

RESOLUTION NO. 2015-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, APPROVING THE SITE PLAN & ARCHITECTURAL REVIEW FOR A WALMART EXPANSION LOCATED AT 4625 REDWOOD DRIVE, ROHNERT PARK, CA

WHEREAS, the applicant, PACLAND on behalf of Wal-Mart, Inc., filed Planning Application No. PL2009-02SR/EIR Site Plan and Architectural Review/Environmental Impact Report proposing an expansion to the Walmart store located at 4625 Redwood Drive (APN 045-055-014) ("Project"), in accordance with the City of Rohnert Park Municipal Code ("RPMC");

WHEREAS, Planning Application No. PL2009-02SR/EIR was processed in the time and manner prescribed by State and local law;

WHEREAS, public hearing notices 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 notice of public hearing was published for a minimum of 10 days prior to the first public hearing in the Community Voice;

WHEREAS, on August 14, 2014, the Planning Commission reviewed Planning Application No. PL2009-02SR/EIR during a scheduled public hearing at which time interested persons had an opportunity to testify either in support of or opposition to the Project; and

WHEREAS, at the August 14, 2014, Planning Commission meeting, upon hearing and considering all testimony and arguments, of all persons desiring to be heard, the Planning Commission considered all the facts relating to Planning Application No. PL2009-02SR/EIR and voted 5-0 to approve the application; and

WHEREAS, on August 22, 2014, M.R. Wolfe & Associates (on behalf of Sierra Club and Sonoma County Conservation Action) filed an appeal of the Planning Commission's August 14, 2014 decision; and

WHEREAS, on August 25, 2014, Nancy Atwell (on behalf of herself, Elizabeth Craven, Jessica Jones, and Matt Weinstein) filed an appeal of the Planning Commission's August 14, 2014 decision; and

WHEREAS, on November 10, 2014, the City Council of the City of Rohnert Park held a duly noticed public hearing to consider the appeals of the Planning Commission's August 14, 2014 decisions and consider Planning Application No. PL2009-02SR/EIR; and

WHEREAS, at the November 10, 2014 public hearing, interested persons had an opportunity to testify regarding the appeals and Planning Application No. PL2009-02SR/EIR; and

WHEREAS, after taking public comment and without considering the merits of the appeals or Planning Application No. PL2009-02SR/EIR, the City Council of the City of Rohnert Park continued the hearing on the appeals of the Planning Commission's August 14, 2014 decisions to January 13, 2015; and

WHEREAS, at the duly noticed continued hearing on January 13, 2015, the City Council of the City of Rohnert Park considered the appeals of the Planning Commission's August 14, 2014 decisions and considered Planning Application No. PL2009-02SR/EIR; and

WHEREAS, at the January 13, 2015 public hearing, interested persons had an opportunity to testify regarding the appeals and Planning Application No. PL2009-02SR/EIR; and

WHEREAS, the City Council has considered all testimony and arguments, of all persons desiring to be heard, and considered all of the facts relating to Planning Application No. PL2009-02SR/EIR for the Project as well as the appeals and information presented by staff and the public.

WHEREAS, the City Council denied the appeals of the Planning Commission's August 14, 2014 decision; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Rohnert Park makes the following findings, determinations, and recommendations as follows:

Section 1. That the above recitations are true and correct, and material to this Resolution.

Section 2. Findings. The City Council makes the following findings, determinations and recommendations with respect to Planning Application No. PL2009-02SR/EIR:

1. The Draft Environmental Impact Report, Final Environmental Impact Report, Partially Recirculated Draft Environmental Impact Report, Partially Recirculated Final Environmental Impact Report and Mitigation Monitoring and Reporting Program ("MMRP") for this Project were prepared and circulated for public review and comment in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines. The Final Environmental Impact Report and Partially Recirculated Final Environmental Impact Report were properly certified and a Statement of Overriding Considerations and MMRP were adopted by Resolution No. 2015-001 on January 13, 2015.
2. With proper implementation of the proposed mitigation measures, the Project is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
3. The Project, as proposed and with recommended conditions and mitigation measures, will be consistent with the General Plan and Zoning Ordinance.

4. The Project's general appearance is compatible with existing development and enhances the surrounding neighborhood (RPMC §17.25.033).
5. The Project incorporates a variation from adjacent onsite and offsite structures in height, bulk and area; arrangement on the parcel; openings or breaks in the façade facing the street; and/or the line and pitch of the roof (RPMC §17.25.033).
6. The Project will be located and oriented in such a manner so as to provide pedestrian, bicycle and vehicle connections with adjacent properties, as appropriate, and avoids indiscriminate location and orientation (RPMC §17.25.033).

Section 3. The City Council does hereby approve Planning Application No. PL2009-02SR/EIR subject to the conditions of approval described in **Exhibit A** to this resolution ("Conditions of Approval").

DULY AND REGULARLY ADOPTED on this 13th day of January, 2015.



CITY OF ROHNERT PARK

Amy O. Ahanotu, Mayor

ATTEST:

JoAnne Buergler, City Clerk

Attachment: Exhibit A – Conditions of Approval

CALLINAN: NE MACKENZIE: NE STAFFORD: NE BELFORTE: NE AHANOTU: NE
 AYES: (5) NOES: (3) ABSENT: (0) ABSTAIN: (0)

Exhibit A

CONDITIONS OF APPROVAL

GENERAL

1. The applicant shall comply with all mitigation measures as specified in the Walmart Expansion Final EIR and Partially Recirculated Final EIR and Mitigation Monitoring and Reporting Program ("MMRP").
2. All environmental document filing fees shall be paid in full within 5 days of application approval. Department Fish & Wildlife environmental review fees shall be included in the total amount due.
3. The Project is subject to the Public Facilities Financing Plan fees. Payment of applicable fees shall be made prior to issuance of the building permit through the Development Services Department.
4. The applicant's signature on the Acknowledgement page following these Conditions of Approval shall be deemed to be acceptance by the applicant of all Conditions of Approval.
5. In the event these Conditions of Approval conflict with any part of the Site Plan and/or associated documents or a purported conflicts exists due to an omission in the Site Plan and/or associated documents, these Conditions of Approval shall be deemed controlling.
6. Applicant shall defend (with counsel approved by City, which approval is not to be unreasonably withheld), indemnify, and hold harmless the City, its officials, employees, volunteers and agents from and against any and all loss, liability, expenses, claims, costs (including reasonable attorney's fees), suits and damages of every kind, nature, and description, directly or indirectly arising from any third party legal challenge to the Project approvals.

PLANNING

ARCHITECTURAL DESIGN

7. All site improvements shall be shown on the improvement plan. The improvements shall substantially conform to the approved Site Plan.
8. All building colors shall be consistent with the paint scheme presented in Exhibit 8 and approved by the City Council.

PARKING & CIRCULATION

9. The truck circulation route shall remain as shown on Truck Ingress-Egress Route exhibit (Exhibit 6) until such time as roadway improvements are made to Wilfred Ave. and Dowdell Ave. At that time, upon notification from the City, Walmart shall change their truck delivery route to access their delivery areas from Dowdell via Wilfred Ave.
10. Provisions shall be made for no less than eight preferential parking spaces for those employees who participate in carpooling or van pooling and submitted for review by Planning. Spaces shall be located on the southeast side of the building. In addition, a minimum of five spaces near the store entrance shall be designated for customer carpools.
11. All parking and internal circulation of vehicles shall conform to the minimum standards regarding off street parking and loading and unloading of vehicles as required by the City's Zoning Ordinance.
12. No more than 10 percent of the parking required by the City's Zoning Ordinance may be made up of compact spaces (RPMC §17.16.050).
13. Onsite parking facilities shall provide parking spaces for the handicapped in accordance with the California Administrative Code Title 24 and sign requirements of the California Vehicle Code Section 22507.8 (RPMC §17.16.060).
14. Any diesel trucks waiting, loading and unloading construction materials and store goods must shut off idling engines after 5 minutes. Signs shall be posted at dock areas alerting drivers of this requirement.
15. The parking lot shall not be used for outdoor open sales displays. Exceptions may be granted for special outdoor events as provided for in Chapter 17.06 of the Zoning Ordinance.
16. The applicant shall install the required number of bicycle parking spaces in accordance with the Zoning Ordinance (RPMC §17.16.140). The applicant shall install bicycle racks that conform with the City's adopted bicycle parking standards (inverted U).

SIGNAGE

17. Signage shall be installed according to the applicant's sign program application as modified, if necessary, and approved by the City.
18. The proposed signage on the west elevation of the retail store shall not be illuminated.

LIGHTING

19. Full lighting plan shall be submitted to Planning for review and approval prior to issuance of building permit.
20. 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.
21. Lights shall be of the minimum illumination necessary to perform operations and provide for safety and security.
22. The lighting shall be directed downward and shielded at the property line so as not to be directly visible from nearby residences (RPMC §17.12.050).

PARKS, TREES AND LANDSCAPING

23. Landscape plans shall be prepared by a licensed landscape architect as specified in RPMC §17.14.080 and RPMC §17.16.100. The final landscape and irrigation plans shall be submitted concurrently with architectural, structural and civil engineering building plans when a building permit is requested. No building permit shall be issued until final landscape and irrigation plans have been reviewed and approved by Planning (RPMC §17.14.080C).
24. The landscaping plan for the proposed parking lot expansion shall be in accordance with RPMC as it pertains to parking lot landscaping recognizing the minimum ratios in relation to the consecutive parking space criteria.
25. All landscaping shall be constructed in accordance with the state Water Efficient Landscaping Ordinance and shall include rain sensors, controllers, a minimum of 24-inch setback on overspray, drip irrigation and plants which require low water use. Compliance shall include a landscaping and irrigation plan, location, variety, irrigation, usage calculations, and other information as required. The plan shall be submitted and reviewed by the Development Services Department or designee. All costs for review of the requirements of the state Ordinance shall be borne by the Applicant. All landscaping and irrigation shall be completed prior to the issuance of a Certificate of Occupancy.
26. Landscaping shall be maintained in weed and litter free condition at all times.

SCREENING OF MECHANICAL EQUIPMENT

27. All exterior mechanical equipment shall be screened from public view and from the view of adjacent properties. Equipment to be screened includes but is not limited to, heating and/or air conditioning units, water tanks, valves, back flow protection devices, solar and photovoltaic panels, and transformers. Screening materials may be solid concrete, wood or other opaque material or a combination of fence/wall and landscaping and shall effectively screen mechanical equipment so that it is not readily visible from the public right-of-way (RPMC §17.12.120).

28. The loading and pallet docks and pallets storage areas at the rear of the building shall be architecturally screened and concealed from all adjacent properties, roadways, customer parking lots with the exception of employee parking, as previously conditioned in the February 26, 1991 approval of the Walmart project.
29. Semi-trucks and/or trailers shall not be stored on the site. Storage shall be defined as a period of time greater than 24 hours.

TRASH ENCLOSURES (SEE RPMC §17.12.130)

30. 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.

RECYCLING

31. Recycling shall be conducted in accordance with accepted practices as directed by Sonoma County Waste Management Agency.
32. The applicant shall comply with AB 2449 that requires retailers to provide consumers with a bag reuse opportunity by providing reusable bags that may be purchased and used in lieu of disposable ones.
33. The applicant shall provide waste and recycling receptacles near the store entrance for use by patrons. Containers shall be regularly emptied, serviced and maintained in an orderly fashion.

PROPERTY MAINTENANCE STANDARDS

34. The property shall be maintained in good order. This shall include litter management and timely repair and maintenance of all structures, fences, signs, walks, driveways, lawns, landscaping, painting, etc., as may be necessary to maintain good order (RPMC §17.12.140).
35. The applicant shall ensure carts are regularly collected from offsite locations.

BUILDING

36. 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.

37. All new structures shall comply with the requirements of the most recent editions of Americans with Disability Act and Title 24 California Disabled Access compliance for buildings, parking and site access.
38. No building or structure regulated by the City of Rohnert Park shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has been obtained from the Development Services Department.
39. On site construction signage (temporary) regarding hours of operations, project address waste removal, construction vehicle egress and ingress and daily clean up rules shall be posted prior to commencement of construction.
40. 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 between 7 a.m. and 7 p.m. 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). Noise from potential wall demolition will be shielded on the west side of the demolition area by the use of a temporary noise barrier a minimum height of 8' and with a minimum Sound Transmission Class 12. The temporary wall will be kept in place for the duration of demolition activities.
41. Roof top addressing shall be required prior to Certificate of Occupancy. Rooftop addressing shall be visible from airborne safety equipment at minimum height distances. An exhibit for roof top addressing shall be submitted to Development Services Department for approval and shall include the following:
 - Only address numbers shall be placed on the roof unobstructed from view from the air
 - The numbers need to be read from approximately 500 feet or more
 - A highly visible color of paint shall be used and be in contrast with the roof color
 - The numbers shall be at least 3 feet tall, 2 ft. wide and spaced a minimum of 9 inches apart. The width of the brush stroke shall be a minimum of 6 inches.
 - The numbers shall be placed on roof oriented to the street.
42. 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.
43. 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.

44. All new or altered exterior site lighting, including any electrical signage, shall comply with all applicable provisions of the 2013 California Energy Code (Part 6 of Title 24, California Code of Regulations).
45. Any temporary outdoor seasonal sales in the parking lot shall be located so as not to block or hinder access to any required accessible route of travel located in the parking lot.
46. All alterations and new construction where a permit is required shall comply with the 2013 California Green Building Standard Code (Part 11 of Title 24, California Code of Regulations) specified in Municipal Code Chapter 15.26. Applicant shall comply with self-certification requirements for project type and tier per 15.26.010 of the Municipal Code.

ENGINEERING

PLAN CHECK

47. The plans submitted with the Building Permit application shall be reviewed and approved by the Development Services Department. Plan review and inspection fees incurred by the City for administration of the permit shall be paid by the project applicant.

GRADING

48. The following shall be submitted to the City Engineer for approval, prior to issuance of a grading permit:
 - a. A grading and drainage plan, which shall be designed to meet the requirements of the 2013 edition of the California Green Building Standard Code (Part 11 of Title 24, California Code of Regulations), City of Rohnert Park Municipal Code and City Standards. Plans shall include provisions for permanent erosion and sediment control. Estimated quantities of excavation and embankment shall be noted on the plans.
 - b. A temporary erosion and sediment control plan. If grading will not be completed by October 15 or is scheduled to start prior to April 15, a winterization plan shall be included, with the developer responsible for implementation and maintenance of the winterization plan.
 - c. Proposed water, wastewater, and utility improvements.
 - d. Two (2) copies of the SWPPP Monitoring Program and Inspection Plan.
 - e. Drainage calculations prepared in accordance with the City of Rohnert Park Municipal Code and City Standards.
 - f. Engineer's estimate acceptable by the City of probable construction cost of onsite and offsite improvements, excluding the building.

g. Plan check fees.

49. All grading performed shall conform to Appendix J of the 2013 California Building Code (Part 2 of Title 24, California Code of Regulations), the Rohnert Park Municipal Code, and as recommended in the TRC Geotechnical Investigation with review and approval by the City Engineer.
50. Onsite grading shall be limited to the locations shown on the approved plans or on subsequent approvals by Development Services Department. All grading shall be suspended when winds reach 20 miles per hour or greater.
51. It is the contractor's responsibility to use watering, dust fences, or other methods as directed by the City, to control dust throughout the construction operation.
52. All grading construction debris materials shall be removed and disposed of offsite prior to any excavation or fill operations.
53. The developer or his agents or employees shall be responsible for removal and cleanup of any spill on public streets during the entire grading operations within two hours of occurrence and shall notify appropriate regulatory agencies depending on the type of material discharged.

DRAINAGE

54. Surface water shall be discharged into natural or engineered offsite drainage facilities and shall not drain off or across public or private sidewalks, pedestrian walkways, or areas not designed as drainage facilities (RPMC §17.16.090(B)).
55. At the end of construction, local road surfaces shall be returned to pre-construction condition by the developer (RPMC §17.12.110(F)).

CONSTRUCTION

56. All water runoff from the construction site shall be controlled. During construction, trucks and equipment [engines] shall be running only when necessary (RPMC §17.12.110(E)).
57. During project construction, the construction site and materials staging area shall be secured by temporary fencing (RPMC §17.12.110(A)).
58. All portions of the construction site shall be watered as necessary to reduce emissions of dust and other particulate matter and all stockpiles shall be covered. Public streets shall be kept dirt-free to the satisfaction of the City Engineer (RPMC §17.12.110(B)).
59. All construction and transport equipment shall be muffled in accordance with state and federal laws and regulations, and the noise standards of this chapter.

Construction and transport equipment shall be operated so as to minimize exhaust emissions (RPMC §17.12.110(C)).

OPERATIONS

60. The applicant shall comply with the standard conditions as outlined in its Wastewater Discharge Permit Application.
61. The use, handling, storage and transportation of solid and liquid waste materials, including hazardous waste, shall comply with the provisions of the California Hazardous Materials Regulations and any other applicable laws. Discharge at any point into a public or private sewage disposal system, stream or the ground, of any material that could contaminate any water supply or otherwise cause the emission of dangerous or offensive elements is prohibited. No exceptions will be allowed unless in accordance with regulations, licenses or approvals of the various local and state agencies having jurisdiction over such activities (RPMC §17.12.090).
62. The applicant shall apply and obtain an Industrial Waste Discharge permit for sewage from City of Santa Rosa.

PUBLIC SAFETY

63. The project shall comply with all applicable provisions of the 2013 California Fire Code (Part 9 of Title 24, California Code of Regulations), the 2013 California Building Code (Part 2 of Title 24, California Code of Regulations), the City of Rohnert Park Fire Division Code Ordinance #827, NFPA 13 and NFPA 72.
64. The final improvement plans shall be reviewed, approved, and signed by the Fire Marshal, for compliance with the Fire Codes, fire flow gallons per minute requirements, the number/type of fire hydrants and their location.
65. The final improvement plans shall be reviewed, approved, and signed by the Fire Marshal for compliance with public safety and emergency access.
66. The project applicant shall obtain Fire permits for the Fire Sprinkler System, Fire Alarm modifications, Fire Civil underground review, and possible Hood and Duct suppression systems. The permit applications and permit fees shall be submitted to the Fire Marshal prior to commencement of construction on any of these systems.
67. The relocation of the existing fire hydrants, spacing and fire flow shall be evaluated and approved by the Fire Marshal to ensure adequate coverage.
68. Relocation of existing fire protection systems (Fire Department Connections) and fire hydrants on adjoining parcels shall be at the expense of the applicant, if required.

69. 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 and height.
70. The storage, use, transportation or production of products that, either in a raw or finished state, constitute a fire hazard as defined by the Fire Marshal and shall be subject to the fire codes and approval of the department. Department of Public Safety personnel may, without prior notice, visit and observe operations onsite and any directives issued by Department personnel shall be satisfied in a timely manner (RPMC §17.12.080).
71. In conjunction with an application to any change in Wal-Mart's current license with the State Department of Alcohol Beverage Control, the applicant shall apply to the Department of Public Safety for a revised alcohol sales use permit and maintain this yearly permit at all times alcohol will be sold or served in accordance with Municipal Code Chapter 8.34

ACKNOWLEDGMENTS

As the authorized representative for Walmart Stores, Inc. I hereby acknowledge and accept these Conditions of Approval.

Walmart Representative

Date