

City of Citrus Heights
Planning Commission Meeting
APPROVED
Minutes
January 22, 2020

1. CALL MEETING TO ORDER

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

2. ROLL CALL

Commission Present: Duncan, Ingle, Scheeler, Van Duker, Vice Chair Schaefer, Chair Lagomarsino

Absent: Flowers

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

3. FLAG SALUTE

Planning Commissioner Ingle led the flag salute.

4. PUBLIC COMMENT

None

5. CONSENT CALENDAR

The meeting minutes for December 11, 2019 were approved as submitted.

AYES: (5) Duncan, Ingle, Scheeler, Van Duker, Vice Chair Schaefer,

ABSENT: (1) Flowers

ABSTAIN: (1) Lagomarsino

6. PUBLIC HEARING

A. DESIGN REVIEW PERMIT & USE PERMIT – SUNRISE VILLAGE

SHOPPING CENTER – 5425 SUNRISE BLVD: Project Planner

Bermudez presented a request for approval of a Design Review Permit for the exterior renovation and 17,928 SF expansion of Sunrise Village Shopping Center and a Use Permit to allow drive-through service with the construction of a new 5,516 +/- SF pad building.

The applicant is also requesting two entitlements related to signage. The first request is to amend the City's Sign Ordinance to increase the allowable square footage for wall signage for buildings within the Sunrise Boulevard/Greenback Lane Sign District which are set back more than 300 feet from the public right-of-way. The second request is for the approval of a Sign Exception to allow the placement of archway signage above two of the center's driveways. The Planning Commission will

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forward their recommendation to the City Council who will take final action on the project at a future meeting. An Initial study and Negative Declaration was prepared for this project.

There was Planning Commission and staff discussion regarding the Sunrise Boulevard driveway, the drive-through circulation and the parking lot lighting.

Chair Lagomarsino opened the public hearing.

Applicant Jon Plomteaux of Merlone Geier Partners explained the company's history, noting that Merlone Geier Partners adds value to existing tired shopping centers and revitalizes them. Mr. Plomteaux gave a presentation on the proposed project.

Kathilynn Carpenter, Executive Director of Sunrise Market Place Business Improvement District said that they support the project and that the district was the original organization that worked with the City to draft the sign exception ordinance and she is happy to see it utilized.

Chair Lagomarsino closed the public hearing and asked for commission comments.

Commission Comments

Commissioner Scheeler said this is a great project.

Commissioner Van Duker said that this is a great project and long overdue.

Commissioner Ingle had no comment.

Commissioner Duncan spoke in favor of the project.

Vice Chair Schaefer had no comment.

Chair Lagomarsino said he is happy to see that someone is willing to spend the money to improve these shopping centers in the area. It will be a great addition to this city.

Chair Lagomarsino called for a motion.

Motions

1. Recommend that the City Council adopt the Resolution determining the Negative Declaration is the appropriate environmental document for this project and no further review is required.

M/S: Van Duker/Scheeler

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

ABSENT: (1) Flowers

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2. Recommend that the City Council approve the Design Review Permit to allow the expansion and renovation of an existing shopping center project based upon the findings listed in the staff report and the conditions of approval as amended listed in Attachment 5.

M/S: Van Duker/Scheeler

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

ABSENT: (1) Flowers

3. Recommend that the City Council approve the Use Permit to allow the construction of new retail pad building with drive-through services based upon the findings listed in the staff report and the conditions of approval as amended listed in Attachment 5.

M/S: Van Duker/Scheeler

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

ABSENT: (1) Flowers

4. Recommend that the City Council approve a Tree Permit to allow the removal of numerous trees based upon the findings listed in the staff report and the conditions of approval listed in Attachment 5.

M/S: Van Duker/Scheeler

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

ABSENT: (1) Flowers

5. Recommend that the City Council approve an Exception to Sign Regulations Permit and Master Sign Program to allow the placement of archway signage over two driveway entrances based upon the findings listed in the staff report and the conditions of approval as amended listed in Attachment 5.

M/S: Van Duker/Schaefer

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

ABSENT: (1) Flowers

6. Recommend that the City Council adopt the Ordinance approving a text amendment to the sign regulations as shown in Attachment 15.

M/S: Van Duker/Schaefer

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

ABSENT: (1) Flowers

DESIGN REVIEW PERMIT MODIFICATION FILE # DRPMOD-19-05

- 1) The Design Review Permit Modification approval shall be exercised within a two (2) year period from the date of final approval otherwise the Design Review Permit Modification shall expire. The permit may be extended one-year provided the applicant files a written extension request prior to the expiration date of January 22, 2022.(Planning)
- 2) This project is approved as described and as shown in Attachments 1 through 16 and as conditioned or modified below. (Planning)
 - Screening of the drive-through lane adjacent to Madison Avenue shall be modified to provide additional screening methods such as shrubbery, berming and low walls. The final wall design shall be approved by Planning Division.
 - The screening of the drive-through lane shall be extended to the north, along the shared property line of the existing gas station. The screening in this area may be a combination of shrubbery and/or a short fence. The final design shall be approved by the Planning Division.
 - The pedestrian connection between new Pad 3 shall be distinguished through the use of enhanced surface materials such as pavers, bricks, or colored/textured concrete instead of the striping as proposed. 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) The project shall comply with all regulations of the City of Citrus Heights including the city's Municipal Code and Building Code. (Planning)
- 5) 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)
- 6) 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)
- 7) 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)
- 8) Prior to excavation or trenching, the applicant shall call Underground Service Alert (dial 811) for a mark out of service utilities. (Building)

Conditions Required Prior to Issuance of Building Permit

- 9) 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)
- 10) Required development fees shall be paid prior to building permit issuance. Fee rates assessed shall be calculated during the building permitting process. (Engineering)
- 11) To obtain sewer service, construction of Sacramento Area Sewer District (SASD) sewer infrastructure will be required. Current SASD Standards and Specifications apply to any offsite or onsite public sewer construction or modification. These improvements must be shown on the plans. Field modifications to new or existing precast manhole bases are not allowed. (SASD)
- 12) Each building on each lot with a sewage source to have a separate connection to SASD's sewer system. If there is more than one building in any single parcel and the parcel is not proposed for split, then each building on that parcel must have a separate connection to a private onsite sewer line or a separate connection to the SASD public sewer line. These improvements must be shown on the plans. (SASD)
- 13) Sewer easements are currently being utilized to service this parcel. Any new public sewer easements will be dedicated to SASD in a form approved by the District Engineer. Any new public sewer easements will be at least 20 feet in width and will require continuous access for installation and maintenance. SASD will only provide maintenance in public right-of-ways and SASD dedicated sewer easements. No awning or overhang may encroach on any new easement area. At minimum, an all-weather access road must be provided to all manholes. (SASD)
- 14) The owner must contact 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)
- 15) Permanent structures, walls, signs and footings will not be permitted within the existing SASD easement area unless express written permission is obtained from SASD. (SASD)
- 16) The Applicant shall not place any building foundations within 5-feet of any SMUD trench to maintain adequate trench integrity. The Applicant shall verify specific clearance requirements for other utilities (e.g., Gas, Telephone, etc.). (SMUD)

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- 17) The Applicant shall provide separate SMUD service points to each parcel to the satisfaction of SMUD. (SMUD)

Required Prior to Final

- 18) The following site improvements are required along Sunrise Boulevard:

- A. For the two driveways along Sunrise Blvd., stripping and signage shall be utilized to direct traffic entering from Sunrise Boulevard to continue straight into the center and restrict immediate right/left turns. The final stripping and signage plan shall be approved by the Engineering Division prior to installation.
- B. Remove and replace the existing north driveway along Sunrise Boulevard to meet all accessibility requirements. New driveways shall be Type A commercial driveway and meet City of Citrus Heights requirements.
- C. In accordance with the City's adopted Pedestrian Master Plan (PMP) an 8-ft wide detached sidewalk and a minimum 4-ft wide planter are required along Sunrise Boulevard. New sidewalk shall meet all accessibility requirements including a maximum cross slope of 2%. Portions of the sidewalk may be attached to the curb in order to save existing trees and/or tie into adjacent parcels as approved by the Planning Division.
- D. Pedestrian easement is required for portions of the required sidewalk along Sunrise Boulevard that is not located within the existing ROW.
- E. Vertical curbs (Type 2) & gutters are required along Sunrise Blvd.
- F. Dedicate 12.5-ft wide Public Utilities Easement (PUE) along Sunrise Boulevard. (Engineering)

- 19) The following site improvements are required along Madison Avenue:

- A. In accordance with the City's adopted Pedestrian Master Plan (PMP) an 8-ft wide detached sidewalk and a minimum 4-ft wide planter are required along Madison Avenue. Dedicate additional ROW or pedestrian easement to accommodate the future 8-ft wide sidewalk.
- B. Dedicate 12.5-ft wide Public Utilities Easement (PUE) along Madison Avenue.
- C. Dedicate an Irrevocable Offer of Dedication (IOD) or a transit easement for future bus shelter pad AND bus turnout along Madison Avenue. Dimensions for both the shelter pad and turnout shall be coordinated with City staff and Regional Transit (RT).
- D. Replace the three (3) existing SMUD owned/maintained streetlight poles along Madison Avenue with City standard poles/lights. New streetlights shall

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be connected to City's existing system or a new metered service pedestal will need to be installed per SMUD and City requirements. (Engineering)

- 20) The following site improvements are required along Uplands Way:
- A. Dedicate 12.5-ft wide Public Utilities Easement (PUE) along Uplands Way (Engineering)
- 21) Fire Protection facilities shall meet the requirements as determined by Sacramento Metropolitan Fire District including approved Reduced Pressure Detector Assembly's (RPDA), installation of new freeze bags and the repainting of fire service devices and fire hydrants with Rustoleum White paint. (CHWD)
- 22) Backflow devices need to comply with current standards and will require insulated cages and concrete pads. (CHWD)
- 23) Water services and meters will need to be verified for size and location to meet the new retail layout. (CHWD)
- 24) Prior to installation of Landscaping, the project Landscape Architect shall submit documentation to the City that demonstrates:
- 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)
- 25) 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)
- 26) In the event the City requires an Irrevocable Offer of Dedication (IOD) for future roadway improvements, the Applicant shall dedicate a 12.5-foot public utility easement (PUE) for overhead and/or underground facilities and appurtenances adjacent to the City's IOD. (SMUD)
- 27) The Applicant shall locate, verify, and provide a drawing to SMUD identifying all electrical utility infrastructure for the existing structures. If necessary, any existing onsite electrical infrastructure that serves existing structures shall be relocated to the satisfaction of SMUD. (SMUD)

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- 28) 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)
- 29) The Applicant shall dedicate any private drive, ingress and egress easement, (and 10-feet adjacent thereto) as a public utility easement for (overhead and) underground facilities and appurtenances. All access roads shall meet minimum SMUD requirements for access roads. (SMUD)
- 30) The walls of the trash enclosures shall be treated with anti-graffiti coating. (Planning)
- 31) 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)
- 32) Parking lot surface and double-striping shall be maintained in good repair. (Planning)
- 33) Any graffiti shall be removed within 24-hours (Planning)
- 34) Outdoor lighting shall be maintained in good working order. (Planning)
- 35) All landscaping shall remain watered and in a healthy condition. (Planning)
- 36) Ensure that addressing for the project is clearly indicated. Approved numbers or addressed 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)
- 37) 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. A LID Maintenance Declaration for the property must be reviewed and approved by the City, and recorded with the County Recorder prior to acceptance. A template for the LID Maintenance Declaration is available from the City. 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)
- 38) The project is required to develop a full trash capture trash management plan that complies with the State Water Resource Control Board requirements. This is to capture trash debris and litter from the property before it enters the public storm-water system. Storm drain design shall incorporate trash/litter collection devices to meet this requirement, and may be combined with LID requirements. A Trash Maintenance Declaration for the property must be reviewed and approved by the City, and recorded with the County Recorder prior to acceptance. (Engineering)

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- 39) The project's post-development (proposed) stormwater runoff cannot exceed the pre-development (existing) runoff. (Engineering)
- 40) The project shall adhere to the State of California's General Construction Permit requirements. If more than one acre is disturbed, this project will require a Storm Water Pollution Prevention Plan (SWPPP) and California's Notice of Intent (NOI). Provide an exhibit to show and quantify the limits of disturbance. (Engineering)
- 41) Roof slopes and drains for the buildings shall be shown on the grading and drainage plans. Roof drains/downspouts shall not connect directly to the storm drain system. Downspouts shall flow to rain garden, landscaped areas, bio-swale, and/or other approved infiltration devices before excess stormwater enters the City's storm drain system. (Engineering)
- 42) The development shall meet all the requirements of the California State Water Resources Control Board's General Permit for storm water discharges associated with construction activity. (Engineering)
- 43) The project shall implement measures of the Sacramento Metropolitan Air Quality Management District (SMAQMD) *Basic Construction Emission Control Practices*.
<http://www.airquality.org/LandUseTransportation/Documents/Ch3BasicEmissionControlPracticesBMPS%20FINAL5-2017.pdf>. (Engineering)
- 44) Installation of the water distribution system modifications will be by the developer's contractor at the developer's expense. (CHWD)
- 45) Any easements granted to the District for the water facilities will be prepared by the developer at the developer's expense. (CHWD)
- 46) Please note that the District's normal operating water pressure in this area may exceed 80 psi, which may require a pressure regulating valve installation to meet local building codes. (CHWD)
- 47) Fees and charges established by the District for plan check, construction water, inspection, and installation will be required of the developer. (CHWD)
- 48) The project shall incorporate a Full Capture Systems. The proposed capture system shall be subject to approval of the Engineering Division. Trash Amendments Systems are defined as "A treatment control, or series of treatment controls, including but not limited to, a multi-benefit project or a low-impact development control that traps all particles that are 5 mm or greater, and has a design treatment capacity that is either: a: of not less than the peak flow rate, Q, resulting from a one-year, one-hour, storm in the subdrainage area, or b) appropriately sized to, and designed to carry at least the same flows as, the corresponding storm drain." (SASD)
- 49) The existing buildings are currently connected to public sewer. Any required construction and/or modification to the public sewer system must be to the

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- satisfaction of SASD prior to the approval of improvement plans. SASD Design Standards and Specifications apply to any onsite and offsite public sewer construction. (SASD)
- 50) SASD Design Standards and Specifications require minimum 6-inch lower laterals for commercial and industrial buildings. (SASD)
- 51) Any use of the existing SASD sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of SASD sanitary sewer(s), must not be allowed. Each proposed use must be reviewed and approved in writing by the District Engineer prior to the use of the easement by the Grantor. This includes landscaping. (SASD)
- 52) SMUD has existing underground 12 kV facilities along the east side of Village Way, along the north side of Madison Avenue, and 200 feet west of and along Sunrise Boulevard as well as on 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)
- 53) Structural setbacks less than 14-feet shall require the Applicant to conduct a pre-engineering meeting with all utilities to ensure property clearances are maintained. (SMUD)
- 54) Any necessary future SMUD facilities located on the Applicant's property shall require a dedicated SMUD easement. This will be determined prior to SMUD performing work on the Applicant's property. (SMUD)
- 55) In the event the Applicant requires the relocation or removal of existing SMUD facilities on or adjacent to the subject property, the Applicant shall coordinate with SMUD. The Applicant shall be responsible for the cost of relocation or removal. (SMUD)
- 56) SMUD reserves the right to use any portion of its easements on or adjacent to the subject property that it reasonably needs and shall not be responsible for any damages to the developed property within said easement that unreasonably interferes with those needs. (SMUD)
- 57) The Applicant shall comply with SMUD siting requirements (e.g., panel size/location, clearances from SMUD equipment, transformer location, service conductors). Information regarding SMUD siting requirements can be found at: <https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services> (SMUD)
- 58) 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,

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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 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)

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59) 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)

USE PERMIT FILE # UP-19-03

- 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 January 22, 2022. (Planning)
- 2) This project is approved as described and as shown in Attachments 1 through 16 and as conditioned or modified below. (Planning)
- 3) Minor modifications to the Use Permit may be approved by the Planning Division. Significant changes will require approval by the Planning Commission. (Planning)
- 4) The project shall comply with all regulations of the City of Citrus Heights including the city's Municipal Code and Building Code. (Planning)
- 5) 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)
- 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

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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 TREE PERMIT FILE # TP-19-68

- 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 Tree Permit shall be exercised within a two (2) year period from the date of final approval otherwise the Tree Permit shall expire. (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 developer and contractor to inform all subcontractors of the tree preservation requirements. (Planning)
- 4) The following trees are authorized for removal:

| Tree #'s |
|--|
| 33, 35, 36, 37,38, 39, 40, 41, 42, 43, 56, 57, 58, 59, 61, 62, 63, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 85, 86, 88, 89, 94, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 128, 130, 132, 134,140, 141, 143, 145, 162, 1263, 164, 165, 166, 167, 170, 183, 184, 185, 186, 193, 195, 198, 200, 201, 206 |

- 5) The applicant shall provide landscaping as shown in Attachment J. Minor modifications are allowed with approval by the Planning Division. (Planning)
- 6) Prior to mobilization of construction equipment, grading activities, or site work (whichever comes first), 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 proposed to remain.
 - Fencing is required along the edge of the planter below oak tree #29 (30 inch DBH blue oak) to ensure no vehicles, materials or other items are below the dripline of the protected tree.
 - 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

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RELOCATED WITHOUT WRITTEN AUTHORIZATION
FROM THE PLANNING DIVISION" (Planning)

- 7) 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)
- 8) 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)
- 9) The project's certified arborist shall monitor any excavation within the dripline of any tree, including off-site trees if their protected zone extends into the project site. (Planning)
- 10) All finished grading shall ensure that no water will collect within the dripline of any native oak trees. (Planning)
- 11) 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)
- 12) 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)
- 13) 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)
- 14) The project's 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)
- 15) 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)
- 16) At least five (5) days before the applicant seeks 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)

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- 17) The City may elect to hire a certified arborist to assist in monitoring the project. Should the City desire to do this, the applicant will be responsible to reimburse the City for these costs. (Planning)

- 18) 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)

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|--|
| CONDITIONS OF APPROVAL FOR EXCEPTION TO SIGN REGULATIONS PERMIT FILE # EX-19-01 |
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- 1) A Sign Exception has been granted for the project which allows the installation of archway signage over two entrance drives as shown on Attachment L and modified below: (Planning)
 - Landscaping shall be installed and maintained in healthy condition surrounding the base of each archway sign.
 - The vertical clearance from the driveway to all under portions of the archway shall be no less than 13 feet 6 inches. (Planning)
 - If lighting is proposed, the lighting shall meet the requirements of Outdoor Lighting Section 106.35 of the Zoning Code. (Planning)

- 2) Minor modifications to the design of the signage may be approved by the Planning Division provided such changes are consistent with the approved Master Sign Plan and the Sign Ordinance. (Planning)

- 3) The signs shall be kept in good repair and appearance. (Planning)

- 4) 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

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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)

- B. EXCEPTION TO SIGN REGULATIONS PERMIT - CITRUS GROVE – 8537 AUBURN BOULEVARD:** Project Planner Singer presented a request for an Exception to a Sign Regulations Permit for a new tenant directory monument sign proposed in the Citrus Grove Shopping Center. The project is Categorical Exempt from CEQA per Section 15301 (Minor Alteration to Existing Facility) of the California Environmental Quality Act.

There was Planning Commission and staff discussion.

Chair Lagomarsino opened the public hearing. There were no speakers. Chair Lagomarsino closed the public hearing and ask for commission comments.

Commission Comments

Commissioner Ingle had no comment.

Commissioner Duncan had no comment.

Vice Chair Schaefer had no comment.

Commissioner Scheeler said this is a good design and a good addition.

Commissioner Van Duker had no comment.

Chair Lagomarsino said this is great addition.

Chair Lagomarsino called for a motion.

1. **Motion** to Adopt Resolution 20-__ finding that the project is Categorical Exempt from CEQA per Section 15311 of the California Environmental Quality Act (Accessory Structures) and approving the Exception to Sign Regulations permit to allow for the installation of a new monument sign within an existing shopping center and approval of proposed master sign program, based on the findings and conditions of approval contained in the staff report.

M/S: Schaefer/Duncan

AYES: (6) Duncan, Ingle, Scheeler, Van Duker, Vice Chair Schaefer,
Chair Lagomarsino

ABSENT: (1) Flowers

CONDITIONS OF APPROVAL FOR SIGN EXCEPTION PERMIT (FILE # EX-19-02)

1. This approval is for a **SIGN EXCEPTION PERMIT** located at **8537 Auburn Blvd** that allows the installation of a new tenant directory monument sign and adoption of a Master Sign Program for the Citrus Grove shopping center as shown in the exhibits submitted to the Planning Division on October 30, 2019. [Planning]
2. The applicant shall comply with all City of Citrus Heights Codes and Regulations, including but not limited to the Citrus Heights Municipal Code and Zoning Code, Uniform Building Code; and Uniform Fire Code.
3. The Exception to Sign Regulations approval is valid for two years. The Exception to Sign Regulations Permit will expire on January 22, 2022 unless the permit is effectuated or a time extension has been granted. [Planning]
4. The development approved by this action is described herein as the installation of a new tenant directory monument sign within an existing shopping center as shown in Attachment #3. Minor modifications to the project may be approved by Planning Division staff, provided such changes are consistent with the overall project as approved herein. Major modifications will require Planning Commission approval. [Planning]
5. Any plans submitted to the Building Division for review and approval shall indicate any revisions/alterations as approved by the Planning Commission. [Planning]
6. The proposed master sign program shall be in conformance with both the Citrus Heights Zoning Code Section 106.38 (Signs) and the Auburn Boulevard Specific Plan. Prior to issuance of the Building Permit, applicant shall submit to the Planning Division a revised copy of the master sign program that states under Section C1 – General Sign Requirements:
7. Tenants are allowed signage in accordance with the City of Citrus Heights Sign Ordinance and the Auburn Boulevard Specific Plan. [Planning]
8. All lighting on and around the monument sign shall comply with the provisions of Section 106.35 of the Citrus Heights Zoning Code. The lighting shall not direct light skyward and should minimize light pollution and glare – non shielded flood lights are strictly prohibited. All lighting

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- details shall be provided with the building permit application. All strip lighting or LED band lighting shall be screened and the light source shall not be directly visible. [Planning]
9. Prior to final of the building permit, the applicant shall remove the existing monument signs in the location of the proposed monument sign to the satisfaction of the Engineering and Building Divisions. [Planning]
 10. All electrical service to the proposed sign shall be underground. All existing overhead lines serving the existing signs shall be removed. [Planning]
 11. Prior to issuance of the Building Permit, the Building Permit plans shall reflect a protective curb and landscaped barrier for the proposed sign. The curb shall be a minimum of 3' away from the proposed sign. The plans are subject to review and approval by the Planning Division and General Services Department to ensure the interim improvements are consistent with the Boulevard Plan improvements. The applicant shall submit a landscape and irrigation plan along with the building permit, subject to Planning Division approval. [Planning]
 12. To ensure the proper appearance of the faux vegetation panels, the applicant shall maintain, repair, and/or replace any panels that fade, discolor, or are damaged over time. [Planning]
 13. Developer agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this permit challenging the validity of the Agreement or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Agreement. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein.[Planning]

C. DESIGN REVIEW PERMIT – MITCHELL FARMS – 7925 ARCADIA DRIVE: Project Planner Kempenaar presented a request for approval of a

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Design Review Permit modifying the previously approved Design Review Permit for the Patio Homes and Traditional homes within the Mitchell Farms development. An EIR was previously prepared for the Mitchell Farms Project. No further environmental review is required.

There was Planning Commission and staff discussion.

Chair Lagomarsino opened the public hearing. There were no speakers.

Chair Lagomarsino closed the public hearing and ask for commission comments.

Commission Comments

Commissioner Van Duker said he likes the changes and these houses are nicer than others he has seen.

Commissioner Scheeler said that the changes are good.

Commissioner Ingle said she likes that there are single story houses.

Commissioner Duncan said that this is a good project.

Vice Chair Schaefer asked if there will be a Home Owners Association (HOA). Project Planner Kempenaar said yes there will be a HOA.

Chair Lagomarsino re-opened the public hearing so that the applicant could comment on the Home Owners Association. Applicant David Judy of KB Homes said that the HOA takes care of the common area such as the front yards and other common areas.

Chair Lagomarsino said he is glad to see that the houses will be built by KB Homes, they are a large builder in this area and he is looking forward to the homes being built, it will be a big improvement.

Chair Lagomarsino closed the public hearing.

Chair Lagomarsino called for a motion.

Motions

1. Adopt Resolution 20-___ finding that previously adopted Mitchell Farms EIR is the appropriate environmental document for this project and no further review is required and approving the Design Review Permit Modification subject to the findings and conditions of approval in the Staff Report.

M/S: Duncan/Schaefer

AYES: (6) Duncan, Ingle, Scheeler, Van Duker, Vice Chair Schaefer, Chair Lagomarsino

ABSENT: (1) Flowers

CONDITIONS OF APPROVAL – DESIGN REVIEW PERMIT 19-12

- 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 Design Review Permit modifies the approved architectural design for the Patio Home and Traditional Housing product only. The project is required to comply with all previous conditions of approval as adopted by City Council on August 23, 2018 as part of GPA 16-01; RZ 16-01; TT 16-04; DRP 16-06 & TP 16-40 including the EIR and Mitigation and Monitoring Plan. [Planning]

Other Conditions of Approval

- 3) Minor modifications to the design of the project, including site layout, colors and materials, may be approved by the Community Development Director provided such changes are consistent with the overall design as approved herein. Major modifications will require Planning Commission approval. [Planning]
- 4) Developer agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this permit challenging the validity of the Agreement or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Agreement. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein. [Planning]

D. PARCEL MAP – 8501 AUBURN BOULEVARD: Project Planner Kempenaar presented a request for approval of an existing Parcel Map into three additional parcels (four total) for the Studio Movie Grill/Big Lots property. The project is categorically exempt from the requirements of the

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California Environmental Quality Act per Section 15315 or the CEQA Guidelines, relating to Minor Land Divisions.

There was Planning Commission and staff discussion.

Chair Lagomarsino opened the public hearing.

Applicant, Patrick Murphy from Red Mountain Group thanked staff for all their work, as this project has been a long time coming and was not an easy task. He said that he is discouraged about the trash on the site, as soon as they clean it up it is a mess again due to a homeless problem. They have been working with the Economic Development and Communications Manager and the Police Department to correct this problem and he feels that the problem will improve when the businesses open.

Chair Lagomarsino closed the public hearing and ask for commission comments.

Commission Comments

Commissioner Ingle asked for and received clarification on the common maintenance agreement, but had no comment on the project.

Commissioner Duncan said this is a good project that will help Citrus Heights.

Vice Chair Schaefer had no comment.

Commissioner Van Duker had no comment.

Commissioner Scheeler said he is in support of the project and it will improve Citrus Heights.

Chair Lagomarsino said that this is a great opportunity to improve the city and bring back some vitality to the city.

Chair Lagomarsino called for a motion.

Motion

1. Adopt Resolution 20-___ finding that the project is Categorically Exempt from CEQA per Section 15315 of the California Environmental Quality Act, relating to Minor Land Divisions and approving the TENTATIVE PARCEL MAP for the Auburn and Whyte Parcel Map located at 8501 Auburn Boulevard subject to the findings and conditions of approval contained in the staff report.

M/S: Van Duker/Scheeler

AYES: (6) Duncan, Ingle, Scheeler, Van Duker, Vice Chair Schaefer, Chair Lagomarsino

ABSENT: (1) Flowers

CONDITIONS OF APPROVAL FOR MAP (FILE # PM-18-05)

- 1) The Tentative Map approval shall be effectuated within a two (2) year period from this date and if not effectuated shall expire on January 22, 2022.
- 2) The project is approved as shown in Attachment 3 and as conditioned or modified below.
- 3) Prior to recordation of the final map, the applicant shall update the existing Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and Common Area Operating and Maintenance (CAM) Agreement and submit them to the city for City Attorney review and approval. Applicant shall have the approved updated CC&Rs and CAM Agreement recorded with the Sacramento County Recorder's Office concurrent with the final map. The City Attorney can modify this requirement as necessary to reflect ownership changes or CC&R modifications (Planning).
- 4) Prior to recordation of the final map, the applicant shall update the map to reflect any utility easements necessary for cross-parcel utility access. (Planning).
- 5) The applicant shall comply with all requirements of Design Review Permit 17-13. (Planning).
- 6) Prior to recordation of final map a private sewer easement must be granted from Parcel 204-0610-023 to Parcel 204-0610-018 for access and maintenance. (SASD)
- 7) Impact fees shall be paid prior to filing and recording the Final Map or issuance of Building Permits, whichever is first. (SASD)
- 8) Demonstrate compliance with SMUDs design criteria:
 - A. SMUD has existing overhead and underground facilities on 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. 95 and 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
 - B. Structural setbacks less than 14-feet shall require the Applicant to conduct a pre-engineering meeting with all utilities to ensure property clearances are maintained.
 - C. Any necessary future SMUD facilities located on the Applicant's property shall require a dedicated SMUD easement. This will be determined prior to SMUD performing work on the Applicant's property.

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- D. In the event the Applicant requires the relocation or removal of existing SMUD facilities on or adjacent to the subject property, the Applicant shall coordinate with SMUD. The Applicant shall be responsible for the cost of relocation or removal.
 - E. SMUD reserves the right to use any portion of its easements on or adjacent to the subject property that it reasonably needs and shall not be responsible for any damages to the developed property within said easement that unreasonably interferes with those needs.
 - F. The Applicant shall not place any building foundations within 5-feet of any SMUD trench to maintain adequate trench integrity. The Applicant shall verify specific clearance requirements for other utilities (e.g., Gas, Telephone, etc.).
 - G. In the event the city requires an Irrevocable Offer of Dedication (IOD) for future roadway improvements, the Applicant shall dedicate a 12.5-foot public utility easement (PUE) for overhead and/or underground facilities and appurtenances adjacent to the city's IOD.
 - H. The Applicant shall comply with SMUD siting requirements (e.g., panel size/location, clearances from SMUD equipment, transformer location, service conductors). The Applicant shall provide separate SMUD service points to each parcel to the satisfaction of SMUD.
 - I. The Applicant shall provide separate SMUD service points to each parcel to the satisfaction of SMUD.
 - J. The Applicant shall locate, verify, and provide a drawing to SMUD identifying all electrical utility infrastructure for the existing structures. If necessary, any existing onsite electrical infrastructure that serves existing structures shall be relocated to the satisfaction of SMUD.
 - K. 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)
- 9) Demonstrate compliance with Citrus Heights Water District Requirements:
- A. The existing 6-inch water main along the eastern edge of Proposed Parcel D will most likely need to be upsized to an 8-inch main to be able to provide adequate flow to the fire hydrant and fire protection facilities for Proposed Parcel D.
 - B. The fire hydrant within Proposed Parcel D will need to be repainted glossy white and possibly replaced depending on condition.
 - C. Each new parcel shall have its own fire protection system located within said parcel. All existing domestic/irrigation metered water services and backflow prevention devices will need to be replaced/upgraded to meet current District standards.

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- D. Each new Proposed Parcel shall have its own dedicated domestic metered water service with back flow device and separate irrigation back flow device, located within said parcel.
 - E. Final determination of all necessary improvements will be made during the full development plan review process.
 - F. Installation of the water distribution system modifications will be by the developer's contractor at the developer's expense.
 - G. The District will require easements (if none currently exist) along all water mains within the parcel (current and future) including all appurtenances. Any easements granted to the District for the water facilities will be prepared by the developer at the developer's expense.(CHWD)
- 10) Show the design for a fire access roadway of not less than 20-feet of unobstructed width, 13-feet, 6-inches of vertical clearance, and turning radii of 25 feet inside and 50 feet outside dimension on the improvement plans. The access roadway shall extend to within 150 feet of all portions of the exterior walls of the first story of any proposed building. The use of turf-block or grass-crete or similar alternate road surfaces is not approved for installation in fire apparatus access roadways. (Fire)
- 11) Show on the plans how Fire Lanes will be marked. Fire Lane identification shall be provided along the required fire access roadway. Fire Lane identification shall be in accordance with the Sacramento Metro Fire Districts Fire Prevention Standard #3 and the California Vehicle Code. Vehicle parking is prohibited on any street less than 28 feet in width. Vehicle parking is permitted on both sides of streets 36 feet or more in width. Roadway widths shall be measured between the gutter-line or edge of pavement on opposite sides of the road. Identification of fire apparatus access roadways may be required on private roads. (Fire)
- 12) Show the location of the required fire hydrants for this project on the improvement plans. Approved fire hydrants capable of providing the required fire flow for the protection of any and all structures shall be located along the fire apparatus access roadway. The required fire hydrants shall be installed and operational prior to any construction or on-site storage of combustible materials. The minimum required fire flow for the protection of commercial developments is 1,500 gallons per minute (gpm) at a pressure of 20 pounds per square inch (psi) for a two-hour duration. (Fire)
- 13) Show the location of separate fire service connections to each parcel. Each parcel shall have a separate fire sprinkler system, supplied by a separate fire service line and a Fire Department Connection (FDC). (Fire)
- 14) Show the location of the required fire department connection (FDC). The FDC shall be located on the address side of the building and within 40 feet of an approved fire hydrant. (Fire)

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15) Developer agrees to indemnify, defend, and hold harmless the city, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this Permit challenging the validity of the Permit or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Permit. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for city's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by city in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense. (Planning)

7. REGULAR CALENDAR

A. ELECTION OF NEW OFFICERS - Chair and Vice Chair

Tim Schaefer was nominated and elected as Chair.

M/S: Scheeler/Duncan

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

ABSENT: (1) Flowers

Tom Scheeler was nominated and elected as Vice Chair.

M/S: Schaefer/Duncan

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

ABSENT: (1) Flowers

B. PLANNING MANAGER COMMENTS

Joint Council/Planning Commission Meeting – March 12

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:08 PM to the next meeting of February 12, 2020.

Respectfully Submitted,

Karen Ramsay

Planning Commission Secretary

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