



## STAFF REPORT

**TO: PLANNING COMMISSION**

**PREPARED BY: Corey Simon, Senior Planner**

### GENERAL INFORMATION

**OWNER:** Joe Casaglio

**AGENT/  
APPLICANT:** Doug Hutchens

**LOCATION:** 2229, 2230 & 2231 Forsythia Way (two vacant lots adjacent to 2227 Forsythia Way and one on opposite site of the street adjacent to 2228 Forsythia Way)

**PROPOSAL:** Construction of three new single-family residences on three, 5,000+ sq. ft. lots. The applicant is requesting approval of an exception to building height limitations to allow maximum building heights of up to approximately 29' where a maximum of 25' is permitted and Design Review for building elevations and landscaping.

**GENERAL PLAN:** John Muir Parkway Specific Area Plan - Residential: 0-6 unit/gross acre

**ZONING:** R-7.5/PD (Residential - Single Family: 7,500 sq. ft. site area per dwelling unit/"Shannon Hills" Planned Development: 5,000 sq. ft. minimum lot size.)

**ENVIRONMENTAL  
REVIEW:** Staff proposes that the Planning Commission find that this permit be categorically exempt (CLASS 3 - Section 15303; New Single-family Residences) from the requirements of CEQA. If the Planning Commission adopts this proposed finding, no further environmental review would be required by State law.

### RECOMMENDATION

Approve Use Permit #09-03 and Design Review #09-14, subject to the attached conditions of approval.

**CONTEXT and SITE DESCRIPTION**

The subject 47 lot subdivision (Shannon Hills II) is part of the larger Shannon Hills Planned Development developed in the mid 1980's. All lots were graded as flat building pads at that time, but the former owner of the entire Shannon Hills II site (Casaglio), retained ownership of eight lots at the end of Forsythia Way, as well as his own residence at 4910 Milano Way, while Citation Homes immediately built on all other 39 lots. Two of the eight lots (2227 and 2228 Forsythia) were soon after developed by Casaglio, the other six have remained vacant since. The applicant now wishes to develop three of the six remaining lots. As a part of Shannon Hills Planned Development, the following exceptions to the R-7.5 Zoning District's Development Standards apply:

- Minimum 5' interior side yards, as opposed to the normally required 10' yards.
- Maximum permitted 40% coverage, as opposed to the normally permitted 35%.
- All construction requires the approval of the Shannon Hills Home Owners Association Architectural Committee; approval for the subject three homes was given on May 7, 2009, (letters provided as Attachment C).

**PROJECT INTRODUCTION and BACKGROUND**

Initially, the applicant had proposed that the home on Lot 27, 2231 Forsythia be built with a 19½' rear yard where 25' is normally required. As a result of the applicant's initial meetings with the adjacent neighbors to the rear, he has revised the design and position of the home proposed for Lot 27, so that variances are no longer required. The Design Review Committee, while making suggestions for refinement of landscaping and building elevations, recommended approval of the application at its June 9, 2009 meeting.

**ZONING COMPLIANCE**

The table on the following page provides the code requirements applicable to the development of these lots. A "Y" in the table indicates conformance.

**ZONING COMPLIANCE TABLE**

R-7.5/ "SHANNON HILL PLANNED DEVELOPMENT" CRITERIA	MINIMUM REQUIRED OR (MAXIMUM ALLOWED)	PROPOSED			CONFORMITY
		#2229 LOT 26	#2230 LOT 31	#2231 LOT 27	
Front yard*	15'/20' to garage door*	15'/35'	15'/20'	15'/20'	Y
Side yard	5'/5'	5'/5'	5'/5'	5'/5'	Y
Rear yard	25'	29½'	27'	25½'	Y
Lot Coverage	40%	35%	35%	31%	Y
Building Height	25' (maximum)	29'	28½'	29'	Use Permit Req'd

\*per MMC 22.12.220.B, a minimum 15 foot front yard is allowed on lots fronting onto the bulb portion of a cul-de-sac street, provided the garage is not less than 20 feet from property line.

## **STAFF ANALYSIS**

Specific issues of concern are outlined below:

### **Use Permit to exceed 25' height limit**

As part of a subdivision, each lot had been graded with a nearly level pad, so there are no physical conditions influencing building height. The applicant is requesting an exception to the 25-foot height limit due to the architectural styles chosen for the three homes, and his preference to build with a broad roof, with the ridge running side-to-side, rather than repeating the design of the surrounding homes built in the 1980's, when a more narrow roof was framed with the ridge running front-to-back. All homes are proposed with uniform 5:12 roof pitches, which are an integral part of the traditional architectural theme being proposed. This now common technique of running the ridge side-to-side (which does result in structural cost savings) places the added three to five feet of building height (above the normally permitted 25') at the buildings' center and side elevation gables, minimizing potential visual impact of taller buildings when the units are viewed from street or neighboring rear yards. While none of the adjoining neighbors protested the proposed height exception at the Design Review Committee meeting, some committee members recommended (but did not ask the Commission to make a requirement) the use of pyramidal hipped roofs on one or more lots to further reduce the appearance of height.

### **Design Review**

Design Review approval is required for these residences, pursuant to Zoning Code section 22.34.030 A; *Design Review – Applicability*, which requires Design Review Approval for any single family home (regardless of lot's degree of slope), where *the permit site(s) are undeveloped parcels adjoining one or more additional undeveloped parcels (including parcels separated by streets) under the same ownership*. This rarely used provision appears to have been intended to assure minimum design quality for multi-unit developments where no other form of public review would have otherwise been required.

The three two-story homes are comparable in size and compatible in styling to the 20+ year old eclectic/traditional suburban homes in the Shannon Hills neighborhood. The Design Review Committee made the following suggestions:

- Remove Mediterranean themed building details, (e.g. Spanish tile and decorative gabled end "drain pipe" accents) that were incompatible with both the existing architectural styles in Shannon Hills and the colors proposed by the applicant for these three new residences (current plans have been modified as per recommendations).
- Use stone accents on 2231 as a wainscot, and extend accent along side elevation to point of side yard fence returns (current plans have been modified as per recommendations).
- Refine landscape plan for 2230 (Lot 31) so that front yard plantings are comparable to that of surrounding homes. A condition of approval has been proposed, requiring that the landscape plan for 2230 be subject to review and approval of a Design

Review Subcommittee prior to issuance of the building permit for that lot.

**ATTACHMENTS**

- A. Site Context Map
- B. Design Review Committee comments
- C. Approval of Shannon Hills Homeowners Association  
Resolution PC 09-05 [DRAFT]  
Conditions of approval for UP 09-03 and DR 09-14 [DRAFT]

**EXHIBITS**

Site, Architectural, Landscape Plans

F:\Community Development\All Projects\RESIDENTIAL\Forsythia Way, 2229 2230 & 2231 - Casaglio\Casaglio-PC-RPT 2009 06.23.doc



# ATTACHMENT B

## DESIGN REVIEW COMMITTEE MEMBER COMMENTS



### CITY OF MARTINEZ DESIGN REVIEW COMMITTEE COMMENT FORM

PROJECT: <u>GILBERT JOHNSSEN / 2230 FORSYTH WAY</u>	DATE: <u>6/9/09</u>
REVIEW COMMENTS:	
<u>LOT 27 - REDUCE HEIGHT OF STONE VENEER</u> <u>LIMIT TO HEIGHT OF WESCOTT TOWER</u>	
<u>- RECOMMEND HIP ROOF ON LOT 27</u>	
DO YOU WISH TO SEE THIS PROJECT AGAIN AT DRC? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
This project can be recommended for approval if the following conditions of approval are incorporated into the plans prior to Planning Commission hearing:	
1.	<u>ON LOT 27 REDUCE HEIGHT OF STONE VENEER TO WESCOTT TOWER.</u>
2.	<u>PROVIDE HIP ROOF ON LOT 27</u>
3.	
4.	
5.	

COMMITTEE MEMBER  
  
JAMES T. PASSAGLIA

City of Martinez Community Development Form Design Review Committee Form.doc



CITY OF MARTINEZ  
 DESIGN REVIEW COMMITTEE  
 COMMENT FORM

PROJECT:	2229-2231 FORSYTHIA WAY	DATE:	6-9-07
REVIEW COMMENTS:			
LOT 26 - REVISE MISSION STYLE SINCE YOU ARE USING FLAT CONC. ROOF TILES. NO PIPE VENTS			
LOT 27 - PUT MASONRY VENEER BASE AT COLUMNS AND CONTINUE IT @ THE MAINS CLADDING.			
LOT 31 - SINGLE PIPE VENT LOOKS TACKY BY ITSELF, REMOVE.			
ALL LOTS - MAKE SURE LANDSCAPING @ FRONT MATCHES OR EXCEEDS EXISTING NEIGHBORHOOD.			
LOTS 26; 27 - WORK ON DETAILS TO <del>REINFORCE</del> <sup>GIVE EACH LOT MORE</sup> IDENTITY			
DO YOU WISH TO SEE THIS PROJECT AGAIN AT DRC?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<p>This project can be recommended for approval if the following conditions of approval are incorporated into the plans prior to Planning Commission hearing:</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> <li>4.</li> <li>5.</li> </ol>			

COMMITTEE MEMBER

(John Essig)



CITY OF MARTINEZ  
DESIGN REVIEW COMMITTEE  
COMMENT FORM

PROJECT: CASABUO PARCELS DATE: 6/9/09

REVIEW COMMENTS:

CONSIDER HIP ROOF ON LOT 26 TO HELP MITIGATE THE HEIGHT OF ROOF RELATIVE TO (E) HOME (ADJACENT).  
CHECK WINDOW LOCATIONS BETWEEN LOT 26 & 27 SO THAT VIEWS BETWEEN ARE MINIMIZED (CONSIDERING REDUCED SIDE YARDS)  
ELEVATION/ROOF TREATMENT FOR HOUSE @ LOT 26: CONSIDER CHANGING EITHER COLOR OF TILE TO BE COMPATIBLE W SPANISH STYLE.

IF YOU HIT, FUP LOCATIONS OF LOT 26 & 27  
DO YOU WISH TO SEE THIS PROJECT AGAIN AT DRC?  YES  NO

NEED PROPER LANDSCAPE PLAN FOR LOT 31 SO THAT IT IS COMPATIBLE W OTHER HOUSES. ROCKS & CITRUS TREES NOT SUFFICIENT - IF YOU WANT PROUGHT-PLANNING PLAN, PICK LOW WATER

This project can be recommended for approval if the following conditions of approval are incorporated into the plans prior to Planning Commission hearing: SPECIES OR PLANTS IN LIEU OF ONLY ROCKS

1. PROVIDE LANDSCAPE PLAN FOR LOT 31
2. WRAP STONE AROUND @ BASE ON LOT 27 ELEV.
- 3.
- 4.
- 5.

COMMITTEE MEMBER

*[Signature]*  
ELLEN TURNER

City of Martinez Development Form Design Review Committee Form.doc

5h



CITY OF MARTINEZ  
DESIGN REVIEW COMMITTEE  
COMMENT FORM

PROJECT: Forsythia Way. DATE: June 9, 2009  
REVIEW COMMENTS:

- Recommend approval with the following conditions:
- Add hip roofs on Lot 26 to differentiate style of house, provide better side line from existing neighbor to West
  - Reduce appearance of "Mediterranean" style to fit better with proposed color & shake roof.
  - Lot 27, add stone veneer wainscot to wrap back to side yard fencing.
  - Provide new landscape plan for Lot 31 to be

DO YOU WISH TO SEE THIS PROJECT AGAIN AT DRG?  
compatible w/ lots 26, 27 and existing neighborhood.  YES  NO

Resubmit revised landscape plan @ subcommittee  
This project can be recommended for approval if the following conditions of approval are incorporated into the plans prior to Planning Commission hearing:  
for approval.

- 1.
- 2.
- 3.
- 4.
- 5.

COMMITTEE MEMBER  
Brian Kilian.

1: Community Development Form Design Review Committee Form.doc

# ATTACHMENT C

LETTERS OF APPROVAL FROM "SHANNON HILLS" HOA

2229, 2230 & 2231 Forsythia Way

## Shannon Hills Homeowners Association

P.O. BOX 23743 PLEASANT HILL, CA 94523 1-866-946-0800 ADVANCEDMGMT.COM

May 7, 2009

Douglas and Brandy Hutchens  
621 Bear Oaks Drive  
Briones, CA 94553

Account #: SHA26VL

RE: Request for Architectural Change at SHA26VL (2229 Forsythia Way) and SHA27VL (2231 Forsythia Way) - Approved

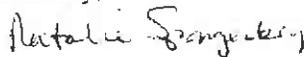
Dear Douglas and Brandy Hutchens:

I am writing on behalf of the Board of Directors of the Shannon Hills Homeowners Association.

The Architectural Committee approved your application to build on lots SHA26VL (2229 Forsythia Way) and SHA27VL (2231 Forsythia Way). Homeowners are responsible for obtaining and abiding by any and all city or county permit or code requirements. The Board of Directors appreciates your having followed guidelines in the CC&Rs by seeking approval for the subject exterior modification.

Please retain this approval letter along with a copy of the signed application for your records and feel free to contact me with questions or comments at 1-866-946-0800 x81.

Sincerely,



Natalie Spangenberg  
Homeowner Liaison  
ADVANCED PROPERTY MANAGEMENT  
natalie@advancedmgmt.com

cc: Board of Directors, Joseph Casaglio

Enclosure

1 of 2



## Shannon Hills Homeowners Association

P.O. BOX 23743 PLEASANT HILL, CA 94523 1-866-946-0800 ADVANCEDMGMT.COM

May 7, 2009

Gilbert Johnsen  
4910 Milano Way  
Martinez, CA 94553



Account #: SHA31VL

RE: Request for Architectural Change at SHA31VL (2230 Forsythia Way) - Approved

Dear Gilbert Johnsen:

I am writing on behalf of the Board of Directors of the Shannon Hills Homeowners Association.

The Architectural Committee approved your application to build at SHA31VL (2230 Forsythia Way). Homeowners are responsible for obtaining and abiding by any and all city or county permit or code requirements. The Board of Directors appreciates your having followed guidelines in the CC&Rs by seeking approval for the subject exterior modification.

Please retain this approval letter along with a copy of the signed application for your records and feel free to contact me with questions or comments at 1-866-946-0800 x81.

Sincerely,

A handwritten signature in cursive that reads "Natalie Spangenberg".

Natalie Spangenberg  
Homeowner Liaison  
ADVANCED PROPERTY MANAGEMENT  
natalie@advancedmgmt.com

cc: Board of Directors, Joseph Casaglio

Enclosure

2+2

**RESOLUTION NO. PC 09-05 [DRAFT]**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MARTINEZ,  
APPROVING USE PERMIT AND DESIGN REVIEW REQUESTS TO ALLOW THREE  
NEW SINGLE-FAMILY RESIDENCES, WITH AN EXCEPTION TO THE MAXIMUM  
PERMITTED HEIGHT IN THE R-7.5 ZONING DISTRICT, TO BE BUILT WITHIN THE  
SHANNON HILLS PLANNED DEVELOPMENT, ON VACANT LOTS LOCATED AT  
2229, 2230 & 2231 FORSYTHIA WAY  
(APN: 161-060, 050 & 052)  
UP 09-03 and DR 09-14**

**WHEREAS**, the City of Martinez has received a request for Use Permit and Design Review approvals to allow construction of three new single family residences with an exception to the maximum height limit of 25 feet; and

**WHEREAS**, the proposal is consistent with General Plan policies and with the land use designation which is Residential: 0-6 units/ acre; and

**WHEREAS**, the zoning applicable to the property is R-7.5 (Residential - Single Family: 7,500 square foot minimum lot area); and

**WHEREAS**, the new single family residences are generally consistent with development standards of the R-7.5 designation, as such were modified by the granting of the Shannon Hill Planned Development in 1986, and the requirements for the granting of exceptions to those regulations where applicable; and

**WHEREAS**, the project is categorically exempt from the requirements of CEQA, under Sections 15303 CEQA Guidelines; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on June 23, 2009, in regards to the said actions and has considered public testimony and all other substantial evidence in the record; and

**NOW, THEREFORE**, the Planning Commission of the City of Martinez resolves as follows:

1. That the above recitals are found to be true and constitute part of the findings upon which this resolution is based
2. The proposed maximum building height of approximately 29' requires the approval of a Use Permit allowing an exception to the maximum permitted 25 foot height limit of the R-7.5 Zoning District. To approve the Use Permit, the Planning Commission must make the following findings, which it hereby does:
  - a. **The proposed location of the conditional use is in accord with the objectives of this title, and the purposes of the district in which the site is located.** The proposed residences with maximum heights of 29' are to be located in an established single-family subdivision with varied height limits, minimizing the potential for any significant visual impact from the nominal



neighborhood.

- e. **A limited number of materials is used on the exterior of the project, in that only stucco siding and stone wainscoting and accent details are proposed.**
- f. **The project has exterior lighting appropriately designed with respect to convenience, safety, and effect on occupants as well as neighbors, in that these are single family homes, only minimal exterior lighting is proposed.**
- g. **Effectively concealing work areas, both inside and outside of buildings, in the case of non-residential facilities. (Not applicable.)**
- h. **Undergrounding all utility boxes unless it can be shown that they can be effectively screened from the view of the general public. (No utility boxes are proposed as part of the project.)**
- i. **Designing the type and location of planting with respect to the preservation of specimen and landmark trees, water conservation as set forth in Chapter 22.35, and maintenance of all planting, in that there are no existing trees on these lots, but that drought tolerant front yard landscaping will be provided.**
- j. **Establishing a circulation pattern, parking layout and points of ingress and egress (both vehicular and pedestrian), designed to maximize pedestrian safety and convenience and to minimize traffic congestion resulting from the impediment of vehicular movement. When applicable, access for handicapped individuals should be considered. (Not applicable or needed for proposed project.)**
- k. **Ensuring that all signs be designed so that they are in scale with the subject development, and will not create a traffic hazard. Emphasis is placed upon the identification of the use or building rather than the advertising of same. (No signs are proposed with the project.)**
- l. **Views are substantially preserved from nearby properties, (Not applicable, as adjoining residences are not considered view properties, as their pad elevations are equal to or below that of the three lots to be built on.)**

**NOW, BE IT FURTHER RESOLVED** that the Planning Commission approves UP 09-03 and DR 09-14 subject to conditions of approval, incorporated herein by this reference.

\*\*\*\*\*

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 23<sup>rd</sup> day of June, 2009:

AYES:

NOES:

ABSENT:

ABSTAINED:

BY: \_\_\_\_\_  
Frank Kluber  
Planning Commission Chair

\_\_\_\_\_  
Corey M. Simon  
Senior Planner

F:\Community Development\All Projects\RESIDENTIAL\Forsythia Way, 2229 2230 & 2231 - Casaglio\Casaglio-PC-Reso-2009 06 23.doc

CONDITIONS OF APPROVAL

AS APPROVED BY: PLANNING COMMISSION **[DRAFT]**

**Project Name: Casaglio Lots; three new single family homes in Shannon Hills II**

**Site Location: 2229, 2230 and 2231 Forsythia Way**

I. Description of Permits

These conditions apply to and constitute the approval of:

- A. Use Permit 09-03 to allow building heights of up to 29', where a maximum of 25' is typically allowed; and
- B. Design Review 09-14 to approve the proposed plot plans, designs and front yard landscaping for three lots.

II. Exhibits

The following exhibits are incorporated as conditions of approval, except where specifically modified by these conditions:

EXHIBIT	DATE RECEIVED	PREPARED BY	PAGES
Plot, architectural and landscape plans	June 12, 2009	Plot and architectural plans – M.J. Marten Landscape Plans (#2229 & #2231 only) – James Swanson	11

All construction plans shall be consistent with the designs as conceptually illustrated by the above exhibits. Where a plan or further information is required by these conditions, it is subject to review and approval by the Planning Division, Engineering Division and/or Building Department, or as noted.

III. Architectural

- A. All building materials, windows and colors shall be substantially as shown on the plans dated June 12, 2009, and as presented to the Design Review Committee on June 9, 2009. The applicant shall provide a materials and color exhibit with building permit applicant, which shall be kept on file with the Planning Division. Changes to the approved plans, colors and materials shall be subject to staff approval and review may be referred to the Design Review Committee.

IV. Landscape

- A. Prior to issuance of a building permit for 2230, the applicant shall submit a revised landscape plan for that lot, showing more extensive and diverse planting more in keeping with the established level of landscaping within the neighborhood.

- B. As per the approved plan dated June 12, 2009, for 2229 and 2231, (and pending plan for 2230) landscaping and individually controlled automatic irrigation within the front shall be installed by the homebuilder(s) at such time each lot is developed. Each individual building permit application and plan submittal shall either reference the approved plan or individual landscape plans shall be submitted to the Planning division for review and approval. Final inspection approval for each house shall not be given until the required front yard landscaping is installed for that house. The landscaping and irrigation for each unit shall:
- a. Be in accordance with the City's adopted water conservation and landscaping ordinance (Martinez Municipal Code Chapter 22.35).
  - b. Provide a minimum of one street tree per lot
  - c. Shrubs shall be a minimum 5-gallon size, and drought tolerant.
  - d. Provide either lawn or a continuous ground cover with complete coverage within 3 years.

IV. Fences

- A. The maximum height for all walls, fences and/or fences on retaining walls shall be 6 feet, except within the minimum required front yards, in which case the maximum permitted height is 3½'.

V. Noise Control, Dust and Conditions for Construction Activity

- A. All construction activities shall conform to the City's Noise Control Ordinance, Chapter 8.34 of the Municipal Code: Construction activities are limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday; and 9:00 a.m. to 5 p.m. Saturday and Sunday. The permittee shall post a sign on the site notifying all workers of these restrictions.
- B. No equipment shall be started or delineation take place on the streets before or after the specified operations hours.
- C. Contractors shall be required to employ the quietest construction equipment available, and to muffle noise from construction equipment and to keep all mufflers in good working order in accordance with State law.
- D. Adequate dust control measures shall be employed throughout all grading and construction periods. The Contractor shall regularly water areas that are exposed for extended periods to reduce wind erosion.
- E. Contractor shall ensure that surrounding streets stay free and clear of silt, dirt, dust, tracked mud, etc. coming in from or in any way related to project construction. Paved areas and access roads shall be swept on a regular basis. All trucks to be covered.
- F. Speeds of construction equipment shall be limited to **10** miles per hour. This includes equipment traveling on local streets to and from the site.

- G. Access shall be maintained to all driveways at all times.

VI. Fees and Permits

- A. The applicant shall secure the applicable building permit(s) prior to construction. Construction shall comply with all applicable requirements of the Chief Building Official, City Engineer and Contra Costa Fire District. Applicant shall incorporate a copy of these conditions into the construction plan set to be submitted to Building Division for building permit plan check and issuance
- B. At time of Building permit issuance, applicant shall pay all applicable Impact Mitigation Fees, other than those that have already been paid by the at the time Tr. 6660 – Shannon Hills II was recorded, as determined by the City Engineer.
- C. Applicant is responsible for all applicable for all fees and/or requirements of the Contra Costa Water District, Mt. View Sanitation District and Mt. Diablo Sanitation District.

IV. Validity of Permit and Approval

- A. Planning Commission approval is subject to appeal to the within ten calendar days of the approval.
- B. The permit and approval shall expire in one year from the date on which they became effective (unless extended under C) unless building permits are obtained within the one year time period. The effective date of the permit and approval is June 23, 2009.
- C. The time extension of the expiration date, June 23, 2010, of a permit or approval can be considered if an application with required fee is filed at least 45 days before the original expiration date. (Otherwise a new application is required.) A public hearing will be required for all extension applications. Extensions are not automatically approved: Changes in conditions, City policies, surrounding neighborhood, and other factors permitted to be considered under the law, may require or permit denial.
- D. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Martinez, or other public agency having jurisdiction.
- E. The permittee, Joe Casaglio, Owner/Doug Hutchens, Agent, shall defend, indemnify and hold harmless the City and its agents, officers, attorneys and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys or employees to attack, set aside, void, or annul the Planning Commission's decision to approve Use Permit #09-03 and any environmental document approved in connection therewith. This

indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorneys' fees, and other costs and expenses incurred in connection with such action whether incurred by Joe Casaglio, Owner/Doug Hutchens, Agent, the City, and/or the parties initiating or bringing such action.

F:\Community Development\All Projects\RESIDENTIAL\Forsythia Way, 2229.2230 & 2231 - Casaglio\Casaglio-PC-COA 2009 06 23 doc