

RESOLUTION 2020-

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ROCKLIN APPROVING A DESIGN REVIEW
AND AN OAK TREE PRESERVATION PERMIT

(Sunset Station / DR2019-0009, TRE2020-0001)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

A. Design Review and Oak Tree Preservation Plan Permit (DR2019-0009/TRE2020-0001) allows the construction of a 6,064 square foot drive through commercial/bank building, a building pad for future development, and associated drive aisles and landscaping on an approximately 2-acre site.

B. A Notice of Exemption prepared for this project has been recommended for approval via Planning Commission Resolution No. _____.

C. The design of the site is compatible with surrounding development, natural features and constraints.

D. The height, bulk, area, color scheme and materials of the buildings and structures are compatible with surrounding development.

E. The buildings and structures have been oriented with consideration given to minimizing energy consumption and maximizing use of natural lighting.

F. Adverse light and glare impacts upon adjoining properties have been eliminated or reduced to a less than significant level by consideration and / or modification of the location and height of light standards, orientation of exterior lighting fixtures, and conditioning the project to use light fixtures that will direct light downward.

G. The landscaping design is compatible with surrounding development and has been designed with provisions for minimizing water usage and maintenance needs.

H. The parking design, including ingress and egress traffic patterns, is compatible with the surrounding development and the existing street patterns.

I. The design of the site and buildings or structures is consistent with the goals, policies, and land use designations in the General Plan and with all zoning standards, regulations, and restrictions applicable to the property.

Section 2. The Design Review and Oak Tree Preservation Plan Permit for Sunset Station / DR2019-0009/TRE2018-0002 as depicted in Exhibit A, attached hereto and by this reference incorporated herein, is hereby approved subject to the conditions listed below. The approved Exhibit A shall govern the design and construction of the project. Any condition directly addressing an element incorporated into Exhibit A shall be controlling and shall modify Exhibit A. All other plans, specifications, details, and information contained within Exhibit A shall be specifically applicable to the project and shall be construed as if directly stated within the conditions for approval. Unless otherwise expressly stated, the applicant / developer shall be solely responsible for satisfying each condition prior to a final Building Permit Inspection or Issuance of a Certificate of Occupancy as applicable. The agency and / or City department(s) responsible for ensuring implementation of each condition is indicated in parenthesis with each condition.

A. Notice to Applicant of Fees & Exaction Appeal Period

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.

The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.

B. Conditions

1. Utilities

- a. All utilities, including but not limited to water, sewer, telephone, gas, and electricity shall be provided to the project in compliance with all applicable standards and requirements of the applicable provider. (APPLICABLE UTILITY)
- b. Prior to issuance of improvement plans, the project shall obtain necessary easements, on- and off-site, as required to accommodate water services, to the satisfaction of PCWA. (PCWA)
- c. Prior to issuance of improvement plans, the project shall obtain necessary easements, on- and off-site, as required to accommodate sewer services, to the satisfaction of SPMUD. (SPMUD)
- d. Prior to issuance of a Building Permit, the project shall be included in the appropriate City financing districts, as needed, to most efficiently provide for public maintenance of public landscaping, improvements such as sound walls,

and provision of new or enhanced services such as street lighting to the satisfaction of the City Finance Officer. It is anticipated that the project would be required to annex into Community Facilities District (CFD) #1 and CFD #5. (FINANCE, ENGINEERING, PUBLIC SERVICES WORKS)

2. Schools

The following conditions shall be satisfied to mitigate the impact of the proposed development on school facilities (ROCKLIN UNIFIED SCHOOL DISTRICT, BUILDING):

- a. At the time of issuance of a building permit, the developer shall pay to the Rocklin Unified School District all fees required under Education Code section 17620 and Government Code Section 65995, to the satisfaction of the Rocklin Unified School District.
- b. The above condition shall be waived by the City Council if the applicant and the District reach agreement to mitigate the impacts on the school facilities caused by the proposed development and jointly request in writing that the condition be waived.

3. Fire

- a. Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the Rocklin Fire Chief and PCWA. (PCWA, ENGINEERING, FIRE)

4. Improvements / Improvement Plans

Prior to any grading, site improvements, or other construction activities associated with this project, improvement plans shall be prepared consistent with the exhibits and conditions incorporated as a part of this entitlement, and in compliance with all applicable city standards, for the review and approval of the City Engineer.

Improvement plans shall be valid for a period of two years from date of approval by the City Engineer. If substantial work has not been commenced within that time, or if the work is not diligently pursued to completion thereafter, the City Engineer may require the improvement plans to be resubmitted and/or modified to reflect changes in the standard specifications or other circumstances.

The project improvement plans shall include the following:
(ENGINEERING, PLANNING)

- a. A detailed grading and drainage plan prepared by a registered civil engineer, in substantial compliance with the approved project exhibit(s) and in accord with

the City of Rocklin Post-Construction Manual. The grading and drainage plan shall include the following:

1) Stormwater Management

- a. Prior to issuance of improvement plans, to ensure compliance with the City of Rocklin Post-Construction Manual, the project shall include an on-site stormwater treatment system or facility to the satisfaction of the City Engineer and Environmental Services Manager. (ENGINEERING, PUBLIC SERVICES)
- b. Prior to issuance of improvement plans, to ensure compliance with the National Pollutant Discharge Elimination System MS4s General Permit and the regulations and orders of the State Water Resources Control Board, the applicant shall prepare and implement a Stormwater Management Facility Operation and Maintenance Plan for the on-site treatment systems and hydromodification controls (if any, or acceptable alternative to the satisfaction of the City Engineer and Environmental Services Manager). All specified treatment systems and hydromodification controls shall be privately owned and maintained. (BUILDING, PUBLIC SERVICES)
- c. Prior to issuance of improvement plans (or building permit if no improvement plans), unless waived by the City Engineer and Environmental Services Manager, the developer shall grant a Stormwater Management Compliance Easement over the project site to the City of Rocklin, in a form acceptable to the City Attorney. The Stormwater Management Compliance Easement shall be recorded with the County Clerk's office and a copy of the recorded document shall be provided to the Environmental Services division. Said easement shall provide for the following: (CITY ATTORNEY, BUILDING, PUBLIC SERVICES)
 - i. Grant site access to City employees for the purpose of performing operations and maintenance inspections of the installed treatment system(s) and hydromodification control(s) (if any).
 - ii. Grant site access to City employees for the purpose of performing operations and maintenance work on the installed treatment system(s) and hydromodification control(s) (if any) in the event that that the Director of Public Services determines, based upon the inspection

results, that said work is not being performed adequately and has or will compromise the system's ability to function as required.

- iii. A statement that the City may, at its option, cause the operational and maintenance responsibilities set forth in the Stormwater Management Facility Operation and Maintenance Plan to be performed and place a special assessment against the project site to recover the costs to the City in the event the project is not operated and maintained in accord with the approved Stormwater Management Facility Operation and Maintenance Plan. (RMC §8.30.150).
 - c. All storm drainage inlets shall be stamped with City Engineer approved wording indicating that dumping of waste is prohibited and identifying that the inlets drain into the creek system. (ENGINEERING, PUBLIC SERVICES)
 - d. Site design measures for detaining run off at pre-development levels, including location and specifications of on-site or off-site detention basins, if any. (ENGINEERING, PUBLIC SERVICES)
 - e. Individual lot drainage management areas including individual drainage features, such as lined drainage swales. (ENGINEERING, PUBLIC SERVICES)
 - f. The developer shall prepare a Storm Water Pollutant Protection Plan (SWPPP) for review and approval by the State Regional Water Quality Control Board as part of the project's drainage improvement plans. (ENGINEERING, PUBLIC SERVICES)
- 2) Prior to the commencement of grading operations, and if the project site will not balance with respect to grading, the contractor shall identify the site where any excess earthen material shall be deposited. If the deposit site is within the City of Rocklin, the contractor shall submit a report issued by a technical engineer to verify that the exported materials are suitable for the intended fill and show proof of all approved grading plans. Haul routes to be used shall be specified. If the site requires importing of earthen material, then prior to the commencement of grading operations, the contractor shall identify the site where the imported earthen material is coming from and the contractor shall submit a report issued by a technical engineer to verify that the imported materials are suitable for the intended fill and show proof of all approved

grading plans. Haul routes to be used shall be specified. (ENGINEERING, PUBLIC SERVICES)

- 3) If at any time during the course of grading or construction activities evidence of the existence of old wells, septic systems or other similar features or any evidence of soil and/or groundwater contamination with hazardous material is encountered, work shall be halted within 100 feet of the find and the City of Rocklin Engineer shall be notified. The City Engineer shall make a determination as to the nature of the feature(s) (and/or contamination, the appropriate size for a buffer around the feature beyond which work could continue on the balance of the site, and which outside agencies, if any, should be notified and involved in addressing and / or remediation of the feature or contamination. At the discretion of the City Engineer and at the applicant's expense, a qualified consultant(s) shall be retained to assess and characterize the feature or contamination and to determine appropriate remediation, if any. Remediation of the feature including obtaining any special permits and/or approvals as needed shall be completed and documented to the satisfaction of the City Engineer and any responsible agencies, such as but not limited to the Placer County Department of Environmental Health, and the Central Valley Regional Water Quality Control Board, prior to completion of grading / construction in the affected area. (ENGINEERING, PUBLIC SERVICES)

b. All on-site standard improvements, including but not limited to:

- i. All access and grading improvements as shown on Exhibit A. (ENGINEERING, PUBLIC SERVICES)
- ii. Paving, curbs (including concrete curbs to contain all landscape areas adjacent to vehicle parking areas or travel lanes), gutters, sidewalks, drainage improvements, irrigation improvements (main lines and distribution where located under paved areas), utility improvements, parking lot lights, fire hydrants, retaining walls, fences, pilasters, enhanced pavement treatments, trash enclosures, etc. (ENGINEERING, PUBLIC SERVICES)
- iii. All necessary easements for drainage, access, utilities, etc. shall be shown and offered for dedication (or Irrevocable Offer of Dedication provided) with the improvement plans. (ENGINEERING, PUBLIC SERVICES)
- iv. To the extent possible underground facilities such as but not limited to electrical, gas, water, drainage, and irrigation lines shall be located outside of or to the edge of areas designated for landscaping so as to

minimize impacts to the viability of these areas. (ENGINEERING, PUBLIC SERVICES)

- v. Stop signs shall be installed at both project driveways to control traffic exiting onto Sunset Boulevard and Pebble Creek Drive. (ENGINEERING, PUBLIC SERVICES)
 - vi. Bike racks/lockers shall be installed consistent with the requirements of the California Building Code. Colors and materials shall be consistent with the approved building colors, to the satisfaction of the Community Development Director. Bike racks shall be powder coated. (PLANNING)
- c. The following off-site improvements:
- i. The project shall work with Placer County Transit to convert the bus turnout into a combined bus turnout/deceleration lane and to develop an acceptable bus turnout configuration, to the satisfaction of Placer County Transit and the Community Development Director. (PLANNING, ENGINEERING)
 - ii. The project shall stripe the Class II bike lane within the left edge of the bus turnout/deceleration lane. (PLANNING, ENGINEERING)
 - iii. The project shall coordinate with staff regarding the City's installation of an all-way stop control at the Pebble Creek Drive/Strand Road intersection, to the satisfaction of the Community Development Director/City Engineer. (PLANNING, ENGINEERING)
 - iv. The project shall coordinate with staff regarding the City's installation of centerline striping and a Class II (on-street bike lane) on Pebble Creek Drive north of the project driveway to position oncoming vehicles in a more visible location, to the satisfaction of the Community Development Director/City Engineer. (PLANNING, ENGINEERING)
- d. A detailed roadway and parking lot signage and striping plan designed per City standards that indicates all parking spaces, aisles, entrances, and exits, including any required offsite signage in the public right-of-way. (PLANNING, ENGINEERING)
- e. Provisions for dust control, re-vegetation of disturbed areas, and erosion control, in conformance with the requirements of the City of Rocklin shall be included in the project notes on the improvement plans, including but not limited to the following:

- i. The prime contractor shall submit to the District a comprehensive inventory (e.g., make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used in aggregate of 40 or more hours for the construction project. If any new equipment is added after submission of the inventory, the prime contractor shall contact the District prior to the new equipment being utilized. At least three business days prior to the use of subject heavy-duty off-road equipment, the project representative shall provide the District with the anticipated construction timeline including start date, name, and phone number of the property owner, project manager, and on-site foreman.
- ii. During construction the contractor shall utilize existing power sources (e.g., power poles) or clean fuel (e.g., gasoline, biodiesel, natural gas) generators to minimize the use of temporary diesel power generators.
- iii. During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment.
- iv. Traffic speeds on all unpaved road surfaces shall be posted at 15 mph or less.
- v. All grading operations shall be suspended when fugitive dust emissions exceed District Rule 228-Fugitive Dust limitations. The prime contractor shall be responsible for having an individual who is CARB-certified to perform Visible Emissions Evaluations (VEE). This individual shall evaluate compliance with Rule 228 on a weekly basis.
- vi. Fugitive dust emissions shall not exceed 40% opacity and shall not go beyond the property boundary at any time. If lime or other drying agents are utilized to dry out wet grading areas, the developer shall ensure such agents are controlled so as not to exceed District Rule 228-Fugitive Dust limitations.
- vii. The prime contractor shall be responsible for keeping adjacent public thoroughfares clean of silt, dirt, mud, and debris, and shall “wet broom” the streets (or use another method to control dust as approved by the individual jurisdiction) if silt, dirt mud or debris is carried over to adjacent public thoroughfares.
- viii. The prime contractor shall suspend all grading operations when wind speeds (including instantaneous gusts) are excessive and dust is impacting adjacent properties.

- ix. The contractor shall apply water or use other method to control dust impacts offsite. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site.
- x. All construction equipment shall be maintained in clean condition.
- xi. Chemical soil stabilizers, vegetative mats, or other appropriate best management practices, in accordance with manufacturers' specifications, shall be applied to all-inactive construction areas (previously graded areas which remain inactive for 96 hours).
- xii. All exposed surfaces disturbed by project grading but not developed shall be revegetated as quickly as feasible with, at minimum, hydroseeding (with a drought tolerant mix of wild flowers and grasses), as deemed appropriate by the City Engineer.
- xiii. If fill dirt is brought to or exported from the construction site, tarps or soil stabilizers shall be placed on the dirt piles to minimize dust problems.
- xiv. Water shall be applied to control fugitive dust, as needed, to prevent impacts offsite. Operational water trucks shall be onsite to control fugitive dust. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site.
- xv. Processes that discharge 2 pounds per day or more of air contaminants, as defined by California State Health and Safety Code Section 39013, to the atmosphere may require a permit. Developers / Contractors should contact the PCAPCD prior to construction or use of equipment and obtain any necessary permits.
- xvi. In order to minimize wind driven dust during construction, the prime contractor shall apply methods such as surface stabilization, establishment of a vegetative cover, paving, (or use another method to control dust as approved by the City).
- xvii. Construction equipment exhaust emissions shall not exceed Placer County APCD Rule 202 Visible Emission limitations. Operators of vehicles and equipment found to exceed opacity limits are to be immediately notified by APCD to cease operations and the equipment must be repaired within 72 hours.
- xviii. Open burning of any kind shall be prohibited. All removed vegetative material shall be either chipped on site or taken to an appropriate recycling site, or if a site is not available, a licensed disposal site.

xix. Any diesel powered equipment used during project construction shall be Air Resources Board (ARB) certified.

g. The following shall be included in the project notes on the improvement plans:

If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, charcoal, animal bone, bottle glass, ceramics, burned soil, structure/building remains) is made during project-related construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist, the Environmental Services Manager and the Native American Heritage Commission shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per CEQA (i.e., whether it is a historical resource, a unique archaeological resource, or a unique paleontological resource) and shall develop specific measures to ensure preservation of the resource or to mitigate impacts to the resource if it cannot feasibly be preserved in light of costs, logistics, technological considerations, the location of the find, and the extent to which avoidance and/or preservation of the find is consistent or inconsistent with the design and objectives of the project. Specific measures for significant or potentially significant resources would include, but are not necessarily limited to, preservation in place, in-field documentation, archival research, subsurface testing, and excavation. The specific type of measure necessary would be determined according to evidence indicating degrees of resource integrity, spatial and temporal extent, and cultural associations, and would be developed in a manner consistent with CEQA guidelines for preserving or otherwise mitigating impacts to archaeological and cultural artifacts.

In the event of the accidental discovery or recognition of any human remains, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, until compliance with the provisions of Sections 15064.5 (e)(1) and (2) of the CEQA Guidelines, as well as Public Resources Code Section 5097.98, has occurred. If any human remains are discovered, all work shall stop in the immediate vicinity of the find and the County Coroner shall be notified, according to Section 7050.5 of the California Health and Safety Code. The City's Environmental Services Manager shall also be notified. If the remains are Native American, the Coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods, and the landowner shall comply with the requirements of AB2641 (2006).

h. The following shall be included in the project notes on the improvement plans:

- i) The discharge of fuels, oils, or other petroleum products, chemicals, detergents, cleaners, or similar chemicals to the surface of the ground or to drainage ways on, or adjacent to, the site is prohibited. (ENGINEERING, PUBLIC SERVICES, PLACER COUNTY ENVIRONMENTAL HEALTH)
 - ii) If Best Management Practices are required for control of urban runoff pollutants, then any hazardous materials collected shall be disposed of in accordance with all applicable hazardous materials laws and regulations. (ENGINEERING, PUBLIC SERVICES, PLACER COUNTY ENVIRONMENTAL HEALTH)
- i. The applicant shall attempt to time the removal of potential nesting habitat for raptors and migratory birds to avoid the nesting season (February 1 through September 15).

If vegetation removal and/or project grading or construction activities occur during the nesting season for raptors and migratory birds, the applicant shall hire a qualified biologist approved by the City to conduct pre-construction surveys no more than 14 days prior to initiation of development activities. The survey shall cover all areas of suitable nesting habitat within 500 feet of project activity and shall be valid for one construction season. Prior to the start of grading or construction activities, documentation of the survey shall be provided to the City of Rocklin Public Services Department and if the survey results are negative, no further mitigation is required and necessary tree removal may proceed. If there is a break in construction activities of more than 14 days, then subsequent surveys shall be conducted.

If the survey results are positive (active nests are found), impacts shall be avoided by the establishment of appropriate buffers. The biologist shall consult with the California Department of Fish and Wildlife (CDFW) and the City to determine the size of an appropriate buffer area (CDFW guidelines recommend implementation of 500-foot buffers). Monitoring of the nest by a qualified biologist shall be required if the CDFW determines that the activity has the potential to adversely affect an active nest.

If construction activities are scheduled to occur during the non-breeding season (September 16 - January), a survey is not required and no further studies are necessary.

5. Improvements in the Public Right-of-Way

The applicant shall obtain an encroachment permit for all improvements within the public right-of-way. Applicant shall post a performance bond and labor and materials payment bond (or other equivalent financial security) in the amount of 100% of the cost of the improvements to be constructed in the public right-of-way as improvement security to ensure the faithful performance of all duties and obligations required of applicant in the construction of the improvements. Such improvement security shall be in a form acceptable to the City Attorney. Such security shall be either a corporate surety bond, a letter of credit, or other instrument of credit issued by a banking institution subject to regulation by the State or Federal government and pledging that the funds necessary to carry out this Agreement are on deposit and guaranteed for payment, or a cash deposit made either directly with the City or deposited with a recognized escrow agent for the benefit of the City. (PUBLIC SERVICES)

6. Landscaping

- a. Final landscape plans shall be provided by the developer and approved by the Community Development Director. The landscape plans shall comply with the following requirements (PLANNING):
 - i. The landscaping plan shall be prepared by a landscape architect and shall include:
 1. A legend of the common and botanical names of specific plant materials to be used. The legend shall indicate the size of plant materials and appropriate numbers of plants and spacing for groundcovers.

Shrubs shall be a minimum 5 gallon and trees a minimum of 15 gallon and meet the minimum height specified by the American Standards for Nursery Stock.
 2. A section diagram of proposed tree staking. All tree stakes shall be constructed of metal.
 3. An irrigation plan including an automatic irrigation system. The plan shall include drip irrigation wherever possible.
 - ii. Provision for the shading of the visitor parking lot, including parking spaces, maneuvering areas, driveways and drive aisles, by shade trees of appropriate size(s) and characteristic(s) in locations to achieve 50% shading at maturity (15 years from planting). Include a calculation demonstrating compliance with this condition on the plan.

- iii. The plan shall be certified by the landscape architect that the landscape plan meets the requirements of the Water Conservation in Landscaping Act. Government Code §65591, et seq.
- b. The parking/site lighting plan shall be designed to accommodate shade trees and provide for illumination of the parking and circulation areas. Light standards and underground utilities shall be located such that required parking lot shade trees can still be planted. (ENGINEERING, BUILDING, PLANNING)
- c. All landscaping shall be installed and the landscape architect shall certify, in writing, that the landscaping and irrigation system have been installed in full compliance with the approved plans prior to issuance of a Certificate of Occupancy. (PLANNING)
- d. Any area disturbed by construction activities but not developed or landscaped shall be hydroseeded (with a drought tolerant mix of wild flowers and grasses) prior to final inspection / acceptance of improvements. (PLANNING, BUILDING, ENGINEERING)

7. Walls, Fencing, and Gates

- a. Walls and fencing, including construction of solid six foot masonry walls along the northern and western property lines, shall be consistent with Exhibit A, to the satisfaction of the Community Development Director and the Fire Chief. (PLANNING, FIRE)
- b. The trash enclosure shall be a masonry (CMU) enclosure with a stucco finish coat, painted to match the building, and gates shall be painted to match the metal panel on the building, to the discretion of the Community Development Director.

8. Lighting

The lighting design plan shall comply with the following and be approved by the Community Development Director. (PLANNING)

- a. All exterior lighting shall be designed and installed to avoid adverse glare on adjacent properties. Cut-off decorative lighting fixtures, or equivalent, shall be used and mounted such that all light is projected directly toward the ground.
- b. Light poles shall be a maximum of 20 feet in height as measured from adjacent finish grade to the top of the light.
- c. Building-mounted lighting shall be decorative, down-lit, and to the satisfaction of the Community Development Director.

9. Signs

All signs shall conform to the Sign Ordinance of the City of Rocklin and the sign designs and locations as shown on Exhibit A, except as modified herein. (PLANNING, ENGINEERING, FIRE)

- a. The monument signs shall be located outside of any public utility easements.
- b. Prior to occupancy, a “No Left Turn” sign shall be posted at the western project driveway to Sunset Boulevard to the satisfaction of the City Engineer.
- c. All signage on the east side of the building (facing single family residential) shall be non-illuminated.

10. Screening of Mechanical Equipment

- a. All mechanical equipment, whether ground- or roof-mounted shall be screened from view from all public rights of way to the satisfaction of the Community Development Director. The design of the screening shall be in harmony with the architectural design of the building. (PLANNING)
- b. The appearance of large utility features such as double detector check valves shall be minimized through the use of utility blankets or other acceptable screening methods. The developer shall also demonstrate that these facilities have been moved as far as possible from the public right-of-way. (PLANNING)

11. Air Quality

- a. Electrical receptacles shall be installed in the exterior walls of the building(s) in this project to promote the use of electrical landscaping equipment. (BUILDING, PLANNING)
- b. Low nitrous oxide (NO_x) natural gas hot water heaters shall be installed if gas hot water heaters are to be used in this project. (BUILDING, PLANNING)

12. Noise

- a. All “self-powered” construction equipment and stationary noise sources (i.e. pumps, electrical generators, etc.) shall be equipped with noise control devices (e.g., mufflers). (ENGINEERING, BUILDING)
- b. Equipment “warm-up” areas, water storage tanks, equipment storage areas, and stationary noise-generating machinery (i.e. pumps, electrical generators, etc.)

shall be located away from existing residences and other sensitive noise receptors to the extent feasible. (ENGINEERING, BUILDING)

- c. All phases of project development shall be subject to the City of Rocklin Construction Noise Guidelines, including restricting construction-related noise generating activities within or near residential areas to between 7:00 a.m. and 7:00 p.m. on weekdays, and between 8:00 a.m. and 7:00 p.m. on weekends. The Economic and Community Development Director may grant exceptions to the Construction Noise Guidelines if, in the opinion of the Economic and Community Development Director, special and unusual circumstances exist that make strict adherence to the Construction Noise Guidelines infeasible. (ENGINEERING, BUILDING)

13. Special

- a. Prior to issuance of Building Permit, in lieu of lengthening the left-turn lane from 225 feet to 350 feet with the construction of project improvements, the project shall pay a fee for the left-turn lane construction, unless waived or alternative provisions entered into between the project applicant and the Community Development Director. This fee, based upon *half* of the estimated cost of constructing these improvements today, is estimated to be \$62,650. Upon development of the remaining building pad on the site, that project will be responsible to complete the work. (ENGINEERING)
- b. Prior to issuance of Building Permit the project applicant shall provide the City of Rocklin with an irrevocable offer of dedication for a 5' x 10' easement adjacent to the existing bus turnout on Sunset Boulevard to accommodate future construction of a bus shelter to the satisfaction of the Community Development Director. (PLANNING, ENGINEERING)
- c. Prior to issuance of Building Permit, in lieu of restriping the Pebble Creek Drive approach to consist of a shared left/through lane and a dedicated right-turn lane, the project shall pay a fee for the restriping, unless waived or alternative provisions entered into between the project applicant and the Community Development Director. This fee, based upon *half* of the estimated cost of constructing these improvements today, is estimated to be \$12,500. Upon development of the remaining building pad on the site, that project will be responsible to complete the work. (ENGINEERING)

14. Oak Tree Mitigation

Prior to the issuance of improvement plans or grading permits, the applicant shall:

- a. Mitigate for the removal of oak trees on the project calculated at a rate of \$48 per inch of Total Diameter at Breast Height (TMDH) of replacement trees

required, and to that end the project arborist shall provide the following information:

- The total number of surveyed oak trees;
- The total number of oak trees to be removed;
- The total number of oak trees to be removed that are to be removed because they are sick or dying, and
- The total, in inches, of the trunk diameters at breast height (TDBH) of all surveyed oak trees on the site in each of these categories.

15. Indemnification and Duty to Defend

Within 30 days of approval of this entitlement by the City, the applicant/property owner shall execute an Indemnity Agreement, approved by the City Attorney's Office, to indemnify, defend, reimburse, and hold harmless the City of Rocklin and its agents, officers and employees from any claim, action, or proceeding against the City of Rocklin to set aside, void or annul an approval of the entitlement by the City's Planning Commission or City Council, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate in the defense of the claim, action or proceeding. Unless waived by the City, no further processing, permitting, implementation, plan checking or inspections related to the entitlement shall be performed by the City if the Indemnity Agreement has not been fully executed within 30 days. (CITY ATTORNEY)

16. Validity

- a. This entitlement shall expire three years from the date of approval unless prior to that date a building permit has been issued or a time extension has been granted. (PLANNING)
- b. This entitlement shall not be considered valid and approved unless and until the concurrent general development plan amendment, PDG2019-0002 has been approved. (PLANNING)

PASSED AND ADOPTED this _____ day of _____, 2020, by the following vote:

AYES: Councilmember(s):

NOES: Councilmember(s):

ABSENT: Councilmember(s):

ABSTAIN: Councilmember(s):

Greg Janda, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

EXHIBIT A

Sunset Station

Design Review, DR2019-0009

Available at the Community Development Department, Planning Division