

CITY COUNCIL RESOLUTION NO. 2019-046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, AUTHORIZING AND APPROVING MODIFYING CONDITIONS OF APPROVAL FOR THE SOUTHEAST ROHNERT PARK TENTATIVE MAP 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, on November 25, 2014, in connection with amendments to the Southeast Specific Plan (“SESP”) Project (“Project”), the City Council of the City of Rohnert Park approved a Tentative Map (PLSD2014-0008) to allow the subdivision of the SESP property 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) via Resolution No. 2014-166; and

WHEREAS, the applicant, Penn Grove Mountain LLC has subsequently filed Planning Applications proposing amendments to the General Plan (PLGP2018-0003), an amended Specific Plan (PLSP18-0001), a revised Development Area Plan (PLDP18-0005), and an amendment to Development Agreement (PLDA17-0006), for the Southeast Specific Plan (“SESP”), which were approved by City Council Resolution Nos. 2019-043, 2019-044, and 2019-045 and introduced by Ordinance No. 932 on April 23, 2019, concurrently with the City Council’s approval of this Resolution; and

WHEREAS, the City Council of the City of Rohnert Park has certified the Final EIR prepared for the Southeast Specific Plan Project 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 notice 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 recommended modifications to the tentative map conditions; 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 **Exhibit A** for the proposed modifications to Conditions of Approval for the Southeast Rohnert Park Tentative Map.

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 amendment to the conditions of approval for the Southeast Rohnert Park Tentative Map:

- Section 1.** The above recitations are true and correct and material to this Resolution.
Section 2. Environmental Review.

- A. On December 7, 2010, the City Council of the City of Rohnert Park certified the Final EIR for this 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 amendments will not result in additional environmental effects not previously evaluated in the EIR and is 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 amendments 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 for Approval of Amendment of Tentative Map Conditions of Approval: The City Council in modifying the Conditions of Approval for the Tentative Map for the Southeast Specific Plan, hereby makes the following findings pursuant to RPMC 16.10.100:

- 1. The changes are consistent with the intent and spirit of the original tentative map approval.*

Criteria Satisfied: The intent and spirit of the original tentative map was, among other things, to ensure that there was adequate water supply for the proposed subdivision. At the time, the only way to provide this was an onsite water tank. Since approval of the tentative map, the City has secured an offsite, elevated water tank site and adopted a water capacity charge program that allows it to provide adequate water supply to the proposed subdivision in a more efficient and effective manner. Because of this, the requirement to build an onsite water tank is no longer necessary and would result in a less efficient and effective water supply plan for the proposed subdivision.

- 2. No feature, facility, or amenity is deleted which affects the project's quality, safety, or function.*

Criteria Satisfied: While the proposed modifications to the conditions of approval will delete the requirement for the onsite water tank, the City has an alternative plan to provide water supply to the subdivision and has acquired the property and established the funding source to implement this plan. Therefore the proposed deletions will not adversely affect the project's quality, safety or function.

3. *Changes in plans do not reduce natural areas, create new visible retaining or drainage structures, or substantially change pad elevations.*

Criteria Satisfied: The proposed changes to the conditions to delete the water tank will not reduce natural areas or substantially change pad elevations and will reduce the visual impacts of the project.

4. *Changes in the design do not eliminate or add more units or lots.*

Criteria Satisfied: The proposed modifications to the conditions will not, in and of themselves, eliminate or add more units or lots. The applicant has separately applied for changes to its entitlements, which could add two new lots. This request is subject to review by the Planning Commission and City Council. The proposed modifications to the tentative map conditions do not impact or facilitate the separate request for entitlement changes.

5. There are no resulting violations of this code.

Criteria Satisfied: The proposed changes to the tentative map conditions will not result in a violation of the RPMC.

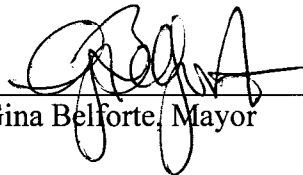
6. The amendments are to major residential subdivisions, and relate to architectural elevations, floor plans (with less than a ten percent change in the housing unit size), architectural style, number of stories, or the amount or grouping of landscaping.

Criteria Does Not Apply: The proposed changes to the tentative map conditions do not affect the approved architecture, floor plans, number of stories and amount or grouping of landscaping.

Section 4. The City Council of the City of Rohnert Park sets aside and rescinds Exhibit B of City Council Resolution No. 2014-166 related to the SESP Project and replaces that exhibit with the revised Conditions of Approval contained in **Exhibit A** to this Resolution applicable to the Southeast Rohnert Park Tentative Map.

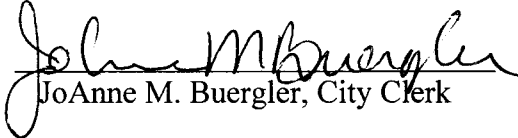
DULY AND REGULARLY ADOPTED this 23rd day of April, 2019.

CITY OF ROHNERT PARK



Gina Belforte, Mayor

ATTEST:



JoAnne M. Buergler, City Clerk

Attachment: Exhibit A

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

EXHIBIT A
SOUTHEAST ROHNERT PARK TENTATIVE MAP
REVISED CONDITIONS OF APPROVAL

ON-GOING CONDITIONS

The conditions below shall apply to the Tentative Map (TM) for the Southeast Area Project within the Southeast Specific plan. The Southeast Area Project shall be developed in accordance with the General Plan (GP), Southeast Specific Plan (SESP) as amended, Mitigation Measures identified in the Southeast Specific Plan Environmental Impact Report (FEIR), Development Agreement (DA) between the City and Redwood Equities, LLC as amended, and the Rohnert Park Municipal Code (RPMC) and the Design and Construction Standards.

The Conditions of Approval as stated herein are the obligation of the applicant/developer and place no obligation either express or implied on the City. These Conditions of Approval run with this Tentative Map as approved regardless of ownership at time of recording.

General Requirements

- 1) The applicant shall comply with all documents approved by the City Council and adhere to all 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.
- 2) 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 Agreement (DA), Tentative Map (TM) and its Conditions of Approval, Rohnert Park Municipal Code (RPMC), and Design and Construction Standards.
- 3) 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.
- 4) 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 Tentative Map and associated entitlements pertaining to the Southeast Specific Plan save and except that caused by the City's active negligence.
- 5) By accepting the benefits conferred under this TM, the applicant acknowledges all the conditions imposed and accepts this TM subject to those conditions with full awareness

of the provisions of the SESP, as may be amended from time to time, and the RPMC, as applicable.

- 6) The use of the property by the applicant/grantee for any activity authorized by this TM shall constitute acceptance of all of the conditions and obligations imposed by the City on this TM. The applicant/grantee by said acceptance waives any challenge as to the validity of these conditions.
- 7) Development shown on the TM may be phased. Each final map shall stand-alone and be self-sufficient as to access, traffic circulation, utilities, physical infrastructure, and land use pattern subject to approval by the City Engineer.
- 8) Prior to the approval of any final map the applicant shall provide the Development Services Director with a copy of the recorded covenants, conditions and restrictions (CC&R's) on the deeds for all lots within the project site, which inform subsequent property owners of the nature and extent of existing agricultural activities, operations, and facilities in the vicinity of the project site. The deed restriction shall also provide notice of the potential conflicts or effects of typical agricultural activities outside of project including but not limited to noise, odors, dust, agricultural spraying, livestock and burning etc.
 - a. Any covenants, conditions, and restrictions (CC&R's) applicable to the project property shall be consistent with the terms of these conditions and the City Code. If there is conflict between the CC&R's and the City Code or these conditions, the City Code or these conditions shall prevail.
- 9) If the City is required to enforce any of the conditions of approval, the applicant shall pay all costs. At the City's sole discretion, the City may require a cash deposit to cover enforcement costs as a condition of the approval of any final map.
- 10) Prior to the issuance of Certificate of Occupancy, the applicant shall provide a set of certified escrow instructions reflecting City's demand for payment of Regional Transportation Fee for each lot affected by this fee as set forth in the DA.

Building Services

- 11) Building code provisions shall apply to the construction, alteration, moving, demolition, repair, maintenance and use of any building or structure within the jurisdiction of the City, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated by building code provisions, and hydraulic flood control structures. All projects shall comply with the most current code recognized by the City at the time of their building permit application. All State and local ordinances shall be applicable to current projects.
- 12) Geotechnical investigation reports shall be submitted for all building permit projects unless waived by the Building Official. When required by the Building Official, the potential for soil liquefaction and soil strength loss during earthquakes shall be evaluated during geo-technical investigations. Compaction reports are required for each building

pad site and all compaction reports shall be submitted prior to a foundation inspection and in compliance with the soils and geo-technical recommendations.

- 13) A completed and approved wet fire hydrants system, or other system approved by the Building Official and Department of public Safety (DPS), and all weather roads shall be in place prior to any flammable or combustible material (such as wood) being brought onto the site. The applicant may tie to the water system for fire flow only. Fire access roads shall meet the DPS Fire Access Road Standard. These fire access roads shall continue to be accessible until acceptance of the public streets by the City.
- 14) Pursuant to California State Assembly Bill 3158, the applicant shall pay the filing fee to the Department of Fish and Game. The fee shall be submitted to the Planning Division upon filing of any required Notice of Determination, along with any filing fee required by the County Clerk/Recorder. The applicant should be aware that Section 21089(b) of the Public Resources Code provides that any project approved under CEQA is not operative, vested or final until the required fee is paid. Proof of fee payment may be required prior to the issuance of building permits or filing of a final map.
- 15) The applicant shall submit a mailbox plan (locations and sizes) for all lots prior to approval of any final map. The plan shall be approved by the Rohnert Park Post Office and included with the first submittal of the improvement plans. The applicant shall submit to the City a written confirmation from the Rohnert Park Post Office that the mailbox locations are approved. The City will review and approve the location plan to ensure adequate site distance and traffic safety measures are incorporated.
- 16) All public utilities easements (PUE) and public access easements shall be open and accessible at all times.
- 17) Copies of the soils and geology reports and shall be reviewed and approved by the developer's soils engineer and geologist prior to issuance of a grading permit. The developer's soils engineer shall sign the plans stating that they conform to the soils report recommendations.
- 18) All septic tanks, leach fields and related items in the final map area shall be abandoned and destroyed in a manner approved by the County (?) Department of Environmental Health Services. Water wells that the applicant chooses to abandon shall be destroyed in a manner approved by the Department of Environmental Health Services.
- 19) The applicant shall submit plans and obtain separate building permits for retaining walls over four (4) feet in height and for all other walls, fences and signs over six (6) feet in height.
- 20) The applicant shall obtain a demolition permit for any structure to be demolished. All underground structures shall be abated, back-filled, inspected and approved by Sonoma County Environmental Health Services or the Building Official as applicable.
- 21) For any project requiring an on-site inspector to monitor grading, construction and/or development, the applicant shall deposit funds with the City to cover the full cost of an

inspector prior to any land disturbance. The City Engineer, as appropriate, shall approve the amount and hire the inspector.

- 22) The developer shall implement a dust control program as part of the measures required by the FEIR for air quality control and the requirements of PM 10 and the Best Available Control Measures (BACM). The program shall ensure that, at the City Engineer's discretion, a water vehicle for dust control operations is kept readily available at all times during construction. The developer shall provide the City Engineer and Building Official with the name and telephone number of the person directly responsible for dust control and operation of the water vehicle.

Planning Services

- 23) A Tree Preservation and Removal Plan including a separate tree removal and sensitive area plan shall be submitted to the Development Services Department for review and approval in accordance with City ordinance. The plan shall show all sensitive areas and stands of trees that are to be protected during grading operations and include, in detail, the method proposed to protect these areas.
- 24) All areas to be graded and left undeveloped shall have a revegetation plan as part of the dust control program. The Development Services Director or his designee shall review and approve or conditionally approve the plan. The applicant shall guarantee the revegetation prior to issuance of grading permits.
- 25) All material storage areas shall be fenced with at least a 6-foot high chain link fence with at least two 20-foot gates for emergency vehicle access. The fencing shall be shown on the fire and security protection site plan.
- 26) Unless otherwise specified in these conditions, the condition shall apply prior to recordation of each final map or large lot final map. A "final map" shall mean a map that results in buildable parcels of an acre or less in area. A "large lot final map" shall mean a map that results in parcels larger than one acre in area.
- 27) The applicant shall pay all application fees, plan check and inspection fees, recordation fees, park in-lieu fees, encroachment permit fees, segregation of assessment fees and other applicable miscellaneous fees in effect at the time the fee is paid as required in the Fee Schedule or RPMC.
- 28) The final map shall identify who is responsible to own and maintain all parcels to be created with the map.
- 29) CONDITION ELIMINATED
- 30) The improvement plans shall show water services to each building. All water meters shall be within the public right-of-way unless the Public Works Director specifically approves exceptions. The City shall not maintain water and sewer system lines beyond existing main line stub outs or on private property, unless otherwise agreed to by the City. Access easements shall be given to the City and recorded concurrently with the

final map for any exceptions approved by the City Engineer that require access to private property.

- 31) If applicable, easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easements of record, which cannot be relinquished or relocated, shall be redesigned. All easements for off-site grading and drainage shall be acquired prior to approval of construction on these properties.
- 32) The applicant shall provide cable or conduit for each residential lot for cable television and Internet access. The applicant shall provide cable or conduit for fiber optics or other smart technologies for each commercial lot for Internet access. The cable or conduit shall be shown on the joint trench improvement plans and constructed before the final lift of asphalt is placed on the adjacent street.
- 33) Prior to approval of the first final map that requires a homeowners' association, the applicant shall incorporate a homeowners' association consisting of all property owners of lands in the development at the time of incorporation. The homeowners' association shall be responsible for maintaining all common facilities pertaining to the Home Owners Association, including but not limited to, the association's property, common drive aisles, motor courts, parking facilities and all utilities contained therein, and landscaping plus landscaping in adjacent public rights-of-way (such as parkway strips or other similar areas), and for paying for security lighting, any common garbage collection services, any security patrol services, if provided, and any other functions of a homeowners' association. The homeowners' association shall comply with all NPDES permit Best Management Practices in effect at the time.
- 34) The CC&R's shall prohibit the on-site parking of recreational vehicles, including boats. Parking shall be prohibited along emergency vehicle access easements, private streets and lanes. The No Parking signs shall be approved by the DPS. A separate signing and striping plan shall be provided to address on-site stop signs and no parking areas prior to approval of any final map.
- 35) Motor courts shall be private facilities and shall have private street maintenance, street sweeping and streetlights. A private Homeowners Association for the Motor Courts shall be established. Motor courts shall have a visible demarcation between the public and private areas and identified with signage that differentiates them from public streets. The City Engineer shall approve all signage for private facilities with the approval of individual improvement plans for the project.
- 36) The applicant shall provide adequate vehicle sight distance as specified by the State of California, Department of Transportation's Highway Design Manual (latest edition) at all public and private street intersections. In addition, intersections and driveways shall comply with City requirements for sight triangles. The design of the streets shall incorporate public safety concerns, fire protection equipment movements, as well as the location and pickup of solid waste.

- 37) Safety lighting at the end and at any curve in any motor court shall be provided for residential units that do not front on a public street. The lighting shall include individual lights on each residential unit and/or streetlights on street light poles. The City Engineer shall approve the lighting plans that include these facilities.
- 38) The applicant shall contact the solid waste franchised hauler and obtain their written approval of the proposed solid waste pickup locations on motor courts. The pickup locations shall not be located in emergency vehicle access easements. A copy of the written approval from the solid waste franchised hauler shall be submitted with the street improvement plans for City review and approval. Provisions for paved areas for trash receptacles on certain parcels shall be identified in the improvement plans to service motor court residences; the trash receptacle cutouts shall be located on private parcels fronting public streets or within the motor court for units not fronting a public street and accommodate the receptacles for the respective lots.
- 39) Where required, the landscaping for the detention and/or retention basins shall be reviewed and approved by the Development Services Director.
- 40) The applicant will coordinate with the local bus system authority to facilitate local bus service in the project and to determine bus stop locations and shelter improvements. The bus shelter locations shall be shown on the improvement plans and reviewed and approved by the City Engineer. A copy of the written correspondence with the local bus system authority approving transit facilities shall be submitted with the first street improvement plans for each map.
- 41) Any above ground utility structures and appurtenances (e.g. cable TV boxes, phone splice boxes) shall be limited to 36' in height, installed in a public utilities easement within the applicant's property and within 10 feet behind street face of curbs. These locations shall be screened with landscaping to the satisfaction of the Development Services Director. The landscape screen shall not interfere with the utility companies' or Department of Public Safety's access.
- 42) The electrical and water services shall be provided to all parks, landscape medians, and other landscape areas in accordance with plans approved by the Public Works Director.
- 43) Prior to the approval of the first final map including a large lot final map, the applicant shall be responsible for costs of implementation of ensuring compliance with Mitigation Measures contained in Mitigation Monitoring Plan (MMP) for the FEIR. The applicant shall provide funding, in an amount determined by the Development Services Director to hire consultants or staff to implement compliance monitoring.
- 44) Prior to approval of the first final map, the street name and a theme for all street name signage, including traffic signal signage, street corner signage, directional signs, and other permanent fixtures depicting street names shall be submitted to the Development Services Director for review and approval.
- 45) The total acreage for Neighborhood Park shall be a minimum of 5.0 acres as approved by Parks and Recreation Commission dated July 19, 2010.

- 46) Unless otherwise specified in these conditions, the conditions of approval shall apply to each building permit.
- 47) In each neighborhood, prior to issuance of building permits for each tentative map phase, 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 Development Services Director for review and approval.
- 48) 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 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. The CC&R's shall be written to allow a majority of owners to have pavement or landscape maintenance done and the cost thereof assessed to all owners in the project.
- 49) The applicant shall provide a master signage program and a "Master Model Home Signage" program for all residential subdivisions in the Southeast Area community. The master signage programs shall be reviewed and approved by the Development Services Director.
- 50) Design and placement of walls and fences for each district shall be in accordance with the standards in the Specific Plan and Development Area Plan and shall be approved by the Development Services Director. Walls and fences may be phased for each development in the district.
- 51) 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.
- 52) 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.
- 53) Prior to front yard landscaping 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 Development Services Director for consistency with the approved construction plans. All plant replacements shall be to an equal or better standard than originally approved.
- 54) All construction of new multi-family residential projects and all non-residential construction projects shall comply with the City's Source Reduction and Recycling Element, Household Hazardous Waste Element and the Sonoma County Integrated Waste

Management Plan, which incorporates these Elements. Provisions for compliance with the Plan will be submitted with individual project plans within the Southeast Specific Plan Area.

- 55) All construction of new multi-family residential projects and all non-residential construction projects shall incorporate interior and exterior storage area for recyclables into new structures.
- 56) CONDITION ELIMINATED

Engineering Services

On-going Conditions

- 57) Submit a copy of the CC&Rs and/or maintenance declarations for private improvements (such as for maintenance of motor courts and private utilities) to the City Engineer and City Attorney for review and approval. Maintenance declaration(s) shall be required to be recorded concurrent with the recordation of the Final Map or prior to City Engineer approval of improvement plans for the respective design, whichever occurs first.
- 58) The applicant shall submit to the City of Rohnert Park for review and approval, evidence that the CC&R's will include provisions for maintenance of:
 - a) all private storm drain systems.
 - b) all private driveways
 - c) all private motor courts
 - d) utilities within private easements or driveways
 - e) private area landscaping
 - f) sidewalks in private areas
 - g) private walkway and access easements.
- 59) A Community Facilities District or any other funding mechanism allowed by law shall be formed by the project proponent encompassing the entire tentative map property for the purposes of funding the long term maintenance of the public facilities built with the project. The City shall be named as a third party beneficiary to the district/association. A Covenant, Condition and Restriction shall be placed on the formation that requires; that if the property owners of the district vote to dissolve the district, a homeowners association shall be formed for the purposes of maintaining the facilities previously maintained by the district.
- 60) CONDITION ELIMINATED

Prior to the Issuance of Grading Permits/Approval of Improvement Plans

- 61) Improvement Plans prepared by a Registered Civil Engineer shall be submitted for the

review and approval of the City Engineer showing grading, paving, utilities, drainage, structures to be built, lighting and trash collection. The improvements plans shall include parking lots, street and utility information including all concrete curb and gutter, sidewalk, striping and signing, paving, water lines, storm drain lines and sewer lines as necessary, erosion control and any necessary transitions. All improvements shall be in accordance with the City of Rohnert Park Standard Improvement Details. Improvement Plans shall include a Storm Water Pollution Prevention Plan including winterization and erosion protection.

- 62) Storm drainage improvements shall be designed in accordance with the Sonoma County Water Agency criteria. Hydrology calculations, pipe sizing and storm drain plans shall be submitted for the review and approval of the City Engineer.
- 63) No lot- to- lot drainage is allowed except where easements for drainage are provided. A copy of any such easement shall be provided to the City Engineer. No drainage may discharge across sidewalks.
- 64) The applicant shall demonstrate for each building pad to the satisfaction of the City of Rohnert Park as follows:
 - a) Adequate protection from 100-year frequency storm; and
 - b) Feasible access during a 10-year frequency storm.
- 65) Fire protection shall be in accord with the requirements of Rohnert Park Public Safety Department. With the submittal of the improvement plans, calculations shall be provided to the City and the Rohnert Park Public Safety Department to ensure that adequate water pressures are available to supply hydrant flows and sprinkler flows.
- 66) The improvement plans shall show a sewer lateral to each building in accord with City Standards.
- 67) If private sewer lines are shared or if they cross property lines, a 10' private sewer easement shall be shown in the Final Map / Parcel Map or recorded by separate document (if the development is done separate from recordation of a Final Map / Parcel Map). The maintenance of any private sewer line shall be included in the maintenance agreement for the overall site(s) which have an interest in the particular sewer.
- 68) The frontage improvements along the entire frontages of Petaluma Hill Road, Bodway Parkway and Valley House Drive shall be designed by the project proponent, shown on improvement plans and reviewed and approved by the City prior to approval of the **first** Subdivision Improvement Plan. The following improvements are required:
 - a) Valley House Drive – An 8-foot wide Class I multi-use trail, landscape & irrigation improvements, street lighting and Class II bike lanes on both sides of the street in compliance with city standards. The final striping layout shall be modified as directed by the City Engineer.
 - b) Petaluma Hill Road – Landscape & irrigation improvements, an 8-foot shoulder/bike lane along the west side of the road in compliance with with city standards. The design and location of the entry treatment monument shall be included on the

improvement plans for review and approval by the City.

- c) Bodway Parkway – A 6-foot wide sidewalk, except in the area of the park which shall be 8-foot in width, landscape & irrigation improvements and bus turnout in compliance with city standards. The sidewalk shall be extended north to the Camino Colegio intersection with a crosswalk extending west across Bodway Parkway to connect with the Camino Colegio sidewalk.
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- 69) The existing Recycled Water system shall be extended by the project proponent to serve the proposed public park and detention basin, as well as landscaping within the apartment, townhome, and commercial lots and within all public or common area landscaped areas within the project before any building permits for Phase 3 or 4 are issued. Improvement plans shall include the design and construction of the recycled water extension subject to the review and approval of the City Engineer. Prior to the extension of the existing Recycled Water system to the park and detention basin, the developer shall temporarily use potable water for irrigation. The in-tract portion of the recycled water main shall be installed with the first phase of improvements to its ultimate layout and size, to avoid cutting finished improvements at a later date. Improvements shall include interim potable water connections as well as permanent recycled water connections to all locations requiring the use of recycled water. The City's Per Acre Development water connection fee for the 7.1 (5.0?) acre park and detention basin site shall not be paid due to temporary use of potable water on the site. Developer shall pay the water consumption charges to City for potable water actually used at the site for irrigation.
 - 70) The Public Park shall be designed by the developer, reviewed and approved by the City and constructed by the developer as stated within the timeframes identified in the Development Agreement.
 - 71) Each phase of development shall include the design and construction of Utilities within existing or proposed public right-of-way for electric, gas, telephone, communication and cable TV and shall be submitted to the City Engineer and Director of Development Services for review and approval. Any above-ground utility boxes, cabinets or structures shall be specifically approved by the City and screened from public view to the satisfaction of the Director of Development Services and City Engineer.
 - 72) A grading permit application shall accompany submittal of the each phase of Subdivision Improvement Plans. Said application shall include the requirements listed in Sections 15.48 & 15.50 of the Municipal Code. The grading plans shall be in conformance with the Bay Area Air Quality Management District guidelines for reducing construction impacts and minimize dust emissions.
 - 73) Each phase of development shall submit drainage plans subject to the review and approval of the Sonoma County Water Agency ("SCWA"), the City of Rohnert Park and these conditions of approval. Said plans shall meet or exceed SCWA standards and City standards, whichever is more restrictive. All proposed building finished floor elevations, including garages, shall be a minimum of 1 foot above the post construction 100-year

water surface elevations.

- 74) The storm water detention pond shall be designed by the project proponent, reviewed and approved by the City concurrently with the first phase of development Phase 1 plans. The storm water detention pond shall be designed in accordance with the WEF Manual of Practice FD-20, per City Standards and be approved by the City Engineer, the Regional Water Quality Control Board, Sonoma County Water Agency and Vector Control.
- 75) Each phase of development shall prepare improvement plans and calculations for the proposed project, shall demonstrate no increase in the 100-year water surface elevations of adjacent properties and submit hydrology and hydraulic report(s) for the project demonstrating that this requirement is met, subject to Sonoma County Water Agency and City of Rohnert Park review and approval.
- 76) Each phase of development shall include the design by the project proponent for Erosion and Sediment control plans prepared by a professional such as a Civil Engineer or certified Erosion Control Specialist and shall meet the requirements listed in Section 15.52.030 of the Municipal Code. The plans shall provide measures to avoid the introduction or spread of noxious weeds into previously un-infested areas. These plans are subject to review and approval by the City. Erosion and Sediment control plans shall be in conformance with Chapter 15.52 of the Municipal Code except that the reference document for design criteria shall be the City of Santa Rosa Standard Urban Storm Water Management Plan (SUSMP) or most current City adopted SUSMP.
- 77) Each phase of development shall include design by the project proponent of Street lighting on public streets as well as private motor courts/lanes. The design shall be in accordance with City standards and P.G.&E. requirements. In addition, lighting for private streets and lanes shall be designed in accordance with the Zoning ordinance and to the Public Safety Department's satisfaction. The first phase of development shall include design for City standard street lighting along Valley House Drive, both sides of the street.
- 78) All existing overhead utilities within the subdivision and all proposed utilities shall be placed underground.
- 79) The first phase of development shall include the design by the project proponent for the proposed bus stop along Bodway Parkway, subject to the review and approval of the Sonoma County Transit and the City. The design shall meet the minimum requirements set forth in the current City Standards. The developer shall obtain a written letter of satisfaction from the Sonoma County Transit.
- 80) Each phase of development shall include design by the project proponent for roadways. The design shall include slurry sealing specifications, subject to review and approval by the City. All streets shall be slurry sealed prior to issuance of the last certificate of occupancy last C of O on the street? In the phase? When? or prior to acceptance of the public improvements, whichever occurs first within each phase of development.

- 81) Each phase of development shall include the design by the project proponent for installation of moisture barriers at the edges of all pavement sections for purposes of maintaining constant moisture content of pavement sections, subject to review and approval by the City. The design shall include moisture protection extending to 6 inches below the aggregate base layer. The moisture barrier shall be a minimum of 4 inches wide and consist of Controlled Low Strength Material (CLSM) in a 10 mil visqueen lined trench.
- 82) Soils beneath all roadways including motor courts shall be lime treated based on site specific tests and as recommended by a geotechnical engineer. Exceptions may be allowed in writing by the City Engineer if an acceptable alternate pavement section is provided and lime treatment is not practical due to tight confines.
- 83) Each phase of development shall include design by the project proponent and all public improvements shall comply with the latest version of the Rohnert Park Manual of Standards, Details and Specifications. Reference to particular standards shall be made on the improvement plans. Standards details and specifications shall not physically be included on the plans but shall be referenced.
- 84) For each phase of development the project proponent shall design motor courts , with utilities and appurtenances. These shall be private.
- 85) No utilities (sewer, water or storm drains) shall flow from a private utility to a public utility and back to a private utility. No utilities (sewer, water or storm drains) shall flow from a public utility to a private utility and back to a public utility.
- 86) All utilities shall be located within dedicated and accepted public street rights-of-way. Any exception must receive prior written approval from the City Engineer.
- 87) All existing wells and septic systems shall be abandoned in compliance with State and County codes, prior to issuance of an initial grading permit. The existing well and septic system serving the existing residential dwelling may remain in operation until such time as the particular phase of development requires abandonment of the systems, subject to review and approval by the City.
- 88) CONDITION ELIMINATED
- 89) The first phase of development shall include the design by the project proponent of looped 12-inch water mains to the proposed commercial and multi-family residential sites in order to adequately serve these sites in compliance with city standards.
- 90) The first phase of development shall include the design by the project proponent of a 12-inch water main from the existing City of Rohnert Park main along Bodway Parkway to Valley House Drive and along Valley House Drive to Willow Way Drive.

- 91) For each phase of the development the project proponent shall design all utilities in compliance with City Manual of Standards and the California Department of Public Health Drinking Water Program including vertical and horizontal separation between utilities, curbs, gutters and monuments.
- 92) CONDITION ELIMINATED
- 93) The first phase of development shall include the design by the project proponent for the park.
- 94) The applicant shall show the proposed structural sections for all motor courts on the site improvement plans and pay the City's plan check and inspection fee for the proposed private improvements, including the water, recycled water, sewer and storm drainage facilities in these areas, to assure that the improvements are designed and constructed to City standards.

Prior to Approval of Final Map

- 95) Submit each final map and improvement plans with a completed Land Development Review Submittal Sheet, Final-Parcel Map Completeness Checklist and Final-Parcel Map Submittal Checklist as available on the City web-site and all appropriate additional information.
- 96) Prior to City Council approval of the first final map; the developer shall satisfy Rohnert Park Municipal Code section 16.14.010 D. 2. regarding off-site dedication of rights-of-way and easements.
- 97) Prior to City Council approval of the first subdivision map, the proposed sidewalk, multi-use trail and landscaping along the entire project frontage of Petaluma Hill Road, Bodway Parkway and Valley House Drive shall be designed by the project proponent, shown on improvement plans and reviewed and approved by the City Engineer and included in Subdivision Agreement to be constructed with the first phase of construction.
- 98) The developer/property owner shall offer for dedication a 21-foot "Public Sidewalk Easement" to the city over the sidewalk required along Petaluma Hill Road, on the first subdivision map. The city shall not be obligated to maintain the sidewalk if the City Council accepts the offer for dedication. The easement shall be located adjacent to the Petaluma Hill Road right of way and encumber Lots 385 – 391.
- 99) The City shall have no obligation to maintain private motor courts, or police the private maintenance of the motor courts.
- 100) Each subdivision map for the phased development shall have a note on the local agency page stating: All fences, soundwalls and retaining walls shall be constructed on private property and maintained by the private property owner, unless specifically dedicated to and accepted by the City.

- 101) All property corners of lots within the subdivision shall be monumented in compliance with city standards, except as expressly permitted in writing by the City Engineer.
- 102) The applicant shall execute a Long-Term Maintenance Agreement with the City covering the ongoing maintenance of landscape features within the public right-of-way for which the homeowner's association is responsible for maintenance. The agreement shall transfer from the applicant to the homeowner's association upon termination of the one-year warranty period following acceptance of improvements.

Prior to Construction

- 103) Applicant must file a Notice of Intent to Comply with the Terms of General Permit to Discharge Storm Water Associated with Construction Activity (NOI) with the State of California Water Resources Control Board, and obtain a permit, prior to commencement of any construction activity.
- 104) No construction shall be initiated for each phase until the Improvement Plans have been approved by the City, all applicable fees have been paid, an encroachment permit and/or grading permit has been issued and a project schedule has been submitted to the City Engineer and a pre-construction conference has been held with the City Engineer or his designee.
- 105) Developer shall secure an encroachment permit from the City prior to performing any work within the City right of way, a State Highway or constructing within a City easement.

Prior to the Issuance of Building Permits

- 106) Prior to issuance of building permits for any single family residential units, Individual Plot Plans shall be prepared by the project proponent, submitted and reviewed and approved by the City.
- 107) Prior to issuance of building permits for commercial and multi-family residential units, site development plans shall be prepared by a California registered Civil Engineer, submitted and reviewed and approved by the City.
- 108) Prior to issuance of the first residential building permit, the Developer shall commence construction of the park.
- 109) Prior to issuance of the 15th residential building permit or completion of the first application of asphalt on streets adjacent to the park, whichever is earlier, the Developer shall complete construction of the water detention pond. Apartment, townhomes and condominium units shall be counted as one residential building permit for each unit.
- 110) Prior to issuance of the 201st residential building permit, the Developer shall complete construction of the park and obtain acceptance of the City for the same.

Prior to the Building Occupancy

- 111) CONDITION ELIMINATED
- 112) Prior to issuance of the first occupancy permit, the storm water detention pond shall be constructed and complete.

Department of Public Safety-Fire

- 114) Fire Hydrant spacing and placement shall be consistent with the City of Rohnert Park Standards, comply with Appendix C of the 2007 California Fire code, and the amendments to table C105.1 by RPDPS ordinance #793. Specific locations of Fire hydrants shall be coordinated with the applicants Civil Engineer based on Fire Engine response protocols.
- 115) All roadway, private lanes and drives shall comply with the City of Rohnert Park Standards. Specifically reference Standard #202 "Alley," in regards to:
 - Motor court lighting shall meet the City's minor street requirements.
 - Motor courts are to be use as secondary access only, with parking provided on primary access roads.
- 116) Roadway widths shall be consistent with the City of Rohnert Park Standards, comply with Appendix D of the 2007 California Fire code, and the amendments to RPDPS ordinance #793 Section 15.28.D103.2 – 15.28.D106.1.
- 117) Minimum interior and exterior turning radius for Fire Apparatus Access shall be all 20 feet and 40 feet.