice Chair Van Duker
NOES: (0)
ABSENT: (1) Chair Flowers

4. **PUBLIC COMMENT**
No public comments.

5. **PUBLIC HEARING**
 - a. **Sunrise Vista Apartments - 6031 Sunrise Vista Drive File # PLN-21-01:** The applicant requested a Design Review Permit and Tree Permit to construct a 27-unit apartment complex comprised of three separate three-story buildings, totaling approximately 27,600 sq-ft. Other site improvements will include parking, landscaping, lighting, and recreational space. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) under Section 15332 (In-Fill Development Projects). **Project Planner: Eric Singer**

Associate Planner Eric Singer presented the project to Commission and responded to questions. The discussion included:

- Building elevation
- Concern with water run off
- Parapet wall to shield air conditioning units
- Affordable housing or market rate
- Pedestrian connection to Sunrise Mall Property

Chair opened the public hearing

Applicant Leonid Kotyakov and Casey Feickert addressed questions from Commission:

- Color scheme concerns
- Number of ADA units
- Grade changes on site

- Drainage swale

Chair closed the public hearing

MOTION 1: Adopt Resolution 22-07 determining the project is Categorical Exempt from CEQA per Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act;

M/S: Ingle/Nishimura

AYES: (6) Ingle, Makhnovskiy, Nishimura, Turner-Mike, Scheeler, Vice Chair Van Duker

NOES: (0)

ABSENT: (1) Chair Flowers

MOTION 2: Approve a Design Review Permit to allow for the construction of a 27-unit apartment complex comprised of three separate three-story buildings, totaling approximately 27,600 square feet, and other site improvements including parking, landscaping, lighting, and recreational space, located at 6031 Sunrise Vista Drive, subject to the findings contained in the staff report and attached conditions of approval;

M/S: Ingle/Nishimura

AYES: (6) Ingle, Makhnovskiy, Nishimura, Turner-Mike, Scheeler, Vice Chair Van Duker

NOES: (0)

ABSENT: (1) Chair Flowers

MOTION 3: Approve a Tree Permit to allow for the removal of three (3) protected trees totaling 48 inches-dbh in order to construct a 27-unit apartment complex comprised of three separate three-story buildings, totaling approximately 27,600 square feet, and other site improvements including parking, landscaping, lighting, and recreational space, located at 6031 Sunrise Vista Drive, subject to the findings contained in the staff report and attached conditions of approval.

M/S: Ingle/Nishimura

AYES: (6) Ingle, Makhnovskiy, Nishimura, Turner-Mike, Scheeler, Vice Chair Van Duker

NOES: (0)

ABSENT: (1) Chair Flowers

- b. **Zoning Code Density Bonus Update File # PLN-22-16:** The Planning Commission reviewed updates to the Zoning Code regarding compliance with State Density Bonus provisions and forward a recommendation to the City Council. A complete list of changes can be obtained from the Planning Division. The project is Categorical Exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the Guidelines.
Project Planner: Eric Singer

Associate Planner Eric Singer presented the project to Commission and responded to questions. The discussion included:

- Clarification on environmental exemption
- Concern with parking standard
- Clarification of income limits on for sale/rental units

Chair opened the public hearing

No public comments

Chair closed the public hearing

MOTION 1: Recommend the City Council adopt a Resolution to find the proposed amendments are exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.

M/S: Makhnovskiy/Turner-Mike

AYES: (6) Ingle, Makhnovskiy, Nishimura, Turner-Mike, Scheeler, Vice Chair Van Duker

NOES: (0)

ABSENT: (1) Chair Flowers

MOTION 2: Recommend the City Council adopt an Ordinance amending Chapter 106 of the City of Citrus Heights Municipal Code (Zoning Code Section) as shown in Exhibit A.

M/S: Makhnovskiy/Turner-Mike

AYES: (6) Ingle, Makhnovskiy, Nishimura, Turner-Mike, Scheeler, Vice Chair Van Duker

NOES: (0)

ABSENT: (1) Chair Flowers

6. **REGULAR CALENDAR**

- a. **Determination of General Plan Consistency – 7346 Cross Drive File # PLN-22-15:**
Sacramento Regional County Sanitation District owns the subject vacant parcel and has declared the property as surplus property. Under Government Code section 65402, the Planning Commission must determine conformity to the General Plan prior to the disposition of any government owned land. **Project Planner: Alison Bermudez**

Chair opened the public hearing

No public comments

Chair closed the public hearing

MOTION 1: Adopt Resolution No. 2022-06, to adopt the findings required under CA Govt Code section 65401 for the disposition of 7346 Cross Dr by Sacramento Regional County Sanitation District.

M/S: Nishimura/Ingle

AYES: (6) Ingle, Makhnovskiy, Nishimura, Turner-Mike, Scheeler, Vice Chair Van Duker

NOES: (0)

ABSENT: (1) Chair Flowers

7. **PLANNING MANAGER COMMENTS**

- Discussion of 6:00 pm start time in 2023

8. **ADJOURNMENT**

Meeting adjourned at 7:42 pm

Respectfully Submitted,

Stacy Hildebrand
Planning Commission Secretary



CONDITIONS OF APPROVAL – DESIGN REVIEW PERMIT (FILE # PLN-21-01 / DRP-21-01)

- 1) The applicant shall comply with all City of Citrus Heights Codes and Regulations, including but not limited to the Citrus Heights Municipal Code and Zoning Code, California Building Standards. [Planning]
- 2) The project is approved as described in this report and as shown in Attachments 1 through 9 and shall conform to all conditions of approval and exhibits included within this project; File #PLN-21-01 / DRP-21-01 for the construction of a 27,600 square foot, 27-unit apartment complex with associated site improvements. The project shall comply with the requirements of all agencies including service providers. [Planning]
- 3) Minor modifications to the design of the project, including site layout, colors and materials, may be approved by Community Development staff, provided such changes are consistent with the overall design as approved herein. Major modifications will require Planning Commission approval. [Planning]
- 4) This Design Review Permit approval does not include any signs. All sign plans must receive separate review and approval by the Planning Division prior to installation of any new signs. [Planning]
- 5) All outdoor lighting including parking lot lighting shall be designed with full shields, and cut off flat lenses to ensure that all light from any fixture will not direct light skyward, and will minimize light pollution consistent with section 106.35 of the Zoning Code. Flood lights are strictly prohibited. [Planning]
- 6) Rooftop equipment shall be screened from public view subject to Planning Division Approval. [Planning]
- 7) Any plans submitted to the Building Division for review and approval shall indicate all approved revisions/alterations as approved by the Planning Commission. [Planning]
- 8) Prior to any mobilization or site work the applicant shall submit documentation that the project has complied with the Conditions of Approval, CEQA Exemption Analysis, and General Plan Mitigation Monitoring and Reporting Requirements, including but not limited to:
 - a. Preconstruction nesting surveys
 - b. Stormwater Pollution Prevention
 - c. Construction Equipment Air Quality Certification
- 9) The project shall adhere to the State of California's General Construction Permit requirements. Provide documentation of compliance with applicable requirements prior to any soil disturbing activities. [Engineering]
- 10) Site shall meet the pre and post-construction Best Management Practices (BMP's) for Stormwater Mitigation per State of California requirements. The City is a member of the Sacramento Stormwater Quality Partnership and uses their guidelines and requirements. The following is their link: <https://www.beriverfriendly.net>. [Engineering]
- 11) Post-project stormwater runoff cannot exceed the runoff from the existing predevelopment conditions. [Engineering]

- 12) Roof drains for the buildings shall not directly connect into the storm drain system. Downspouts shall flow to rain garden, landscaped areas, bio-swale, and/or other approved filtering methods before entering the City's storm drain system. [Engineering]
- 13) This project shall meet all federal, state, and local solid waste disposal requirements; including, but not limited to, California SB1383, California AB341, and the City's Municipal Code requirements. [Engineering]
- 14) The State Water Boards' Trash Amendment requires that all commercial, industrial, and multi-family sites achieve full trash capture compliance by 2030. Trash capture is the developed site's ability to capture trash debris and litter from the property before it enters the public storm-water system. This site's location has been identified as a moderate trash generating parcel. This project is required to develop a full trash capture management plan that complies with the State Water Resource Control Board requirements. Prior to any occupancy of the proposed buildings, a Trash Maintenance Declaration and a Trash Management Plan for the property must be reviewed and approved by the City. The Trash Maintenance Declaration must be filed with the County of Sacramento's Recorder's Office. A Trash Maintenance Declaration template is available. [Engineering]

Prior to Issuance of Building Permits

- 15) Final detailed landscaping and irrigation plans for the project site shall be submitted to Planning staff prior to issuance of any building permits. [Planning]
- 16) A Final Tree Impact Assessment shall be submitted and approved by the Planning Division prior to issuance of any building permits. The Impact Assessment shall assess construction impacts to the existing trees as well as outline construction methods that shall be used to protect the trees during construction of the project. [Planning]
- 17) The design and materials for any proposed retaining walls shall be approved by the Planning and Engineering Divisions prior to issuance of building permits. Anti-graffiti coating is required. [Planning]
- 18) The applicant shall investigate the feasibility of creating a pedestrian connection between the subject property and the adjacent property to the west, and if no connection is possible the applicant shall document the conditions that prevent such a connection from being made for review and approval by the Planning Division. [Planning]
- 19) The applicant shall submit an elevation plan that shows the HVAC units on top of each building are adequately screened from public view to the Planning Division for review and approval. [Planning]
- 20) The applicant shall submit documentation of the usability of the detention basin as recreational space, at minimum during dry months, to the Planning Division for review and approval. [Planning]
- 21) Dedicate 12.5-ft Public Utilities Easement (PUE) along Sunrise Vista Drive. PUE shall be located behind the existing Right-of-Way (ROW). [Engineering]
- 22) Dedicate Pedestrian Easement along Sunrise Vista Drive for portions of the new 6-ft wide sidewalk that is not located within the existing ROW. [Engineering]
- 23) The existing frontage improvements along Sunrise Vista Drive shall be removed and replaced to meet current City standards and all accessibility requirements. The following improvements shall be installed along Sunrise Vista Drive:
 - a) Vertical curb (Type 2) & gutter.
 - b) 6-ft wide sidewalk.
 - c) Type A-6 commercial driveways. (minimum driveway width 35-feet)
 - d) Any needed storm drain system as determined during the design stage. [Engineering]
- 24) Required development impact fees shall be paid prior to building permit issuance. Fee rates assessed shall be calculated during the building permitting process.
 - a) Roadway Fees
 - b) Transit Fees

c) Administration Fees [Engineering]

- 25) Drainage Impact Fees shall be paid to the County of Sacramento Water Resources Department prior to issuance of the Building Permit and/or approval of the Improvement Plans; whichever is issued first. Applicant shall contact the County for calculation & collection of the fees. [Engineering]
- 26) All other outside agency impact fees & connection fees shall be paid prior to issuance of the Building Permit. [Engineering]

Prior to Final Occupancy

- 27) Prior to any occupancy of the proposed buildings, a Stormwater Maintenance Declaration and a Stormwater Management Plan for the proposed stormwater quality features on the property must be prepared by the owner then reviewed and approved by the City. The Stormwater Maintenance Declaration must be filed with the County of Sacramento's Recorder's Office. A Stormwater Maintenance Declaration template is available. [Engineering]
- 28) Applicant agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this Permit challenging the validity of the Permit or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Permit. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein.

CONDITIONS OF APPROVAL – TREE PERMIT (FILE # TP-22-25)

- 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 Division as identified in Attachment 5. Only those trees identified as appropriate for removal, in accordance with Attachment 5 are authorized for removal, in accordance with the information provided earlier in this staff report. [Planning]
- 3) 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

- 4) 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]
- 5) 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]

- 6) 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]
- 7) 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]
- 8) 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]
- 9) 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]
- 10) 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 a 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

- 11) Following completion of landscape installation and prior to issuance of occupancy permits for any buildings, the Landscape Architect shall certify that:
 - a. Soil has been tested and prepared as necessary based on the Soils Analysis;
 - b. The irrigation has been installed compliant with the Zoning Code and the Model Water Ordinance and approved landscape plan; and
 - c. Tree planting sites shall comply with the minimum soil volume as identified in the Zoning Code and landscape plan. [Planning]
- 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) Applicant agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this Permit challenging the validity of the Permit or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Permit. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein.