RESOLUTION NO. 2396-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING THE TENTATIVE MAP FOR THE SHILOH SUSTAINABLE VILLAGE (FILE NO. UP/MJS 04-51)

WHEREAS, the Town of Windsor Town Council received an application from Sean Rodrigues requesting approval of a mixed-use development on 5.9+/- acres. The project includes 76 residential condominium units constructed over 63,000+/ square feet of commercial space and 60 row homes. Application includes a tentative map to divide 5.9 acres into two parcels consisting of 2.41 and 2.66 acres and containing a total of 136 units. The project is located at 295 Shiloh Road (APN 163-171-039).

WHEREAS, the Planning Commission has recommended adoption of the Tentative Map, Use Permit, Final Design, and Mitigated Negative Declaration associated with the proposed project; and,

WHEREAS, in accordance with the provisions of law, the Town Council did conduct a public hearing on November 19, 2008 on said application at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Town Council has made the following findings relative to the tentative map:

1. The tentative map as conditioned is consistent with the provisions of the Windsor General Plan and Shiloh Road Village Vision Plan.

2. The tentative map was found to be in substantial conformance to the provisions of the State Subdivision Map Act and the Town of Windsor Subdivision Ordinance.

3. All findings (for denial) pursuant to Section 66474 of the Subdivision Map Act are determined to be inapplicable, based upon the project description and conditions of approval.

WHEREAS, the project may involve potential adverse effect, either individually or cumulatively, on wildlife resources; and

WHEREAS, mitigation measures identified in the Mitigated Negative Declaration have been incorporated herein as conditions of approval.

NOW, THEREFORE BE IT RESOLVED that the Town Council hereby approves the Tentative Subdivision Map for the Shiloh Sustainable Village subject to the following conditions:

GENERAL:

1a. Phasing shall comply with the phasing plan shown on the tentative map unless otherwise approved by the Town Engineer and Planning Director.

TOWN ENGINEER

1. The developer shall prepare and submit improvement plans for the construction of all public improvements including water, sewer, recycled water, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, traffic signal construction and modification, signing, striping and streetlights. All design and construction shall conform to the latest edition of the Town of Windsor Design and Construction Standards and Caltrans, AASHTO and other applicable codes, standards, guidelines and specifications.
2. All existing and proposed rights-of-way and easements shall be clearly identified on the design drawings.
3. Deviations from Town Standards and applicable Code requirements shall require the approval of the Town Engineer. The applicant's engineer shall request all design exceptions in writing.
4. Information shown on tentative maps and site development plans shall not be construed as accepted or meeting Town standards and requirements and is subject to review and approval during the plan review process.
5. Improvement plans must be approved and signed by the Town Engineer prior to the issuing of an Encroachment Permit, Grading Permit or Building Permit.
6. Plan check and inspection fees shall be paid prior to the signature of the improvement plans.
7. Mailbox plans and locations shall be approved by the Windsor Postmaster prior to improvement plan approval. The developer shall provide a letter and exhibit showing mailbox locations from the Windsor Postmaster approving mailbox locations.
8. Project benchmark shall be based on a Town approved USGS benchmark.
9. Improvement plans shall be approved by the Rincon Valley Fire Protection District.
10. All broken or sunken curb, gutter and sidewalk along the project frontage shall be repaired as part of the improvements for this project. As well, all nonconforming pedestrian ramps and driveway approaches shall be brought up to current accessibility standards.
11. Public improvement drawings shall be drafted in the Town approved sheet format. AutoCAD drawing files can be found on the Town's website, (townofwindsor.com).
12. The developer shall contribute a proportional share of the costs associated with the preparation of the Shiloh Road Village Vision Plan Infrastructure Study.

13. In the event that the Town is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer shall fund the cost of condemnation or acquisition, including but not limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition and all fees, including attorney's fee and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees.
In the event that the Town elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the developer shall, within 60 days of written notice by the Town, deposit with the Town, as an advance, the full estimated cost of such acquisition or condemnation. The developer shall prepare any easements or deeds necessary for off-site improvements.

Roadway Improvements:

14. Shiloh Road shall be widened to a half-width (centerline to face of curb) of 43 feet. Right-of-way shall be dedicated on the project side of the street to a width of 59 feet. Frontage improvements shall include curb, gutter and a 16-foot wide sidewalk. The valley gutter shown on the tentative map shall not encroach into the bike lane. A 12-foot wide landscaped median island centered on the street centerline shall be constructed along with a left turn pocket and the required street conforms to accommodate the island. Street trees, median trees and median vegetation shall be installed as selected and approved by the Town Planning Department.
15. The Shiloh Road structural section shall be designed for a traffic index of 11.0. As part of the geotechnical investigation, the existing road shall be cored to determined paving and base rock depths and the geotechnical engineer shall provide recommendations if required to bring the existing structural section to a standard that meets the TI requirements. The entire existing street shall, along the project frontage, be overlaid with a minimum 0.20 foot of asphalt concrete paving on pavement reinforcing fabric. Failed asphalt pavement areas, along the project frontage, shall be dug out and replaced to the satisfaction of the Town Engineer.
16. Public Street "B" shall be constructed to a width of 47 feet curb-to-curb. The centerline of the street shall be located 17.5 feet from the easterly property line. Right-of-way shall be dedicated to a width of 63 feet, with a Public Utility Easement and Public Sidewalk Easement extending to the face of the buildings. Construction shall include curbs, gutters and 14-foot wide contiguous sidewalk. Tree grates shall be installed where approved by the Planning Department. Drainage along the easterly boundary shall be collected in a swale and directed to a public storm drain system.
17. Public Street "F" shall be constructed to a width of 26 feet curb-to-curb with no parking permitted on either side. The centerline of the street shall be located 17.5 feet from the easterly property line. Right-of-way shall be dedicated to a width of 42.5 feet together with a 5-foot PUE behind the right-of-way on the project side of the street. Construction shall include curbs, gutters, 6-foot landscape parkway strip (including curb), and 6-foot detached sidewalk. Drainage along the easterly boundary shall be collected in a swale and directed to

a public storm drain system.

18. The structural section of Public Streets "B" & "F" shall be designed for a traffic index of 8.0.

19. Private streets shall be constructed to the dimensions shown on the tentative map and as approved by the Town Engineer and/or the Planning Director. A rolled or mountable curb shall be provided in the private streets to facilitate vehicular movements into the residential garages, or as otherwise approved by the Town Engineer.

20. The structural section of all street improvements shall be designed using a soil investigation that provides the basement soils R-value and expansion pressure test results. If no R-value tests are supplied, roadway structural sections shall be designed using and R-vale of 5.0. A copy of Geotechnical Report and structural section calculations shall also be submitted with the first improvement plan check.

21. Improvement plans shall include the following offsite utility, roadway and traffic related improvements:

    a. Signalization of the Shiloh Road, Public Street "B" intersection and modification of the Shiloh Road, Hembree Lane traffic signal. The signals and modifications shall be designed by a traffic engineer licensed in the State of California. Traffic signal improvement plans shall be accompanied by specifications that conform to Caltrans and Town requirements.

    b. The improvement plans shall include conduits, wiring, controllers and equipment necessary to interconnect the traffic signals at US 101 Northbound Ramps/Shiloh Road, Shiloh Road/Hembree Lane and Shiloh Road/Public Street "B".

    c. Shiloh Road acceleration, deceleration and turn lanes as approved by the Town Engineer.

    d. Shiloh Road median island, landscaping and irrigation as approved by the Town Planning Department.

    e. Offsite private and public storm drain improvements required to accommodate site construction as approved by the Town Engineer.

    f. Offsite emergency vehicle access as approved by the Rincon Valley Fire Protection District and Town Engineer.

    g. Path/sidewalk improvements required to accommodate site improvements as approved by the Town Engineer.

22. All street and utility improvements along Shiloh Road, Hembree Lane and Public Streets "B" & "F" shall be constructed with the First Phase of improvements. During the course of construction, unrestricted access to APN 163-171-040 (Latitude 45 site) to the North shall be maintained. As well, the relocation of the joint trench facilities and sewer and water facilities serving APN 163-171-040 (Latitude 45 site) shall not interrupt APN 163-171-040 (Latitude 45 site) use of existing facilities except at the tie over of the new facilities to the old. The Developer shall coordinate access issues and the tie over of utilities with the owners and occupants of the APN 163-171-040 (Latitude 45 site). Agreements

between the Developer and owners and occupants of APN 163-171-040 (Latitude 45 site) shall be in writing and shall be presented to the Town before approval of the improvement plans.

23. All work on the Home Depot property shall be coordinated with Home Depot. Agreements between the Developer and Home Depot shall be in writing and shall be presented to the Town before approval of the improvement plans.

24. The Engineer of Record shall provide exhibits and calculations that demonstrate all streets meet or exceed the site distance requirements of AASHTO and Caltrans with the first improvement plan submittal. The design speed for Shiloh Road, including but not limited to intersection sight distances and lane transitions, shall be 45 miles per hour. The design speed for Public Street "B" & "F", including but not limited to intersection sight distances and lane transitions, shall be 30 miles per hour.

25. The Engineer of Record shall provide exhibits that demonstrate all streets meet fire truck and trash hauling vehicle-turning requirements with the first improvement plan submittal.

26. Ramps for disabled persons shall be provided at all intersections and crosswalks where sidewalks are proposed. The ramps shall be in conformance with current state and federal accessibility standards.

27. Sidewalk warps if applicable shall be provided to allow a clear 5-foot walkway at all locations, including but not limited to areas where mailboxes, streetlights, street signs, street trees and fire hydrants are to be installed.

28. Chases shall be installed to all parkway strips, tree wells, and the Shiloh Road median island from adjacent parcels to allow for the installation of irrigation lines. Chase sizes shall be determined by the Landscape Architect.

29. All tree wells shall be provided with Town approved tree grates, Urban Accessories, 4-foot square Chinook.

Lighting, Signing and Striping Plan:

30. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the Town Engineer. Signage restricting parking and red painted curbing shall be installed where required. Speed limit signs shall be installed at locations determined by the Town Engineer.

31. Streetlights shall be Hadco Victorian "Acorn" or approved equal. Developer shall provide additional streetlights for replacement purposes (5% of total or as otherwise approved). Public and private streets shall meet Town illumination requirements as approved by the Town Engineer. The developer shall provide a photometric plan for public streets with the first plan submittal.

32. The applicant shall engage a traffic engineer licensed in the State of California to prepare and implement a traffic signal coordination plan for A.M., P.M. and midday peak conditions for the traffic signals at US 101 Northbound Ramps/Shiloh Road, Shiloh Road/Hembree Lane and Shiloh Road/Public Street "B".

Drainage Improvements:

33. All project-related flooding impacts shall be mitigated by the project developer. Project flood control and drainage design and construction shall meet all requirements of the Sonoma County Water Agency (SCWA) Flood Control Design Criteria, the Town of Windsor Design and Construction Standards, and these conditions. Flood control and drainage improvements shall be designed by a Civil Engineer registered in the State of California to the satisfaction of the Town Engineer. Public and private flood control and drainage improvements shall be shown on the improvement plans and shall be approved by both SCWA and the Town Engineer.

34. In addition to any other provisions or requirements, and notwithstanding any conflicting conditions or requirements, project design and construction shall:

    a. Result in an increase of no more than 0.1 feet in any above-ground water surface elevation adjacent to or at any point downstream of the project site between pre-development conditions and post-development conditions for any storm event with a recurrence interval of 100 years or less. For purposes of this evaluation, pre-development conditions shall mean those hydrological and hydraulic conditions existing on the project site on July 20, 2005; post-development conditions shall mean those hydrologic and hydraulic conditions existing on the project site upon completion of construction and occupancy of the project in its entirety.

    b. Provide adequate underground storm drain capacity across the project site to accommodate 10-year flows under conditions of full development of the project site and all upstream areas draining to the project site in accordance with the Town of Windsor General Plan , the Shiloh Road Village Vision Plan, or as approved by the Town Engineer.

    c. Provide adequate underground and overland flow capacity across the project site to accommodate 100-year flows under conditions of full development of the project site and all upstream areas draining to the project site in accordance with the Town of Windsor General Plan and the Shiloh Road Village Vision Plan, without flooding of structures or unacceptable flooding or damage to other facilities, as determined by the Town Engineer. All finished floor elevations of structures shall be a minimum of one foot above the 100-year water surface elevation so determined, excepting only garage floors provided that garages shall be of flood-proof construction to a minimum of one foot above said water surface elevation, unless otherwise approved by the Town Engineer

    Developer shall provide such analyses and calculations as determined by the Town Engineer necessary to demonstrate compliance with these conditions, said analyses and calculations to be subject to the approval of the Town Engineer. The project shall include such drainage improvements, including but not limited to storm drains, detention facilities, and unobstructed overland relief paths, as are required to satisfy these conditions.

33. No lot to lot/property to property drainage is allowed without recorded private drainage easements and private maintenance agreements, unless entirely

contained within HOA controlled common area(s). No concentrated drainage may discharge across sidewalks. All site drains must be connected to the public storm drain system, or discharged through the face of curb or to an established waterway.

34. Plans and certifications shall demonstrate compliance of all improvements, including building finished floor elevations, with the Town's Floodplain Ordinance, to the satisfaction of the Building Official and Town Engineer. The Engineer of Record shall provide a signed stamped letter indicating the project meets the requirements of the Ordinance before plan approval. Building finished floor elevations shall be constructed at a minimum of 1 foot above the 100-year storm event water surface elevation as determined by the Engineer of Record subject to the approval of the Town Engineer.

35. All design and construction shall conform to the Town of Windsor, Phase II Storm Water Management Plan.

36. If public storm water quality improvements are required, the owner shall execute an agreement to annex into the Town's 1982 Act Assessment District(s). The owner/developer shall pay all fees associated with setting up a new zone.

Grading Improvements:

37. The Engineer of Record shall include a site-grading plan prepared by a Civil Engineer registered in the State of California as part of the required improvement drawings.

38. Lots shall be generally designed to drain to the street, unless otherwise approved in the interest of tree preservation or other unusual circumstances.

39. The applicant shall submit to the Town for review and approval, a detailed Geotechnical Report prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical evaluations. The grading plan shall incorporate the recommendations of the approved Geotechnical Report.

40. Improvements plans shall include an erosion control (winterization) plan.

Sewer, Water, Storm Drain and Recycled Water Improvements:

41. All public water, sewer, storm drain and recycled water mains, laterals and appurtenances shall be located in public right-of-way. Any and all rights-of-way, or if unavoidable, easement dedications must be made by the property owner to the Town, at property owner's expense, prior to signature of the improvement plans or Final Map by the Town.

42. All recycled water mains, service laterals, plumbing, valves, pipes, appurtenances, irrigation parts, vaults and boxes must be purple. Recycled water notification signs shall be installed as directed by the Town Engineer. Recycled water spray, mists and ponding must not be present in any designated eating area. All drinking fountains must be positioned or shielded to eliminate any exposure to recycled water sprays or mists.

43. All private storm drain, potable water, fire service, sanitary sewer and recycled water mains, laterals, and appurtenances, must be located within the private property and clearly identified as private on the design drawings. The onsite

recycled water, domestic water, firewater, sewer and storm drain systems and facilities shall be privately owned and maintained. The domestic water system shall have a master meter(s) located in the public right-of-way. Onsite private sub-metering for the use of the Homeowner's Association is acceptable to the Town.

44. A separate irrigation meter, backflow prevention device and irrigation controller shall be installed for all landscape areas to be annexed into the Landscape and Lighting Maintenance District(s).

45. The irrigation system for the central common area within Lot 2 shall be plumbed for the future use of recycled water in accordance with State and Town laws, codes and requirements. Site drainage design must include facilities for the containment of recycled water runoff due to over irrigation, system leakage or control failure. Storm drain systems shall include valves or other isolation facilities acceptable to the Town. The Town has determined that the use of leak sensing flow meters is not an acceptable method of controlling accidental run-off of recycled water. However, other alternatives to slide gates on storm drain outlets may be considered on a case-by-case basis.

46. Street trees, irrigation and landscaping along the project frontage within the public right-of-way shall be owned and maintained by Homeowner's Association. Median street trees, irrigation and landscaping shall be maintained by the Lighting and Landscape Assessment District(s).

47. All utilities shall be designed to support the final recommendations of the Shiloh Road Village Vision Plan Infrastructure Study. The proposed public storm drain along Public Streets "B", "F", Shiloh Road and Hembree Lane shall be 42-inch minimum diameter, or as approved by the Town Engineer, and shall extend from the northerly project boundary up to the point of connection to the existing system. The proposed public sanitary sewer along Public Streets "B" & "F" shall be 10-inch minimum diameter from the northerly project boundary up to the point of connection to the existing public system in Shiloh Road.

48. Sewer grades must be designed such that ultimate finished floors are a minimum of 12" above upstream manhole or clean-out rim elevations. Inadequate elevation differentials or grade on private SS mains and laterals, as determined by the Town, must be mitigated by either raising finished floor elevation(s) or installing privately owned and operated SS lift station(s) with grinder/ejector pump(s) on site.

49. Grease interceptors (separators) and exterior sampling manholes are required on private sanitary sewer laterals serving commercial units that may be occupied by food service businesses and may be required for other commercial units, depending upon the proposed use, as determined by the Town Public Works Director.

Utility Improvements:

50. All existing overhead utilities (of 26,000 volts or less) and proposed utilities, both on-site and along project frontages contiguous to the site, shall be placed underground. This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets.

51. All existing wells, septic tanks and/or underground fuel storage tanks shall be permanently destroyed under permit and inspection of Sonoma County PRMD or other designated agency. If there are none, the project engineer shall provide a letter describing the scope of the search done to make this determination.

Permit Requirements:

52. Provide evidence that a Notice of Intent has been submitted and received by the State Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Prevention Plan shall be provided to the Town, prior to issuance of grading permit.

53. An encroachment permit from the State of California Department of Transportation will be required for all work to be done within any State Highway right-of-way. A copy of this permit must be supplied to the Town prior to approval of the improvement plans.

Conditions Applicable to Final Map Approval:

54. A final map, as defined in the State Subdivision Map Act and prepared by a licensed surveyor or civil engineer, showing all parcels, rights-of-way, and easement(s) shall be filed with the Town of Windsor Engineers Office. Upon recording of the map, the subdivision is valid.

55. The final map and condominium plan processing and recordation shall proceed in the following manner:

    a. Phase I: The recordation of a Final Map for condominium purposes, creating Lots 1 & 2, dedicating all public rights-of-way and easements and showing all necessary private access roads and private easements. The number of condominiums and unit types within each Lot shall be identified on the Final Map. The Developer shall enter into a subdivision improvement agreement and provide surety for all public and private improvements.

    b. Phase II: The recordation of a Condominium Plan, CC&R's and other required documents for the mixed use air spaces within Lot 1.

    c. Phase III: The Recordation of a Condominium Plan, CC&R's and other required documents for the residential airspaces within Lot 2.

56. A condominium plan prepared in a Town approved format and sufficiently detailed with regard to units and lots to determine substantial compliance with the tentative map shall accompany the final map. The CC&R's shall be reviewed and approved by the Town, prior to being recorded, shall run with the ownership of the units served, and shall be disclosed to all potential owners. The CC&R's shall include, but shall not be limited to, the following:

    a. Town approval of shared water meter(s) for the proposed condominium units shall include a condition of ownership of all condominium units served by the shared water meters:

        - Membership by all owners in a single Owners Association shall be a condition of ownership of any of the condominium units served by a shared water meter. The Owners Association shall be solely responsible to the Town for all aspects of the shared water and sewer service.

- A single water reclamation rate shall be applied to all flow measured by the shared water meter, said single water reclamation rate being determined in accordance with the Town's standard practices based upon the highest wastewater strength generated by any of the individual condominium units served by the common water meter. The highest rate for any single condominium unit based on wastewater strength shall be applied to the flow generated by all condominium units served by the shared meter, notwithstanding that some or all of the remainder of the units served are generating lower strength wastewater.

b. The management documents shall provide for a non-amendment clause regarding the above items unless approved by the Town. The Town may require third party benefits with the right, but no obligation, to compel compliance to these provisions.

57. All onsite private easements that interfere with proposed improvements shall be quitclaimed by the easement owner before final map recordation. All onsite easements for the benefit of adjacent property owners shall be recorded before final map approval.

58. Should it be necessary, the developer shall pay all costs associated with any necessary vacation or abandonment of public rights-of-way or easements and shall prepare all necessary documents and post all required notifications.

59. The developer shall provide a signage easement and maintenance agreements, as approved by the Town Engineer and/or Planning Director, in favor of (APN 163-171-040) Latitude 45 site prior to improvement plan and /or final map approval. The developer shall prepare all necessary documents and pay document preparation and recordation costs.

60. The developer shall enter into an agreement with the Home Depot to accommodate emergency vehicle access requirements and submit the agreement to the Town for review and approval by the Town Engineer prior to improvement plan and /or final map approval.

61. Patios, balconies and structural portions of the buildings may not encroach into public rights-of-way. Patios, structural portions of buildings and the like may not encroach into public easements.

62. The final map shall not be approved prior to approval of the improvement plans.

63. The developer shall present to the Town of Windsor, free of encumbrances, an irrevocable offer of dedication for rights-of-way as follows:

a. Right-of-way for all public streets shall be dedicated to the width shown on the tentative map as modified herein or as required by the Town Engineer.

b. Public Utility Easements, as necessary, adjacent to all street rights-of-way.

c. Rights-of-way and easements for onsite and offsite street, public utility, sewer, water, recycled water and storm drain facilities.

d. Public Sidewalk Easements shall be dedicated to the Town for the sidewalks areas between the building faces and the property lines along all frontages of the project. All necessary rights-of-way and easements shall be dedicated on the map or provided by grant deed if they are outside the boundary of the subdivision or on adjacent properties.

64. NOTE ON FINAL MAP: "Prior to the issuance of building permits, all applicable development impact fees shall be paid to the satisfaction of the Building Official and in accordance with Town and local district ordinances."

65. NOTE ON FINAL MAP: "CC&R's have been recorded contemporaneously with this final map."

66. The developer shall either complete required construction as shown on the signed improvement plans, or enter into an improvement agreement and post security with the Town of Windsor, agreeing to complete the required construction within 24 months of building permit issuance and prior to a request for occupancy of any structures, or as otherwise established by the Town Engineer.

67. If the property is not presently included, the owner shall execute an agreement to annex into the Town's Landscaping and Lighting Assessment District(s).

During Construction Operations the Following Conditions Shall Apply:

68. Prior to beginning construction, the applicant shall obtain a demolition permit from the Town for removal of all existing structures and facilities subject to a demolition permit.

69. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as found necessary by the Town.

70. 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 Town Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.

71. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work.

72. If grading is to take place between October 15 and April 15, both temporary and permanent erosion control measures, conforming to the project erosion control plans shall be in place before October 1st. Erosion control measures shall be monitored and maintained continuously throughout the storm season.

73. The following <u>minimum</u> Best Management Practices (BMPs) shall be required during construction:

a. Construction crews shall be instructed in preventing and minimizing pollution on the job.

b. Stabilize construction entrance/exit to prevent tracking onto roadway. Only one stabilized construction entrance/exit will be allowed per site. Vehicles entering and leaving construction sites spread pollutants such as sediment, gravel, and other loose particles onto adjacent roads. Pollutants are washed into roadside ditches and are a nuisance to drivers and may cause damage to vehicles.

c. Protect exposed slopes from erosion through preventative measures. Cover slopes to avoid contact with storm water by hydro seeding, mulch, use of plastic sheeting or other approved means.

d. Use brooms and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.

e. Designate a concrete washout area, if needed, to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.

f. Establish a vehicle storage, maintenance, and refueling area, if needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.

g. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.

h. Be prepared for rain and have the necessary materials onsite before the rainy season.

i. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.

Prior to Acceptance of Improvements and Bond Exoneration, the Following Conditions Shall Be Satisfied:

74. All improvements shown on the Improvement Plans shall be completed and public improvements accepted by the Town.

75. Prior to acceptance of improvements or occupancy of buildings, existing curb, gutter and sidewalk to remain shall be inspected by the Town. Any curb, gutter and sidewalk that is not in accordance with Town standards or is damaged before or during construction of the project improvements, shall be replaced.

76. The developer shall provide a written statement signed by the Engineer of Record verifying that the grading and/or drainage improvements are completed in accordance with the plans approved by the Sonoma County Water Agency, the Town Engineer, and the Building Official.

77. A complete set of *As-Built* or Record, improvement plans showing all constructive changes from the original plans, shall be provided to the Public Works Department prior to final acceptance of the public improvements.

PLANNING DEPARTMENT (Unless otherwise stated, conditions in the section shall be to satisfaction of the Planning Director)

1. Prior to inclusion in the improvements plans, final landscaping and irrigation plans shall include the following items:

    a. Project fencing locations and details, including perimeter fencing, side yard fencing and front / courtyard fencing alternatives.
    b. Street trees (overlaid on a utility plot plan) as approved by the Planning Director.
    c. Private/public and common area ownership shall be delineated by means of fencing and/or minimum 4 inch wide concrete mow strip.
    d. All common areas shall be provided with irrigation to a common meter.
    e. Project perimeter to provide landscaping area with 15 gallon trees. Tree types shall be moderate to fast growing, include a 2 to 1 mix of evergreen to deciduous, and shall be approved by the Planning Director.
    f. Each phase of the development shall have an acoustic analysis prepared and approved by the Building Official. This analysis shall update recommendations included in the Mitigated Negative Declaration and indentified specific units affected within each phase Issues include the following:
        - High performance sound-rated windows and doors
        - Mechanical ventilation requirements where residential units require windows closed for noise attenuation purposes.
        - Management Documents shall include an Owner's Association and include the following provisions:
            a. Maintenance of all common areas including parking, landscaping, and building exteriors in conformance with plans approved by the Town. Provide mechanism for reviewing and approving rooftop appurtenance as well as front yard / court yard fencing (3 feet high or less in height), by the owner's association.
            b. Compliance with a comprehensive signage program as approved by the Planning Commission.
            c. Any self-limiting aspects of the management documents (such as more restrictive use or design control than provided by the Town's zoning ordinance) shall not obligate the Town in terms of enforcement.
            d. The management documents shall provide for a non-amendment clause regarding the above items unless approved by the Town. The Town may require third party benefits with the right, but no obligation, to compel compliance to these provisions.

2. Notations on final subdivision map shall identify the lot numbers affected by acoustic requirements.

3. The following disclosure to buyers within this subdivision shall be provided as a notation on the final subdivision map:

   "Noise sources affecting this subdivision include Shiloh Road, Highway 101 and adjacent commercial uses. Development of these lots includes construction requirements to attenuate noise in general compliance with the Noise Element of the General Plan. Buyers are advised that the resultant noise environment may continue to be objectionable to some individuals"

4. This project is approved for an initial two-year period from the effective date of adoption of this resolution. Extensions of time may be requested at that time in accordance with the Town Subdivision Ordinance and the Subdivision Map Act.

5. The project shall generally comply with the project description and materials included in the staff report dated October 14, 2008 and materials presented to and approved by the Planning Commission and Town Council, except as modified herein.

6. Prior to recordation of the subdivision map, the applicant shall record an Emergency Vehicle Access easement to the satisfaction of the Fire Chief.

7. All landscape areas shall conform to the tentative map and landscape plan.

8. CC&Rs shall be reviewed and approved by the Planning Director and Town Attorney.

AFFORDABLE HOUSING (Unless otherwise stated, conditions in the section shall be to satisfaction of the Planning Director)

9. The applicant shall enter into an agreement with the Town to maintain 76 housing units as affordable to low and very low income households for a period of no less than 55 years. Affordability shall mean that sales price or rent shall not exceed 38% (30% if public subsidy is obtained by developer) of the adjusted gross monthly income for a household whose income is 80% of are median income as adjusted by household size. The affordable units shall be located above the commercial portion of the mixed section of the project.

   An agreement to guarantee this affordability requirement shall be executed with the Town and recorded to the satisfaction of the Planning Director and Town Attorney.

PASSED, APPROVED AND ADOPTED this 19th day of November 2008, by the following vote:

AYES:	**COUNCILMEMBERS ALLEN, GOBLE, PARKER, SALMON AND MAYOR FUDGE**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

Deborah Fudge

DEBORA FUDGE, MAYOR

ATTEST:

Maria De La O

MARIA DE LA O, TOWN CLERK