

RESOLUTION NO. PC-XXXX-2024

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN LUIS OBISPO APPROVING SITE DESIGN AND LAYOUT FOR 145 RESIDENTIAL UNITS WITH A DENSITY BONUS, INCLUDING A TOTAL OF 59 AFFORDABLE UNITS WITHIN THE R-4 COMPONENT OF THE AVILA RANCH PROJECT TO BE DEVELOPED WITHIN PHASE 3 OF THE DEVELOPMENT PLAN, INCLUDING A FENCE HEIGHT EXCEPTION, SIGN EXCEPTION, PARKING EXCEPTION, AND FINDING THE PROJECT CONSISTENT WITH THE AVILA RANCH DEVELOPMENT PLAN AND AIRPORT AREA SPECIFIC PLAN, AND CERTIFIED 2017 FINAL ENVIRONMENTAL IMPACT REPORT FOR AVILA RANCH AND TWO FEIR ADDENDUMS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AS REPRESENTED IN THE AGENDA REPORT AND ATTACHMENTS DATED FEBRUARY 14, 2024, FOR THE PROJECT LOCATED AT 4240 AND 4280 EARTHWOOD LANE AND 165 CESSNA COURT (ARCH-0197-2023)

WHEREAS, this Resolution is adopted under the authority of Government Code §§ 65864 *et seq.* and San Luis Obispo Municipal Code Chapter 17.128; and

WHEREAS, the City Council of the City of San Luis Obispo approved the Avila Ranch Project on September 19, 2017, including a General Plan Amendment, Specific Plan Amendment, Rezone, Development Agreement, Development Plan, Vesting Tentative Tract Map No. 3089 and certified Final Environmental Impact Report (FEIR) under the California Environmental Quality Act (CEQA) on September 19, 2017; and

WHEREAS, the Architectural Review Commission of the City of San Luis Obispo meeting was conducted to consider the design of the R-4 portion of the Avila Ranch project on October 2, 2023, and made recommendations to the Planning Commission; and

WHEREAS, the City Council of the City of San Luis Obispo approved the Phase 2/3 Final Map, a draft Phase 3 Affordable Housing Agreement, and a FEIR Addendum on January 23, 2024; and

WHEREAS, the Planning Commission of the City of San Luis Obispo meeting was conducted to consider approval of the design of the R-4 portion of the Avila Ranch project on February 14, 2024; and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

BE IT RESOLVED, by the Planning Commission of the City of San Luis Obispo as follows:

SECTION 1: Findings. Based on the recitals above and the evidence contained in the record, the Planning Commission hereby finds that:

1. The proposed action is consistent with applicable City planning regulations, including the General Plan, Airport Area Specific Plan, Zoning Regulations, and Community Design Guidelines; and
2. The proposed action is consistent with previously approved entitlements associated with the Avila Ranch project, including the Development Agreement, Development Plan, and Vesting Tentative Tract Map No. 3089; and
3. The project is consistent with Housing Element Policies 6.1 and 7.4 because the project supports the development of more housing in accordance with the assigned Regional Housing Needs Allocation and establishes a new neighborhood, with pedestrian and bicycle linkages that provide direct, convenient, and safe access to adjacent neighborhoods consistent with the Avila Ranch Development Plan; and
4. The project will not adversely affect the health, safety or welfare of persons living or working in the surrounding area; and
5. The proposed building setbacks and heights are consistent with the intent of ARDP Standards 1.2 and 1.6, and related guidelines (Building Height and Setback relationship) as well as ARDP Standard 7.3.5 (relationship between building height and setbacks). The proposed front setback is consistent with the recently updated Citywide Zoning Ordinance setback standards for the High-density Residential R-4 zone. The Avila Ranch Development Agreement, Section 8.06, recognizes a need for flexibility during project implementation, and the need to potentially allow for minor deviations from the Development Plan if the project is consistent with the intent of the Development Plan. The proposed project design, including project setbacks and building height, are consistent with the intent of the ARDP and Citywide Zoning Ordinance where applicable, and are necessary to implement the density of the project as identified in the ARDP and allowed by State Density Bonus and to comply with the Design Framework as identified in the ARDP; and
6. The sign exception is warranted to facilitate identification of the two multi-family developments, which will promote safety, especially for visitors unfamiliar with the developments. The monument sign design is appropriate for the location, the exception is consistent with the intent and purpose of the sign regulations, and the exception will not result in: visual clutter; excessively sized signage in comparison to the building or surroundings; signage that is inconsistent with the character of the surroundings; or approval of signs that are prohibited by the Sign Ordinance. The monument sign designs were supported by the Architectural Review Commission (ARC) with modifications that have since been made by the project applicant; and
7. The fence/wall height exception is warranted as it is necessary due to circumstances relating to drainage, topography and safety, and it allows for the development to be built at the density specified under the Avila Ranch Development Plan. Landscape screening adjacent to the fence will allow for adequate privacy of residential uses and provide a visual buffer to adjacent non-residential uses; and

8. The parking exception to allow up to 50% of the onsite parking to be designed as compact spaces may be approved by the Community Development Director, Architectural Review Commission, or Planning Commission as identified in the Engineering Standards, when proposed in residential apartment projects involving 10 or more units, and when justified by unusual site circumstances such as using unusable spaces or development on a constrained site.

Density Bonus Findings

9. The proposed project qualifies for a 20% density bonus by providing at least 6 two-bedroom units (10% of the base density) as dedicated housing for low-income households. The project will provide quality affordable housing, consistent with the intent of Chapter 17.140 of the Zoning Regulations, including 32 units available to low-income households and 27 units available to moderate-income households. The requested 20% density bonus is necessary to facilitate the production of affordable housing units associated with the development project, consistent with the intent of Housing Element Programs 2.17, 6.10, and 6.19.

SECTION 2: Environmental Determination. Environmental Review. The project is consistent with the certified Final Environmental Impact Report (FEIR) for The Avila Ranch Project and the two 2024 FEIR Addendums, pursuant to CEQA Guidelines Section 15182(c) (Residential Projects Implementing Specific Plans). On September 17, 2017, the City Council certified the FEIR for the Avila Ranch Development Plan (ARDP) and approved the ARDP through Council Resolutions 1638 and 1832 (2017 Series). On January 23, 2024, the City Council approved a FEIR Addendum to modify the timing of Mitigation Measure TRANS-11 to require the south bicycle bridge to be installed concurrently with the adjacent bicycle lanes on Buckley Road. All mitigation measures adopted as part of the ARDP Certified FEIR that are applicable to the proposed project are carried forward and applied to the proposed project to effectively mitigate the impacts that were previously identified. A second Addendum to the Final EIR (Addendum #2) has been prepared to address updated information related to the proposed density bonus for an additional 20 units on the R-4 zoned affordable housing parcel. No Supplemental Environmental Impact Report is required pursuant to Public Resources Code §21166 and State CEQA Guidelines Section 15162 because: 1) the project does not include or require any revisions to the certified FEIR; 2) no substantial changes would occur with respect to the circumstances under which the project is being undertaken, and no revisions to the FEIR are required; and 3) no new information of substantial importance is available that was not already known at the time the FEIR was certified.

SECTION 3. Action. The project conditions of approval do not include mandatory code requirements. Code compliance will be verified during the plan check process, which may include additional requirements applicable to the project. The Planning Commission hereby grants final approval to the project with incorporation of the following conditions, in addition to the applicable conditions that were part of the original approval of the Avila Ranch project in 2017:

Planning Division

1. Final project design and construction drawings submitted for a building permit shall be in substantial compliance with the project plans approved by the Planning Commission (ARCH-0197-2023). A separate, full-size sheet shall be included in working drawings submitted for a building permit that lists all conditions and code requirements of project approval listed as sheet number 2. Reference shall be made in the margin of listed items as to where in plans requirements

are addressed and include all conditions, mitigation measures, and development agreement provisions as noted in Condition #2. Any change to approved design, colors, materials, landscaping, or other conditions of approval must be approved by the Director or Planning Commission, as deemed appropriate.

2. The project shall comply and demonstrate full conformance with all mitigation measures and conditions applicable to the project site, as established under previous development plan approvals from the September 19, 2017, Avila Ranch project approval (City Council Resolution No. 1832 (2017 Series) and 1638 (2017 Series) and Ordinance No 1639 (2017 Series). This includes all applicable requirements that relate to Phases 1 through 3 of the approved Avila Ranch Development Plan.
3. Plans submitted for construction permits shall include elevation and detail drawings of all walls and fences. With the exception of fence and wall heights included in the fence height exception approved by the Planning Commission, all other fences, walls, and hedges will comply with the development standards described in the Zoning Regulations (§17.70.070 –Fences, Walls, and Hedges).
4. The location of any required backflow preventer and double-check assembly shall be shown on all site landscaping plans and pertinent building plans. Construction plans shall also include a scaled diagram of the equipment proposed. Any back-flow preventers and double-check assemblies shall be located in the street yard shall be screened using a combination of paint color, and landscaping, and, if deemed appropriate by the Community Development Director, a low wall.
5. Monument signs on the R-4 site shall be externally illuminated (not internally lit). Directory signage and addresses shall be provided onsite for wayfinding throughout the multifamily site.
6. The height of the roof projections of the multi-family buildings shall be reduced to less than 38-feet. The tallest elements shall be modified to be more rectilinear (not arched), as recommended by ARC at their October 2, 2023 review.
7. Enhancements to the parking lot paving shall be incorporated to provide visual cues for wayfinding and to provide visual interest. Decorative pavement shall be included at crossing areas connecting to bicycle barns, trash enclosures, and other pathways onsite, as well as at the driveway entrances and exits. Additional decorative pavement shall be added between the two buildings on the Anacapa site to help with traffic calming in this area.
8. Landscape screening shall be provided along the northern and western property lines at the edge of the parking lot to provide visual screening between the residential site and the adjacent industrial and commercial uses. Shade trees shall be incorporated to the greatest extent feasible. Irrigated vines shall be planted along the property line fence on the subject site. Landscape planters shall be provided with a minimum width and planting density as shown project plans approved by the Planning Commission (ARCH-0197-2023) and shall include tree wells and landscape fingers in the parking areas.
9. Plans submitted for building permits shall include a photometric plan, demonstrating compliance with maximum light intensity standards not to exceed a maintained value of 10 foot-candles. The locations of all site and building mounted lighting, including bollard style landscaping or path

lighting, shall be included in plans submitted for a building permit. All wall-mounted lighting fixtures shall be clearly called out on building elevations included as part of construction drawings for building permits. All wall-mounted lighting shall complement building architecture. The lighting schedule for the building shall include a graphic representation of the proposed lighting fixtures and cut-sheets on the submitted building plans. The selected fixture(s) shall be shielded to ensure that light is directed downward consistent with the requirements of the City's Night Sky Preservation standards contained in Chapter § 17.70.100 of the Zoning Regulations.

10. Mechanical and electrical equipment shall be located internally to the buildings, or adequately screened if located on the exterior of the building. Air conditioning units shall be screened, and shall not be visible on exterior patios or balconies when viewed from the ground. With submittal of working drawings, the applicant shall include sectional views of the buildings, which clearly show the sizes of any proposed condensers and other mechanical equipment. If any condensers, transformers, or other mechanical equipment are to be ground mounted or placed on the roof, plans submitted for a building permit shall confirm that these features will be adequately screened. A line-of-sight diagram may be required to confirm that proposed screening will be adequate. This condition applies to initial construction and later improvements.
11. A final landscaping plan, including irrigation details and plans, shall be submitted to the Community Development Department along with working drawings. The legend for the landscaping plan shall include the sizes and species of all groundcovers, shrubs, and trees with corresponding symbols for each plant material showing their specific locations on plans. Landscaping plans shall include the following information, at a minimum:
 - a. The species, diameter at breast height, location, and condition of all existing trees;
 - b. Identification of trees that will be retained, removed, or relocated;
 - c. Location and size of plant and tree species proposed to be planted;
 - d. The location of proposed utilities, driveways, street tree locations, and the size and species of proposed street trees; and
 - e. A reclaimed water irrigation plan.
12. Expiration of Entitlement. Discretionary approvals shall be subject to the timeframes for expiration as identified in the Development Agreement, Section 8.04.
13. Prior to occupancy, an overflight notification shall be recorded and appear with the property deed. The applicant shall also record a covenant with the City to ensure that disclosure is provided to all buyers and lessees at the subject property. Notice form and content shall be to the satisfaction of the Community Development Director and include the following language:

NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as the airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

Housing Division

14. The project includes a request for a 20% Density Bonus for the portion of the project known as Sendero (Lot 186), to increase the density of the site from 52 density units to 63 density units based on bedroom counts (an increase of 20 multifamily units). The applicant is proposing a 100% affordable housing project (excluding the manager's unit) and shall provide for a minimum of 32 low-income and 27 moderate-income affordable housing units within the Sendero site as proposed by the project applicant to qualify for the 20% density bonus, in compliance with Density Bonus Law Section 65915(f)(1). The affordable units on the Sendero site shall fulfill the R-4 high-density affordable and inclusionary housing component required by the Avila Ranch Development Agreement, which identified a minimum of 40 affordable housing units in the High Density Residential (R-4) zone of Avila Ranch (identified as Lots 185, 186, and 188 of the Phase 1 Final Map), including 24 units as lower-income, 8 two-bedroom/one-bath units as low-income, and 8 two-bedroom/one-bath units as moderate income. A total of 59 affordable housing units shall be constructed on the Sendero site for compliance with the Avila Ranch Development Agreement and the density bonus.
15. Prior to the issuance of building permits, the City and the project owners of the Sendero site shall enter into an Affordable Housing Agreement, to be recorded in the office of the County Recorder. The agreement shall specify mechanisms or procedures to assure the continued affordability and availability of 100% of the 60 residential units on the Sendero site (excluding the manager's unit) as affordable to the following household income levels: 8 two-bedroom/one-bath low-income, 8 two-bedroom/one-bath moderate income households, 24 lower-income (as required in the Avila Ranch Development Agreement), an additional 19 moderate-income units as identified with the applicant's density bonus proposal, and one manager's unit. The specific affordability levels of the 19 moderate-income units and 24 lower-income units will be contingent upon application requirements for the California Tax Credit Allocation Committee (TCAC) which have specific thresholds pertaining to income levels for qualifying projects, subject to the satisfaction of the Community Development Director. The agreement shall also set forth those items required by Municipal Code Section 17.140.030(B). The agreement shall run with the land and shall be binding upon all heirs, successors or assigns of the project or property owner, and shall ensure affordability for a period of not less than fifty-five (55) years, or as otherwise required by State law.
16. The affordable housing units shall be constructed in proportion to and concurrently with the construction of the market rate units in the Avila Ranch Development Plan, as described in Section 5 of the Avila Ranch Phase 3 Affordable Housing Agreement. In the event the affordable housing developer fails to construct the 59 inclusionary affordable units on Lot 186 (Sendero), the obligation to provide the affordable units remains the responsibility of Avila Ranch to complete, as required by the Avila Ranch Development Agreement and subject to the satisfaction of the Community Development Director.

Engineering Division

17. Prior to building permit issuance, a lot merger, lot line adjustment, or subdivision will be required to eliminate the existing underlying property lines for Lots 185 and 188 as shown on the Avila Ranch Phase 1 subdivision map (Tract 3089-1; Recorded Document No. 2021083388).

18. The building plan submittal shall show and note all existing property corner monumentation, exterior property line dimensions, and bearings for reference. The plans shall show the neighboring private property improvements and improvements with the adjoining public rights-of-way for reference.
19. The plans and supporting documents shall show and label all existing and proposed easements. Existing easements shall be honored, relocated, or otherwise extinguished. Unplottable easements related to installed infrastructure shall be resolved to the satisfaction of the City prior to building permit issuance.
20. The building and improvement plans shall include a complete site utility plan. The plans shall show and note all existing and proposed utilities, abandonments, relocations, and new work.
21. The parking areas shall show and note compliance with the City's Parking and Driveway Standards and California Building Code.
22. The building plan submittal shall include a complete grading and drainage plan and any required reports. The drainage plan and reports shall evaluate any run-on from the adjoining parcels, street network, and drainage channel. The plans and reports shall show and note compliance with the City Engineering Standard, Drainage Design Manual (DDM), Floodplain Management Regulations, and Post-Construction Stormwater Requirements (PCRs).
23. The building plan submittal shall include a Stormwater Control Plan documenting compliance with post-construction requirements pursuant to Regional Water Quality Control Board Resolution R3-2013-0032. All stormwater control measures (SCMs) for onsite runoff shall be located on private property. SCMs for any offsite improvements approved for location within the public right-of-way shall be maintained by the property owner. A separate encroachment agreement will be required in a format provided by the City.
24. The building plan submittal shall include a stormwater operations and maintenance manual (O&M Manual) for all SCMs. The O&M Manual shall, at a minimum, describe the project and drainage systems, include inspection frequency requirements, submittal instructions, and exhibits as needed to illustrate each of the project's Drainage Management Areas (DMAs) and SCMs. Each SCM shall be assigned a unique number identification, and inspection forms shall be included for each SCM.
25. An engineered drainage channel shall be provided along the north and west property lines as shown on the project plans presented to Planning Commission. The engineered drainage channel shall be installed in-lieu of the landscaped drainage swale identified in the ARDP Section 11.0. Standard 11.2.
26. The building plan submittal shall include a site electrical plan prepared by an electrical engineer. The required PG&E and tele-com wire utility plans shall be approved by the City. The required PG&E application and memo shall be approved by the City prior to final design and development of the PG&E handout package.

Transportation Division

27. Prior to issuance of each building permit, the applicant shall pay applicable Citywide and Los Osos Valley Road (LOVR) Sub-Area transportation impact fees.
28. Prior to issuance of first building permits for Phase 3 development, the applicant shall pay its fair share transportation mitigation fees for the following cumulative transportation impacts as identified in the project EIR and Development Agreement:
 - a. Buckley Road & State Route 227 intersection improvements
 - b. Buckley Road & Vachell Lane intersection improvements
 - c. Buckley Road Corridor Improvements (at Devenport)

Fair share fee amounts are to be calculated to the satisfaction of the City Transportation Manager and San Luis Obispo County (for Buckley/Highway 227 intersection).

29. Bicycle parking shall be provided in compliance with the design guidelines per the [City's Active Transportation Plan](#) and to the satisfaction of the City Transportation Manager. Indoor storage rooms shall have adequate access and security control, be located in areas with proper lighting, provide no more than 50% of bicycle parking via vertical hanging racks, provide sufficient area for some larger bicycles (cargo bikes, recumbent bikes, etc.), and provide some form of access to electrical charging for e-bikes. During building plan review, modifications to the mix of long-term vs. short-term bicycle parking stalls may be approved by the Transportation Manager to (a) accommodate sufficient number of larger cargo/recumbent bikes, and (b) minimize the number of vertical or stacked racks that require physically lifting a bicycle to park. Any modifications to mix of short-term vs. long-term bicycle parking shall retain the total number of required bicycle parking stalls consistent with City Zoning Regulations.
30. Bicycle connectivity shall be provided between the Anacapa site and the Memphis Belle/Piper Ln. knuckle to improve access for active transportation (bicycle and pedestrian) users between the apartments and the nearby park. Design of this connection shall be approved to the satisfaction of the Transportation Manager.

Utilities Department

31. The proposed utility infrastructure shall comply with the latest engineering design standards in effect during the time a building permit is obtained and shall have reasonable alignments and clearances needed for maintenance.
32. Building permit submittal shall include a site utility plan showing the size of existing and proposed sewer services for the project, and existing and proposed and water services and water meters for the project, including both potable and recycled water. Privately owned sub-meters may be provided for residential apartments upon approval of the Utilities Director or their designee. Any private hydrants shall be equipped with a reduced pressure detector assembly, subject to the approval of the Utilities Director.

33. Building permit submittal shall demonstrate compliance with fire flow and fire sprinkler requirements for all floors of the proposed project. Design plans shall be supported by engineering calculations to be submitted with the building permit.
34. The existing well to be retained shall not be used for any domestic services. This note shall be included on the plans submitted for a building permit.
35. Upon submittal of a building permit, plans shall include an interim temporary connection for potable irrigation to be used to establish landscaping until completion of construction and installation of the recycled water meter.
36. The irrigation system shall be designed and operated as described consistent with recycled water standards in the City's Procedures for Recycled Water Use, including the requirement that sites utilizing recycled water shall provide backflow protection on all potable service connections. An Application for Recycled Water Service and three sets of irrigation plans conforming to the City's Procedures shall be submitted to the Building Department for review during the City's building permit review process.
37. The building permit submittal shall include a final landscape design plan and irrigation plan that includes all the criteria required in the City Engineering Standards Uniform Design Criteria for Landscaping and Irrigation. Landscape and irrigation plans shall note that all recycled water irrigation tubing shall be solid purple upon installation and for the life of the project.
38. Plans submitted for a building permit shall show adjacent single-family residential lots, and where adjacent to single-family residential lots in order to ensure adequate separation and to prevent or substantially minimize the potential for a future cross-connection between potable water irrigation systems and recycled water irrigation systems, shall show the following subject to the approval of the Utilities Director: 1) a five-foot horizontal clearance or a physical barrier such as a sidewalk or fence between the project property line and project irrigated landscape areas, or 2) installation of a backflow device on the adjacent single-family residential lot(s). A reduced pressure backflow device may be required, subject to the review of the plans by the Utilities Department Engineer. If a backflow device is installed, the applicant or designated property manager or Home Owner's Association (HOA) shall coordinate the installation of the device with the single-family residential lot owner and shall be responsible for the installation and future testing and maintenance of the device.
39. The project's estimated total water use (ETWU) to support new ornamental landscaping shall not exceed the project's maximum applied water allowance (MAWA). Upon submittal of a building permit, information shall be provided for review and approval by the Utilities Department that supports the required project landscaping water demand. The building permit submittal shall include a completed Maximum Applied Water Allowance (MAWA) form based on the final landscape design plan and a hydrozone table with a summary of Estimated Total Water Use (ETWU) and the corresponding irrigation window.
40. The building permit submittal shall include solid waste services that follow the City's Development Standards for Solid Waste. The building permit submittal shall include a plan for the disposal, storage, and collection of solid waste, organic waste, and recyclable materials. Driveways and access routes to all discarded materials containers shall be designed to accommodate the size and weight of the collection trucks and shall comply with the access

requirements and conditions of the San Luis Garbage Company. Bin enclosure(s) shall conform to the requirements by the San Luis Garbage Company and discarded materials containers shall be sized to provide a reasonable level of service. Building permit submittal shall include a letter of service from San Luis Garbage Company pasted on the plans.

Additional Code Compliance Measures (Utilities)

41. Use of the existing well shall comply with Municipal Code Section 13.04.240 (Privately owned water wells), the Sustainable Groundwater Management Act (SGMA), and the San Luis Obispo Valley Basin Groundwater Sustainability Plan (October 2021). A well meter shall be installed at the private owner's expense at all properties where the private well water is used for any of the following:

- a. Nonresidential purposes in any quantity;
- b. Irrigation of greater than one-half acre of landscaping;
- c. Two acre-feet of usage annually.

The water meter shall be public and property owners shall enter into a private well metering agreement with the city for meter reading.

42. Upon completion of the installation of the landscape and irrigation system and prior to the issuance of the certificate of occupancy, the applicant shall submit a certificate of completion, an irrigation schedule that assists in the water management of the project and utilizes the minimum amount of water required to maintain plant health, and a regular maintenance schedule to the City Utilities Department, consistent with Municipal Code Section 17.70.220.D.

Sustainability Division

43. Roof mounted solar shall be provided for compliance with ARDP Section 3.0. Standard 3.8. for renewable energy requirements in lieu of installing solar canopies in the common parking lots.
44. The project shall comply with the Avila Ranch Energy Guidelines and Sustainability Measures memorandum for Phase 3, submitted by Wathen Castanos on October 19, 2023.

Indemnification

45. The applicant shall defend, indemnify, and hold harmless the City and/or its agents, officers and employees from any claim, action or proceeding against the City and/or its agents, officers or employees to attack, set aside, void or annul, the approval by the City of this project, and all actions relating thereto, including but not limited to environmental review (“Indemnified Claims”). The City shall promptly notify the applicant of any Indemnified Claim upon being presented with the Indemnified Claim and the City shall fully cooperate in the defense against an Indemnified Claim.

On motion by Commissioner _____, seconded by Commissioner _____, and on the following roll call vote:

AYES:
NOES:
REFRAIN:
ABSENT:

The foregoing resolution was passed and adopted this 14th day of February 2024.

Tyler Corey, Secretary
Planning Commission