

RESOLUTION NO. 2017-090

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ROHNERT PARK, CALIFORNIA, APPROVING THE DEVELOPMENT
AREA PLAN I FOR THE VAST OAK EAST LAND DEVELOPMENT PHASE I:
PARKWAYS AND WALLS AND DEVELOPMENT AREA PLAN II FOR THE VAST
OAK EAST LAND DEVELOPMENT PHASE II: CYPRESS, SYCAMORE, LIVE OAK,
AND JUNIPER AT UNIVERSITY DISTRICT**

WHEREAS, the applicant, University District LLC, has submitted an application for the Development Area Plan I for the Vast Oak East Land Development Phase 1: Parkways and Walls and a Development Area Plan II for the Vast Oak East Land Development Phase 2: Cypress, Sycamore, Live Oak, and Juniper neighborhoods at University District within the within the University District Specific Plan ("UDSP") Area; and

WHEREAS, pursuant to California State Law and the RPMC, 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 EIR Addendum prepared for the UDSP project and the City has otherwise carried out all requirements for the project pursuant to CEQA; and

WHEREAS, on May 25, 2017, 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 Plans; and

WHEREAS, the Planning Commission reviewed and considered the information contained in proposed Development Area Plans; and

WHEREAS, the Planning Commission voted to recommend approval of the proposed Development Area Plans subject to two recommendations: (1) work with city staff and the Planning Commission chair to consider modifications of the front elevation roofline for Elevation B – Craftsman and Elevation D – Farmhouse Plan Two homes within the Live Oak neighborhood; and (2) the addition of a condition of approval for solar panel installation on ten percent of the homes within Vast Oak East prior to initial occupancy; and

WHEREAS, the applicant worked with city staff and the Planning Commission chair and redesigned Elevation B – Craftsman but determined, with concurrence from city staff and the Planning Commission chair, that additional changes would not improve the design aesthetics of the facades; and

WHEREAS, the developer considered the Planning Commission recommendation to require solar panel installations and raised concerns with respect to financial infeasibility and inconsistency with the energy efficiency provisions in the Development Agreement for the University District; and

WHEREAS, on July 11, 2017, the City Council held a public hearing at which time interested persons had an opportunity to testify either in support or opposition to the proposed Development Area Plans; and

WHEREAS, the City Council has reviewed and considered the information contained in proposed Development Area Plans; 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 Development Area Plans:

Section 1. The above recitations are true and correct.

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. Pursuant to CEQA Guidelines Sections 15162 and based on the entire record, the City Council finds that no new environmental effects could occur and no new mitigation measures are required as a result of the Development Area Plans. There is no involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Further, there is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the UDSP EIR was certified and the UDSP addendum was approved that shows the project will have new significant effects or more severe effects than analyzed in the UDSP EIR and addendum or that new mitigation measures or previously infeasible mitigation measures would reduce any significant environmental effect.

Section 3. Findings for Approval of Development Area Plans. The City Council, in consideration of Planning Application file number PLDP2017-0001 (Development Area Plan I for the Vast Oak East Land Development Phase 1: Parkways and Walls) and file number PLDP2017-0002 (Development Area Plan II for the Vast Oak East Land Development Phase 2: Cypress, Sycamore, Live Oak, and Juniper at University District), 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*

Criteria Satisfied. The proposed Vast Oak East Development Area Plans I and II conform to the Specific Plan and would implement Phases I and II of development within the Vast Oak East portion of the UDSP area. DAP I provides details and specifications for the proposed parkways and walls within the first land development phase of Vast Oak East and DAP II provides additional details including residential floor plans, elevations and front yard landscaping by housing type for development of the Cypress, Sycamore, Live Oak, and Juniper neighborhoods within Phase 2 of development in Vast Oak East. The proposed development is consistent with the Specific Plan because it conforms to the requirements in the Specific Plan related to density, housing type, housing location, open space, and related amenities. In addition, the proposed DAPs are 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*

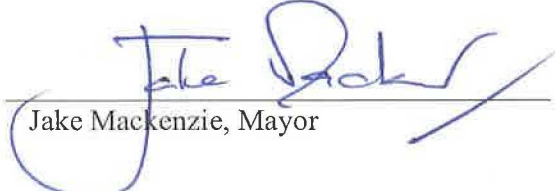
Criteria Satisfied. The developer will be required to participate in the Public Facilities Financing Plan, which will provide for necessary off-site public facilities, and shall be responsible for on-site facilities to meet the project's needs. The Development Agreement for the project sets forth the 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 July 11, 2017.

Section 5. Based on the findings set forth in this Resolution and the evidence in the staff report, the City Council hereby approves the Development Area Plan I for the Vast Oak East Land Development Phase 1: Parkways and Walls, as set forth in **Exhibit 1** in its entirety, and the Development Area Plan II for the Vast Oak East Land Development Phase 2: Cypress, Sycamore, Live Oak, and Juniper at University District, as set forth at **Exhibit 2**, in its entirety, and subject to the recommended conditions of approval as provided in **Exhibit 3**.

DULY AND REGULARLY ADOPTED on this 11th day of July, 2017.

CITY OF ROHNERT PARK


Jake Mackenzie, Mayor

ATTEST:


JoAnne M. Buerger, City Clerk

Attachments: Exhibits 1, 2 and 3

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

EXHIBIT 1

VAST OAK EAST DEVELOPMENT AREA PLAN I

EXHIBIT 2

VAST OAK EAST DEVELOPMENT AREA PLAN II

**PLEASE NOTE: Exhibits 1 & 2 are on file with the City
Clerk's Office**

EXHIBIT 3

CONDITIONS OF APPROVAL –

**VAST OAK EAST DEVELOPMENT AREA PLAN I FOR LAND DEVELOPMENT
PHASE1: PARKWAYS AND WALLS
AND
VAST OAK EAST DEVELOPMENT AREA PLAN II FOR LAND DEVELOPMENT
PHASE 2: CYPRESS, SYCAMORE, LIVE OAK, AND JUNIPER AT UNIVERSITY
DISTRICT**

ON-GOING CONDITIONS

The conditions below shall apply to the Vast Oak East Development Area Plan (DAP) I for Land Development Phase I: Parkways and Walls and Vast Oak East DAP II for Land Development Phase 2: Cypress, Sycamore, Live Oak, And Juniper at University District. The University District Vast Oak East Land Development Phases 1 and 2 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, Vast Oak East DAPs I and II and 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 mitigation measures 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 Vast Oak East DAPs I and II.
- 5) By accepting the benefits conferred under Vast Oak East DAPs I and II, the applicant acknowledges all the conditions imposed and accepts DAPs I and 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 Vast Oak East DAPs I and II shall constitute acceptance of all of the conditions and obligations imposed by the City on Vast Oak East DAPs I and 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 conformance with the submitted Site Plans, Exterior Elevations, and Landscape Plans, except as modified herein.
- 12) All plant materials proposed for use within the DAP I and DAP II areas of Vast Oak East shall be in conformance with the University District Plant Material Matrix contained in Appendix B of the Specific Plan.
- 13) The design of all entrances to the site shall be subject to Department of Public Safety approval.
- 14) The designs and locations of decorative paving treatments shall be subject to staff review and approval.
- 15) Architectural treatments applied to the front elevation, such as brick or stone wainscots, shall be carried around corners to the sides of the homes and shall terminate at the fence line or at a logical end point (e.g. a vertical post element.)
- 16) All building footprints for homes shall be identified by floor plan model and architectural style (e.g. "A", "B" or "C") on the final plotting plan for the area. The same model floor plans shall not be plotted across the street from or next to one another. Exceptions to the building footprints may be made in limited cases to ensure streetscape diversity. Such exceptions shall be subject to administrative approval by the Planning Manager.

- 17) The Planning Manager shall have the authority to administratively approve minor variations to the DAP II exterior residential color schemes, materials, and finishes that may be subsequently proposed following DAP approval.
- 18) Home builders may use 3 of the 4 approved residential plans in Cypress, Sycamore, Live Oak and Juniper neighborhoods subject to submittal of revised neighborhood plans and approval by the Planning Manager.
- 19) A plan for Temporary Sales Office and Design Center shall be submitted including off street parking, lighting, ADA compliance and office complex for review and approval by Planning Commission, prior to issuance of building permit.
- 20) Air conditioning or mechanical ventilation shall be provided to allow occupants to close windows and doors for adequate noise isolation. Any ground-mounted air conditioning units proposed shall be screened from public view by a combination of masonry walls, fencing and/or landscaping, with the final design subject to Staff approval. Any roof-mounted mechanical equipment shall be concealed so as not to be visible from public view. This condition shall not apply to roof-mounted photo-voltaic panels, with approval of the building and planning divisions.
- 21) Design and placement of walls and fences, including acoustic walls, fences, and gates, for each neighborhood or land use district shall be in accordance with the standards included in Vast Oak East DAP I and shall be approved by planning staff.
- 22) 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.
- 23) The project applicant shall design and construct all project facilities in accordance with the most recent seismic standards of the California Building Standards Code.
- 24) The applicant shall design and construct the foundations and/or building pads for all project structures using standard engineering practices that account for, and minimize damage resulting from, expansive soil conditions. Specific design and constructed methods shall be as directed by Mitigation Measure GE0-8a of the FEIR for this project.
- 25) Prior to the issuance of any building permits, front yard landscape and 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.
- 26) All trees within five feet of the public right-of-way shall have root barriers that are approved by the Engineering Division.
- 27) A permanent automatic sprinkler shall be installed to maintain all landscape materials and areas.

- 28) The applicant's engineer shall coordinate with the City Engineer to ensure that recycled water is used for irrigation of the project's landscaping, if available.
- 29) All exterior lighting shall be designed so as to prevent any spillover lighting onto adjacent properties and rights-of-way. 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.
- 30) Roof-mounted lights are prohibited on buildings without prior approval of Development Services Department.
- 31) The final location for mailbox enclosures, enclosure sizes, and total number of mailboxes and parcel boxes per enclosure shall be subject to review and approval by the Planning Division and United States Post Office.

Site Improvements

- 32) 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.
- 33) Any existing overhead utilities within the subdivision and all proposed utilities shall be placed underground.
- 34) Sidewalk configuration shall be allowed to vary or transition to accommodate transformer sites in three locations within the DAP II areas of Vast Oak East: two sites on Kingwood Road and one site on Kaitlyn Place. Any additional changes in sidewalk configuration due to site grades and transformer locations shall be subject to review and approval by the Planning Manager and City Engineer.

Construction Mitigation

- 35) 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.
- 36) The developer shall comply with construction hours pursuant to Rohnert Park Municipal Code Section 9.44.120.
- 37) 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.

- 38) 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.