

## **EXHIBIT A**

### **CONDITIONS OF APPROVAL FOR STARBUCKS AND RETAIL CENTER PROJECT AT AUBURN AND WHYTE Planning Commission Hearing May 10, 2023**

#### **USE PERMIT CONDITIONS OF APPROVAL**

- 1) The Use Permit approval shall be exercised within a three (3) year period from the date of the Notice to Proceed issued by the City for the Auburn Boulevard Complete Streets Project (estimated to be February 2024). The applicant may file a written request for an extension of time before the expiration of the permit as defined in Section 106.64.070 of the Zoning Code. (Planning)
- 2) This project is approved as described and as shown in Attachments 1 through 10 and as conditioned or modified below. (Planning)
- 3) The communication ordering system for the drive-through shall have an automatic volume control so the volume of the speaker fluctuates based upon the ambient noise levels. At no time shall the noise exceed the levels allowed by the City's Noise Regulations. (Police and Planning)
- 4) Hours of operation for the center shall not exceed 5:00 AM to Midnight. Should a tenant desire to extend beyond those operating hours, approval of a modification to the Use Permit is required. (Planning)
- 5) Minor modifications to the Use Permit may be approved by the Planning Division. Significant changes will require approval by the Planning Commission. (Planning)
- 6) The project shall comply with all regulations of the City of Citrus Heights including the city's Municipal Code and Building Code. (Planning)
- 7) The project shall comply with all requirements of all servicing agencies of the City of Citrus Heights including but not limited to Sacramento Metropolitan Fire District, Citrus Heights Water District and Sacramento Area Sewer District. (Planning)
- 8) To the maximum extent practical, the following measures should be incorporated into the project construction operations:
  - Noise-generating construction activities shall not occur within the hours identified in Municipal Code Section 34-88(5).
  - All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.
  - All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.
  - Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible.

- Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
  - Project area and site access road speed limits shall be established and enforced during the construction period.
  - Written notice shall be provided to residents within 500 feet of the project site of the construction schedules. The notice shall include a contact name and phone number should the residents have a question or concern with construction noise levels. (Planning)
- 9) Shall any nuisances arise at the site including noise from the ordering devices, late night hours, loitering or other health and safety issues, the applicant shall provide security measure(s) onsite acceptable to the Community Development Director and Chief of Police. If after reasonable notice and an opportunity to correct those problems, any public nuisances remain onsite, including any health and safety issues, the City can impose reduced operational hours or require a security company to provide onsite security during hours of concern. (Police and Planning)
- 10) The applicant/owner and/or successor in interest agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this permit challenging the validity of the Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from these Approvals. The applicant/owner and/or successor in interest may select its own legal counsel to represent their interest at their sole cost and expense. The parties shall cooperate in defending such action or proceeding. The applicant/owner and/or successor in interest shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and the applicant and/or successor in interest agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein. (City Attorney)

<b>DESIGN REVIEW PERMIT CONDITIONS OF APPROVAL</b>
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- 1) The Design Review Permit approval shall be exercised within a three (3) year period from the date of the issuance of the Notice to Proceed issued by the City for the Auburn Complete Streets Project (estimated to be February of 2024). The applicant may file a written request for an extension of time before the expiration of the permit as defined in Section 106.64.070 of the Zoning Code. (Planning)
- 2) This project is approved as described and as shown in Attachments 1 through 10 and as conditioned or modified below. (Planning)
- 3) The 2'-6" mesh fencing adjacent to the drive-through adjacent to Auburn Boulevard, shall be replaced with a solid screen wall. The design of the screen wall shall be reviewed and approved by the Planning Department. (Planning)
- 4) The project is responsible for certain utility improvements, should it proceed prior the City's construction of the Auburn Boulevard streetscape project. The project will be responsible

for undergrounding overhead powerlines on the north and east boundaries of the project to the satisfaction of the City and Sacramento Municipal Utilities District (SMUD). (Planning)

- 5) Minor modifications to the Design Review Permit may be approved by the Planning Division. Significant changes will require approval by the Planning Commission. (Planning)
- 6) A master sign program shall be submitted and approved by the Planning Division should the project create four or more tenants. The master sign program shall meet the requirements of Zoning Code Section 106.38. (Planning)
- 7) The project shall comply with all regulations of the City of Citrus Heights including the city's Municipal Code and Building Code. (Planning)
- 8) 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 (SMFD), Citrus Heights Water District (CHWD) and Sacramento Area Sewer District (SASD). (Planning)
- 9) 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)
- 10) 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)
- 11) Prior to excavation or trenching, the applicant shall call Underground Service Alert (dial 811) for a mark out of service utilities. (Building)
- 12) The project's post-development (proposed) stormwater runoff cannot exceed the pre-development (existing) runoff. (Engineering)
- 13) The existing buildings are currently connected to public sewer. Any required construction and/or modification to the public sewer system must be to the satisfaction of Sacramento Area Sewer District (SASD) prior to the approval of improvement plans. SASD Design Standards and Specifications apply to any onsite and offsite public sewer construction. (SASD)
- 14) SASD Design Standards and Specifications require minimum 6-inch lower laterals for commercial and industrial buildings. Demolishing of the building may require replacing the existing 4-inch lower lateral to a 6-inch lower lateral. (SASD)
- 15) Construction of a grease trap or a sand oil separator may be required. The applicant must verify with the applicable jurisdiction's building department. (SASD)
- 16) If the proposed garbage enclosure will contain a drain to the sewer, it must be covered. (SASD)
- 17) SMUD has existing overhead 12kV facilities along the east side of Auburn Boulevard, through the northern part of the project site, and along the southern perimeter of the project site that will need to remain. The Applicant shall be responsible for maintaining all CalOSHA and State of California Public Utilities Commission General Order No. 95 safety clearances during construction and upon building completion. If the required clearances

cannot be maintained, the Applicant shall be responsible for the cost of relocation.(SMUD)

- 18) SMUD has existing underground 12kV 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. 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)
- 19) 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)
- 20) Any necessary future SMUD facilities located on the Applicant's property shall require a dedicated SMUD easement. This shall be determined prior to SMUD performing work on Applicant's property. (SMUD)
- 21) In the event that 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)
- 22) 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. There are existing utility easements on the parcel that will need to be located on the site plan. (SMUD)
- 23) 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)
- 24) 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)
- 25) The Applicant shall provide separate SMUD service points to each parcel to the satisfaction of SMUD. (SMUD)
- 26) 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)
- 27) 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)

28) To the maximum extent practical, the following measures should be incorporated into the project construction operations:

- Noise-generating construction activities shall not occur within the hours identified in Municipal Code Section 34-88(5).
- All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.
- All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.
- Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible.
- Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
- Project area and site access road speed limits shall be established and enforced during the construction period.
- Written notice shall be provided to residents within 500 feet of the project site of the construction schedules. The notice shall include a contact name and phone number should the residents have a question or concern with construction noise levels. (Planning)

#### **Conditions Required Prior to Issuance of Building Permit**

- 29) Improvement plans shall remove the first 4 parking spaces on the south side of the signalized project driveway on Auburn Boulevard and extend the centerline striping 100 feet within the site, as depicted in Figure 5 of the staff report and on page 49 of the Traffic Impact Study. Improvement plans shall reflect that the parking spaces that are located off-site, on the property to the north of the site (Hoss Lee parcel), shall be removed to allow for through circulation, per the Traffic Impact Study. (Engineering)
- 30) An easement or PUE, if necessary, shall be dedicated to CHWD along the Auburn Blvd. frontage or elsewhere on-site to accommodate water meter boxes, backflows and sprinkler RPDA device. (CHWD)
- 31) This location does not have a water main along the frontage of the property along Auburn Boulevard. Improvement Plans will show the location of the water main extension, intended to be installed as part of the Auburn Boulevard Complete Streets project. An 8" water main from the north property line of 8516 Auburn Blvd. northward to the north property line of the proposed development site (south property line of 8560 Auburn Blvd.) shall be installed prior to the building occupancy. All water service, irrigation and fire lines, if required, shall be connected to this new 8" service line. (CHWD).

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- 32) The applicant shall submit a Construction Traffic Management Plan (plan) to minimize traffic impacts to public streets and maintain a high level of safety for all roadway users. (Engineering)
- 33) The applicant shall install construction fencing around the staging, equipment storage, and construction area. The construction fencing shall be screened with mesh screening or slats, subject to Planning Division approval. (Planning)
- 34) Landscaping plans shall be amended to expand the planter along the eastern boundary adjacent to the parking area from 6'-8" to 10 feet in total width. Plans will be amended to reflect that the area of expansion is fully landscaped. (Planning)
- 35) To ensure that a landscape strip is installed north of the drive-through, the project will install a minimum 5 foot planter strip on property that is located north of the site (8560 Auburn Blvd.). If the adjacent parcel has been developed with this planter in place, then no further action is required. If the planter cannot be installed due to ownership issues or other circumstances, then the drive-through lanes will be reduced to a single lane, allowing for a landscape strip with a minimum of 5 feet in width to be installed with this project. Plans will be amended to reflect this modification to the site improvements prior to issuance of building permits. (Planning)
- 36) The existing retail building that will remain shall be enhanced with color palate and materials as shown in the approved plans. These improvements shall be completed prior to approval of occupancy. (Planning)
- 37) 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)
- 38) Required development fees shall be paid prior to building permit issuance. Fee rates assessed shall be calculated during the building permitting process. (Engineering)
- 39) Prior to approval of the improvement plans, a pipeline video inspection of the existing storm drain system shall be submitted to the Engineering Division for review and approval. The existing SD system may need to be cleared of debris prior to connection of the new SD system. (Engineering)
- 40) The owner must contact Sacramento Area Sewer District (SASD) Permit Services Unit at [PermitServices@sacsewer.com](mailto: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)
- 41) Site shall meet the pre and post construction Best Management Practices (BMP's) for Stormwater Mitigation per State of California requirements. Storm Drain runoff shall drain into landscaping or other Stormwater quality mitigating feature before entering the public Storm Drain system. The City of Citrus Heights is a member of the Sacramento Stormwater Quality Partnership and uses their guidelines and requirements. The following is their link: <http://www.sactostormwater.org/SSQP/development.asp>.

(Engineering)

- 42) The project shall adhere to the State of California's General Construction Permit requirements. Provide documentation of compliance with applicable requirements. A WDID# and SWPPP must be submitted and approved prior to ANY soil disturbing activity on the site.(Engineering)
- 43) Post-project stormwater runoff cannot exceed the runoff from the previous existing (demolished) commercial development. Calculations must be provided to demonstrate compliance with this requirement. (Engineering)
- 44) The project shall provide approved fire apparatus turnaround or circulation through the site meeting turning radii as required by SMFD. The fire apparatus turnaround shall conform to Sacramento Metro Fire Districts, Fire Prevention Standard #3. The fire access turn-around shall be located within 50 feet of the end of the access roadway. (SMFD)
- 45) Plans shall show 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. (SMFD)
- 46) Plans shall include a note that reads, "Fire apparatus access roads shall be designed and maintained to support the imposed live load of 80,000 pounds, with a maximum axle load of 31,000 pounds, and meet Public Works Standards for roadways. A report, prepared by a registered geotechnical engineer, verifying the ability of the road to bear the required minimum weight, shall be submitted with any plan indicating construction of roadway. Verification of constructed roadway shall be provided by a registered geotechnical engineer prior to final of the project." .(SMFD)
- 47) Improvement plans shall show the location of the required fire hydrants for this project. 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. (SMFD)
- 48) The applicant shall meet the following: Civil Site Plans and Architectural Plans shall be submitted and approved prior to Final Building Permit being issued. Fire Sprinkler and Fire Alarm plans shall be submitted prior to Final Building Permit being issued if required for this project. Please note: The Sacramento Metro Fire District does not allow deferred submittals for Fire Sprinkler or Fire Alarm plans. (SMFD)

#### **Required Prior to Final or Occupancy**

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- 49) The applicant shall provide a Fire Access Agreement between all parcels connected to and served by fire access. Fire Access Agreement shall be recorded with the Public Records Office having jurisdiction. (SMFD)
- 50) The applicant shall provide a Fire Access Roadway Maintenance Agreement (RMA) between all parcels connected to and served by the fire access roadway. The Fire Access Roadway Maintenance Agreement shall be recorded with the Public Records Office having jurisdiction. The roadway maintenance agreement shall include the following:
- a. Provisions for the necessary repair and maintenance of the roadway surface
  - b. of vegetation overgrowing the roadway and infringing on the roadway clear vertical height of thirteen feet six inches (13' 6") or width of twenty feet (20')
  - c. Provisions for the maintenance, repair, and/or replacement of NO PARKING-FIRE LANE signage or striping
  - d. Provisions for the necessary repair and maintenance of vehicle and pedestrian access gates and opening systems (SMFD)
- 51) Approved numbers or addresses shall be placed on all new or existing buildings 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)
- 52) Prior to any occupancy, the project shall install the following street frontage improvements along the east side of Auburn Boulevard. Improvements shall align with the City's future Auburn Boulevard, Phase 2 improvement project and shall meet current City standards and all accessibility requirements:
- a. Vertical curb (Type 2) and gutter;
  - b. 6-ft wide separated sidewalk with a landscaping planter (irrigated);
  - c. Type A commercial driveway;
  - d. Accessible ramps at northeast and southeast corners of signalized intersection;
  - e. Any required storm drain system as determined during the design stage; and
  - f. Streetlights (quantity and location to be determined). (Engineering)
- 53) Project shall dedicate a 12.5-ft Public Utilities Public Facilities Easements (PUPFE) for all three parcels along Auburn Boulevard. (Engineering)
- 54) The signalized intersection at Auburn Boulevard at the proposed driveway location is part of the city's future streetscape project. Prior to ANY occupancy, the following items shall be completed:
- a. Dedicate any required Right-of-Way (ROW) and/or Public Utilities & Public Facilities Easements (PUPFE) for the future traffic signal appurtenances on Auburn Boulevard, as needed.
  - b. Dedicate a PUPFE to underground existing overhead power & utility lines along north property line. The location & dimensions of easement shall be determined by City staff.
  - c. Grant a Right-of-Entry for the future construction of the City's street improvement project for Auburn Boulevard. (Engineering)
- 55) Recordation of mutual access easements to access Auburn Blvd. is required between the four parcels listed below:



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- a. 8516 Auburn Blvd (APN: 204-0010-017)
  - b. 8518 Auburn Blvd (APN: 204-0010-016)
  - c. 8550 Auburn Blvd (APN: 204-0010-002)
  - d. 8600 Auburn Blvd (APN: 204-00100001) (Engineering)
- 56) Recordation or proof of and existing mutual access easement, between the project site and the property located at the southeast corner of Auburn Boulevard and Whyte Avenue within Placer County (8560 Auburn Blvd.) and the property located at 200 Whyte Avenue (Hoss Lee Academy), shall be provided to the Engineering Department. (Engineering)
- 57) Prior to building final or occupancy, a lot merger or boundary line adjustment for the two parcels with Assessor's Parcel Numbers (APN): 204- 0010-001 and 204-0010-002 shall be recorded. (Engineering)
- 58) The State Water Board's Trash Amendment requires that all commercial, industrial, and multi-family sites achieve full trash capture compliance by 2030. Trash capture is the developed site's ability to capture trash debris and litter from the property before it enters the public storm-water system. This site has been identified as a moderate trash generating property. This project is required to develop a full trash capture management plan that complies with the State Water Resource Control Board requirements. Prior to any occupancy of the proposed building, a Trash Maintenance Declaration for the property must be reviewed and approved by the City, and filed with the County of Sacramento's Recorder's Office. (Engineering)
- 59) Roof drains for the buildings shall not directly connect into the storm drain system. Downspouts shall flow to rain garden, landscaped areas, bio-swale, and/or other approved filtering methods before entering the City's storm drain system. (Engineering)
- 60) Dedicate 12.5-ft Public Utilities Easement (PUE) along Auburn Boulevard. The PUE shall be located behind the existing Right-of-Way (ROW) per City Standards.(Engineering)
- 61) The applicant shall install a backflow device, including insulated enclosure and concrete pad, per current Citrus Heights Water District (CHWD) specifications. (CHWD)
- 62) The applicant may be required to install a new meter, meter setter, meter box, and meter location to the satisfaction of CHWD. (CHWD)
- 63) The installation of a secondary backflow (sized appropriately) is required down-stream of the primary backflow to isolate the irrigation system from the domestic supply. (CHWD)
- 64) The installation of the water distribution system modifications will be by the developer's contractor at the developer's expense. (CHWD)
- 65) Any easements granted to the District for the water facilities will be prepared by the developer at the developer's expense. (CHWD)
- 66) The applicant shall meet the following: Civil Site Plans, Fire Service Underground Plans, Fire Sprinkler Plans, Fire Alarm Plans and Architectural Plans shall be submitted prior to Final Building Permit being issued. (SMFD)

67) 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.
- The City's Arborist will have reviewed and approved the tree type along the Auburn Boulevard frontage, and accepted that elm trees conform to the Auburn Boulevard Specific Plan. If not approved, then the project shall install red maples.
- Tree planting sites comply with the minimum soil volume as identified in the Zoning Code and landscape plan. (Planning)

68) 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)

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

70) 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)

71) Parking lot surface and double-striping shall be maintained in good repair. Wheel stops shall be installed to conform to the City's standards. (Planning)

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

73) Outdoor lighting shall be installed in conformance with the Auburn Boulevard Specific Plan (ABSP) and maintained in good working order. (Planning)

74) All landscaping shall remain watered and in a healthy condition. (Planning)

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

76) Site shall meet the pre and post-construction Best Management Practices (BMP's) for Stormwater Mitigation per State of California requirements, including Low Impact Design (LID) features to mitigate quality of stormwater runoff. The City is a member of the Sacramento Stormwater Quality Partnership and uses their guidelines and requirements. The following is their link: <http://www.beriverfriendly.net/> (Engineering)

77) If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for pre-contact and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.
- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the lead agency, the City of Citrus Heights, and applicable landowner. The agencies shall consult on a 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 landowner's 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)

- 78) 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)
- 79) A certificate of occupancy shall only be issued after construction of a fully operational traffic signal on Auburn Blvd at the proposed project driveway. Construction and installation of this traffic signal is currently included in the city's Auburn Boulevard Complete Streets Phase 2 Project and is estimated to be fully operational no later than September 1, 2025. Should the city's Auburn Blvd Complete Streets Phase 2 Project timeline change or not result in an operation signal by this date, the developer shall be required to install the signal or issuance of the certificate of occupancy may be delayed. A fully operational signal may include permanent signals poles, gateway arch and/or other temporary poles and measures as approved by the City Engineer to allow safe egress from the project site onto southbound Auburn Blvd.(Engineering)
- 80) Bicycle lockers shown on the approved site plan shall be replaced with a minimum of two exposed bicycle parking spaces. Parking space location and bicycle racks to be approved by the Planning Department. (Planning)
- 81) The conceptual parking lot layout on the eastern portion of the project site is not approved as part of this project approval. If it is determined that this additional parking is needed to support this project or the future project to the north, in the City of Roseville, then a subsequent application will be made to the City for amending the Design Review Permit. If all impacts can be addressed through on-site improvements that are consistent with the City's development standards, this amendment can be approved administratively. (Planning)

**TREE PERMIT CONDITIONS OF APPROVAL**

- 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) Prior to issuance of a building permit, the Arborist Report will be updated to address the size, condition and removal of tree # 1494. Additionally, all required mitigation fees shall

be paid for the approved removal of protected trees that have been identified within the final landscape plan. (Planning)

- 3) The Tree Permit shall be exercised within a three (3) year period from the date of final approval otherwise the Tree Permit shall expire. (Planning)
- 4) 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)
- 5) The following protected trees are authorized for removal:

Tree #'s
103, 110, 1465, 1466, 1471, 1472, 1480, 1481, 1493 & 1494

- 6) The applicant shall provide landscaping as shown in Attachment 8. Minor modifications are allowed with approval by the Planning Division. (Planning)
- 7) 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. 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)
- 8) 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)
- 9) 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)
- 10) 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)
- 11) All finished grading shall ensure that no water will collect within the dripline of any native oak trees. (Planning)
- 12) 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)
- 13) 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)

- 14) 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)
- 15) 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)
- 16) 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)
- 17) 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)
- 18) 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)
- 19) 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)

**EXHIBIT A**

8850 Auburn Blvd. – Starbucks and Retail Center

PLN-22-06: UP, DRP & TP

May 10, 2023 Page 15

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