

**RESOLUTION NO. 2014-047**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK  
CALIFORNIA APPROVING A DEVELOPMENT AREA PLAN AND A CONDITIONAL  
USE PERMIT FOR AMY'S KITCHEN RESTAURANT IN VILLAGE SOUTH OF THE  
WILFRED/DOWDELL SPECIFIC PLAN LOCATED ON PROPERTY AT THE  
CORNER OF REDWOOD DRIVE AND GOLF COURSE DRIVE WEST (APN 045-075-  
002 AND 003)  
FILE NO. PL 2013-019UP**

**WHEREAS**, the applicant, Mark Rudolph, CFO for Amy's Kitchen, has submitted a Development Area Plan and Conditional Use Permit for a fast food restaurant with a drive-through located on property at the corner of Redwood Drive and Golf Course Drive West in Village South of the Wilfred/Dowdell Specific Plan (APN 045-075-002 and 003); and requested corresponding amendments to the Wilfred/Dowdell Specific Plan (the "Project"); and

**WHEREAS**, Planning Application No. PL2013-0019UP was processed in the time and manner prescribed by State and local law; and

**WHEREAS**, an Initial Study was prepared and on the basis of that study, it was determined that the project would not have a significant adverse effect on the environment with implementation of mitigation measures, and a Mitigated Negative Declaration (MND) was prepared and circulated for a 30 day public review from February 28, 2014 to March 31, 2014; and

**WHEREAS**, public hearing notices for Amy's Kitchen fast food restaurant were mailed to all property owners within a 300 foot radius of the subject property and to all agencies and interested parties as required by California State Planning Law, and a public hearing notice was published in the Community Voice for a minimum of 10 days prior to the first public hearing; and

**Whereas**, on April 10, 2014, the Planning Commission held a public hearing on the MND, modifications to the Wilfred/Dowdell Specific Plan and the Development Area Plan (DAP) and Conditional Use Permit (CUP) for Amy's Kitchen Restaurant in Village South of the Wilfred/Dowdell Specific Plan. After taking public testimony and discussing the project, the Commission recommended approval of the MND, modification to the Wilfred/Dowdell Specific Plan and approval of the DAP and CUP; and

**WHEREAS**, on May 13, 2014, the City Council reviewed Planning Application No. PL2013-019UP during a scheduled public meeting at which time interested persons had an opportunity to testify either in support of or opposition to the proposed project; and

**WHEREAS**, at the May 13, 2014, City Council meeting, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the Planning Commission considered all facts relating to Planning Application No. PL2013-019UP; and

**WHEREAS**, the members of the City Council, using their independent judgment, reviewed the proposed project and all evidence in the record related to such requests, including the staff report, public testimony, and all evidence presented both orally and in writing; and.

**WHEREAS**. On May 13, 2014, the City Council by separate resolutions, approved the adoption of an IS/MND relating to Planning Application No. PL2013-019UP and amendment of the Wilfred/Dowdell Specific Plan.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Rohnert Park does hereby find, determine and order as follows:

**Section 1.** That the above recitations are true and correct.

**Section 2.** Findings. The City Council, in approving of Planning Application No. PL2013-019UP makes the following findings, to wit:

1. *The proposed location of the Conditional Use is consistent with the objectives of the Zoning Ordinance and the purpose of the district in which the site is located.*

The proposed development conforms to the use and development standards of the Wilfred/Dowdell Specific Plan as amended for the Village South area. Where applicable, the development conforms to the commercial designation with the Specific Plan zoning and to the requirements of the Zoning Ordinance. The applicant has also applied for the required Development Area Plan and the proposed use is consistent with the objectives of the Specific Plan.

2. *That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity and that the operation and maintenance of the use will be compatible with the surrounding uses.*

The proposed development on this property is a commercial use similar to the surrounding uses in the immediate area and is therefore compatible with neighboring uses. The developer is providing more than the required parking and queuing space for the drive-through which also minimizes off site impacts on neighboring uses. The developer will be performing street improvements on surrounding streets to facilitate traffic flow from the development and to improve general traffic flow in the area. Based upon evidence in the application, staff report and related materials, and MND, the project will not have a negative impact on the public health, safety or welfare or be materially injurious to properties or improvements in the vicinity.

3. *The proposed use will comply with each of the applicable provisions of this title.*

The proposal will comply with all the required standards in the Zoning Ordinance and the Wilfred/Dowdell Specific Plan because the Specific Plan refers to the C-R zoning

district for development standards. The Development Area Plan conforms to Section 17.06.400 Development area plans-Submittal and approval procedure.

**BE IT FURTHER RESOLVED**, that, based on the foregoing findings, the City Council does hereby approve the Conditional Use Permit and Development Area Plan for the Project, subject to the Conditions of Approval in **Exhibit A**, which are attached hereto and incorporated by this reference; and

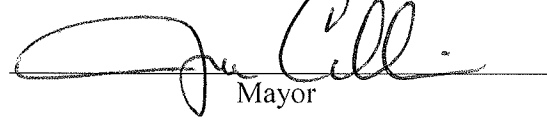
**DULY AND REGULARLY ADOPTED** on this 13th day of May, 2014.



**ATTEST:**

  
City Clerk

**CITY OF ROHNERT PARK**

  
Mayor

BELFORTE: ABSENT MACKENZIE: AYE STAFFORD: AYE AHANOTU: AYE CALLINAN: AYE  
AYES: (4 ) NOES: (0 ) ABSENT: (1 ) ABSTAIN: (0 )

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**

## **EXHIBIT A**

### **DEVELOPMENT AREA PLAN AND CONDITIONAL USE PERMIT FOR AMY'S KITCHEN FAST FOOD RESTAURANT IN VILLAGE SOUTH OF THE WILFRED/DOWDELL SPECIFIC PLAN CONDITIONS OF APPROVAL**

#### **GENERAL CONDITIONS**

1. The applicant shall comply with the Wilfred/Dowdell Specific Plan, the Mitigated Negative Declaration and all mitigation measures and all applicable sections of the City of Rohnert Park Municipal Code.
2. The use of the property by the applicant for any activity authorized by this Conditional Use Permit and Development Area Plan shall constitute acceptance of all of the conditions and obligations imposed by the City on this approval. The applicant by said acceptance waives any challenge as to the validity of these conditions.
3. If the City is required to enforce any of the conditions of approval, the applicant shall pay all costs. The applicant shall secure all necessary permits and clearances from the Rohnert Park Building Department prior to commencement of construction.
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 Project and associated entitlements pertaining to the Amy's Kitchen save and except that caused by the City's active negligence.

#### **PLANNING**

5. The project is approved as shown on Exhibits 1 through 25, except as conditioned or modified below. The hours of operation for Amy's Kitchen are permitted up to 24 hours per day.
6. All improvements shall be in substantial conformance with the approved site plan, exterior elevations and colors and materials board, except as modified herein.
7. Building colors and materials shall be in compliance with the colors presented in the Conditional use Permit and Development Area Plan (DAP) as approved. Any minor changes shall be reviewed and approved by staff.
8. All roof and ground mounted mechanical equipment shall be screened from public view.
9. The Conditional Use Permit and Development Area Plan shall expire two years from Planning Commission approval date, unless prior to expiration, a building permit is issued for any tenant improvements if applicable, and construction is commenced and

diligently pursued toward completion and the use is initiated, or an extension is requested and approved.

10. A Sign Program for signs for Amy's Kitchen fast food restaurant shall be submitted and approved prior to the installation of any signs.
11. Bicycle parking shall be provided in conformance with Section 17.16.140 of the Zoning Ordinance. Bicycle parking shall be provided adjacent to the main entrance to Amy's Kitchen the fast food restaurant.
12. Project lighting shall be reviewed and approved by planning and engineering staff and conform to the approved plans. All exterior lighting shall be designed to avoid spillover onto adjacent properties and right-of-way.
13. The developer shall obtain and adhere to approved truck route for deliveries and construction material haulers.
14. 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. No animals shall be brought on-site by construction personnel during work hours.
15. Recycled water from the existing recycled water line in Golf Course Drive West shall be utilized for irrigation of the landscaping.
16. The landscaping shall be maintained in an attractive weed free and litter free condition at all times.
17. Until such time that the property develops, it shall be maintained in a weed free and litter free condition at all times. If the triangular shaped property across the Redwood Drive frontage of the project site comes under private ownership, the owner of the site shall maintain it in a weed free litter free condition until such time as the property develops.
18. There shall be no banners, flags or other temporary signs displayed on the property, without the appropriate permit.
19. The use of any A-Frame signs, portable signs, sandwich-board signs, pennants, or human-held signs on the premises is strictly prohibited.
20. The refuse containers shall be maintained within the refuse enclosure at all times with the access gates kept closed. If the refuse enclosure is not adequate to accommodate the required containers, an addition to the enclosure shall be constructed, details subject to approval of the City of Rohnert Park. The refuse enclosure shall have a roof cover in conformance with Municipal Code Section 17.12.130 to eliminate the intrusion of any rainwater or surface runoff from the trash enclosure area to the storm drainage system.

21. Recycling shall be conducted in accordance with accepted practices as directed by Sonoma County Waste Management Agency.
22. Any new trees within five (5) feet of the public right-of-way shall have root barriers that are approved by the City Engineer.
23. The developer shall comply with the construction hours pursuant to Municipal Code Section 9.44.120.
24. All lighting, reflective surfaces or any other sources of illumination shall be utilized in a manner that minimizes glare on public streets or on any other parcel.
25. Lights shall be of the minimum illumination necessary to perform operations and provide for safety and security.
26. The lighting shall be directed downward and shielded at the property line so as not to be directly visible from nearby residences (RPMC §17.14.080C).
27. The applicant shall comply with the Mitigation Monitoring and Reporting Program for the Amy's Kitchen Restaurant Program State Clearing House Number 2014022071.
28. Prior to issuance of a Building Permit the property shall be combined into a single parcel.
29. Prior to any ground disturbance on the South Village site, including the issuance of grading or building permits that would result in impacts to wetlands, waters, or special-status species or communities, notification and all applicable permits obtained from all or some of the following agencies may be required:
  - United States Fish and Wildlife Service (USFWS)
  - Department of Fish and Game (DFG)
  - North Coast Regional Water Quality Control Board (NCRWQCB)

## **BUILDING**

30. The project shall comply with the most recent editions of the California Building Standards Codes (California Code of Regulations – Title 24) in effect at the time of plan check submittal.
31. All new structures shall comply with the requirements of the Americans with Disability Act and Title 24 California Disabled Access compliance for buildings, parking and site access.
32. No building or structure regulated by the City of Rohnert Park shall be erected, constructed, enlarged, altered, repaired, moved, improved, converted or demolished

unless a separate permit for each building or structure has been obtained from the Development Services Department.

33. On-site construction signage (temporary) regarding hours of operations, waste removal, construction vehicle egress and ingress and daily clean up rules shall be posted prior to commencement of construction.
34. Construction and operational noise levels shall comply with the Rohnert Park Municipal Code not to exceed 70 dBA measured at the property line any time between 7 a.m. and 7 p.m.; noise levels shall not exceed 50 dBA measured at the property line between the hours of 7 p.m. and 7 a.m. Exceptions may include noise up to 75 dBA that is produced for no more than a cumulative period of five minutes during any hour or up to 80 dBA that is produced for no more than a cumulative period of one minute during any hour between 7 a.m. and 7 p.m. (RPMC § 17.12.030).
35. A plan for construction staging including goods and on-site trailers shall be submitted to the Development Services Department for review and approval prior to start of construction. Construction staging and goods/materials shall be contained under a locked enclosure.
36. The developer shall be responsible for all actions of his contractors and subcontractors until such time as the improvements have been accepted by the City.
37. All new site lighting, including any electrical signage, shall comply with all applicable provisions of the 2013 California Building Energy Efficiency Standards.
38. All new construction where a permit is required shall comply with the 2013 California Green Building Standards Code Tier No 1.

## **PUBLIC SAFETY**

39. The project shall comply with all applicable provisions of the 2013 California Fire Code, the 2013 California Building Code, the City of Rohnert Park Fire Division Code Ordinance No. 827, NFPA 13 and NFPA 72.
40. The final improvement plans shall be reviewed, approved, and signed by the Director of Public Safety or his designee, for compliance with the all Fire Codes, fire flow gallons per minute requirements, the number/type of fire hydrants and their location.
41. The project applicant shall obtain Fire permits for the Fire Sprinkler System, Fire Alarm, Fire Civil underground review, and possible Hood and Duct suppression systems. The permit applications and permit fees shall be submitted to the Director of Public Safety or his designee prior to commencement of construction of any of these systems.



42. Emergency vehicle access to/from adjoining streets and parking lot shall be maintained. This shall include designated fire lanes, adequate turning radius (20-foot inside radius; 40-foot outside radius), and overhang and tree proximity height.
43. Project proponent shall pay their proportionate share of PFFP fees.

## **ENGINEERING**

44. Submittals for Engineering Plan Check shall be made at the Development Services Department.
45. Any exceptions or variances from these conditions will require the written approval of the City Engineer or approval of the City Council if required by City Code.
46. The City reserves the right to place additional conditions on any proposed developments on the proposed parcels in the event site plan and development proposals are changed or redesigned.

## **PRIOR TO THE ISSUANCE OF A GRADING PERMIT, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

47. The applicant shall demonstrate that the applicant has obtained permits from all applicable regulatory agencies, including but not limited to, Regional Water Quality Control Board, State Department of Fish and Game, US Fish and Wildlife Service.
48. A geotechnical study acceptable to the City shall be conducted by an Engineer licensed in the State of California and qualified to perform soils work, or a California Certified Geologist prior to site development. Recommendations shall be provided, as necessary, to prevent damage to Project facilities and compliance with these recommendations shall be required as a condition of development at the Project site. The grading and improvement plans shall incorporate the recommendations of the approved geotechnical study. This geotechnical study shall at a minimum evaluate the following:
  - a) The liquefaction potential at the Project site.
  - b) The location and extent of expansive soils at the Project site, including recommendations regarding the treatment and/or remedy of on-site soils, and the structural design of foundations and underground utilities.
  - c) Seismic safety including recommendations regarding the structural design of foundations and underground utilities.
49. The applicant shall submit to the City of Rohnert Park for review and approval, a grading plan prepared by a Registered Civil Engineer licensed in the State of California; shall obtain a Grading Permit and shall post sufficient surety guaranteeing completion.

50. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved.
51. If the site will require import or export of dirt, the applicant shall submit in writing the proposed haul routes for the trucks and equipment. The haul routes must be approved by the City prior to import/export work commencing.

**PRIOR TO ISSUANCE OF THE BUILDING PERMIT, WHICHEVER OCCURS FIRST, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

**Improvement Plans – General**

52. Improvement Plans prepared by a Registered Civil Engineer, licensed in the State of California, shall be submitted for the review and approval of the City Engineer showing public street frontage improvements, grading, paving, utilities, and 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, street lights, 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 Manual of Standards, Details, and Specifications.
53. Developer shall either complete the required construction prior to receiving a building permit or enter into an Improvement Agreement and post security for offsite improvements with the City of Rohnert Park, agreeing to complete the required construction within 24 months.

**Undergrounding**

54. Improvement Plans shall show that all utility distribution facilities, including existing overhead utilities along the project frontage, shall be placed underground, except surface-mounted transformers, pedestal mounted terminal boxes, meter cabinets, fire hydrants and street lights. Appropriate easements shall be provided to facilitate these installations.

**Streets, Traffic & Circulation**

55. The applicant shall submit to the City of Rohnert Park for review and approval, street improvement plans for 1) Golf Course Drive West from Redwood Drive to Dowdell Avenue, prepared by a Registered Civil Engineer licensed in the State of California; shall enter into an agreement with the City of Rohnert Park to complete these improvements; and shall post sufficient surety guaranteeing the completion of the improvements.
56. Street improvements shall be provided in accordance with City Manual of Standards, Details, and Specifications.
57. A Street Signing and Pavement Marking Plan shall be submitted as a part of the

improvement plans and shall be subject to the review and approval of the City Engineer and City Traffic Engineer.

58. Improvement Plans shall show that handicap ramps and parking shall be provided as required by State of California Title 24.
59. Driveway entrances shall be designed to meet the requirements of the City Standards and the City Traffic Engineer. All driveways shall be per City standards for commercial developments.
60. The Street Signing and Pavement Marking Plan shall show STOP signs and painted STOP bars on all entrances onto Golf Course Drive West and Redwood Drive.
61. Street lighting shall be designed in accordance with City of Rohnert Park and P.G. and E. requirements. Street Lighting shall be per City Standards. Street light design, spacing, and locations shall be approved by the City Engineer. Electrical service points shall be shown on the plans based on PG&E provided locations.
62. Landscape plans shall be submitted with the street improvement plans. Sidewalk alignment shall be shown on both the civil and landscape plans.
63. Site design shall include pedestrian pathways and crossings connecting onsite activity centers.
64. Improvement Plans shall show bicycle racks on-site in accordance with City Standards which require individually mounted inverted-U-shaped racks.
65. The site design shall include adequate fire lanes and other emergency facilities as determined by Department of Public Safety including any NO PARKING lanes, turn-arounds, or other features as required by the Rohnert Park Department of Public Safety.
66. By payment of PFFP fee or through credits toward PFFP fees associated with the project, the project proponent shall fulfill the environmental mitigation requirement to participate in funding a traffic signal at Redwood Drive/Business Park Drive intersection.
67. By payment of PFFP fees or through credits toward PFFP fees associated with the project, the project proponent shall fulfill the environmental mitigation requirement to participate in funding a right-turn overlap on the westbound Rohnert Park Expressway approach.

#### **Hydrology, Storm Water and Storm Drain**

68. The applicant shall submit to the City of Rohnert Park for review and approval, drainage plans, hydrologic, and hydraulic calculations pipe sizing and storm drain plans prepared by a Registered Civil Engineer licensed in the State of California; shall enter into an agreement with the City of Rohnert Park to complete the improvement and shall post

sufficient surety guaranteeing the construction of the improvements. The drainage plans and calculations shall indicate the following conditions before and after development:

- a) A site-specific hydrology and drainage study acceptable to the City showing the increase in storm water runoff that would result from development of the Project site.
  - b) Quantities of water, water flow rates, drainage areas and patterns and drainage courses. Hydrology shall be per current Sonoma County Water Agency Standards.
  - c) Calculations showing that downstream facilities are capable of handling flow from this development.
69. Improvement Plans shall be submitted based on the results of the hydraulic study. The storm drain system shall be designed to meet the requirements of the Sonoma County Water Agency Flood Control Design Criteria (latest revision), specific to the Project and these conditions. Improvements shall be in general conformance with the *Preliminary Grading and Utility Plan, Amy's Kitchen, December 13* and with *Preliminary Storm Drain Report, Use Permit Submittal, Amy's Kitchen Project December 11, 2013* both by Baechtel – Hudis, Inc.
70. Improvement Plans shall show that the South Village of the Wilfred-Dowdell Specific Plan area, Golf Course Drive West between Redwood Drive and Dowdell Avenue shall drain north to Bellview-Wilfred Channel via an existing 36 inch storm drain in Dowdell Avenue or south to the existing Redwood Drive storm drain pipe without increasing the historical runoff, as shown in the city Storm Water Model.
71. The improvement plans shall incorporate features and design such that the post development Q10 (10 year storm) peak flow from the South Village of the Wilfred-Dowdell Specific Plan area, Golf Course Drive West between Redwood Drive and Dowdell Avenue shall not exceed the greater of either the (a) pre-development Q100 peak flow OR the post-development existing Q10 peak flow by more than 3 cfs (cubic feet per second).
72. The improvement plans shall incorporate features and design such that for the area encompassing South Village of the Wilfred-Dowdell Specific Plan area, Golf Course Drive West between Redwood Drive and Dowdell Avenue, there shall be no net change in the storm water peak in the 85% - 24 hour storm event.
73. 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.
74. The Project developer shall develop and implement a site specific storm water pollution prevention plan acceptable to the City that identifies best management practices for effectively reducing discharges of storm water containing sediment and construction wastes resulting from site construction activities. The applicant shall comply with all other requirements set forth in NPDES General Permit NPDES NO. CAS000002,

ORDER NO. 2010-0014-DWQ.

75. The Project developer shall prepare a "Preliminary & Final Storm Water Mitigation Plan", for each phase of development pursuant to City of Santa Rosa and Sonoma County, Storm Water Low Impact Development Technical Design Manual (August 2011) requirements or the requirements of the Rohnert Park Phase 2 General Storm Water Permit for Municipal Separate Storm Sewer Systems (MS4).
76. No drainage may discharge across sidewalks.
77. The property owner shall enter into an agreement with the City to address long term maintenance of the BMP's install with the project on and off-site pursuant to the Preliminary SUSMP.
78. The Storm Drain Design shall incorporate BMPs developed in the "Preliminary Storm Water Mitigation Plan", pursuant to City of Santa Rosa and Sonoma County, Storm Water Low Impact Development Technical Design Manual requirements or the requirements of the Rohnert Park Phase 2 General Storm Water Permit for Municipal Separate Storm Sewer Systems (MS4). This shall include storm drainage improvements to remove oil and grease from discharges from parking lots, including directing runoff to vegetated swales or areas, consistent with best management practices (BMPs).
79. Applicant shall submit a proposed program to ensure that drainage BMP facilities and any detention are maintained to ensure that the facilities work properly.
80. The site plans shall show all private storm drains serving adjacent property (ies) and those storm drains shall be contained within private storm drain easements in favor of adjacent property (ies).

**Water**

81. The improvement plans shall show backflow prevention devices in accordance with the requirements of the City of Rohnert Park's Backflow Prevention Ordinance.
82. The applicant shall indicate in writing to the City of Rohnert Park the disposition of any water well(s) and any other water that may exist within the site. All wells shall be abandoned, properly sealed, and destroyed in accord with State of California Health Department Requirements.
83. A 12" public water main shall be extended in the westerly driveway and stubbed to the property to the south.
84. The improvement plans shall show water services to the building. All water meters shall be located within the right-of-way unless otherwise approved by the Development Services Department. The improvement plans shall show fire protection in accordance with the requirements of Rohnert Park Fire Department. With the submittal of the

improvement plans, calculations shall be provided to the City Engineer and the Rohnert Park Fire Marshall to ensure that adequate water pressures are available to supply hydrant flows and sprinkler flows

85. The improvement plans shall show hydrants placed per the direction of the Rohnert Park Fire Division.
86. The improvement plans shall state that all on-site fire hydrants shall be private and privately maintained.
87. The improvement plans shall include a note that states “All hydrants shall be covered with bags indicating that the hydrant is not active until flow tests are completed by the City and the hydrants are approved.”

#### **Wastewater (sewer)**

88. The improvement plans shall show any existing septic systems on the property and state they shall be abandoned in accordance with the requirements of the Sonoma County Public Health Service.
89. The improvement plans shall show that a grease trap shall be installed on the restaurant kitchen facilities. This grease trap shall meet the requirements of the Sub-regional Sewage Disposal System and the City of Rohnert Park Design Standards.
90. A sanitary sewer connection shall be provided to the floor sump in the trash dumpster enclosure.
91. A sanitary sewer application shall be submitted to the Development Services for review and approval. Application shall indicate the type of discharge proposed.
92. The improvement plans shall show that all manholes shall be provided with a gasket.

#### **Recycled Water**

93. The improvement plans shall show recycled water use for irrigation shall be extended from the existing recycled water line in Golf Course Drive West for irrigation. A booster pump may be needed to use recycled water as the existing line is a low pressure line. An agreement with the City of Santa Rosa, administrator of the recycled water system for the Sub-regional Sewerage System, is required.
94. A 12” public recycled water main shall be extended in the westerly driveway and stubbed to the property to the south.

#### **Dedications**

95. The applicant shall offer to dedicate to the City of Rohnert Park access easements over all

private streets to provide access for all governmental agencies providing for the public safety, health and welfare.

96. The applicant shall offer to dedicate to the City of Rohnert Park a Public Service Easement as required.
97. The applicant shall dedicate a public utility easement over the westerly driveway, encompassing the 12" public water main and the 12" public recycled water main.
98. The applicant shall dedicate a private access easement over the westerly and southerly driveways in favor of the adjoining properties.

### **Undergrounding**

99. Utility plans within existing or proposed public right-of-way for electric, gas, telephone, cable and fiber optic (joint trench) shall be submitted to the City Engineer for review. All above-ground structures shall be specifically approved by the Director of Development Services.
100. Improvement Plans shall show that all utility distribution facilities, including existing overhead utilities along the project frontage, shall be placed underground or removed, except surface-mounted transformers, pedestal mounted terminal boxes, meter cabinets, fire hydrants and street lights. Appropriate easements shall be provided to facilitate these installations.
101. Any necessary right-of-way required to complete the improvements will be acquired by the applicant at his expense and dedicate to the City.
102. Applicant/Property owner shall dedicate to the City of Rohnert Park a 5 foot public utilities easement, via deed along the Golf Course Drive West frontage, and along the Redwood Drive frontage at the time the triangle property is acquired by the applicant or on a subdivision map. The improvement plans shall show a dedication of a 5 foot public utilities and public access easement behind the proposed back of sidewalk.

### **PRIOR TO ANY CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:**

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 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 or constructing a City facility within a City easement.

**DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:**

106. All construction shall conform to the City Manual of Standards, Details, and Specifications latest edition, all City Ordinances and State Map Act and the approved plans.
107. The developer shall complete all water and wastewater improvements, including pressure and bacterial testing and raising manholes and cleanouts to grade prior to connection of any improvements to the City water or wastewater systems.
108. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sonoma County Environmental Health Department, the Fire Department, the Police Department, and the Development Services Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
109. Prior to final preparation of the sub-grade and placement of base materials, all underground utilities shall be installed and service connections stubbed out behind the sidewalk. Public utilities, Cable TV, sanitary sewers, and water lines, shall be installed in a manner which will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.
110. Prior to placing the final lift of asphalt, all public sanitary sewer lines shall be video inspected at the expense of the contractor/developer. All video disks shall be submitted to the City. If any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.
111. The Contractor shall be responsible to provide erosion and pollution control in accordance with the approved plans and permits.
112. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period.
113. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
114. The Project shall comply with the City's Municipal Code, including hours of construction. All construction equipment shall be adequately muffled and properly tuned



in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Construction equipment noise levels shall be monitored to move, muffle and/or shield equipment to minimize noise impacts.

115. Hours of work for public improvements shall be limited to the hours of 8 a.m. to 5 p.m. Monday through Friday. Work on Saturday or Sunday will only be permitted with written permission from the City.
116. Hours of work for private improvements shall be limited to the hours of 8 a.m. to 6 p.m. Monday through Friday. Work on Saturday or Sunday will only be permitted with written permission from the City.
117. Throughout the construction of the project, dust control shall be maintained to the satisfaction of the City and the contractor shall be responsible to implement reasonable measure to cure any problems that may occur.
118. All active construction areas shall be watered at least two times per day.
119. All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
120. All haul trucks transporting soil, sand or other loose material off-site shall be covered and/or shall maintain at least two feet of freeboard.
121. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
122. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
123. All roadways, driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
124. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
125. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact at the construction site and at the City of Rohnert Park regarding dust complaints. The prime construction contractor shall respond and take corrective action within 48 hours. The Air district's phone number shall also be visible to

ensure compliance with applicable regulations.

126. If the existing city streets are damaged during construction, the contractor/developer shall be responsible for repair at no cost to the city.
127. If, during construction, the contractor damages any existing facilities on the neighboring properties (i.e. fences, gates, landscaping, walls, etc.) contractor shall be responsible to replace all damaged facilities.

**PRIOR TO OCCUPANCY, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

128. All streets and sidewalks shall be paved, all public utilities installed, all signage relating to traffic control (stop signs, etc.) and all streetlights must be operational.
129. All improvements shown in the improvement plans deemed necessary for the health, safety and welfare of the occupant and general public shall be completed.
130. The contents of buildings in the proposed Project shall be secured to the extent feasible. All shelving systems shall be secured to structural elements of the floor, wall, or ceiling. Heavy display items and merchandise shall be placed on lower shelves and secured to building elements where possible.

**PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS AND BOND EXONERATION, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

131. Security in the amount prescribed by Municipal Code Section 16.16.170B.1.c. shall be submitted and accepted by the City of Rohnert Park guaranteeing the improvements as required by Public Improvement Agreement described in Condition No. 57 above.
132. A complete set of As-Built or Record, improvement plans on the standard size sheets shall be certified by the Civil Engineer licensed in the State of California and returned to the City Engineer's office prior to final acceptance of the public improvement. These shall show all constructive changes from the original plans including substantial changes in the size, alignment, grades, etc. during construction. The Contractor shall pay a fee for having same put into the City Base Map.

**Landscaping**

134. The landscape plan shall include at least on (1) native oak tree, details subject to staff approval.
135. All trees planted in the landscaping along the Redwood Drive and Golf Course Drive West frontages be twenty-four (24) inch box size, details subject to staff approval.