

City of Citrus Heights
Planning Commission Meeting
Minutes
February 12, 2020
APPROVED

1. CALL MEETING TO ORDER

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

2. ROLL CALL

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

Staff Present: Bermudez, Flores, Hodgkins, Jones, Kempenaar, McDuffee, Ramsay

3. FLAG SALUTE

Planning Commissioner Lagomarsino led the flag salute.

4. PUBLIC COMMENT

None

5. CONSENT CALENDAR

The meeting minutes for January 22, 2020 were approved as submitted.

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

NOES: (0)

6. PUBLIC HEARING

A. SUNRISE SUNGARDEN RETAIL CENTER – 7056 SUNRISE

BOULEVARD: Project Planner Bermudez presented a request for approval of a Design Review Permit and Use Permit to allow the construction of a new 7,559 square foot (SF) multi-tenant retail building with drive-through service. An Initial Study and Mitigated Negative Declaration was prepared for this project.

There was Planning Commission and staff discussion.

Chair Schaefer opened the public hearing.

Applicant, Leslie Burnside addressed the Planning Commission's questions regarding irrigation, electric vehicle parking and signage.

There were no other speakers and Chair Schaefer closed the public hearing. Chair Schaefer re-opened the public hearing so that Nancy Graham, Neighborhood Area 9 President, could comment that she supports the project

and is glad that something is going in there.

Kathy Morris from Neighborhood Area 7 & 8 said they are looking forward to more retail shops.

Chair Schaefer closed the public hearing.

Commission Comments

There were no comments.

Chair Schaefer called for a motion.

Motions

1. Adopt Resolution 20-04 determining the Mitigated Negative Declaration is the appropriate environmental document for this project and no further review is required.

M/S: Lagomarsino/Scheeler

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

NOES: (0)

2. Approve the Use Permit to allow a new retail building with drive-through services based upon the findings listed in the Staff Report and the conditions of approval listed in Attachment 6.

M/S: Lagomarsino/Duncan

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

NOES: (0)

3. Approve the Design Review Permit to allow the construction of new 7,759 square foot retail building based upon the findings listed in the Staff Report and the conditions of approval listed in Attachment 6.

M/S: Lagomarsino/Scheeler

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

NOES: (0)

CONDITIONS OF APPROVAL – USE PERMIT # UP-19-05

- 1) The Use Permit approval shall be exercised within a two (2) year period from the date of final approval otherwise the Use Permit shall expire. The permit may be extended one-year provided the applicant files a written extension request prior to the expiration date of February 12, 2022. (Planning)
- 2) This project is approved as described and as shown in Attachments 1 through 11 and as conditioned or modified below. (Planning)
- 3) The communication ordering system for the drive-through shall have an automatic volume control so the volume of the speaker fluctuates based upon the ambient noise levels. At no time shall the noise exceed the levels allowed by the City's Noise Regulations. (Police and Planning)
- 4) Hours of operation for the center shall not exceed 5:00 AM to Midnight. Shall a tenant desire to extend beyond those operating hours, approval of a modification to the Use Permit is required. (Planning)
- 5) Minor modifications to the Use Permit may be approved by the Planning Division. Significant changes will require approval by the Planning Commission. (Planning)
- 6) The project shall comply with all regulations of the City of Citrus Heights including the city's Municipal Code and Building Code. (Planning)
- 7) The project shall comply with all requirements of all servicing agencies of the City of Citrus Heights including but not limited to Sacramento Metropolitan Fire District, Citrus Heights Water District and Sacramento Area Sewer District. (Planning)
- 8) To the maximum extent practical, the following measures should be incorporated into the project construction operations:
 - Noise-generating construction activities shall not occur within the hours identified in Municipal Code Section 34-88(5).
 - All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.
 - All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency

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shall comply with such regulations while in the course of project activity.

- Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible.
 - Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
 - Project area and site access road speed limits shall be established and enforced during the construction period.
 - Written notice shall be provided to residents within 500 feet of the project site of the construction schedules. The notice shall include a contact name and phone number should the residents have a question or concern with construction noise levels. (Mitigation Measure 1 – Planning)
- 9) Shall any nuisances arise at the site including noise from the ordering devices, late night hours, loitering or other health and safety issues, the applicant shall provide security measure(s) onsite acceptable to the Community Development Director and Chief of Police. If after reasonable notice and an opportunity to correct those problems, any public nuisances remain onsite, including any health and safety issues, the City can impose reduced operational hours or require a security company to provide onsite security during hours of concern. (Police and Planning)
- 10) 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 – DESIGN REVIEW PERMIT # DRP-19-11

- 1) The Design Review Permit approval shall be exercised within a two (2) year period from the date of final approval otherwise the Design Review Permit shall expire. The permit may be extended one-year provided the applicant files a written extension request prior to the expiration date of February 12, 2022.(Planning)
- 2) This project is approved as described and as shown in Attachments 1 through 11 and as conditioned or modified below. (Planning)
 - The pedestrian connection from the building across the drive-through lane towards Sunrise Boulevard shall be distinguished through the use of enhanced surface materials such as pavers, bricks, or colored/textured concrete. The final design shall be approved by the Planning Division.
- 3) Minor modifications to the Design Review Permit may be approved by the Planning Division. Significant changes will require approval by the Planning Commission. (Planning)
- 4) A master sign program shall be submitted and approved by the Planning Division should the project create four or more tenants. The master sign program shall meet the requirements of Zoning Code Section 106.38. (Planning)
- 5) The project shall comply with all regulations of the City of Citrus Heights including the city's Municipal Code and Building Code. (Planning)
- 6) The project shall comply with all requirements of all servicing agencies of the City of Citrus Heights including but not limited to Sacramento Metropolitan Fire District, Citrus Heights Water District and Sacramento Area Sewer District. (Planning)
- 7) Prior to commencement of any work on site, all contractors and subcontractors shall obtain a valid City of Citrus Heights Business License. The general contractor shall be responsible for ensuring that all subcontractors obtain required Business License and shall retain copies of said permits on site for verification by City staff. (Planning)

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- 8) Construction hours are limited to 6:00 a.m. to 8:00 p.m. on weekdays and 7:00 a.m. to 8:00 p.m. on weekends. (Building)
- 9) Prior to excavation or trenching, the applicant shall call Underground Service Alert (dial 811) for a mark out of service utilities. (Building)
- 10) The project's post-development (proposed) stormwater runoff cannot exceed the pre-development (existing) runoff. (Engineering)
- 11) The existing building is currently connected to public sewer. Any required construction and/or modification to the public sewer system must be to the satisfaction of Sacramento Area Sewer District (SASD) prior to the approval of improvement plans. SASD Design Standards and Specifications apply to any onsite and offsite public sewer construction. (SASD)
- 12) SASD Design Standards and Specifications require minimum 6-inch lower laterals for commercial and industrial buildings. Demolishing of the building may require replacing the existing 4-inch lower lateral to a 6-inch lower lateral. (SASD)
- 13) Construction of a grease trap or a sand oil separator may be required. The applicant must verify with the applicable jurisdiction's building department. (SASD)
- 14) If the proposed garbage enclosure will contain a drain to the sewer, it must be covered. (SASD)
- 15) To the maximum extent practical, the following measures should be incorporated into the project construction operations:
 - Noise-generating construction activities shall not occur within the hours identified in Municipal Code Section 34-88(5).
 - All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.
 - All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.

- Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible.
- Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
- Project area and site access road speed limits shall be established and enforced during the construction period.
- Written notice shall be provided to residents within 500 feet of the project site of the construction schedules. The notice shall include a contact name and phone number should the residents have a question or concern with construction noise levels. (Mitigation Measure 1 – Planning)

Conditions Required Prior to Issuance of Building Permit

- 16) The applicant shall submit a Construction Traffic Management Plan (plan) to minimize traffic impacts to public streets and maintain a high level of safety for all roadway users. (Engineering)
- 17) The applicant shall install construction fencing around the staging, equipment storage, and construction area. The construction fencing shall be screened with mesh screening or slats, subject to Planning Division approval. (Planning)
- 18) A pre-construction nesting survey shall be conducted within 14 days of any demolition or construction activities proposed during the nesting season (Feb 1 – Aug 31). If active nests are found, no work shall commence until an avoidance and monitoring plan is developed by a qualified biologist in coordination with the CDFW. If a setback is approved, no work shall occur with the setback area until the fledglings are capable of flight and are no longer reliant on the nest tree, as determined by the qualified biologist. (Planning)
- 19) Required development fees shall be paid prior to building permit issuance. Fee rates assessed shall be calculated during the building permitting process. (Engineering)
- 20) The proposed site improvements shown on the preliminary civil drawings, dated 10-11-2019, reflect the required public improvements along Sunrise

Blvd. and Sungarden Drive. These required improvements will be detailed in the project's improvement plans:

- Remove the existing west driveway along Sungarden Drive and construct 6-ft wide sidewalk, vertical curb, and gutter per City of Citrus Heights requirements.
- Remove and replace existing rolled curbs, gutters, and sidewalks along Sungarden Drive to meet all accessibility requirements (max. cross slope of 2%). All new curbs shall be vertical (Type 2 curb & gutter).
- Remove and replace existing drive approach for the east driveway along Sungarden Drive per City standards.

21)The applicant shall work with the adjoining property owner to the best extent possible to allow "Keep Clear" striping be installed within the Sungarden driveway to deter outbound vehicles from blocking the drive aisle opening. (Planning)

22)Prior to approvals of the improvement plans, a pipeline video inspection of the existing storm drain system shall be submitted to the Engineering Division for review and approval. The existing SD system may need to be cleared of debris prior to connection of the new SD system. (Engineering)

23)The owner must contact Sacramento Area Sewer District (SASD) Permit Services Unit at PermitServices@sacsewer.com or by phone at (916) 876-6100 to determine if sewer impact fees are due. Fees are to be paid prior to the issuance of building permits. (SASD)

Required Prior to Final

24)The luminaire on the existing streetlight along Sunrise Boulevard shall be replaced with an LED luminaire. The existing mast arm may need to be replaced. (Engineering)

25)The State Water Board's 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 has been identified as a moderate trash generating property. 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 building, a Trash Maintenance Declaration for the property must be reviewed and approved by the City,

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and filed with the County of Sacramento's Recorder's Office.
(Engineering)

- 26) 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)
- 27) Dedicate 12.5-ft Public Utilities Easement (PUE) along Sunrise Boulevard and Sungarden Drive. The PUE shall be located behind the existing Right-of-Way (ROW) per Sacramento County Book 2794, Page 554 along both streets.
- 28) The applicant shall install a backflow device, including insulated enclosure and concrete pad, per current Citrus Heights Water District (CHWD) specifications. (CHWD)
- 29) The applicant may be required to install a new meter, meter setter, meter box, and meter location to the satisfaction of CHWD.
- 30) The installation of a secondary backflow (sized appropriately) is required down-stream of the primary backflow to isolate the irrigation system from the domestic supply. (CHWD)
- 31) The installation of the water distribution system modifications will be by the developer's contractor at the developer's expense. (CHWD)
- 32) Any easements granted to the District for the water facilities will be prepared by the developer at the developer's expense. (CHWD)
- 33) The applicant shall meet the following: Civil Site Plans, Fire Service Underground Plans, Fire Sprinkler Plans, Fire Alarm Plans and Architectural Plans shall be submitted prior to Final Building Permit being issued. (Fire)
- 34) Approved numbers or addresses shall be placed in such a position as to be easily read from the street or road fronting the property. The minimum size of the numbers shall not be less than ten (10) inches and shall be mounted immediately adjacent to a light source and shall also contrast with their background. (Fire)
- 35) Prior to installation of Landscaping, the project Landscape Architect shall submit documentation to the City that demonstrates:

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- Soil has been tested and prepared as necessary based on the Soils Analysis.
- The Irrigation has been installed compliant with the Zoning Code and approved landscape plan.
- Tree planting sites comply with the minimum soil volume as identified in the Zoning Code and landscape plan. (Planning)

36) Prior to Final of Building Permit, the project Landscape Architect shall:

- Certify in writing that the landscaping has been installed in compliance with the Zoning Code and approved landscape plan.
- 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)

37) The walls of the trash enclosures and the screening wall shall be treated with anti-graffiti coating. (Planning)

38) Prior to the Final of Building Permits, the applicant shall call for inspection by the Planning Division to verify compliance with the approved plans. (Planning)

39) Parking lot surface and double-striping shall be maintained in good repair. (Planning)

40) Any graffiti shall be removed within 24-hours (Planning)

41) Outdoor lighting shall be maintained in good working order. (Planning)

42) All landscaping, including the green screen, shall remain watered and in a healthy condition. (Planning)

43) Following occupancy of the building, there shall be no storage of goods outside of the building including the service areas adjacent to the drive-through lane. (Planning)

44) Ensure that addressing for the project is clearly indicated. Approved numbers or addresses shall be not less than six inches and shall be mounted immediately adjacent to a light source and shall also contrast with their background. (Fire)

- 45) Site shall meet the pre and post-construction Best Management Practices (BMP's) for Stormwater Mitigation per State of California requirements, including Low Impact Design (LID) features to mitigate quality of stormwater runoff. The City is a member of the Sacramento Stormwater Quality Partnership and uses their guidelines and requirements. The following is their link: <http://www.beriverfriendly.net/> (Engineering)
- 46) SMUD has existing overhead 12kV and 69kV facilities along the east side of Sunrise Boulevard that will need to remain. The Applicant shall be responsible for maintaining all CalOSHA and State of California Public Utilities Commission General Order No. 95 safety clearances during construction and upon building completion. If the required clearances cannot be maintained, the Applicant shall be responsible for the cost of relocation. (SMUD)
- 47) SMUD has existing underground 12kV facilities spanning from the southwest corner to the northeast corner of the project site that will need to remain. The Applicant shall be responsible for maintaining all CalOSHA and State of California Public Utilities Commission General Order No. 128 safety clearances during construction and upon building completion. If the required clearances cannot be maintained, the Applicant shall be responsible for the cost of relocation. (SMUD)
- 48) The Applicant shall dedicate a 12.5-foot public utility easement for overhead and/or underground facilities and appurtenances adjacent to all public street rights-of-ways. (SMUD)
- 49) If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for pre-contact and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:
- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.
 - If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the lead agency, the City of Citrus Heights, and applicable landowner. The agencies shall consult on a

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finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Work may not resume within the no-work radius until the lead agency, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to their satisfaction.

- If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Sacramento County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§ 5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the Public Resources Code). A Native American representative from a culturally and geographically affiliated tribe should also assess the significance of the find pursuant to PRC §21080.3.2 (a). Having just an archaeologist evaluate resources is inappropriate, especially if the resource is Native American in origin and may be considered a Tribal Cultural Resource. Also, UAIC would like to rebury any Native American human remains with appropriate dignity and respect, with the landowners permission.
- This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agency, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction. (Planning)

50)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)

7. REGULAR CALENDAR

A. CENSUS 2020 PRESENTATION – Alison Bermudez

Associate Planner Bermudez gave an overview on the 2020 Census and how important it is for everyone to respond.

B. PLANNING MANAGER COMMENTS

February 26 Study Session at 6:00 PM.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:47 PM to the next meeting of February 26, 2020.

Respectfully Submitted,

Karen Ramsay
Planning Commission Secretary