

CITY COUNCIL RESOLUTION NO. 2019-045

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ROHNERT PARK AUTHORIZING AND APPROVING A REVISED
DEVELOPMENT AREA PLAN FOR THE SOUTHEAST SPECIFIC PLAN PROJECT
LOCATED SOUTH OF THE CANON MANOR SPECIFIC PLAN AREA, WEST OF
PETALUMA HILL ROAD, EAST OF BODWAY PARKWAY AND NORTH OF
VALLEY HOUSE DRIVE (VARIOUS APNS)**

WHEREAS, the applicant, Penn Grove Mountain LLC filed Planning Applications proposing amendments to the General Plan (PLGP18-0003), an amended Specific Plan (PLSP18-0001), a revised Development Area Plan (PLDP18-0005), an amendment to the Development Agreement (PLDA18-0006) and modifications to conditions of approval for Tentative Map (PLSD18-0002), for the Southeast Specific Plan (“SESP”) located south of the Canon Manor Specific Plan Area, west of Petaluma Hill Road, east of Bodway Parkway and north of Valley House Drive (various APNs), in accordance with the City of Rohnert Park Municipal Code (“RPMC”); and

WHEREAS, in conjunction with Application No. PLDP18-0005, the applicant seeks approval of an amended development area plan for the entire Project site, as provided in the proposed Development Area Plan – Southeast Area attached to and incorporated in this Resolution as **Exhibit 1**; and

WHEREAS, the purpose of the proposed revised plan is to allow for: (1) elimination of an on-site water tank and pump station, because a more efficient water supply strategy has been developed for which the Developer will pay water capacity charges; (2) the addition of two single-family residential lots, on the former water tank site; and (3) revisions to the Project phasing; and

WHEREAS, the City Council of the City of Rohnert Park has certified the Final EIR prepared for the SESP and the proposed amendments are consistent with the Final EIR; and

WHEREAS, pursuant to California State Law and the RPMC, public hearing notices were mailed to all property owners within an area encompassing a three hundred foot radius of the subject property and a public hearing was published for a minimum of 10 days prior to the first public hearing in the *Community Voice*; and

WHEREAS, on March 14, 2019, the Planning Commission held a public hearing at which time interested persons had an opportunity to testify either in support or opposition to the proposal and the Planning Commission recommended that the City Council approve the amendments to the Development Area Plan; and

WHEREAS, on April 23, 2019, the City Council held a public hearing at which time interested persons had an opportunity to testify either in support or opposition to the proposal; and

WHEREAS, the City Council has reviewed and considered the information contained in Planning Application No. PLDP18-0005 for the proposed amended Development Area Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rohnert Park makes the following findings, determinations and recommendations with respect to the proposed Development Area Plan:

Section 1. The above recitations are true and correct.

Section 2. Environmental Review:

A. On December 10, 2010, the City of Rohnert Park certified the Final EIR for the Southeast Specific Plan Project, including adoption of associated CEQA Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program, as described in City Council Resolution No. 2010-134. The proposed revised DAP will not result in additional environmental effects not previously evaluated in the EIR and are consistent with the analysis in the 2010 EIR. No additional environmental review is necessary.

B. Further, CEQA Guidelines section 15162 provides that “no subsequent EIR shall be prepared” for a project unless the lead agency determines that (1) “substantial changes are proposed in the project which will require major revisions of the previous EIR”; or (2) “substantial changes occur with respect to the circumstances under which the project is undertaken”; or (3) “new information of substantial importance ... shows” one or more significant effects not discussed in the original EIR, greater severity to previously-identified substantial effects, or newly-found feasible mitigation measures that would substantially reduce significant effects. The proposed revisions (addition of two lots, revised phasing, removal of the water tank and alternate water service) are minor and will not result in any changes to the proposed project not previously analyzed in the 2010 EIR and no new information of substantial importance shows any significant effects or newly found feasible mitigation measures that would substantially reduce significant effects.

Section 3. Findings Regarding: Development Area Plan – Southeast Area. The City Council makes the following findings concerning the revised Development Area Plan – Southeast Area Plan proposed by Planning Application No. PLDP18-0005 pursuant to Rohnert Park Municipal Code section 17.06.400(E):

1. The proposed development conforms to the specific plan.

Criteria Satisfied. The revised Development Area Plan conforms to the specific plan and provides details on the project including residential floor plans and elevations by housing type, landscaping pedestrian walkways, infrastructure summaries, streetscape and park details. The proposed revised plan is consistent with the specific plan because it conforms to the requirements in the specific plan related to density, housing type and location and public improvements.

2. Public infrastructure and services can be provided concurrently with the development.

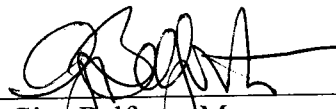
Criteria Satisfied. Each phase of the project is designed to have adequate infrastructure, integrated with existing City roadways, streets, bicycle paths, and walkways. All streets and thoroughfares will meet the standards of the City. The proposed development has been designed to provide satisfactory vehicular circulation and public improvements, such as utilities and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards.

The infrastructure necessary to serve the first phase of the development, including the two proposed new lots, is already in place. The modifications to the water service strategy are consistent with the City's long-term water supply plans and its recently adopted water capacity charge program.

Section 4. The City Council hereby approves the amended Development Area Plan – Southeast Area in the form provided at **Exhibit 1**, which shall amend and replace the prior Development Area Plan in its entirety, subject to the recommended conditions of approval as provided in **Exhibit 2**.

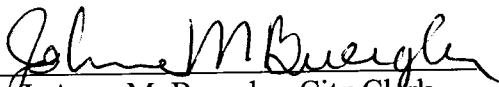
DULY AND REGULARLY ADOPTED this 23rd day of April, 2019.

CITY OF ROHNERT PARK



Gina Belforte, Mayor

ATTEST:



JoAnne M. Buergler, City Clerk

Attachments: Exhibit 1 and Exhibit 2

ADAMS: Aye MACKENZIE: Aye STAFFORD: Aye CALLINAN: Aye BELFORTE: Aye
AYES: (5) NOES: (~~0~~) ABSENT: (~~0~~) ABSTAIN: (~~0~~)

**For attachments to Resolution 2019-045
please see Laserfiche.**

EXHIBIT 2

CONDITIONS OF APPROVAL

DEVELOPMENT AREA PLAN – SOUTHEAST AREA

ON-GOING CONDITIONS

The conditions below shall apply to the Development Area Plan (DAP) for the Southeast Area within the Southeast Specific Plan. The Southeast Area Project shall be developed in accordance with the General Plan (GP), Southeast Specific Plan (SESP) including Design Guidelines, Mitigation Measures (MM) identified in the Southeast Specific Plan Environmental Impact Report (FEIR), Development Agreement (DA) between the City and Penn Grove Mountain, LLC, the Rohnert Park Municipal Code (RPMC) and the Design and Construction Standards.

General Requirements

These conditions replace the Conditions of Approval adopted by Rohnert Park City Council Resolution 2014-167 on November 24, 2014.

- 1) November 24, 2014.
- 2) The applicant shall comply with all documents approved by the City Council and adhere to all verbal representations and exhibits presented by the applicant at the Planning Commission and/or City Council meeting for approval of the Southeast Specific Plan project unless subsequently revised by the City.
- 3) In case of conflict between or among the various documents, the following order shall prevail: General Plan, Mitigation Measures for the Final Environmental Impact Report (FEIR), Southeast Specific Plan (SESP), Development Area Plan (DAP) and its conditions of approval, Development Agreement (DA), Tentative Map and its Conditions of Approval, RPMC, and Design and Construction Standards.
- 4) The applicant shall comply with the FEIR. In addition the applicant shall pay the cost to monitor the Mitigation Measures identified in the FEIR for the Southeast Specific Plan Project (SCH # 2003112011) kept on file in the Development Services Department. The requirements contained in the Mitigation Monitoring Program (MMP) shall be incorporated into these conditions and constructed in accordance with the MMP.
- 5) The applicant agrees to indemnify, hold harmless and defend the City, its officers, agents, elected and appointed officials, and employees, from any and all liability or claims that may be brought against the City arising out of its approval of this DAP save and except that caused by the City's active negligence.
- 6) By accepting the benefits conferred under this DAP, the applicant acknowledges all the conditions imposed and accepts this DAP subject to those conditions with full awareness of the provisions of the FDP, as may be amended from time to time, and the RPMC, as applicable.

- 7) The use of the property by the applicant/grantee for any activity authorized by this DAP shall constitute acceptance of all of the conditions and obligations imposed by the City on this DAP. The applicant/grantee by said acceptance waives any challenge as to the validity of these conditions.
- 8) The two new lots permitted under this amended shall be developed with single story, single family residences. Two story residences are not permitted to be located on these lots.
- 9) The applicant shall install screening landscaping along the northerly property line of the two new lots permitted created by this DAP, prior to issuance of the certificate of occupancy of these residences. A backyard landscaping plan, providing a plan showing a 36-inch box tree as a landscaping treatment in the backyard, shall be submitted for review and approval of the Director of Development Services prior to issuance of a building permit on either parcel.
- 10) The improvements shall be in compliance with the site plan, exterior elevations and landscaping plans as presented herein.
- 11) Building colors and materials shall be in compliance with the palettes presented in the DAP as approved. Any minor changes shall be reviewed and approved by staff.
- 12) Any decorative paving shall be reviewed and approved by staff.
- 13) Architectural elements such as stone or brick wainscots shall be extended around the sides of structure that will be visible from street sides including corners. All window framing trim treatments shall be required on side and rear elevations.
- 14) All building footprints shall be identified by floor plan model and architectural style on the master plotting plan. Single plots shall be submitted with each building permit application. The developer shall ensure that a diverse set of plan models and colors shall be evenly dispersed in each neighborhood.
- 15) Applicant shall comply with the Conditions of Approval for its Model Home Complex adopted by Rohnert Park Planning Commission Resolution 2016-09 on April 14, 2016.
- 16) In each neighborhood, prior to issuance of building permits in that district, the applicant shall install and maintain on-site display signs. The on-site display signs shall indicate the location for future development of lighted and non-lighted parks and commercial parcels, cul-de-sac openings, apartments, or higher density residential areas. These signs shall be located in a manner to be clearly visible to all potential homebuyers in the Southeast Area community. The signing plan shall be submitted to the City planning staff for review and approval.
- 17) The declaration of covenants, conditions and restrictions (CC&R's) filed for each development shall be prominently displayed in the project sales office at all times. The CC&R's shall apply equally to both owners and renters. The CC&R's shall be written to

require renters to comply with the regulations of the CC&R's, and a copy of the CC&R's shall be given to each renter.

- 18) The applicant shall comply with its existing master signage program approved by Rohnert Park Planning Commission Resolution 2018-14 on February 8, 2018.
- 19) Design and placement of walls and fences for each residential neighborhood and public facility shall be in accordance with the standards in the FDP and shall be approved by planning staff.
- 20) All residential dwellings shall display illuminated street numbers in a prominent location in such a position that the numbers are easily visible to approaching emergency vehicles from both directions. The numbers shall be of a contrasting color to the background to which they are attached and four (4) inches minimum in height. Flag lots will have their address displayed in a prominent position at the driveway intersection with the street.
- 21) All roof or ground mounted mechanical equipment shall be screened from public view.
- 22) All site plans for residential units shall include a behind gate concrete pad for garbage and recycling bins. The concrete pad may be incorporated into a concrete sidewalk behind front fenced gate if the clearance allows for passage from the gate to the rear yard with receptacles in storage. Motor court units shall provide for a paved designated area fronting a public street or, for units not abutting a public street, a paved designated area within the motor court for weekly garbage pickup area. These areas shall be reviewed and approved by City planning staff and by the solid waste collection franchisee.
- 23) The project applicant shall contract with a qualified acoustical consultant to ensure the design of the housing units along Petaluma Hill Road, Bodway Parkway and Valley House Drive do not allow for interior noise levels greater than 45dB Ldn. The acoustical consultant shall prepare and submit to the planning staff a report detailing the acoustical treatments to be used for compliance with this performance standard. The report shall be reviewed and approved by the City prior to the issuance of building permits.
- 24) All buildings shall be connected to public water and sewer systems prior to occupancy. Water and sewer service accounts shall be set up with the City Finance Department for each structure with a building permit.
- 25) Prior to installation by the applicant, plant species, location, container size, quality and quantity of all landscaping plants and materials shall be reviewed and approved by the Planning staff (or designee) for consistency with the approved landscape plans. All plant replacements shall be to an equal or better standard than originally approved.
- 26) Applicant shall provide front yard landscaping and corner lot side yard landscaping outside of fenced areas. A permanent automatic sprinkler shall be installed to maintain all landscape materials and trees. Applicant shall install front and side yard fencing prior to occupancy.

- 27) Project lighting shall be reviewed and approved by planning staff. All exterior lighting shall be designed to avoid spillover onto adjacent properties and right-of-ways. Lighting elements shall be recessed to prevent glare. All building entrances shall include recessed or soffit lights.
- 28) The developer shall comply with construction hours as designated in the Rohnert Park Municipal Code.
- 29) The developer shall obtain and adhere to an approved truck route for deliveries and construction material haulers.
- 30) All construction material waste and other debris shall be recycled to the extent possible. The applicant shall present a “clean site everyday” program to City building staff for approval. The program shall include on-site signage in English and Spanish to be posted at construction entrances. No animals shall be brought on site by construction personnel during work hours.