

APPROVED

**City of Citrus Heights
Planning Commission Meeting
Minutes
April 24, 2019**

1. CALL MEETING TO ORDER

Chair Lagomarsino called the meeting to order at 7:01 PM.

2. ROLL CALL

Commission

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

Absent: Flowers

Staff Present: Bermudez, Flores, Hodgkins, McDuffee, Ramsay, Singer, Ziegler

3. FLAG SALUTE

Vice Chair Schaefer led the flag salute.

4. PUBLIC COMMENT

None

5. CONSENT CALENDAR

The meeting minutes for March 13, 2019 were approved as submitted.

M/S: Duncan/Van Duker

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

ABSENT: (1) Flowers

6. PUBLIC HEARING

A. DUNDEE ESTATES II MAP – 6720 MARIPOSA AVENUE: Project Planner Bermudez presented a request for approval of a Subdivision Map application to subdivide an approximate 4.5 acre parcel into two single-family lots. This project is Categorical Exempt from CEQA under Class 15 as a minor land division.

There was Planning Commission and staff discussion.

Vice Chair Schaefer voiced concern regarding a history of flooding in that area and asked if any work is being done to mitigate flood concerns.

City Engineer, Stuart Hodgkins, said that a number of projects have been done over the years and we are continuing with our master plan program to address

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flooding concerns up and down Mariposa along this entire corridor. In addition to larger Capital Program work, the extent of our creek clean-up has picked up over the years and has had a significant impact in reducing localized flooding.

Vice Chair Schaefer ask if the 100-year flood plain line changed because of the work that has been done.

Mr. Hodgkins said that the city has not fully remodeled and that is something we would be doing with FEMA.

Chair Lagomarsino opened the public hearing.

Applicant, Bay Miry, said that he would be happy to answer any questions. Vice Chair Schaefer asked if the intention is to build on the property. Mr. Miry said that is still to be determined.

Mike Davis spoke in support of the project but voiced concerns regarding drainage and flooding.

Kathi Rutherford spoke in support of the project but voiced concerns regarding drainage and flooding.

Chair Lagomarsino closed the public hearing.

Commission Comments

Commissioner Scheeler spoke in support of the project and said that he feels confident that the city will address any issues.

Commissioner Van Duker spoke in support of the project and agreed that the city is good with keeping on top of any issues.

Commissioner Ingle said that is looks like a good project.

Commissioner Duncan spoke in support of the project.

Chair Lagomarsino spoke in support of the project.

Chair Lagomarsino called for a motion.

Motion:

- A. Find the project is Categoricaly Exempt from the California Environmental Quality Act under Section 15315 (minor land division).

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- B. Approve the Tentative Subdivision Map to allow for the division of an approximate 4.57± acre parcel located at 6720 Mariposa Avenue into 2 parcels subject to the findings and conditions of approval contained in the staff report.
- C. Approve the Tree Permit for the project located at 6720 Mariposa Avenue subject to the conditions of approval contained in the staff report.

M/S: Scheeler/Duncan

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

ABSENT: (1) Flowers

CONDITIONS OF APPROVAL FOR TENTATIVE SUBDIVISION MAP (FILE # TT 18-02):

- 1) The tentative map approval is valid for two (2) years from the date of approval by the Planning Commission, unless an extension is granted. (Planning)
- 2) The project is approved as shown in Exhibits A and B and as conditioned or modified below. The project shall comply with the requirements of all agencies including service providers.
- 3) The City's Zoning Code has a minimum creek setback requirement of 2.5 times the height of the stream bank plus 30 feet, or 30 feet outward from stream bank, whichever distance is greater. All proposed structures (including swimming pools, sheds, gazebo, etc.) shall adhere to this requirement. This setback line shall be shown on the final map. (Planning, Engineering)

Prior to Recordation of Final Map

- 4) Street frontage improvements along Mariposa Avenue shall be completed prior to the recordation of the final map. Improvements are as follows: street pavement widening & striping, Class II bike lane, 5-ft wide sidewalks, vertical curbs, gutters and three (3) streetlights (LED, Type A).
- 5) If needed, the applicant shall dedicate, by final map, additional street right-of-way (ROW) to accommodate full width of street improvements (other than the portions where there are separated sidewalks to help preserve trees).
- 6) The conservation easement shall be renamed as "conservation area" and a note placed on the map that indicates no development shall occur in the conservation area
- 7) Prior to recording the Subdivision Map, applicant must pay sanitary sewer impact fees and Sunrise Recreation & Parks District fees (Quimby Act fees). Contact each agency for fee amounts.
- 8) All weather access roads must be provided to sewer manhole so that all manholes are accessible for District maintenance and cleaning equipment. At a minimum, this

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all-weather access road must consist of 2 inches of asphalt concrete surface over 6 inches of compacted aggregate base, across a minimum 12-foot wide drivable surface. Other all-weather surface roads may be used in place of asphalt concrete to the satisfaction of SASD's. Any deviation from the above condition must be approved by SASD on a case by case basis. (SASD)

- 9) Sacramento Area Sewer District and the Sacramento Regional County Sanitation District may require additional sewer impact fee payments in accordance with each District's Ordinances. Fees are to be paid prior to the issuance of building permits. The applicant should contact Permit Services Unit at 916-876-6100 for sewer impact fee information. (SASD)
- 10) 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)
- 11) 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)
- 12) All initial purchasers of each of the new lots shall sign a disclosure statement in a form acceptable to the City, acknowledging the following restrictions:
 - No development shall occur within the conservation area. "Development" includes any movement of dirt – either grading or fill activities. Accessory structures of all kinds, including pools, are prohibited. Landscape improvements can only occur upon written approval of the City.
 - The pedestrian easement shall remain on the property and may be used by the public as part of a city creektrail network.
 - The trees on the lot are protected by the City's Tree Preservation Ordinance
 - The City shall review and approve the wording and content of the disclosure statement. The City shall also receive a signed copy of the disclosure statement from the initial owner of the parcel, as well as the initial owner of each home. (Planning)

Pre-Construction and Prior to Approval of Improvement Plans

- 13) The lowest floor elevation for any dwelling units shall be at least two (2') feet above FEMA's Base Flood Elevation (BFE). All other structures shall have a finished floor elevation at or above the BFE. An Elevation Certificate (EC) is required and must be completed by a California Professional Land Surveyor. (Engineering)

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- 14) No structures shall be allowed within any easements, including but not limited to the conservation easement, pedestrian easement, floodway easement, and sanitary sewer easement. (Planning, Engineering)
- 15) No fill, structures and/or solid fencing are allowed within the FEMA 100-Year Floodplain limits. (Engineering)
- 16) 3' wooden posts shall be installed on the property to demarcate the floodplain boundary prior to the construction of any structures on each lot. (Planning)
- 17) The storm water runoff collected along Mariposa Avenue will discharge into the creek. Outfall shall be designed such that the slopes of the creek are protected from erosion. This may require approvals from California Fish & Wildlife and/or U.S. Army Corps of Engineers. (Engineering)
- 18) The project shall meet pre and post Best Management Practices (BMP's) to minimize pollutants entering Arcade Creek and the storm drain system. BMP's shall meet State of California requirements. (Engineering)
- 19) If construction activities result in a land disturbance of more than one (1) acre, the developer shall obtain a Construction Activities Storm Water General Permit from the State Water Resources Control Board. The applicant shall provide a copy of the Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the Engineering Division prior to approval of any grading on-site. (Engineering)
- 20) Improvement plans for utilities, road and other public improvements shall be coordinated with the project arborist. This includes all proposed trenches. All such improvement plans shall be signed by the project arborist prior to submittal to the City. (Planning)
- 21) Improvements within the right of way shall require improvement plans and an encroachment permit. (Engineering)
- 22) Construct frontage improvements along the Mariposa Avenue frontage from the southern parcel boundary to the bridge. Mariposa is a 60' collector and dedication to the half-street width of 30' is required. The design of the improvements shall be coordinated with the project arborist and will likely include a meandering sidewalk. A pedestrian easement may be needed for the meandering sidewalk. (Engineering)
- 23) All development impact fees (Roadway, Transit, Administration, and Drainage) shall be paid prior to issuance of each building permit (Engineering)
- 24) Lower Laterals shall not directly connect to main lines more than 1 MGD of flow except at a manhole (SASD)
- 25) Any construction and/or modification to the public sewer system shall be required to the satisfaction of SASD prior to the approval of improvement plans. SASD Design Standards apply to any onsite and offsite sewer construction. (SASD)

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- 26) Civil improvement plans shall be submitted for review and approval to the Sacramento Metropolitan Fire District for acceptance of the access road, fire apparatus turn around and fire hydrant locations. (SMFD)
- 27) Residential fire sprinkler plans shall be submitted for review and approval to the Sacramento Metropolitan Fire District for all new one and two family dwellings in accordance with the California Residential Code. (SMFD)
- 28) Each residential unit shall have approved numbers or addresses 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 six (6) inches and shall be mounted immediately adjacent to a light source and shall also contrast with their background. (SMFD)
- 29) 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)
- 30) 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)
- 31) 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)
- 32) 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)
- 33) 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)
- 34) 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)
- 35) The Applicant shall provide separate SMUD service points to each parcel to the satisfaction of SMUD. (SMUD)
- 36) Each home shall have a separate water connection. Installation of the water distribution system shall be by the developer's contractor at the developer's expense. (CHWD)

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37) The applicant shall pay all fees and charges established by the water district, including those for plan check, construction, inspection, connection and meter installation. (CHWD)

38) Contact PG&E for their requirements. It is the developer's responsibility to notify PG&E of any required work on their facilities. Comply with any PG&E requirements. (PG&E)

39) If construction or tree removal occurs during the nesting season (February 1 through August 30), a survey to identify active nests of the white-tailed kite and other raptors protected under Fish and Game Code. The survey shall be conducted by a qualified biologist no more than 2 weeks before the start of construction. Active raptor nests located within 300 feet of the project will be mapped. A determination will be made by a qualified biologist, in coordination with Department of Fish and Game (DFG), as to whether or not construction work would affect the active nest or disrupt reproductive behavior. Criteria used for this evaluation will include, but not be limited to, presence of visual screening between the nest and construction activities, and behavior of adult raptors in response to the surveyors or other ambient human activity. Alternatively, other appropriate avoidance measures approved by DFG may be implemented to ensure that the nest is protected. If it is determined that construction will not affect an active nest or disrupt breeding behavior, construction may proceed without any restriction or mitigation measure.

If it is determined that construction will affect an active raptor nest or disrupt reproductive behavior, then avoidance is the only mitigation available. Construction will not be permitted within 300 feet of such a nest until a qualified biologist determines that the subject nests are no longer active.

40) If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Citrus Heights (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 50 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Sacramento County Medical Examiner's office and consult with Native American representatives determined to be the most likely descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation (DPR) form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Sacramento County Medical Examiner's office, and any Native American representatives determined to be the most likely descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation

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program in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented. (Planning)

- 41) The applicant/owner and/or successor in interest agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this permit challenging the validity of the Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from these Approvals. The applicant/owner and/or successor in interest may select its own legal counsel to represent their interest at their sole cost and expense. The parties shall cooperate in defending such action or proceeding. The applicant and/or successor in interest shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and the applicant and/or successor in interest agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein. (City Attorney)

TREE PERMIT File # TP-19-16

1. This permit only authorizes the removal of the following trees: 162, 163, 167, 179, 181, 192, 193, 205, 229, 234, 241, 274, 285, 292, 294, 488, 143, 144, 145, 509, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 151, 152, 154, 156, 158, 159, and 170. Removal of any other tree may only occur upon written approval of the Planning Division. (Planning)
2. 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 oak tree preservation. (Planning)
3. Mitigation for trees removed shall be through replacement plantings on an inch per inch basis or payment on an in-lieu fee (\$298 per inch) or a combination thereof. A Planting Plan shall be submitted showing the location of all new plantings and a program designed to ensure their survival for a five-year period. (Planning)
4. All inspections by the Project Arborist shall occur prior to and during the course of construction as contained in the Construction Impact Assessment dated December 21, 2018. (Planning)
5. 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 native oak tree preservation requirements. (Planning)
6. If construction or tree removal occurs during the nesting season (February through July), a pre-construction survey for nesting birds should be conducted by a qualified biologist. The survey should be conducted no more than 14 days prior to the initiation

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of any tree removal or construction activities. If the surveyor determines that an active bird nest is close enough to the construction area to be disturbed, he or she shall, in consultation with the State Department of Fish and Game, determine the extent of the construction-free buffer zone to be established around the nest. (Planning)

PRIOR TO ISSUANCE OF A BUILDING PERMIT OR DEMOLITION PERMIT

7. The applicant shall submit an updated arborist report and tree impact assessment report. The tree impact assessment report shall include all preservation measures that the applicant shall undertake during construction to ensure the long-term health and safety of all trees that will remain. This updated arborist and tree impact assessment shall include impacts from all utility, road and public improvements and from all trenching activities on-site, as well as impacts from construction of homes. (Planning)
8. 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. Signs must be installed by the applicant on the temporary fence at least two (2) equidistant locations to be clearly visible from the lot. The size of each sign shall be a minimum of two feet (2') by two feet (2') and must contain the following language:

“WARNING
THIS FENCE SHALL NOT BE REMOVED OR
RELOCATED WITHOUT WRITTEN AUTHORIZATION
FROM THE PLANNING DIVISION”
(Planning)

9. 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)
10. Any watering or deep root fertilization which the arborist deems necessary to protect the health of the tree due to the construction impacts shall be completed by the applicant. (Planning)

DURING CONSTRUCTION AND PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT

11. The following information must be located on-site during construction activities:
 - A. Arborist's reports (inventory and revised tree impact assessment)
 - B. Approved site plan including fencing plan and clearing denoting trees planned for removal and trees that will be retained
 - C. Conditions of approval for the Tree Permit (Planning)
12. A certified arborist shall monitor any excavation within the dripline of the oak tree. (Planning)
13. All finished grading shall ensure that no water will collect within the dripline of any native oak trees. (Planning)

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14. Submit and receive approval of a Landscape and Irrigation Plan for any landscaping within the dripline of any oak trees. Only low-water usage plantings may be planted under the dripline of the oak tree. (Planning)
15. 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)
16. Storage of materials, equipment and vehicles is not permitted within the dripline of the oak tree. Vehicles and other heavy equipment shall not be operated within the dripline of the oak tree. (Planning)
17. 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)
18. 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)
19. At least five (5) days before the applicant seeks an occupancy permit for an individual house on a lot that contains an oak tree, 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 the tree, either being in conformance with this permit or of the required mitigation still needing to be performed. (Planning)
20. The applicant shall submit for review and approval by the City a homeowners' packet of information. This packet of information shall include information on the care of the native oak trees on the individual homeowner's lot and shall be transmitted to each new home owner upon the sale of the home. Additionally, the applicant shall demonstrate to the City that a disclosure statement is recorded on the title report for each parcel containing a native oak tree that acknowledges the existence of the oak tree(s) and that the tree(s) are protected by the City's Tree Preservation Ordinance. (Planning)
21. Once the homes are completed, the preservation responsibility for the trees on individual lots will reside with the homeowner. The developer shall prepare a homeowners' packet of information that will describe how individual homeowners should care for their oak tree(s). A disclosure statement shall also be placed on the title report for each lot acknowledging the existence of the oak trees and that they are regulated by the City's Tree Preservation Ordinance.
22. 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

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any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this permit challenging the validity of the Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from these Approvals. The applicant/owner and/or successor in interest may select its own legal counsel to represent their interest at their sole cost and expense. The parties shall cooperate in defending such action or proceeding. The applicant and/or successor in interest shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and the applicant and/or successor in interest agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein. (City Attorney)

B. YIPPIE'S PLAYCENTER – 7777 SUNRISE BOULEVARD: Project Planner Singer presented a request for approval of a Use Permit for a children's indoor recreation facility. This project is Categorically Exempt from CEQA per Section 15301 "Existing Facility" of the California Environmental Quality Act.

There was Planning Commission and staff discussion.

Chair Lagomarsino opened the public hearing.

Applicant, Ricardo Snovel, addressed the Planning Commission's questions regarding hours of operation, parking and security.

Lou Ann Henderson, applicant representative, said that this shopping center needs a family oriented business and this business will help with that.

Chair Lagomarsino closed the public hearing.

Commission Comments

Commissioner Scheeler spoke in support of the project.

Chair Lagomarsino re-opened the public hearing.

Ashley Bush spoke in support of the project and said that there are only two places that she knows of like this and she is very excited about it.

Commissioner Van Duker spoke in support of the project.

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Vice Chair Schaefer spoke in support of the project and said he cannot see any reason not to approve it.

Commissioner Duncan spoke in support of the project.

Commissioner Ingle spoke in support of the project.

Chair Lagomarsino spoke in support of the project.

Chair Lagomarsino called for a motion.

- A. Find that the project is Categorical Exempt from CEQA as a Section 15301 "Existing Facility"; and
- B. Approve the Use Permit for the occupancy of an existing building by an indoor commercial recreation facility located at 7777 Sunrise Blvd., Ste. 1700 subject to the findings and conditions of approval contained in the staff report.

M/S: Schaefer/Scheeler

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

ABSENT: (1) Flowers

CONDITIONS OF APPROVAL FOR USE PERMIT (FILE #UP-19-01)

- 1. The applicant shall comply with all State and City Regulations, including but not limited to the Citrus Heights Municipal Code and Zoning Code, Uniform Building Code; and Uniform Fire Code.
- 2. The action approved by this permit is to allow an existing suite within a retail building to be used as a children's indoor commercial recreation facility with hours of operation from 10am-8pm, Monday through Sunday as shown in Exhibits A, B, and C (amended to remove the proposed Velcro wall) and as conditioned below.
- 3. This approval does not include any modifications to the building including exterior painting or signage; these shall be approved through a separate permit. (Planning)
- 4. Prior to occupancy of the building the applicant shall obtain proper approvals from the City Building Division and the Sacramento Metropolitan Fire District.

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5. The site and building are required to comply with all accessibility requirements, including pathways, parking, restrooms, and play areas. (Building)
6. The Use Permit shall be exercised within two years from date of approval unless a time extension is granted.
7. At any time the applicant proposes any outdoor events a Temporary Use Permit must be approved by the Planning Division as described in Section 106.62.030 of the Zoning Code.
8. Any violation of these conditions of approval is strictly prohibited. Any violations could result in the revocation or modification of the use permit and/or the imposition of fines and penalties.
9. 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 approval. 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.

7. REGULAR CALENDAR

- A. CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FY 2019/2020 – 2023/2024.** Regina Cave presented the proposed CIP to the Planning Commission. The Planning Commission determined that the CIP is consistent with the General Plan.

There was Planning Commission and staff discussion.

Chair Lagomarsino called for a motion.

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- A. Move to find that the City of Citrus Heights Capital Improvement Program (2019/20 – 2023/24) conforms to the General Plan.

M/S: Scheeler/Schaefer

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

ABSENT: (1) Flowers

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:30 PM to the next meeting of May 8, 2019.

Respectfully Submitted,

Karen Ramsay
Planning Commission Secretary