RESOLUTION NO. 2015-103

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, APPROVING DEVELOPMENT AREA PLAN II FOR THE UNIVERSITY DISTRICT VAST OAK LAND DEVELOPMENT PHASE I: HINEBAUGH CREEK CLASS I BIKE TRAIL, WEST DETENTION BASIN, AND ROHNERT PARK EXPRESSWAY

WHEREAS, the applicant, UD LLC, has submitted an application for the Development Area Plan II for the University District Vast Oak Land Development Phase I: Hinebaugh Creek Class I Bike Trail, West Detention Basin, and Rohnert Park Expressway within the University District Specific Plan ("UDSP") Area; and

WHEREAS, pursuant to California Government Code Sections 65090 and 65091 and the Rohnert Park Municipal Code, public hearing notices were mailed to all property owners within an area exceeding a three hundred foot radius of the subject property and a public hearing was published for a minimum of 10 days prior to the first public hearing in the Community Voice; and

WHEREAS, the City Council of the City of Rohnert Park has certified the Final Environmental Impact Report (EIR) and Addendum prepared for the UDSP project and the City has otherwise carried out all requirements for the project pursuant to CEQA; and

WHEREAS, on April 9, 2015, the Planning Commission held a public hearing at which time interested persons had an opportunity to testify either in support or opposition to the proposed Development Area Plan II ("DAP II"); and

WHEREAS, at the April 9, 2015 hearing, the Planning Commission reviewed and considered DAP II and recommended its approval by the City Council; and

WHEREAS, on May 26, 2015 the City Council held public hearings at which time interested persons had an opportunity to testify either in support or opposition of the proposal; and

WHEREAS, the City Council has reviewed and considered the information contained in Planning Application No. PLDP2015-0001 for the proposed DAP II; and

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 DAP II:

Section 1. The above recitations are true and correct and material to this Resolution.

Section 2. On May 23, 2006, the City of Rohnert Park certified the Final EIR for the UDSP project, including adoption of associated CEQA Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program. On April 8, 2014, the City approved an Addendum to the Final EIR, as described in City Council Resolution No. 2014-032, approved. The DAP II is consistent with the UDSP project and the analysis in the EIR. There have been no substantial changes to the UDSP project, no substantial changes with respect to the circumstances under which the UDSP project would be undertaken, and no discovery of new

information of substantial importance that would require major revisions to the EIR due to new or substantially more severe significant environmental effects. Therefore, no additional environmental review is required.

Section 3. <u>Findings for Approval of Development Area Plan</u>. The City Council hereby makes the following findings in accordance with Rohnert Park Municipal Code Section 17.06.400; to wit;

1. The proposed development conforms to the applicable specific plan

<u>Criteria Satisfied</u>. The proposed Development Area Plan II conforms to the Specific Plan and would implement Phase 1 of development of the University Specific Plan project. The proposed Development Area Plan II provides additional details on the proposed landscape plans for the Hinebaugh Creek Class I Bike Trail, West Detention Basin, and Rohnert Park Expressway within the Specific Plan Area. The proposed plans are consistent with the Specific Plan because it conforms to the requirements in the specific plan by illustrating the desired landscape design; achieving hydrology and drainage mitigation goals through use of an onsite detention basin; and providing bike trail location and improvements to allow and promote pedestrian, bicycle as well as vehicular traffic to connect to UDSP residences, Vast Oak parks, the UDSP Commercial Center, to Rohnert Park Expressway; and landscape designs. The DAP is designed to have adequate infrastructure, integrated with existing City roadways, streets, bicycle paths, and walkways.

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

<u>Criteria Satisfied</u>. The developer will be required to participate in the Public Facilities Financing Plan, which will provide for necessary off-site public facilities, and shall be responsible for on-site facilities to meet the project's needs. The Development Agreement for the project sets forth the timing of the necessary facilities as they relate to the physical development of the site.

Section 4. A duly noticed public hearing on the proposed Development Area Plan was held on May 26, 2015.

NOW, THEREFORE, BE IT FURTHER RESOLVED that, based on the findings set forth in this Resolution, the recommendation of the Planning Commission, the evidence presented in record, including the staff report, presentations and comments provided at public hearings on this matter, and the above-referenced findings, the City Council hereby approves the DAP II for the University District Vast Oak Land Development Phase I: Hinebaugh Creek Class I Bike Trail, West Detention Basin, and Rohnert Park Expressway, as set forth at Exhibit A, in its entirety, and subject to the conditions of approval as provided in Exhibit B. **DULY AND REGULARLY ADOPTED** on this 26th day of May, 2015.

CITY OF ROHNERT PARK

Amy O. Ahanotu, Mayor

ATTEST:

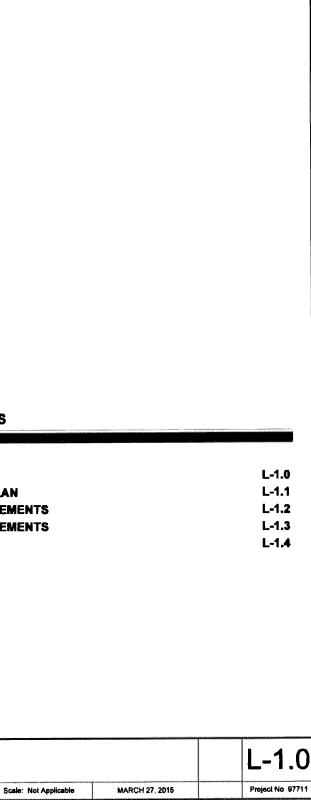
JoAnne M. Buergler, City Clerk

Attachments: Exhibit A - Development Area Plan II - Hinebaugh Creek Class I Bike Trail, West Detention Basin, and Rohnert Park Expressway Exhibit B – Development Area Plan II – Conditions of Approval

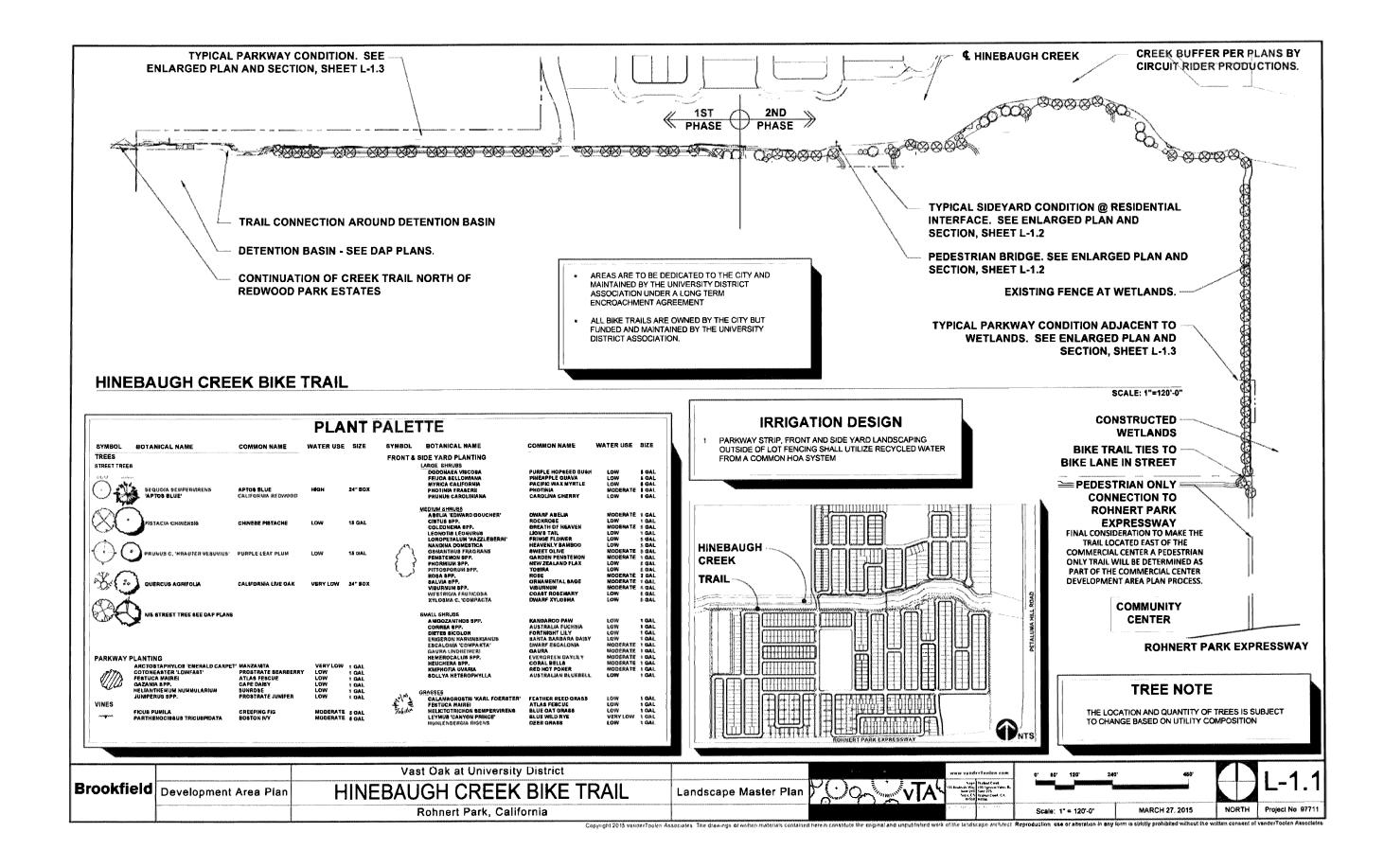
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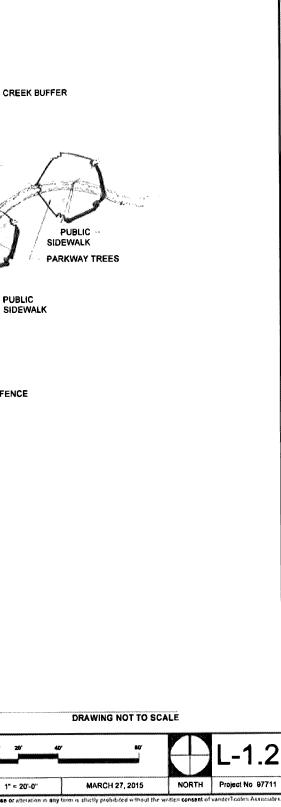
EXHIBIT A



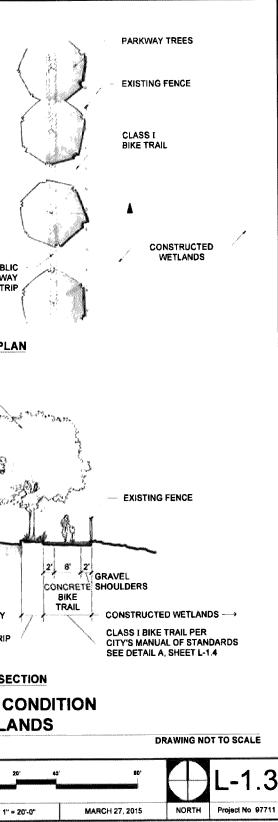
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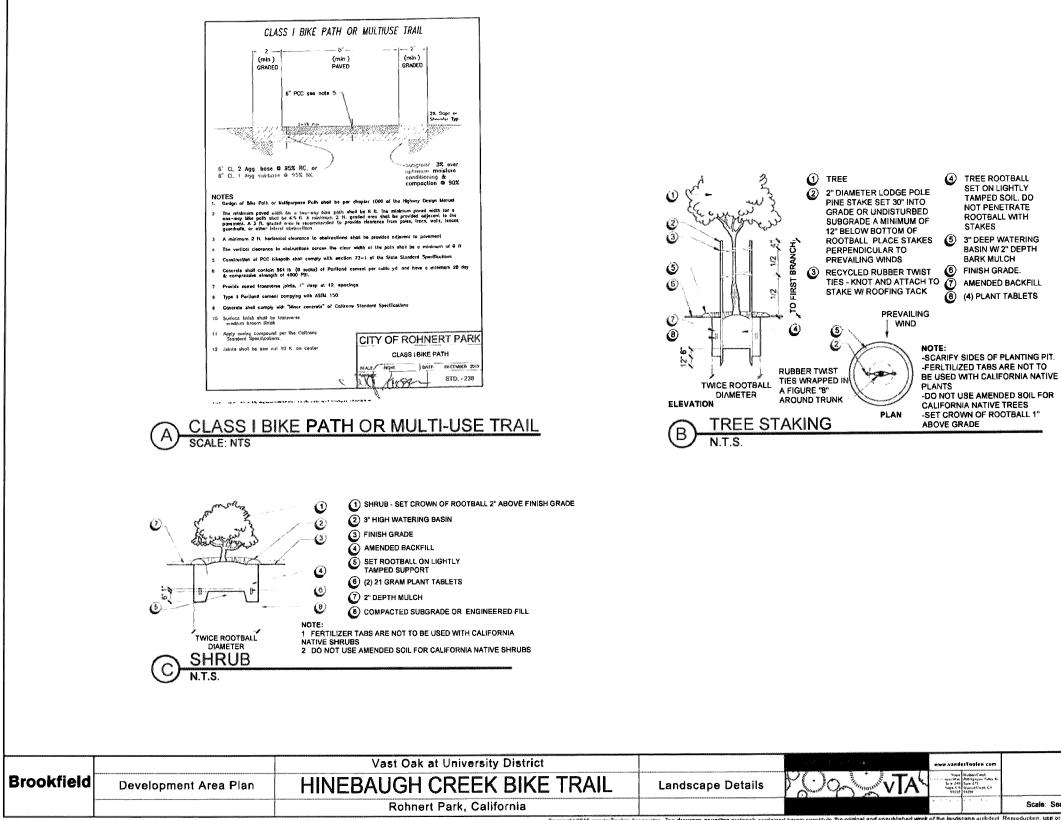
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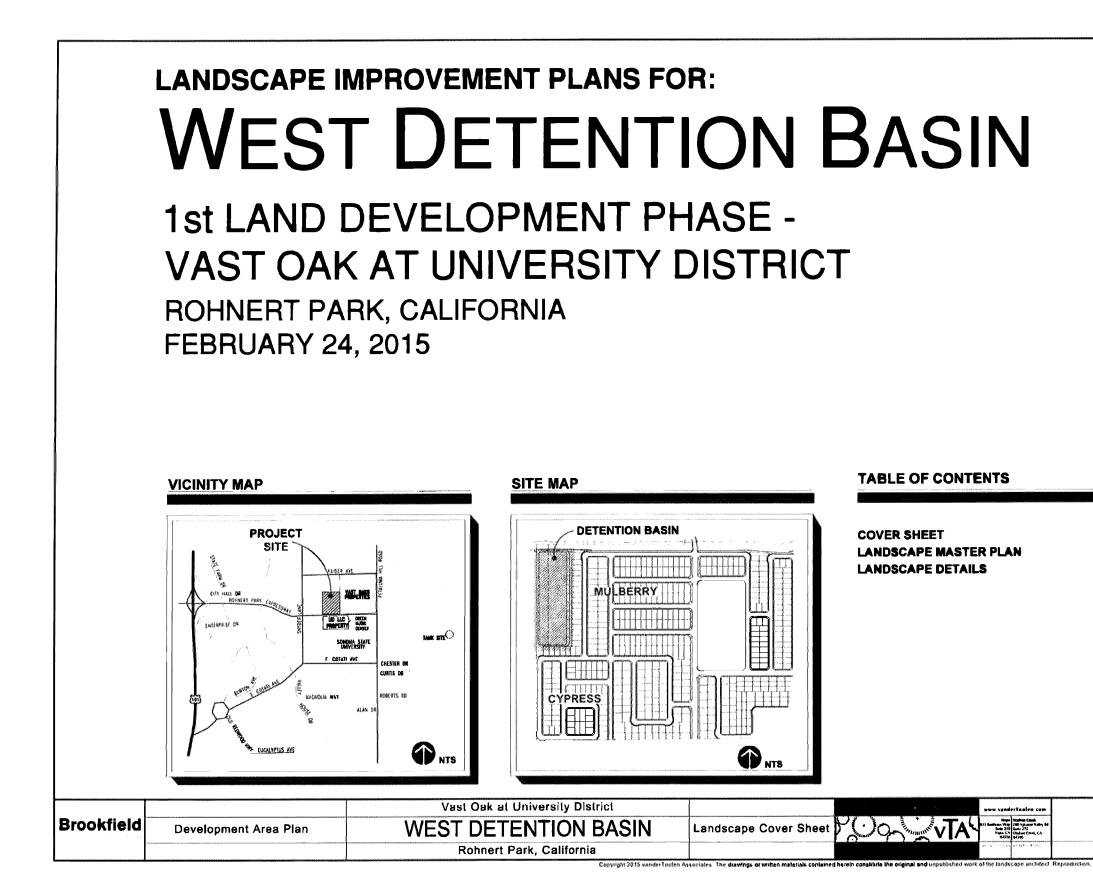


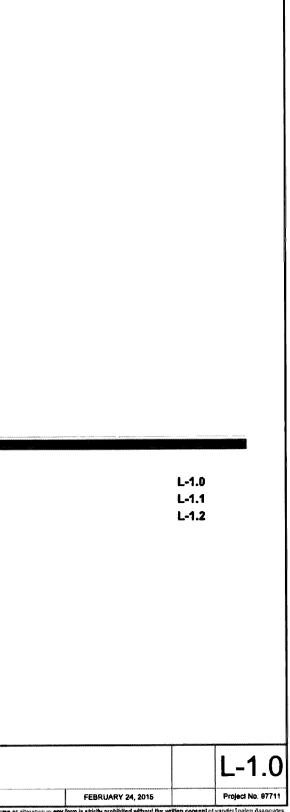
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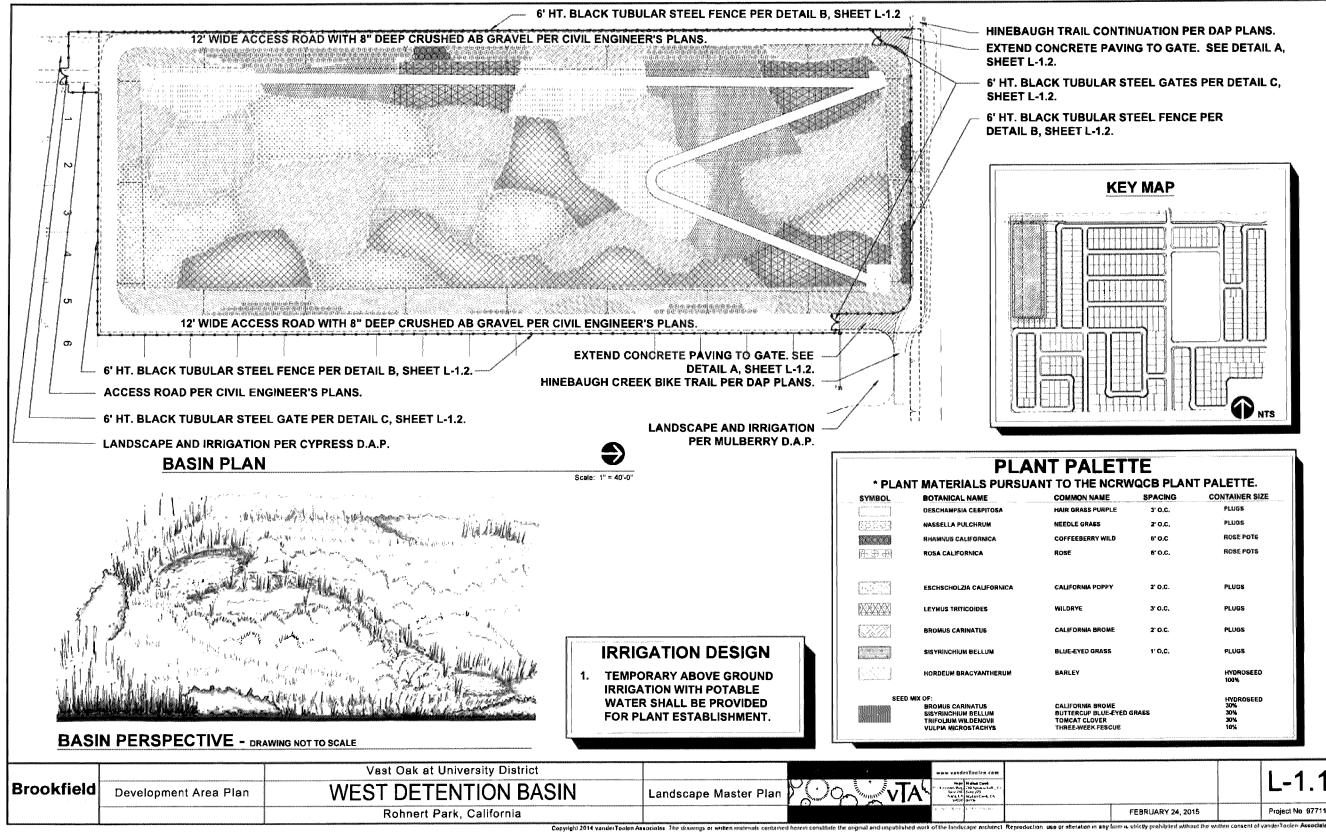


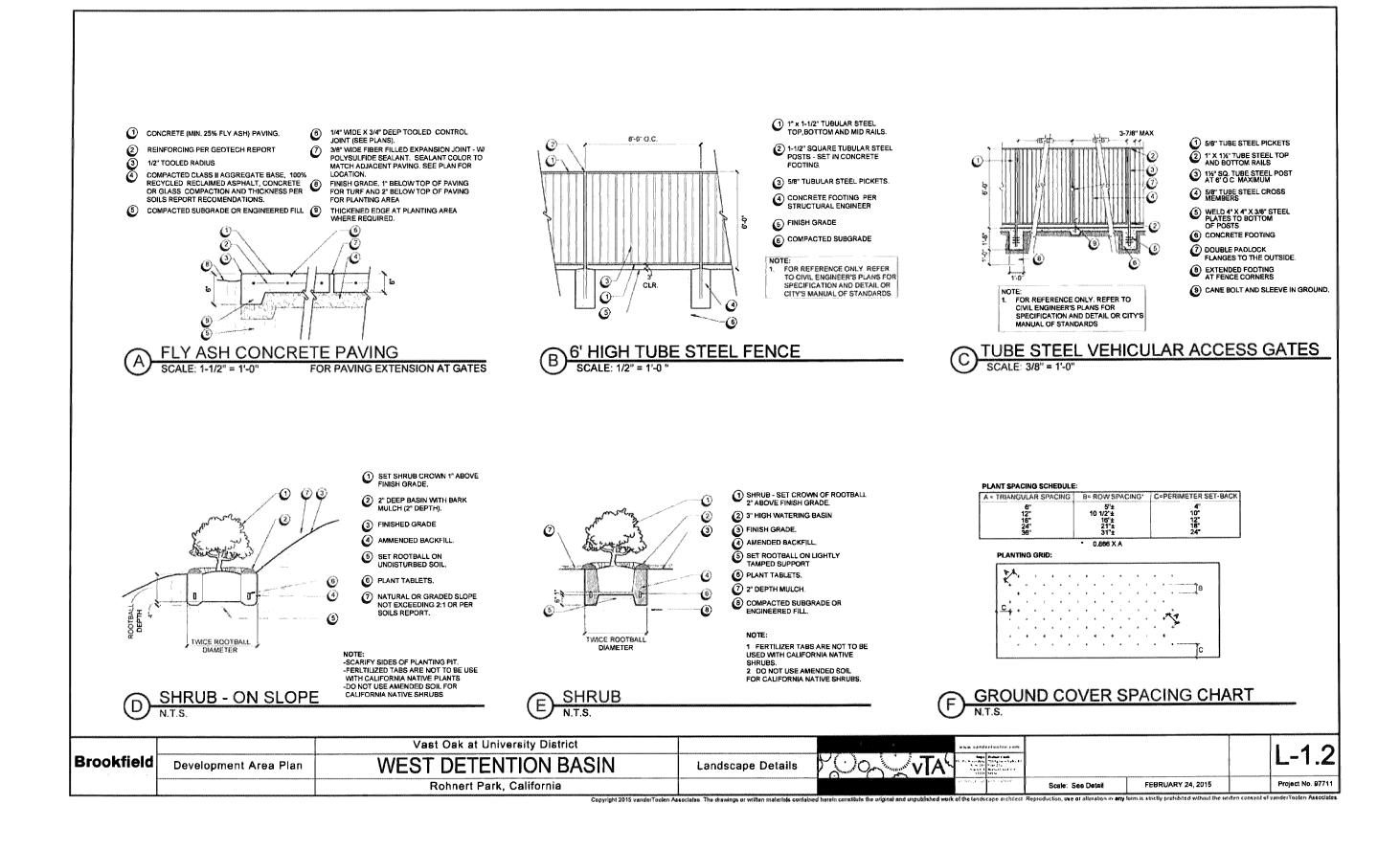
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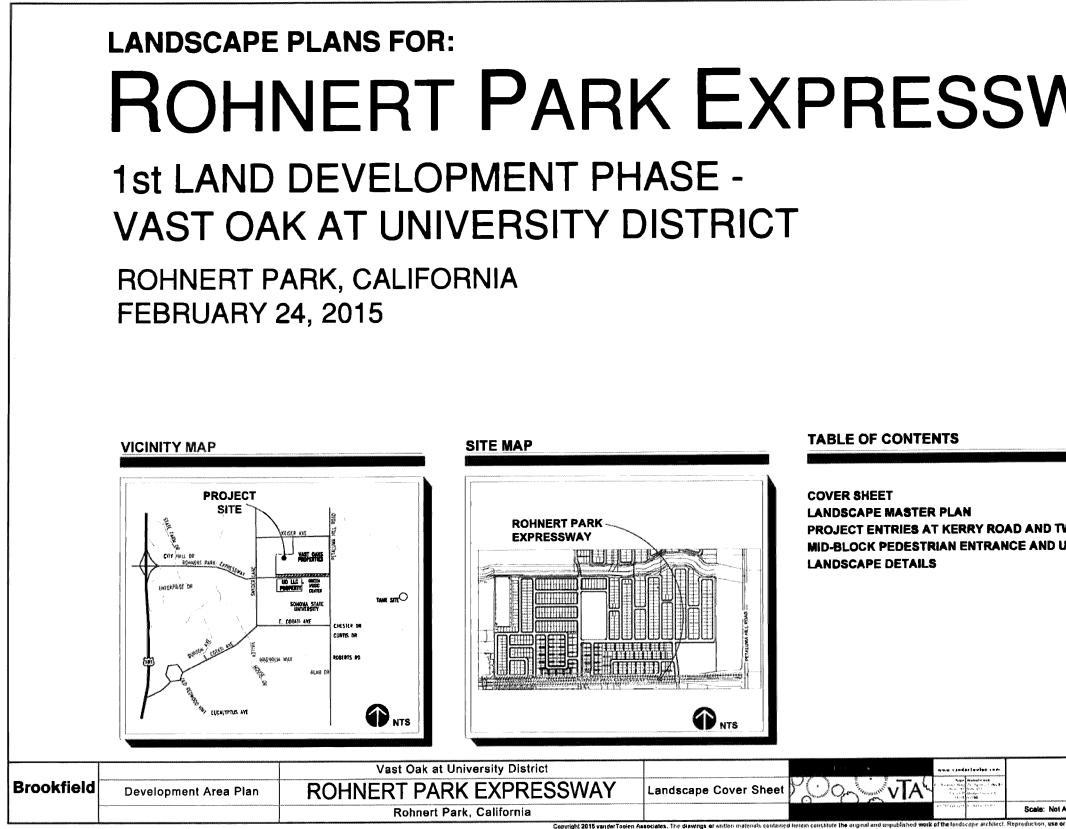
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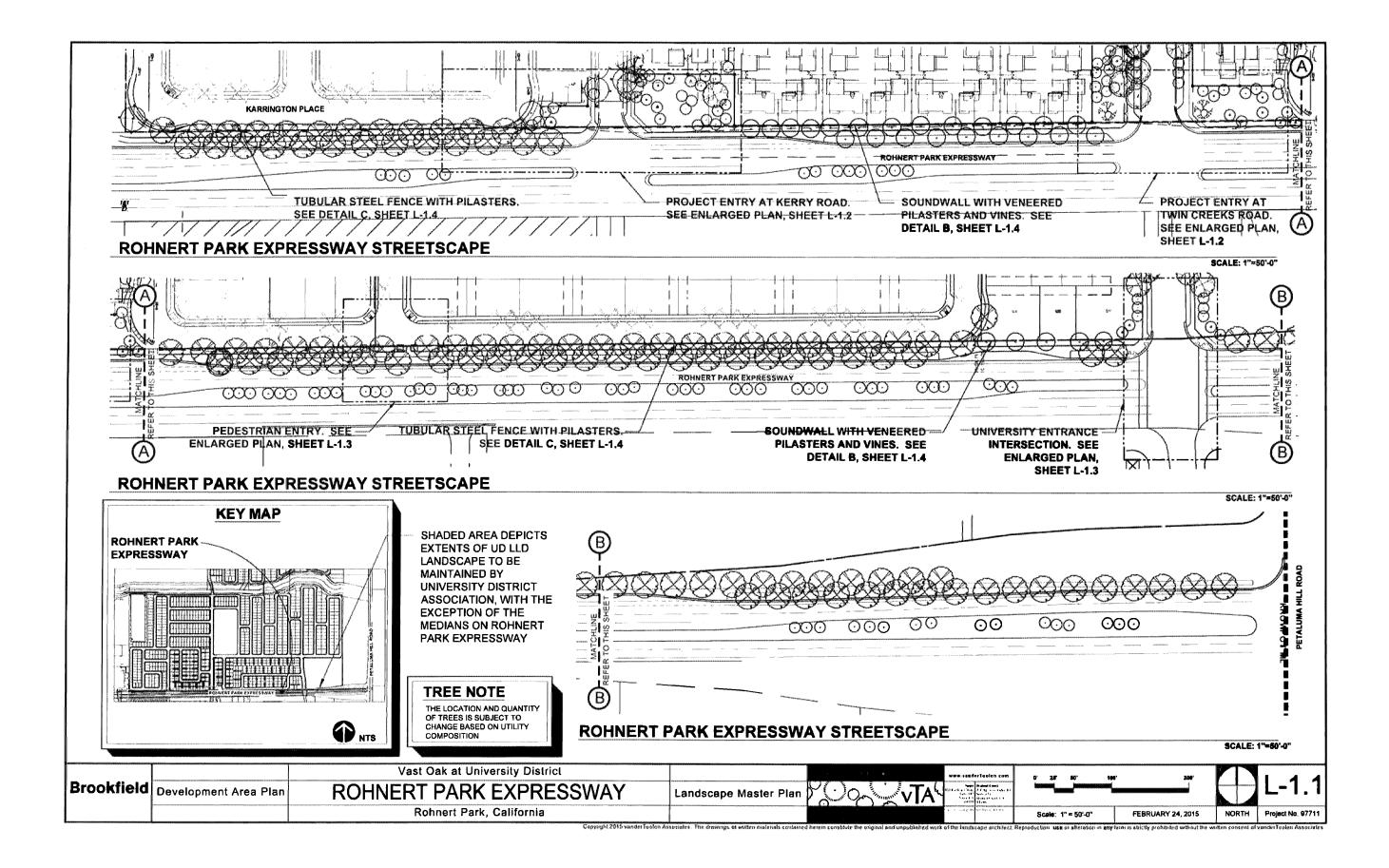


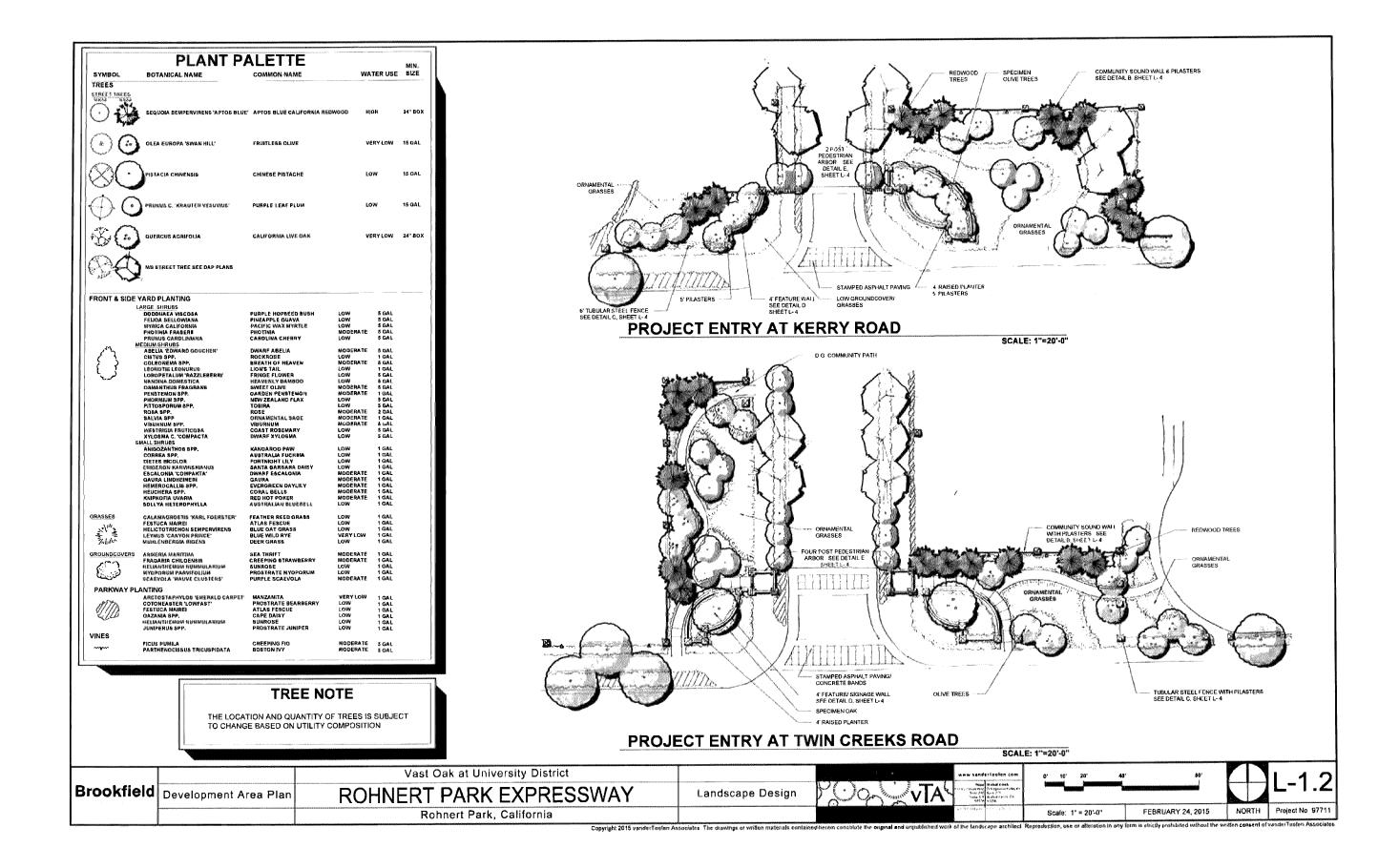


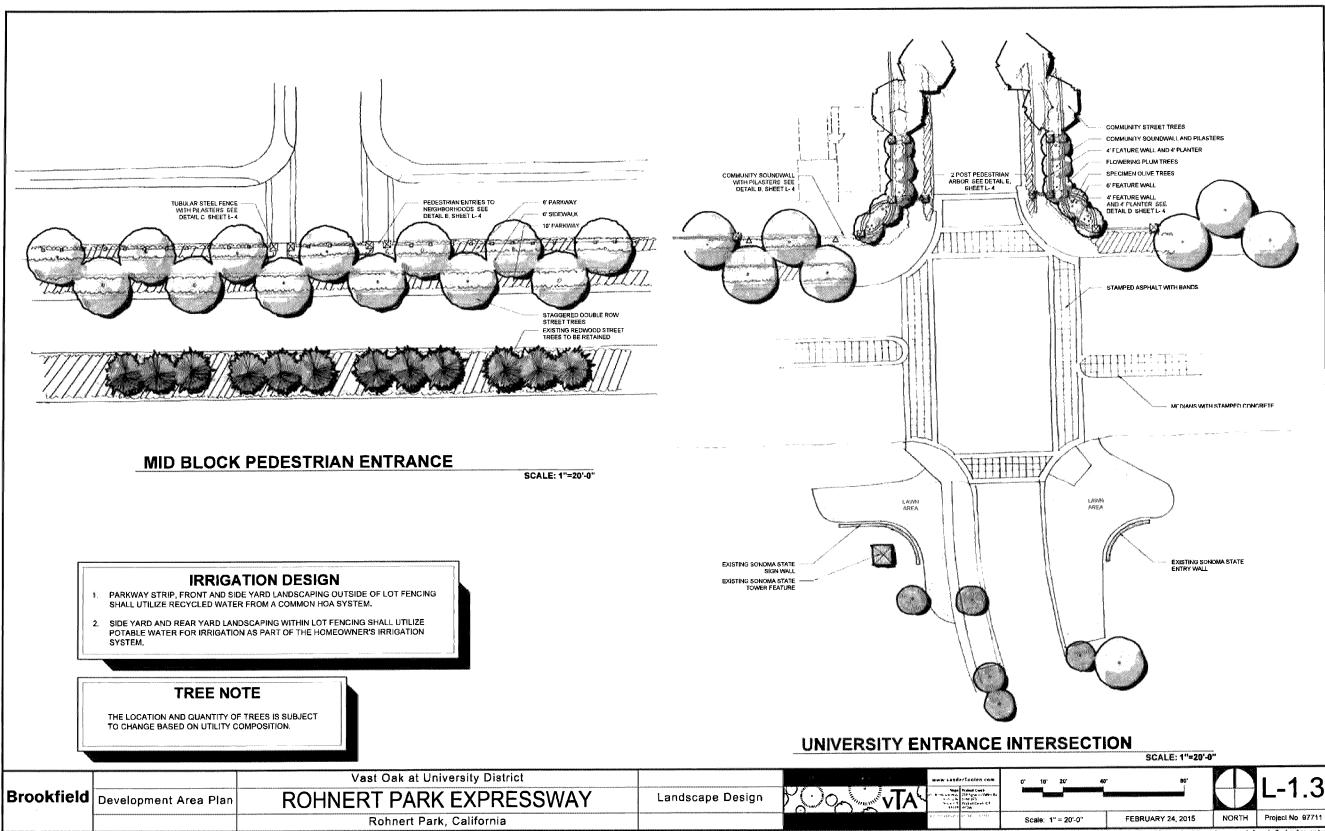


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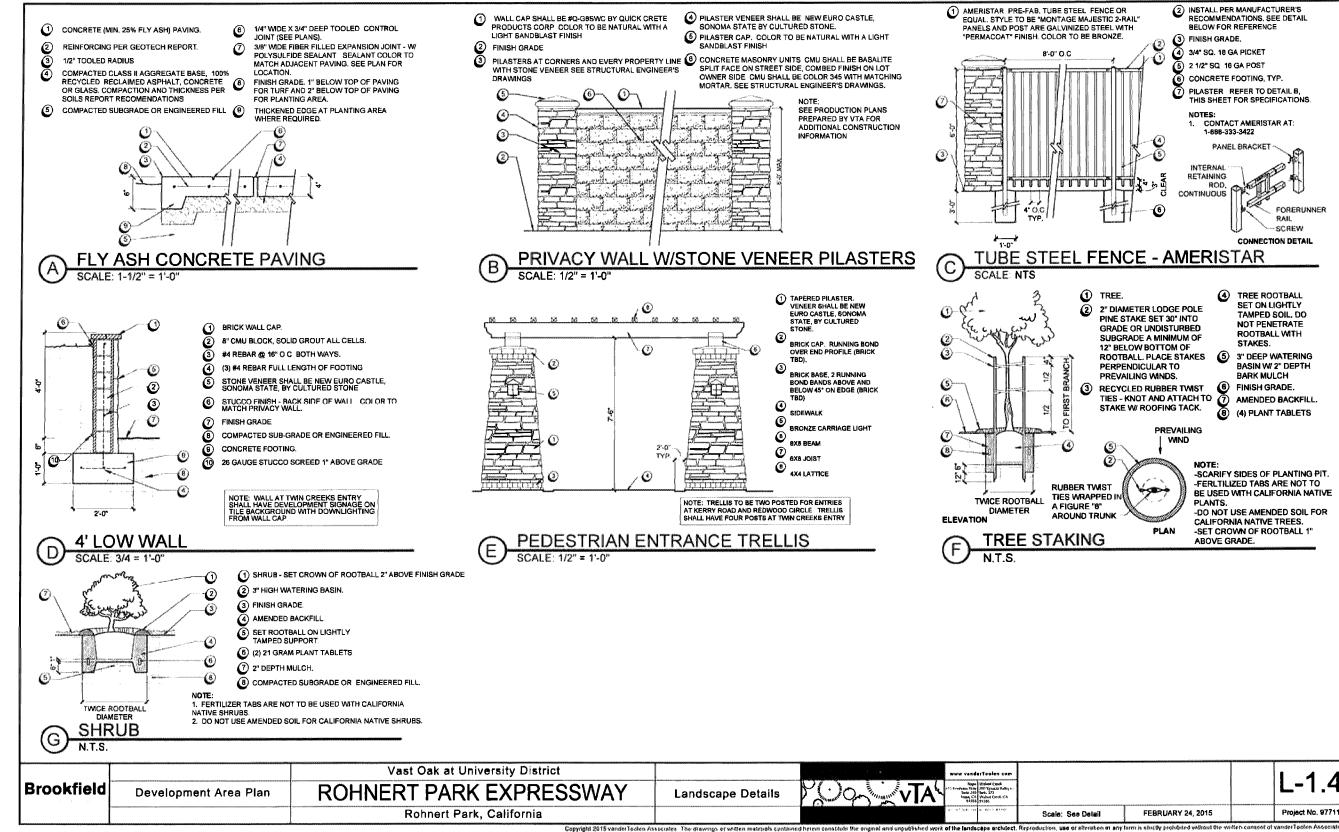


EXHIBIT B

DEVELOPMENT AREA PLAN II – UNIVERSITY DISTRICT VAST OAK LAND DEVELOPMENT PHASE I: HINEBAUGH CREEK CLASS I BIKE TRAIL, WEST DETENTION BASIN, AND ROHNERT PARK EXPRESSWAY

CONDITIONS OF APPROVAL

ON-GOING CONDITIONS

The conditions below shall apply to the Development Area Plan II (DAP II) for the University District Vast Oak Land Development Phase I: Hinebaugh Creek Class I Bike Trail, West Detention Basin, and Rohnert Park Expressway. The University District Vast Oak Land Development Phase I: Hinebaugh Creek Class I Bike Trail, West Detention Basin, and Rohnert Park Expressway shall be developed in accordance with the General Plan (GP), University District Specific Plan (UDSP) including Design Guidelines, Mitigation Measures (MMs) identified in the UDSP Final Environmental Impact Report (FEIR), Development Agreement (DA) between the City and University District LLC and Vast Oak Properties L.P., the Rohnert Park Municipal Code (RPMC), and the Design and Construction Standards.

General Requirements

- 1) The applicant shall comply with all documents approved by the City Council and adhere to all verbal representations and exhibits presented by the applicant at the Planning Commission and\or City Council meeting for approval of the University District Specific Plan project unless subsequently revised by the City.
- 2) In case of conflict between the various documents, the following order shall prevail: General Plan, Mitigation Measures for the FEIR, UDSP, DAP II and its conditions of approval, DA, Tentative Map and its Conditions of Approval, 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 MMs identified in the FEIR for the UDSP Project (SCH # 2003122014) 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 DAP II, save and except that caused by the City's active negligence.
- 5) By accepting the benefits conferred under this DAP II, the applicant acknowledges all the conditions imposed and accepts this DAP II subject to those conditions with full awareness of the provisions of the Final Development Plan (FDP), 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 DAP II shall constitute acceptance of all of the conditions and obligations imposed by the City on this DAP II. The applicant/grantee by said acceptance waives any challenge as to the validity of these conditions.
- 7) All improvements shall comply with all applicable sections of the City of Rohnert Park Municipal Code and any other applicable relevant plans of affected agencies, unless superseded by the Specific Plan for this property.
- 8) The development of this phase shall be consistent with all other approvals associated with this project (e.g. UDSP/Design Guidelines, Tentative Map, DA).
- 9) The applicant shall obtain all necessary permits and clearances from the Rohnert Park Building and Public Safety Departments prior to occupancy of the project.
- 10) 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.

Site Plan, Landscaping and Signs

- 11) All improvements shall be in substantial conformance with the submitted Site Plan, Exterior Elevations, and Landscape Plan, except as modified herein.
- 12) The design of all entrances to the site shall be subject to Department of Public Safety approval.
- 13) The designs and locations of decorative paving treatments shall be subject to staff review and approval.
- 14) Design and placement of walls and fences shall be in accordance with the standards in the approved Development Area Plan and shall be approved by planning staff.
- 15) Prior to the issuance of any building permits, irrigation plans shall be submitted to and approved by Planning Staff and the City Engineer. Such plans shall be in substantial conformance with the plan submitted as a part of this application.
- 16) All trees within five feet of the public right-of-way shall have root barriers that are approved by the Development Service Director.
- 17) A permanent automatic sprinkler shall be installed to maintain all landscape materials and areas.
- 18) The applicant's engineer shall coordinate with the City Engineer to ensure that recycled water is used for irrigation of the project's landscaping as feasible.

- 19) All exterior lighting shall be designed so as to prevent any spillover lighting onto adjacent properties and rights-of-way. Lighting elements will be required to be recessed within their fixtures to prevent glare. New lighting levels provided shall be compatible with general illumination levels in existing areas to avoid a noticeable contrast in light emissions, consistent with the need to provide for safety and security. Exterior project lighting shall be reviewed and approved by Development Services Director.
- 20) The design of any entry monument signage shall be submitted to the Planning Division for review and approval prior to installation.
- 21) Landscape plans for the portion of Rohnert Park Expressway extending from Snyder Lane east to the west limits of the development shall be submitted prior to final landscape design drawings.
- 22) All intersection crosswalk require a 12" white painted crosswalk band on each side of the crosswalk
- 23) The mid-block pedestrian entrance shall include a crosswalk across the north edge of the intersection to match the north-south crosswalks.
- 24) The University entrance intersection shall include a sidewalk extending easterly from the intersection along the north side of the street.

Site Improvements

- 25) All disturbed areas along the westerly edge of the Vast Oak Detention Basin shall be revegetated with native grasses.
- 26) All double-check valves provided for domestic water and fire sprinkler systems shall be concealed from any public streets and parking lots with decorative walls and landscaping. Plans shall be submitted to the Development Services Department and City Engineer for review and approval.
- 27) All existing overhead utilities within the subdivision and all proposed utilities shall be placed underground.
- 28) All parking areas and open storage areas shall be paved with asphalt surfacing. All site work, including curbs, gutters, sidewalks and berms separating landscape areas shall be concrete. All plans shall be prepared in accordance with City standards and submitted to and approved by the City Engineer.
- 29) The proposed portion of the trail east of the commercial area shall be reviewed and approved as part of the Development Area Plan submitted for the commercial area.

Construction Mitigation

30) For any project requiring an on-site inspector to monitor grading, housing 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.

- 31) The developer shall comply with construction hours pursuant to Rohnert Park Municipal Code Section 9.44.120.
- 32) All construction material waste and other debris shall be recycled to the extent feasible. The applicant shall present a "clean site everyday" program to City building staff for approval. The program shall include on-site signage in English and Spanish to be posted at construction entrances. No animals shall be brought on site by construction personnel during work hours.
- 33) All material storage areas shall be fenced with at least a 6-foot high chain link fence with at least two separate points of access with sufficient width for emergency vehicles. The access points shall be shown on the construction fire and security protection site plan.
- 34) Pedestrian entrances through the tubular steel fencing will be located at the following locations:
 - a. One at Kevin Place and Kyle Place
 - b. One at Kyle Place and Kolton Place
 - c. One at Kyle Place and Kim Place
 - d. One at southwestern corner of Kaitlyn Place (1)
 - e. Two at Karen Place and Kaitlyn Place
 - f. One at southeastern corner of Kaitlyn Place