

PLANNING COMMISSION RESOLUTION NO. 2014-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROHNERT PARK APPROVING A CONDITIONAL USE PERMIT AND SITE PLAN AND ARCHITECTURAL REVIEW FOR AN 84 UNIT APARTMENT COMPLEX (THE RESERVE) LOCATED ON A 5.4 ACRE SITE ON DOWDELL AVENUE NORTHERLY OF CARLSON COURT (APN 143-040-126 & 127) FILE NO. PROJ2014-0003

WHEREAS, the applicant, Chris Scerri of Bellwether Properties, filed Planning Application No. PROJ2014-0003 proposing an 84 unit apartment complex (The Reserve) on a 5.4 acre site fronting on Dowdell just north of the Carlson Avenue extension (APN 143-040-126 & 127), in accordance with the City of Rohnert Park Municipal Code (“RPMC”); and

WHEREAS, in conjunction with Application No. PROJ2014-0003, the applicant seeks approval of a Conditional Use Permit and Site Plan and Architectural Review for the entire Project site, as provided in the Stadium Area Master Plan; and

WHEREAS, Planning Application No. PROJ2014-0003 was processed in the time and manner prescribed by State and local law; and

WHEREAS, this project is covered under the Environmental Impact Report prepared for the Stadium Area Master Plan State Clearinghouse No. 12005042111 and an Initial Study and Mitigated Negative Declaration prepared for the Redwood Equities project which involved amendments to the Rohnert Park General Plan, Zoning Map, and Stadium Area Master Plan (SAMP) Final Development Plan; 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 in the Community Voice for a minimum of 10 days prior to the first public hearing; and

WHEREAS, on August 14, 2014, the Planning Commission held a public hearing at which time interested persons had an opportunity to testify either in support or opposition to the proposal; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in Planning Application No. PROJ2014-0003 for the proposed Conditional Use Permit and Site Plan and Architectural Review.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rohnert Park makes the following findings, determinations and recommendations with respect to the proposed Conditional Use Permit and Site Plan and Architectural Review:

Section 1. The above recitations are true and correct.

Section 3. Findings Regarding: Conditional Use Permit and Site Plan and Architectural Review – Stadium Area Master Plan. The Planning Commission hereby makes the

following findings concerning the Conditional Use Permit and Site Plan and Architectural Review – Stadium Area Master Plan proposed by Planning Application No. PROJ2014-0003 pursuant to Rohnert Park Municipal Code section 17.06.390:

- 1. *The proposed development conforms to the master plan.*

Criteria Satisfied. The Conditional Use Permit and Site Plan and Architectural Review conforms to the Stadium Area Master Plan and provides details on the project including site plan, floor plans, building elevations, landscaping and open space details, lighting details and street improvements. The proposed development is consistent with the Stadium Area Master Plan because it conforms to the requirements in the Stadium Area Master Plan related to land use, public improvements and related amenities. The developer, at the request of the Planning Commission at its meeting of July 10, 2014, added a park for the benefit of the residents of the project.

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

Criteria Satisfied. As described in the Stadium Area Master Plan, the area designated high density residential is designed to have adequate infrastructure, integrated with existing City roadways, streets, bicycle paths, and walkways. All streets and thoroughfares will meet the standards of the City. The proposed development has been designed to provide satisfactory vehicular circulation and public improvements, such as road improvements, utilities and drainage facilities that have been designed and are conditioned to be constructed in conformance with City standards.

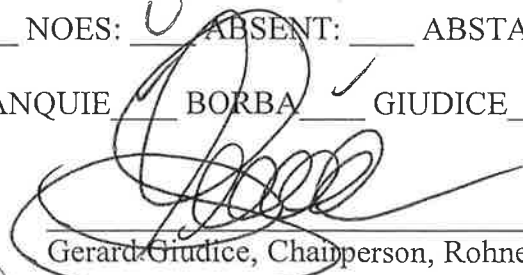
Section 4. A duly noticed public hearing on the proposed Conditional Use Permit and Site Plan & Architectural Review was held on August 14, 2014.

NOW, THEREFORE, BE IT FURTHER RESOLVED, THAT the Planning Commission does hereby adopt the Findings stated hereinabove and approve the Conditional Use Permit and Site Plan and Architectural Review as provided for in revised **Exhibit A**, in its entirety and subject to the recommended conditions of approval as provided for in **Exhibit B**.

DULY AND REGULARLY ADOPTED on this 14th day of August, 2014 by the City of Rohnert Park Planning Commission by the following vote:

AYES: 5 NOES: 0 ABSENT: ABSTAIN:

ADAMS BLANQUIE BORBA GIUDICE HAYDON


Gerard Giudice, Chairperson, Rohnert Park Planning Commission

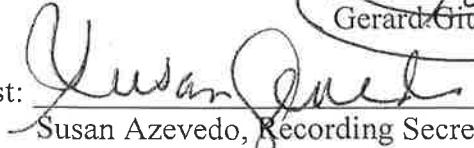
Attest: 
Susan Azevedo, Recording Secretary

EXHIBIT A

Conditional Use Permit Site Plan and Architectural Review

Please see Exhibits 1 Thru 3 of the Staff Report

EXHIBIT B

CONDITIONS OF APPROVAL PROJ2014-0003 THE RESERVE

GENERAL CONDITIONS

1. The Conditional Use Permit/Site Plan and Architectural Review approval shall expire one year from the Planning Commission approval date, unless prior to the expiration a building permit is issued and construction is commenced and diligently pursued toward completion and the use is initiated, or an extension is requested and approved.
2. The applicant shall comply with the Stadium Area Master Plan and Environmental Impact Report and Mitigated Negative Declaration, all mitigation measures and applicable sections of the City of Rohnert Park Municipal Code, prior to issuance of grading and building permits.
3. The applicant shall comply with Exhibits 1 through 37 approved by the Planning Commission at its meeting on July 10, 2014.
4. 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.
5. 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 apartment complex (The Reserve) save and except that caused by the City's active negligence.

PLANNING

6. All improvements shall conform to the approved site plan, exterior elevations, landscape plan and color and materials board.
7. Building colors and materials shall be in compliance with the color board presented in the Conditional Use Permit and Site Plan and Architectural Review 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, details subject to Planning and Building review.
9. Project lighting shall be reviewed and approved by planning and engineering staff and conform to the approved plans. All exterior lighting shall be LED and designed to avoid spillover onto adjacent properties and the public right-of-way.

10. 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. The construction site shall be posted with the job site rules in both Spanish and English.
11. The landscaping shall be maintained in an attractive weed free and litter free condition at all times.
12. There shall be no banners, flags or other temporary signs or attraction getting devices displayed on the property, without the appropriate permit.
13. The use of any A-Frame signs, portable signs, sandwich-board signs, pennants, banners or human-held signs on the premises or along the Dowdell Avenue frontage is strictly prohibited without proper approval from the City.
14. Recycling shall be conducted in accordance with accepted practices as directed by Sonoma County Waste Management Agency.
15. Any new trees within five (5) feet of the public right-of-way or within five (5) of any paved areas within the project shall have root barriers that are approved by the City Engineer.
16. The developer shall comply with the construction hours pursuant to Municipal Code Section 9.44.120.
17. All lighting, reflective surfaces or any other sources of illumination shall be utilized in a manner that minimizes glare on public streets or any other parcel.
18. Lights shall be of a minimum illumination necessary to perform operations and provide for safety and security.
19. Each unit shall be provided with refuse and recycling bin to be located in the unit garage or in an area screened from view.
20. Refuse containers shall be provided for the Recreation Center screened from view from the street and access driveways.
21. Irrigation for the landscaping shall be connected to the recycled water line at the north end of the project.
22. Each unit shall have a ground floor patio with a minimum area of 100 square feet and or a second floor deck with a minimum area of sixty (60) square feet.
23. A qualified acoustical consultant shall review the final design plans for the Project prior to submittal for a Building Permit to confirm that the necessary noise control treatments

have been included into the design to satisfy the 45 dB Ldn interior requirements set forth in the code. A report shall be prepared and submitted along with the plans at the time a building permit is requested.

24. Pursuant to the requirements of the State Building Code, a qualified acoustical consultant shall review the final design plans prior to issuance of a Building Permit for the Project to confirm that all necessary noise control treatments have been included in the design of all residential buildings proposed within 250 feet of the animal impoundment center property line to satisfy the 60 dB Ldn exterior requirement for outdoor noise in open space portions of the residential development.
25. The applicant or any subsequent owner of the apartment complex will inform any prospective tenants in their lease and Tenant Disclosure Statement Document regarding exposure to noise from surrounding commercial uses and the Animal Impound Center.
26. The City of Rohnert Park shall review and approve the Tenant Disclosure Document prior to issuance of a Building Permit.

BUILDING

27. 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.
28. 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.
29. On-site construction signage (temporary) regarding hours of operations, waste removal, construction vehicle egress and ingress and daily clean up rules shall be posted in Spanish and English prior to commencement of construction.
30. Construction and operational noise levels shall comply with the Rohnert Park Municipal Code (RPMC § 17.12.030) 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 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 (5) 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.
31. 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.

32. 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.
33. All new site lighting, including any electrical signage, shall comply with all applicable provisions of the 2013 California Building Energy Efficiency Standards.
34. All new construction where a permit is required shall comply with the 2013 California Building Code.

PUBLIC SAFETY

35. 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.
36. The final improvement plans shall be reviewed, approved and signed by the Director of Public Safety or his designee, for compliance with all Fire Codes, fire flow gallons per minute requirements, the number/type of fire hydrants and their location.
37. The project applicant shall obtain Fire Permits for the Fire Sprinkler System, Fire Alarm and Fire Civil underground review. The permit applications and permit fee shall be submitted to the Director of Public Safety or his designee prior to commencement of construction of any of these systems.
38. 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.
39. Clearly visible on-site addressing for buildings and sub-addressing (apartment numbers) shall be provided details subject to the Development Services and Public Safety Department.

ENGINEERING

40. Submittals for Engineering Plan Check shall be made at the Development Services Department.
41. 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.

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

42. 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.

43. 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.
44. 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.
45. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved.
46. 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

47. 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.
48. 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.

Streets, Traffic & Circulation

49. Street improvements shall be provided in accordance with the most current City Manual of Standards, Details, and Specifications.
50. The project will build either the north 2/3 of Carlson Court from Dowdell Avenue to Labath Avenue or the northerly extension of Dowdell Avenue from the north boundary of the project north to Business Park Drive, details subject to approval of the Development Services Department. The improvements shall conform to the typical sections shown on the Stadium Lands Tentative Parcel Map. **Improvements shall be completed prior to occupancy of 75% of the units within the project (63units).**
51. **Prior to issuance of building permits, the applicant shall enter into a cost-sharing agreement for the construction of improvements on Carlson Court. The agreement shall provide for the full cost of improvements on the street to be shared equally between the Developer and the future developer of the 15 acre property on the south side of the street (Lot 1, Parcel Map 180). The developer shall front the cost of the improvements on the north side of the street. The City will ensure that, prior to issuance of permits for Lot 1, that the Lot 1 developer provide payment to the Developer in an amount to reimburse the Developer for costs in excess of 50% of the total construction cost. The cost apportionment shall be based on an engineer's estimate for the work, approved by the City, to be included in the agreement. In the event the Lot 1 developer costs to complete the south side of the street exceed 50% of the total cost of the work, the Developer shall not be responsible for payment of additional funds back to the Lot 1 developer.**
52. 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.
53. Improvement Plans shall show that handicap ramps and parking shall be provided as required by State of California Title 24.
54. 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.
55. 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. Any new streetlights shall be LED.

56. Landscape plans shall be submitted with the street improvement plans. Sidewalk alignment shall be shown on both the civil and landscape plans.
57. The existing rock-lined bio-swales in the public right-of-way along the Dowdell Avenue frontage shall be landscaped.
58. Site design shall include pedestrian pathways and crossings connecting onsite activity centers.
59. Improvement Plans shall show bicycle racks on-site in accordance with City Standards which require individually mounted inverted-U-shaped racks.
60. 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.
61. 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.
62. 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

63. 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.
64. 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.
65. The improvement plans shall incorporate features and design such that there shall be no net change in the storm water peak in the 85% - 24 hour storm event.

66. 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. The plan shall be in conformance with the City of Santa Rosa and Sonoma County, Storm Water Low Impact Development Technical Design Manual (August 2011)). The plan shall be in general conformance with the *Preliminary Storm Water Mitigation Plan The Reserve at Dowdell*, prepared by Civil Design Consultants, Inc., May 2014, modified so that the northerly driveway adjoining Buildings 15 to 18 and the driveway between Buildings 7 and 8 are directed toward pervious pavement. The final improvement plans shall include a tributary area map showing how each portion of the site is directed to a treatment measure. The plans shall clarify how the disconnected roof leaders will be directed across landscaping and to the storm drain system. Discharge of runoff onto pavement should be avoided.
67. No drainage may discharge across sidewalks.
68. 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.
69. 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).
70. Applicant shall submit a proposed program to ensure that drainage BMP facilities and any detention are maintained to ensure that the facilities work properly.
71. 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

72. The improvement plans shall show backflow prevention devices in accordance with the requirements of the City of Rohnert Park's Backflow Prevention Ordinance.
73. Water flows shall be submitted, verified and approved by the City Engineer to use an eight (8) inch main to serve a multi-family development.

74. 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.
75. Each individual unit shall be sub-metered off a master City water meter located at Dowdell Avenue.
76. 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
77. The improvement plans shall show hydrants placed per the direction of the Rohnert Park Fire Division.
78. 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)

79. 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.
80. The improvement plans shall show that a grease trap shall be installed on the recreation center kitchen facilities. This grease trap shall meet the requirements of the Sub-regional Sewage Disposal System and the City of Rohnert Park Design Standards.
81. A sanitary sewer connection shall be provided to the floor sump in the trash dumpster enclosure if one is provided for the recreation center.
82. A sanitary sewer application shall be submitted to the Development Services for review and approval. Application shall indicate the type of discharge proposed.
83. The improvement plans shall show that all manholes shall be provided with a gasket.

Recycled Water

84. The improvement plans shall show recycled water use for irrigation shall be extended from the existing recycled water line in Dowdell Avenue 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.

Dedications

85. The applicant shall offer to dedicate to the City of Rohnert Park a Public Service Easement over the water service line and meters as may be required.

Undergrounding

86. 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.
87. 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.
88. The existing overhead electrical line along the north side of the project shall be placed underground.

PRIOR TO ANY CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

89. 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.
90. 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.
91. 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:

92. All construction shall conform to the City's most current Manual of Standards, Details, and Specifications latest edition, all City Ordinances and State Map Act and the approved plans.

93. 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.
94. 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.
95. 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.
96. 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.
97. The Contractor shall be responsible to provide erosion and pollution control in accordance with the approved plans and permits.
98. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period.
99. 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.
100. 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.
101. 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.

102. 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.
103. 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.
104. All active construction areas shall be watered at least two times per day.
105. 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.
106. 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.
107. 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.
108. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
109. 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.
110. 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.
111. 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.
112. If the existing city streets are damaged during construction, the contractor/developer shall be responsible for repair at no cost to the city.
113. 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:

114. 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.
115. All improvements shown in the improvement plans deemed necessary for the health, safety and welfare of the occupant and general public shall be completed.

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

116. 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

117. Any trees planted in or near the bio-swale area will have to be in a location that will not interfere with the storm drain pipes located in the swales details subject to approval of the City Engineer.