

CITY OF COTATI
MINUTES for the Regular Meeting of the Planning Commission

DATE OF MEETING: April 20, 2009
TIME OF MEETING: 7:00 p.m.
PLACE OF MEETING: Cotati City Hall, City Council Chambers
201 West Sierra Avenue, Cotati, CA 94931

I. CALL TO ORDER

Chair Hardy called the meeting to order at 7:00 p.m.

II. ROLL CALL

Commissioners Present: Hancock, Harvey, Ritter, Hardy, Pagnusat
Commissioners Absent: None
Staff Present: Lustig, Harris, Pajon
Consultant: Giudice

III. APPROVAL OF MINUTES

None

IV. CHANGES TO THE AGENDA

None

V. ORAL AND WRITTEN COMMUNICATIONS

None

VI. MATTERS AT HAND

A. Design Review Committee Applicant Interviews

Chair Hardy explained the process in reviewing the applications and making recommendations to Council to fill the two vacant DRC positions.

Assistant to the City Manager Lustig advised the Planning Commission that DRC applicant Meinzen took ill and would not be able to participate, but was still interested in being considered for the open DRC positions.

Each applicant went before the Planning Commission and gave an overview of why they were interested in the position and what skills they thought they could bring to the committee.

In response to the Planning Commission's questions, each of the applicants stated that they would be able to make the date and time of the meetings and that they felt comfortable reading plans.

OPEN PUBLIC COMMENT at 7:18 p.m.

CLOSED PUBLIC COMMENT without comment.

Discussion ensued regarding the applicants.

Vice Chair Pagnusat suggested and Commissioner Ritter and Commissioner Harvey agreed that applicant Morgan and applicant Donahey should be considered.

Commissioner Hancock suggested applicant Morgan and applicant Ford should be considered.

Chair Hardy nominated applicant Meinzen. A brief discussion ensued.

Chair Hardy nominated and Commissioner Harvey seconded the nomination to recommend to Council applicant Morgan as a member of the Design Review Committee.

Yes: 5 Noes: 0 Abstain: 0 Absent: 0

Chair Hardy nominated and Commissioner Hancock seconded the nomination to recommend to Council applicant Ford as a member of the Design Review Committee.

Yes: 5 Noes: 0 Abstain: 0 Absent: 0

Assistant to the City Manager Lustig explained that the nominations were a recommendation to Council and advised all applicants that the Council makes the final decision. She suggested that each applicant attend the Council meeting.

- B. Request for a Use Permit for alcoholic beverage sales at an existing restaurant located at 8492 Gravenstein Highway, Suite J. This application is exempt from the California Environmental Quality Act (CEQA) under section 15301, Existing Facilities.

PA# 03/09

Applicant: Mai/Mai Vietnamese Cuisine

APN: 144-130-024

Assistant Planner Harris gave an overview of the staff report for a request for a Use Permit for alcoholic beverage sales. Staff recommends approval of PC Resolution 09-02 with Conditions of Approval.

Commissioner Harvey wants to make sure that follow up is done to ensure the business has a license before they serve alcohol.

Assistant Planner Harris explained the process, which includes the Planning Division issuing a Use Permit that would then have to be taken to ABC before a license would be issued.

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In response to Vice Chair Pagnusat's concern that the business does not become a bar, owner Lin Mai stated that they had no intention of becoming a bar.

OPEN PUBLIC HEARING

CLOSED PUBLIC HEARING without comment.

Commissioner Harvey made a motion and Commissioner Ritter seconded the motion to approve PC Resolution 09-02 with Conditions of Approval.

Yes: 5 Noes: 0 Abstain: 0 Absent: 0

CONDITIONS OF APPROVAL

Planning Division

1. This Use Permit allows the sale of alcoholic beverages as a use incidental to the existing Mai Vietnamese Cuisine Restaurant. Any change in the approved use shall require prior Use Permit modification by the Planning Commission.
2. Alcoholic beverage sales shall only occur during the restaurant's normal operating hours when food is available.
3. The applicant shall not exceed typical business hours as defined in the Land Use Code (6:00 am – 11:00 pm).
4. The applicant shall comply with Alcoholic Beverage Control (ABC) laws and regulations. Suspension of the applicant's license by the ABC may constitute sufficient cause or basis for review and possible revocation of the Use Permit.

Police Department

5. The applicant shall obtain a license from the Department of Alcoholic Beverage Control prior to serving alcohol.
6. The applicant and all staff who serve alcoholic beverages must attend and receive certification of "Responsible Beverage Service" training within 90 days of hire or appointment to this duty.

Rancho Adobe Fire District

7. The applicant shall contact the Fire District to obtain an inspection within 30 days of Use Permit approval.
8. The applicant shall provide the Fire District with a key for the knox box within 30 days of Use Permit approval.

- C. Request for approval of Preliminary Design Review, Tentative Map, Use Permit, and Hillside development Permit for the development of a 9.8-acre parcel with 64 residential units and associated roadways, utilities, and landscape improvements located at 100 Valparaiso. The project will incorporate an existing residence into the development to be used as a community building.

PA# 34/06
APN: 144-450-002

Applicant: Cotati 100A LLC

Project Planner Giudice gave a powerpoint presentation and an overview of the staff report for 100 Valparaiso. She reviewed the project components, including density bonus requests, circulation within and into the site and preservation of existing and historic buildings on site. She explained the request for a Vesting Tentative Map and requested feedback from the Planning Commission on recommendations received from the Design Review Committee regarding energy conservation. She discussed the Hillside Development Ordinance and suggested that the language regarding slope be cleaned up in the Land Use Code. She went over the affordable housing and accessibility obligation noting project compliance.

Project Planner Giudice explained that the applicant submitted a letter addressing his concerns with the staff report and resolution. She noted staff's position, stating that conditions of approval presented are appropriate and stated that any redundancy in COA's would be cleaned up prior to City Council review. Staff recommends adoption of PC Resolutions 09-03 and 09-04 with Conditions of Approval.

In response to Commissioner Pagnusat, Assistant to the City Manager Lustig explained the basic difference between Vesting Tentative Map and Tentative Map.

Commissioner Harvey stated the importance of getting a clear set of conditions at this time due to the applicants applying for the Vesting Tentative Map.

In response to Commissioner Ritter's concern about the widening of Valparaiso Avenue at Nina Court, Assistant to the City Manager Lustig stated that the location does meet the approved width.

Commissioner Ritter asked about the timing for the installation of the sidewalk on Valparaiso Avenue.

Assistant to the City Manager Lustig explained that this project would only pay for or pay back a small portion of the extension. She stated that the City has some local grant funds that were collected to help with the improvement of another portion of the street where a bridge crosses the creek.

Commissioner Hancock asked if this project would allow a cut through at Jagle or Honor Place.

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Project Planner Giudice affirmed stating that there would be through access between both subdivisions.

In response to Commissioner Hancock's inquiry about connection for non-motorized traffic, Assistant to the City Manager Lustig explained that the intersection of Lasker Lane and Old Redwood Highway is difficult to maneuver. The proposed connections at Dorfman and Honor would provide a safer alternate route.

In response to Vice Chair Pagnusat's question regarding the stone building, Project Planner Giudice explained that there were no proposed improvements and that it would be available for the owner to find a use as an accessory to the primary building.

Vice Chair Pagnusat asked if staff was going to discourage or not allow lawns.

Project Planner Giudice explained that lawns will not be allowed in the front yards, which will be reinforced with CC&Rs. A lawn would be allowed in the rear yard as long as it meets their overall water requirements and does not exceed what is allowed for the property.

In response to Vice Chair Pagnusat's question regarding the water meters, Project Planner Giudice explained that they were separate meters that monitored landscape watering.

Assistant to the City Manager Lustig explained that the water meters are for the property owners to monitor their usage and would not be used as a separate billing mechanism by the City.

In response to Vice Chair Pagnusat's question about the phasing of the low income units, Project Planner Giudice explained that 50% of the affordable units would be required by the 10th unit and the remaining required by the time the 20th market rate unit received occupancy.

Vice Chair Pagnusat asked for an explanation on the sound control along Old Redwood Highway that was discussed.

Project Planner Giudice explained that a noise study and a site plan were submitted by the applicant that showed that the 70 decibel contour line was 95 feet from the center line of Old Redwood Highway. The site plan proposed shows how that can be accomplished.

Commissioner Harvey expressed concern about the lack of parking for the community center.

Discussion ensued on the parking area for the community center.

Commissioner Harvey asked about lot 16 and the slope. She stated that there were other houses within the City that appear to be on the same slope and asked if the slope issue was already addressed.

Assistant to the City Manager Lustig explained that these homes were likely built before Cotati had a hillside ordinance.

APPLICANT PRESENTATION

Larry Colvin, Project Developer discussed the project and the process up to this point, including meeting with the neighbors and historians. He expressed his concern over several issues that he felt still needed to be addressed. These issues included phasing, solar, trees off site, contour noise, site improvements on Valparaiso Avenue, fees, and landscape buffer. He asked the Planning Commission that he be allowed to respond to staff's comments after all comments have been made.

Miles Berger, BDE Architect stated that they are only building 64 units, which would only be 88% of what is allowed if they included density bonuses. He spoke about neighborhood compatibility, respect for natural grade, amount of open space, and rear yard garages. He explained the location of the community center and walkability to the center. He spoke about the architecture style of the proposed units which he said adds to the compatibility and look of Cotati.

Diane Martin, BDE Architecture spoke about the density, along with the availability of handicap adaptable units and the location of the units on the site plan. She stated that bike racks would be provided at the community building to encourage bicycle use v. auto.

Fred Svinth, Acoustical Engineer spoke about the noise issues and stated that although most of the site meets City standards, the eastern portion of the site is exposed to higher noise levels from Old Redwood Highway, which in his opinion are conditionally acceptable. He disagrees with Condition #27.

David Brown, Civil Engineer with Adobe & Associates spoke about bioswales, runoff, and water quantity measures, which included a detention system. He spoke about the conflicts regarding the hillside slope and suggested that the Planning Commission look at the provision, which seemed to require some clarification.

Kevin Gilleran, Solar Engineer with Gilleran Energy Management gave an overview of the green building features throughout the project and said that they are proposing at least 110 points through the construction phase of the project, which only 90 points are required by the City. The project will meet all prerequisites, which would allow each unit to be prepared for solar hot water and solar electricity.

Paul Latteri, Landscape Architect stated that he would like to have the opportunity to work with staff on specific tree replacements in the rear yard plantings. He requested that the Condition of Approval requiring an 8-foot wide buffer have language included to address the success of the plantings. He would like stamped asphalt at the entrance to be considered instead of just painting. He stated that painting would not give it the rich entrance that the project deserves.

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5 minute recess

Commissioner Hancock announced that he was on the Design Review Committee for this project and he will recuse himself.

Project Planner Giudice and Assistant to the City Manager Lustig clarified how staff reads the code and explained the interpretation and focus of this item with reference to the code stating that this site generally fits within the parameters and is not an excessively steep slope. She said that the applicant has preserved other very important topographic features at the bottom of the site, which serve a very important purpose. She requested Planning Commissions interpretation as to what to do with that particular lot.

Assistant to the City Manager Lustig followed up by explaining that the hillside ordinance was in place to avoid development of houses on the top and to avoid debate over inappropriate development. This allows Cotati to preserve slope and the hilltop.

Discussion ensued regarding the hillside.

In response to Vice Chair Pagnusat's question on green points, Kevin Gilleran, Solar Engineer with Gilleran Energy Management explained that they are currently at 138 points.

Assistant to the City Manager Lustig explained that the Design Review Committee had recommended that they be required to reach 130-150. She said that the requirement in the resolution is 90 and staff would like to see 110 as the requirement.

Vice Chair Pagnusat asked staff if a Vesting Tentative Map were in place would staff still be able to work with the replacement trees.

Project Planner Giudice confirmed explaining the tree replacement obligation and how it affects the applicant for this project.

Assistant to the City Manager Lustig explained the issue of the tree canopy that was previously located there and what could be done to replicate it.

Discussion ensued regarding the condition of approval with relation to the applicant's obligation with tree replacement.

Larry Colvin, Project Developer stated his opposition to COA #71 under PC Resolution 09-04.

Discussion ensued on this issue.

Chair Hardy explained that it was the responsibility of the applicant to mitigate the ramifications of the impact that they had on the neighbors by removing the trees. This condition provides an avenue for the neighbors to have a screening for their property.

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Commissioner Ritter asked about the three items that the Design Review Committee asked the Planning Commission to review, specifically regarding that 10% of the units are 30% above Title 4 and that 5% of the units be equipped with solar.

Miles Berger, BDE Architect expressed concerns that adding additional costly requirements will most likely be passed on to the homeowner. Having the home wired and plumbed for solar and thermal gives a potential homeowner the option to add this feature.

Chair Hardy read comments from the Design Review Committee minutes and stated that having houses energy efficient could be a good selling point. She suggested maybe 5 units fully equipped. This discussion will be left for later.

OPEN PUBLIC HEARING 9:42 p.m.

Jim Fouche, 8747 Fehler Lane spoke about the compatibility of the proposed project to the surrounding neighborhoods. He suggested that the light fixtures on Fehler be compatible with the new light fixtures. He stated that the cypress trees should be replaced with tall stature trees with 24" boxes and that the existing redwood which was engulfed in vines be better cared for.

Sage Howell, 8351 Dorfman Drive expressed concern about interconnected streets and stated that they should not be connected for vehicle travel. He said that it appears to encourage vehicle usage and not biking or walking. He said that the zoning doesn't appear to be like to like with surrounding areas. He expressed concern at the limited parking spaces for the community building and that he thinks the elevation in the staff report is incorrect. He stated that he thought that the community building could be used by surrounding communities and not just for that neighborhood. He said that it was great that the homes would be solar ready.

Mike McGinnis, 8825 Lund Hill Lane spoke about the location of his one story house, the drop off, and the two story house that would look into his master bedroom and bath. He is in favor of tree replacement on his property.

Tonya McGinnis, 8825 Lund Hill Lane expressed concern about the proposed two story homes behind her property. She requested that strong language be added to make the conditions of approval a requirement instead of a recommendation.

Brad Yearwood, 8805 Clothier Lane stated that he would like the noticing area to be expanded and that the density calculations should include affordable housing and be included in the staff report. He said that response #13 and #15 in the staff report were unclear. He said that coin operated washing machines should be precluded and that response #18 regarding trash collection was not clear and felt that it needed to be addressed during this portion of the process. He stated that there was a reason that 15% was the recommended number for hillside development. He has concerns with the potential parking of RV's and boats on the streets. He recommends that the construction schedule should be limited and that Dorfman and Honor Court should not be opened until the construction is complete.

Jeff Morgan, 8829 Lund Hill Lane recommended deeper setbacks or single story homes.

Don Cropper, 128 Jagle Street stated that all residences within 500 feet should be notified. He is also concerned about the density and compatibility with existing developments.

Pru Draper, 718 West School Street commented on the development and the historic buildings on the site and was grateful that the developers came up with a way to keep both of the historic buildings.

Amy Morgan, 8829 Lund Hill Lane is concerned about the privacy and buffer issues. She asked that the 8-foot fence be a requirement and not just a recommendation.

Wayne Guy, 8419 Honor Place stated he was well aware that they would be cutting through Dorfman and Honor Place and thinks that this process is taking too long.

PUBLIC HEARING CLOSED at 10:12 p.m.

PROJECT PLANNER GIUDICE response to comments:

- The phasing of affordable housing is necessary because it assures that they will be built in a timely fashion.
- Compatible lighting wasn't a condition but it does seem reasonable to require along Fehler Lane.
- Trees along Fehler Lane – The applicant is proposing to use 24" box trees and as a Condition of Approval staff is requiring at least 50% of trees planted with the 24" box.
- It is an important smart growth measure to connect streets for vehicles as well as biking and walking. It will also help alleviate traffic at the intersection of Lasker and Old Redwood Highway.
- Density range in the Land Use Code is 4-6 units per acre. The State limits how the affordable housing contributes to density.
- There was never a discussion indicating that the community building would be used for the general public, only for that neighborhood.
- Issues related to privacy and single vs. two story was discussed. The applicant suggested grading as an alternative, as it would reduce the height of homes more than a single story.
- As required by the Land Use Code, each unit will have its own laundry facility. They will not allow a coin operated facility. Staff will make sure that it is in the CC&Rs.
- Project comments by North Bay were factored in this project, which included set backs and the alleys.
- Concern about parking RV or boats in the front yards are already addressed in the Land Use Code.

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- The 8' fence (6' fence with 2' of lattice) is a Condition of Approval, and not just a recommendation.

In response to Commissioner Harvey's concern about noticing, Assistant to the City Manager Lustig stated that she will review the 500' noticing process to assure compliance.

Vice Chair Pagnusat stated and Commissioner Harvey agreed that the applicant should be allowed to grade on lot 16, which adds to the privacy they are looking for.

In response to Commissioner Ritter's request for clarification on the grading, Mr. Colvin explained the cross section and how the cut would occur.

Discussion ensued about the grading and the story poles.

Vice Chair Pagnusat proposed that they should be allowed to build on lot 16 and that consistency of the light fixtures be added.

Project Planner Giudice said that they could add a Condition of Approval that stated that the existing light fixtures on Fehler Lane shall be replaced with the new City standards to match the proposed development.

Vice Chair Pagnusat stated that they should allow the stamped asphalt in the entry.

Assistant to the City Manager Lustig said that a condition could be modified to say either one at the discretion of the City Engineer. The applicant could present quieter asphalt.

OPEN PUBLIC HEARING at 10:35 p.m.

Brad Yearwood, Clothier Lane stated that he has some experience with stamped asphalt, and explained that it does generate some noise but recommends keeping the texturing down not just for the noise but for walking safety issues also.

CLOSED PUBLIC HEARING at 10:36 p.m.

Vice Chair Pagnusat said that he felt uneasy about requiring solar.

Chair Hardy stated that they have made some concessions and would like the applicant to make some concessions on this project.

Mr. Colvin proposed making the sales office solar equipped which would be a good medium to display what was available and would be offered as an upgrade.

Commissioner Harvey thought it was a great idea and that it would allow people to see what was available.

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Chair Hardy asked Assistant to the City Manager Lustig to add as a condition one unit fully equipped for solar, PV, and photovoltaic.

Vice Chair Pagnusat said that there was a discussion on the size of the trees, but felt that the question had been answered, stating that 50% are going to be 24-inch box.

Project Planner Giudice clarified that the 100% of the street trees would be a 24-inch box.

Chair Hardy asked about Condition #27, regarding the sound and asked how many units were located 95 feet from the center line.

Discussion ensued on the 70 dBL contour vs. the 95 foot requirement from the center line. Mr. Colvin said there was only one unit that comes into the 70 dBL contour. He would prefer using the 70 dBL contour and would mitigate any issues.

In response to Commissioner Harvey, Mr. Colvin said that the outdoor was mitigated by 6' solid walls that surround the property and it was heavily landscaped.

Assistant to the City Manager stated that landscaping could not be used to mitigate for noise. She stated that staff believed that the noise issue was completely resolved via siting and explained that a condition was added because of that. Staff will consult with the City Engineer and get this issue resolved between Planning Commission and Council.

Commissioner Harvey said that it specifically needs to be addressed because of complaints that have been received regarding this issue.

Mr. Colvin asked for information from staff regarding suitable trees. Staff agreed to supply a list of acceptable trees.

Commissioner Harvey responded to the issues addressed:

- The project needs phasing
- The grading issue will be worked out
- The tree issues will continue to be addressed
- Believes that 20% contribution for improvements is reasonable
- Thinks that park in lieu fees should stay in effect
- Privacy and a landscape buffer still need to be addressed

Chair Hardy asked the applicant if there was anything they could do about the zero energy homes that the Design Review Committee brought forward.

Mr. Colvin spoke about the green points, the requirement by the City and the financial issues of the project. He stated zero energy homes were a not a requirement.

Chair Hardy talked about the Tentative Vesting Map and why they are asking for these items now.

Mr. Gilleran stated that every unit has been evaluated to ensure they could be solar ready.

OPEN PUBLIC COMMENT 11:03 p.m.

Susan Buggy, 8419 Honor Place stated that the Planning Commission should be considering what people could afford and what the market could support.

Linda Ritter, 7 Issel Lane suggested that the Planning Commission work with the phasing on the project and have each model home fully equipped with solar.

CLOSED PUBLIC COMMENT 11:07 p.m.

Mr. Colvin asked that the final decision be deferred to City Council.

Chair Hardy recommended 5% of the homes be solar equipped.

Vice Chair Pagnusat said that he would not support that.

Commissioner Ritter recommended approve of PC Resolution 09-03, Vice Chair Pagnusat seconded the motion.

Yes: 4 Noes: 0 Absent: 1 (Hancock) Abstain: 0

**RESOLUTION NO. PC 09-03
"EXHIBIT A"**

Mitigation Measures/ Conditions of Approval

1. **PRIOR TO FINAL DESIGN REVIEW** the project sponsor shall submit final landscape plans that reflect the following:
 - a Trees used as replacement shall consist of trees that are of similar stature as those proposed for removal. Sheet L-2 and L-3 shall be revised to reflect this mitigation. Every effort shall be made to replace on-site. If on-site tree replacement can not occur due to limited space and/or conflicts with solar access, the applicant shall be obligated to pay a tree replacement mitigation fee to be deposited into the City's Tree Replacement Fund or install replacement trees off-site at a location approved by the Community Development Director.
 - b The following plants which are listed as trees on sheet L-3 do not have tree replacement value for this site and shall not count toward the tree replacement (Sheet L-2 and L-3 shall be revised accordingly):
 - Pittosporum eugeniodes
 - Arbutus Marina – Strawberry Tree
 - Dedonea viscosa "purpurea" – Purple Hopseed Bush

- Prunus ilicifolia – Hollyleaf Cherry
 - Laurus nobilis-Saratoga Laurel
 - Japanese Maple
 - Arroyo Willow
 - Red willow
- c Tree replacement shall reflect a minimum of 50 percent native and 80 percent drought tolerant species.
- d Drip irrigation shall be the primary (at least 80%) type of irrigation installed.
- e Tree replacement shall consist of 24-inch box containers for at least 50 percent of each tree variety throughout the site and 100 percent of all trees along Old Redwood Highway for the first 100 feet.
2. All structures shall be setback at least 95 feet from the centerline of Old Redwood Highway.
3. **PRIOR TO FINAL DESIGN REVIEW**, the applicant shall provide a lighting plan together with a photometric study that identifies the minimum and maximum footcandles. This plan shall utilize the City's decorative standard light fixtures with a maximum height of 14 feet and house-side shields as appropriate to minimize glare into residences. The plan shall demonstrate that lighting shall avoid "spilling" to off-site residential sites. The lighting plan and photometric study shall be reviewed and approved by the Community Development Director and Chief of Police.
4. The applicant shall incorporate the Best Management Practices for construction into the construction and improvement plans and clearly indicate these provisions in the specifications. In addition, an erosion control program shall be prepared and submitted to the City of Cotati prior to any construction activity. BMPs shall include but not be limited to the following:
- a Exposed soils shall be watered periodically during construction, a minimum of twice daily. The frequency of watering shall be increased if wind speeds exceed 15 mph. Only purchased city water or reclaimed water shall be used for this purpose. Responsibility for watering shall include weekends and holidays when work is not in progress.
 - b Haul trucks used to transport soil shall utilize tarps or other similar covering devices to reduce dust emissions.
 - c Grading and construction equipment operated during construction activities shall be properly muffled and maintained to minimize emissions. Equipment shall be turned off when not in use.
 - d Traffic speeds on unpaved roads shall be limited to 15 mph.
 - e Construction sites involving earthwork shall provide for a gravel pad area consisting of an impermeable liner and drain rock at the construction entrance to clean mud and debris from construction vehicles prior to entering the public roadways. Street surfaces in the vicinity of the project shall be routinely swept and cleaned of mud and dust carried onto the street by construction vehicles.

- f Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - g The Developer shall designate a person with authority to require increased watering to monitor the dust and erosion control program and provide name and phone number to the City of Cotati prior to issuance of grading permits. The name of the designated person shall be posted along with their phone number at the site, **PRIOR TO ALL ON-SITE ACTIVITIES.**
5. All residences shall be pre-plumbed for solar water heating, and pre-wired for photovoltaic (PV) installation.
 6. Natural gas fireplaces shall be the only type of fireplace or stove permitted in the residences.
 7. **PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR EACH OF THE BUILDINGS**, the applicant shall submit a final Green Building Checklist which establishes a total of 122 points for review and approval by the City of Cotati. Such measures shall be incorporated into the project.
 8. The removal of trees with a height of 50 feet or more shall not occur between April 15 and June 15 of any year, to avoid nesting periods and stopover patterns of raptors, migratory birds, and other bird species.
 9. The project sponsor shall comply with Tree Preservation requirements as required by the Tree Preservation and Mitigation Report prepared by John C. Meserve, dated June 4, 2003. In addition, tree replacement ratios shall be in accordance with the City of Cotati Land Use Code. **PRIOR TO FINAL DESIGN REVIEW**, the applicant shall submit a Final Landscape Plan. A Tree Removal Permit shall be required **prior to the removal of any trees.**
 10. A Tree Removal Permit shall be required prior to the removal of any trees. The Tree Removal Permit shall include a table showing each tree species, size of tree in circumference, and resulting tree replacement obligation, and whether the replacement will be on-site, off-site, or through payment of fees.
 11. **PRIOR TO FINAL DESIGN REVIEW**, the project sponsor shall submit a Rehabilitation Plan for the wood shingle residence. This Rehabilitation Plan shall be subject to review by the Community Development Director with coordination with a qualified professional. The applicant shall retain a qualified professional in the field of historic preservation to participate in the preparation of the Rehabilitation Plan and to monitor the rehabilitation of the building.
 12. The project sponsor shall schedule a meeting with City Staff and said qualified professional **PRIOR TO ANY DEMOLITION OF ANY ON-SITE STRUCTURES.**

13. The applicant shall ensure the Historic Stone Building is retained. Prior to construction activity the applicant shall install protective fencing around the Stone Building.
14. In the event that any cultural resources are uncovered during earthmoving activities, all construction excavation activities would be suspended for a period to be determined by a City-approved archaeologist to allow for adequate inspection, recommendation and retrieval, if appropriate.
15. In the event that human remains are uncovered during earthmoving activities, all construction excavation activities shall be suspended and the following measures shall be undertaken:
 - a The Sonoma County Coroner shall be contacted.
 - b If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours.
 - c The project sponsor shall retain a City-approved qualified archaeologist to provide adequate inspection, recommendations and retrieval, if appropriate.
 - d The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American, and shall contact such descendant in accordance with state law.
 - e The project sponsor shall be responsible for ensuring that human remains and associated grave goods are reburied with appropriate dignity at a place and process suitable to the most likely descendent.
16. The new buildings and other improvements shall be designed and built in accordance with the most current Uniform Building Code (UBC) and other code requirements. Buildings designed and constructed in accordance with these requirements may experience some damage during a major seismic event but are unlikely to collapse or result in the loss of life.
17. All recommendations outlined in the Geotechnical Report prepared by ENGEO Incorporated, dated March 4, 2005 shall be included as notes in the improvement plans and adhered to through all phases of development.
18. The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations, and structural components shall be done by a qualified engineer and shall conform to requirements established under the geotechnical evaluation and to the specifications set by the City Engineer. The project Engineer shall provide written certification with submittal of Improvement Plans that the design conforms to the specifications.
19. Foundation design shall be designed with stiff structural mats or post-tensioned slabs as specified in the Geotechnical Report. The structural mats and/or post-tensioned slabs should be designed by a structural engineer and shall be at least 10 inches in thickness and designed to be compatible with the superstructure and architectural finishing. Final foundation plans shall be reviewed and approved by a certified geotechnical engineer prior to submittal to the City of Cotati.

20. **PRIOR TO ISSUANCE OF A GRADING PERMIT**, an erosion control plan and grading and drainage plans shall be submitted to the City Engineer and Community Development Director subject to the review and approval of the SCWA and the City of Cotati. Prior to approval of the Improvement Plans, the applicant shall submit a SCWA approval letter to the City.
21. The project sponsors shall comply with all Federal, State and local laws regarding use of hazardous materials at construction sites.
22. The project shall comply with all water quality requirements of the Regional Water Quality Control Board and the City Engineer.
23. **PRIOR TO ISSUANCE OF IMPROVEMENT PLANS**, the project sponsor shall submit a final detailed drainage design that complies with the City of Cotati standards.
24. **PRIOR TO RECEIVING FINAL OCCUPANCY FOR THE FIRST RESIDENTIAL UNIT**, the applicant shall install all drainage improvements for the project including the use of permeable paving and vegetated bioswales, and underground water detention system.
25. The contractor shall comply with "Best Management Practices" as defined in California Storm Water Best Management Practices Handbooks "Construction Activity" and all requirements of the State of California "General Construction Activity Storm Water Permit", including the following:
 - a Appropriate erosion control devices shall be utilized to retain sediment within the project areas during the construction season.
 - b Prior to any grading activity that will occur after October 1 and before May 1, storm drains, outlet structures, check dams and ditches shall be constructed.
 - c Storm water shall not be allowed to flow directly down unprotected slopes. Energy dissipating structures and erosion control devices shall be placed at all drainage outlets, which discharge into natural channels.
 - d Sediment basins or filtration systems shall be used to ensure that water entering the storm drain system below the construction site is the same quality and character as the water above the site.
 - e Storm water runoff from the construction site shall be directed toward an inlet with a sediment or filtration interceptor prior to entering the storm drain system.
 - f After construction is complete all storm drain systems associated with this project shall be inspected and cleared of accumulated sediments and debris.
 - g During the rainy season (October 15 to April 15), all paved areas shall be kept clear of earth material and debris. The site is to be maintained by the developer, contractor or owner so that a minimum of sediment-laden runoff leaves the site.
 - h During the rainy season (October 15 to April 15) all sediment barriers are to be inspected and repaired at the end of each working day and, in addition, after

each storm. Sediment shall be removed as needed and filters cleaned or replaced when accumulations reach one-third the height of the barrier.

- i Entrance to the project shall be maintained in a condition that would prevent tracking or flowing of sediment into a public right-of-way.

26. PRIOR TO RECEIVING FINAL OCCUPANCY FOR THE FIRST RESIDENTIAL UNIT, the applicant shall submit a written certification by a qualified engineer verifying that all drainage improvements have been installed in accordance with the approved improvement plans and with the Storm Water Mitigation Plan for the Valparaiso Subdivision, dated June 11, 2008.

27. Residential units shall not be located within the 70 dBA noise contour (95 feet from the center line of Old Redwood Highway) and outdoor activity areas shall not be located within the 65 dBA noise contour. **PRIOR TO RECEIVING A FOUNDATION INSPECTION FOR THE BUILDINGS ON LOTS L AND M AS SHOWN ON THE TENTATIVE MAP**, the applicant shall submit written certification from a qualified land surveyor stating that all pads have been placed outside of the 95-foot setback line as measured from the centerline of Old Redwood Highway.

28. Sound rated windows and mechanical ventilation shall be installed in the homes on all lots located within the area encompassed by the 65 dBA sound contour in order to achieve acceptable interior noise levels, in accordance with the Illingworth & Rodkin Environmental Noise Assessment dated June 16, 2008. **PRIOR TO FINAL OCCUPANCY**, the applicant shall submit written certification from the Noise Consultant and window installer that installed windows are rated as such.

29. **PRIOR TO FINAL OCCUPANCY OF LOTS M, O, G AND LOTS 28-31**, the project sponsor shall install a solid 6-foot high sound attenuation fence enclosing the designated outdoor activity areas for those lots.

30. Noise-generating construction activities, including truck traffic coming to and from the site for any purpose, shall be limited to Monday through Friday 7:00 a.m. to 7:00 p.m. (Cotati Land Use Code Section 17.30.050). No construction shall be permitted on Sundays or national holidays. Interior finish work (e.g., flooring installation, painting, etc.) after the close-in inspection only shall be permitted on Saturdays from 9:00 a.m. to 5:00 p.m.

31. All construction equipment powered by internal combustion engines shall be properly muffled and maintained to minimize noise. Equipment shall be turned off when not in use.

32. All stationary noise-generating construction equipment, such as air compressors, shall be located as far as practical from existing nearby residences and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.

33. **PRIOR TO ISSUANCE OF A BUILDING/GRADING PERMIT**, the project sponsor shall designate a “noise disturbance coordinator,” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall take prompt action to correct the problem. This designated person shall have his/her name and phone number posted on the site prior to all site work activities.
34. **PRIOR TO APPROVAL OF IMPROVEMENT PLANS**, the project sponsor shall submit details of the following:
- a additional pavement arrows within the center turn lane on Old Redwood Highway at Lasker Lane
 - b a new sign on the east side of Old Redwood Highway at Lasker Lane which advises the use of the center refuge area.
35. **PRIOR TO RECEIVING FINAL OCCUPANCY ON THE FIRST BUILDING**, the project sponsor shall install the above improvements.
36. **PRIOR TO ANY SITE WORK**, the contractor shall provide a traffic control plan which, at a minimum, addresses ingress and egress, haul route, flagging, and maintenance of the road and identifies a staging area. The plan shall be reviewed and approved by the Chief of Police and the Planning Division prior to the start of any site work.
37. **As part of the Improvement Plan submittal**, the applicant shall include a site plan that identifies location of stop signs and striping at the following intersections:
- Jagle Street and Fehler Lane for all three directions;
 - Jagle Street and Dorfman Drive (eastbound);
 - Honor Place and Jagle Street (east bound); and
 - Jagle Street and Valparaiso (northbound).
38. The project sponsor shall install the above signage, **PRIOR TO RECEIVING A FINAL INSPECTION OF PUBLIC IMPROVEMENTS** by the Department of Public Works.
39. **PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS**, the project sponsor shall install “No Parking” signs and red striping within the interior alleys to the satisfaction of the Rancho Adobe Fire Protection District and the City of Cotati Police Department.
40. **PRIOR TO RECEIVING FINAL OCCUPANCY FOR EACH OF THE UNITS WITHIN THE ALLEYS**, the project sponsor shall install interior residential fire sprinklers within units accessed via the alleyways and as required by the Rancho Adobe Fire Protection District.

41. PRIOR TO RECEIVING A GRADING PERMIT OR THE FIRST BUILDING PERMIT FOR ANY RESIDENTIAL UNIT FOR THIS PROJECT, the project sponsor shall install perform a pipe replacement for the existing sewer pipe (Pipe 74) located near the intersection of Old Redwood Highway and St. Joseph's Way.

Changes to 09-04 included Condition #74, modified to read, prior to Final Design Review plans shall be revised to demonstrate the use of color treated asphalt or the stamped asphalt as determined by the City Engineer.

Condition added requiring the existing light fixtures on Fehler Lane be replaced with light standards that match the proposed development.

Condition added that the applicant shall install solar on the sales office model home.

The Planning Commission agreed that it was okay for the applicant to build on lot 16.

Vice Chair Pagnusat made a motion and Commissioner Ritter seconded the motion to PC Resolution 09-04 with Conditions of Approval.

Yes: 4

Noes: 0

Absent: 1 (Hancock)

Abstain: 0

**PLANNING COMMISSION RESOLUTION NO. PC 09-04
EXHIBIT "A"**

CONDITIONS OF APPROVAL

ENVIRONMENTAL

42. PRIOR TO FINAL DESIGN REVIEW the project sponsor shall submit final landscape plans that reflect the following:

- a Trees used as replacement shall consist of trees that are of similar stature as those proposed for removal. Sheet L-2 and L-3 shall be revised to reflect this mitigation. Every effort shall be made to replace on-site. If on-site tree replacement can not occur due to limited space and/or conflicts with solar access, the applicant shall be obligated to pay a tree replacement mitigation fee to be deposited into the City's Tree Replacement Fund or install replacement trees off-site at a location approved by the Community Development Director.
- b The following plants which are listed as trees on sheet L-3 do not have tree replacement value for this site and shall not count toward the tree replacement (Sheet L-2 and L-3 shall be revised accordingly):
 - Pittosporum eugeniodes
 - Arbutus Marina – Strawberry Tree
 - Dedonea viscosa "purpurea" – Purple Hopseed Bush
 - Prunus ilicifolia – Hollyleaf Cherry
 - Laurus nobilis-Saratoga Laurel
 - Japanese Maple

- Arroyo Willow
 - Red willow
- c Tree replacement shall reflect a minimum of 50 percent native and 80 percent drought tolerant species.
- d Drip irrigation shall be the primary (at least 80%) type of irrigation installed.
- e Tree replacement shall consist of 24-inch box containers for at least 50 percent of each tree variety throughout the site and 100 percent of all trees along Old Redwood Highway for the first 100 feet.
43. All structures shall be setback at least 95 feet from the centerline of Old Redwood Highway.
44. **PRIOR TO FINAL DESIGN REVIEW**, the applicant shall provide a lighting plan together with a photometric study that identifies the minimum and maximum footcandles. This plan shall utilize the City's decorative standard light fixtures with a maximum height of 14 feet and house-side shields as appropriate to minimize glare into residences. The plan shall demonstrate that lighting shall avoid "spilling" to off-site residential sites. The lighting plan and photometric study shall be reviewed and approved by the Community Development Director and Chief of Police.
45. The applicant shall incorporate the Best Management Practices for construction into the construction and improvement plans and clearly indicate these provisions in the specifications. In addition an erosion control program shall be prepared and submitted to the City of Cotati prior to any construction activity. BMPs shall include but not be limited to the following:
- a Exposed soils shall be watered periodically during construction, a minimum of twice daily. The frequency of watering shall be increased if wind speeds exceed 15 mph. Only purchased city water or reclaimed water shall be used for this purpose. Responsibility for watering shall include weekends and holidays when work is not in progress.
 - b Haul trucks used to transport soil shall utilize tarps or other similar covering devices to reduce dust emissions.
 - c Grading and construction equipment operated during construction activities shall be properly muffled and maintained to minimize emissions. Equipment shall be turned off when not in use.
 - d Traffic speeds on unpaved roads shall be limited to 15 mph
 - e Construction sites involving earthwork shall provide for a gravel pad area consisting of an impermeable liner and drain rock at the construction entrance to clean mud and debris from construction vehicles prior to entering the public roadways. Street surfaces in the vicinity of the project shall be routinely swept and cleaned of mud and dust carried onto the street by construction vehicles.
 - f Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - g The Developer shall designate a person with authority to require increased watering to monitor the dust and erosion control program and provide name and phone number to the City of Cotati prior to issuance of grading permits. The

name of the designated person shall be posted along with their phone number at the site, Prior to all on-site activities.

46. All residences shall be pre-plumbed for solar water heating, and pre-wired for photovoltaic (PV) installation.
47. Natural gas fireplaces shall be the only type of fireplace or stove permitted in the residences.
48. **PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR EACH OF THE BUILDINGS**, the applicant shall submit a final Green Building Checklist which establishes a total of 122 points for review and approval by the City of Cotati. Such measures shall be incorporated into the project.
49. The removal of a tree with a height of 50 feet or more shall not occur between April 15 and June 15 of any year, to avoid nesting periods and stopover patterns of raptors, migratory birds, and other bird species.
50. The project sponsor shall comply with Tree Preservation requirements as required by the Tree Preservation and Mitigation Report prepared by John C. Meserve, dated June 4, 2003. In addition, tree replacement ratios shall be in accordance with the City of Cotati Land Use Code. **PRIOR TO FINAL DESIGN REVIEW** the applicant shall submit a Final Landscape Plan. A Tree Removal Permit shall be required prior to the removal of any trees.
51. A Tree Removal Permit shall be required prior to the removal of any trees. The Tree Removal Permit shall include a table showing each tree species, size of tree in circumference, and resulting tree replacement obligation, and whether the replacement will be on-site, off-site, or through payment of fees.
52. **PRIOR TO FINAL DESIGN REVIEW**, the project sponsor shall submit a Rehabilitation Plan for the wood shingle residence and for the stone building. This Rehabilitation Plan shall be subject to review by the Director of Planning with coordination with a qualified professional. The applicant shall retain a qualified professional in the field of historic preservation to participate in the preparation of the Rehabilitation Plan and to monitor the rehabilitation of both buildings. The project sponsor shall schedule a meeting with City Staff and said qualified professional prior to any demolition of any on-site structures.
53. The applicant shall ensure the Historic Stone Building is retained. **PRIOR TO CONSTRUCTION ACTIVITY**, the applicant shall install protective fencing around the Stone Building.
54. In the event that any cultural resources are uncovered during earthmoving activities, all construction excavation activities would be suspended for a period to be determined by a City-approved archaeologist to allow for adequate inspection, recommendation and retrieval, if appropriate.

55. In the event that human remains are uncovered during earthmoving activities, all construction excavation activities shall be suspended and the following measures shall be undertaken:
- a The Sonoma County Coroner shall be contacted.
 - b If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours.
 - c The project sponsor shall retain a City-approved qualified archaeologist to provide adequate inspection, recommendations and retrieval, if appropriate.
 - d The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American, and shall contact such descendant in accordance with state law.
 - e The project sponsor shall be responsible for ensuring that human remains and associated grave goods are reburied with appropriate dignity at a place and process suitable to the most likely descendent.
56. The new buildings and other improvements shall be designed and built in accordance with the most current Uniform Building Code (UBC) and other code requirements. Buildings designed and constructed in accordance with these requirements may experience some damage during a major seismic event but are unlikely to collapse or result in the loss of life.
57. All recommendations outlined in the Geotechnical Report prepared by ENGEO Incorporated, dated March 4, 2005 shall be included as notes in the improvement plans and adhered to through all phases of development.
58. The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall be done by a qualified engineer and shall conform to requirements established under the geotechnical evaluation and to the specifications set by the City Engineer. The project Engineer shall provide written certification with submittal of Improvement Plans that the design conforms to the specifications.
59. Foundation design shall be designed with stiff structural mats or post-tensioned slabs as specified in the Geotechnical report. The structural mats and/or post-tensioned slabs should be designed by a structural engineer and shall be at least 10 inches in thickness and designed to be compatible with the superstructure and architectural finishing. Final foundation plans shall be reviewed and approved by a certified geotechnical engineer prior to submittal to the City of Cotati.
60. **PRIOR TO ISSUANCE OF A GRADING PERMIT**, an erosion control plan and grading and drainage plans shall be submitted to the City Engineer and Community Development Director subject to the review and approval of the SCWA and the City of Cotati. Prior to approval of the Improvement Plans, the applicant shall submit a SCWA approval letter to the City.

61. The project sponsors shall comply with all Federal, State and local laws regarding use of hazardous materials at construction sites.
62. The project shall comply with all water quality requirements of the Regional Water Quality Control Board and the City Engineer.
63. **PRIOR TO ISSUANCE OF IMPROVEMENT PLANS**, the project sponsor shall submit a final detailed drainage design that complies with the City of Cotati standards.
64. **PRIOR TO RECEIVING FINAL OCCUPANCY FOR THE FIRST RESIDENTIAL UNIT**, the applicant shall install all drainage improvements for the project including the use of permeable paving and vegetated bioswales, and underground water detention system.
65. The contractor shall comply with “Best Management Practices” as defined in California Storm Water Best Management Practices Handbooks “Construction Activity” and all requirements of the State of California “General Construction Activity Storm Water Permit”, including the following:
 - a Appropriate erosion control devices shall be utilized to retain sediment within the project areas during the construction season.
 - b Prior to any grading activity that will occur after October 1 and before May 1, storm drains, outlet structures, check dams and ditches shall be constructed.
 - c Storm water shall not be allowed to flow directly down unprotected slopes. Energy dissipating structures and erosion control devices shall be placed at all drainage outlets, which discharge into natural channels.
 - d Sediment basins or filtration systems shall be used to ensure that water entering the storm drain system below the construction site is the same quality and character as the water above the site.
 - e Storm water runoff from the construction site shall be directed toward an inlet with a sediment or filtration interceptor prior to entering the storm drain system.
 - f After construction is complete all storm drain systems associated with this project shall be inspected and cleared of accumulated sediments and debris.
 - g During the rainy season (October 15 to April 15), all paved areas would be kept clear of earth material and debris. The site is to be maintained by the developer, contractor or owner so that a minimum of sediment-laden runoff leaves the site.
 - h During the rainy season (October 15 to April 15) all sediment barriers are to be inspected and repaired at the end of each working day and, in addition, after each storm. Sediment shall be removed as needed and filters cleaned or replaced when accumulations reach one-third the height of the barrier.
 - i Entrance to the project shall be maintained in a condition that would prevent tracking or flowing of sediment into a public right-of-way.
66. **PRIOR TO RECEIVING FINAL OCCUPANCY FOR THE FIRST RESIDENTIAL UNIT**, the applicant shall install all required drainage, bioswale and below grade detention system necessary to serve the project.

67. **PRIOR TO RECEIVING FINAL OCCUPANCY FOR THE FIRST RESIDENTIAL UNIT**, the applicant shall submit a written certification by a qualified engineer verifying that all drainage improvements have been installed in accordance with the approved improvement plans and with the Storm Water Mitigation Plan for the Valparaiso Subdivision, dated June 11, 2008.
68. Residential units shall not be located within of the 70 dBA noise contour (95 feet from the Center Line of Old Redwood Highway) and outdoor activity areas shall not be located within the 65 dBA noise contour . **PRIOR TO RECEIVING A FOUNDATION INSPECTION FOR THE BUILDINGS ON LOTS L AND M AS SHOWN ON THE TENTATIVE MAP**, the applicant shall submit written certification from a qualified land surveyor stating that all pads have been placed outside of the 95-foot setback line as measured from the centerline of Old Redwood Highway.
69. Sound rated windows and mechanical ventilation shall be installed in the homes on all lots located within the area encompassed by the 65 dBA sound contour in order to achieve acceptable interior noise levels, in accordance with the Illingworth & Rodkin Environmental Noise Assessment dated June 16, 2008. **PRIOR TO FINAL OCCUPANCY**, the applicant shall submit written certification from the Noise Consultant and window installer that installed windows are rated as such.
70. **PRIOR TO FINAL OCCUPANCY OF LOTS M, O, G AND LOTS 28-31**, the project sponsor shall install a solid 6-foot high sound attenuation fence enclosing the designated outdoor activity areas for those lots.
71. Noise-generating construction activities, including truck traffic coming to and from the site for any purpose, shall be limited to Monday through Friday 7:00 a.m. to 7:00 p.m. (Cotati Land Use Code Section 17.30.050). No construction shall be permitted on Sundays or national holidays. Interior finish work (e.g., flooring installation, painting, etc.) after the close-in inspection only shall be permitted on Saturdays from 9:00 a.m. to 5:00 p.m.
72. All construction equipment powered by internal combustion engines shall be properly muffled and maintained to minimize noise. Equipment shall be turned off when not in use.
73. All stationary noise-generating construction equipment, such as air compressors, shall be located as far as practical from existing nearby residences and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
74. The project sponsor shall designate a “noise disturbance coordinator,” **PRIOR TO ISSUANCE OF A BUILDING/GRADING PERMIT**, that would be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall take prompt action to correct the problem. This

designated person shall have his/her name and phone number posted on the site prior to all site work activities.

75. **PRIOR TO APPROVAL OF IMPROVEMENT PLANS**, the project sponsor shall submit details of the following:
- a additional pavement arrows within the center turn lane on Old Redwood Highway at Lasker Lane
 - b a new sign on the east side of Old Redwood Highway at Lasker Lane which advises the use of the center refuge area.
76. **PRIOR TO RECEIVING A FINAL OCCUPANCY ON THE FIRST BUILDING**, the project sponsor shall install the above improvements.
77. **PRIOR TO ANY SITE WORK**, the contractor shall provide a traffic control plan which, at a minimum, addresses ingress and egress, haul route, flagging, and maintenance of the road and identifies a staging area. The plan shall be reviewed and approved by the Chief of Police and the Planning Department prior to the start of any site work.
78. **As part of the Improvement Plan submittal**, the applicant shall include a site plan that identifies location of stop signs and striping at the following intersections:
- Jagle and Fehler Lane for all three directions;
 - Jagle Street and Dorfman Drive (eastbound);
 - Honor Plance and Jagle Street (east bound); and
 - Jagle Street and Valparaiso (northbound).
79. The project sponsor shall install the above signage, **PRIOR TO RECEIVING A FINAL INSPECTION OF PUBLIC IMPROVEMENTS BY THE** Department of Public Works.
80. **PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS**, the project sponsor shall install "No Parking" signs and red striping within the interior alleys to the satisfaction of the Rancho Adobe Fire Protection District and the City of Cotati Police Department.
81. **PRIOR TO RECEIVING A FINAL OCCUPANCY**, the project sponsor shall install interior residential fire sprinklers within the lots accessed via the alleyways and as required by the Rancho Adobe Fire Protection District.
82. **PRIOR TO RECEIVING A GRADING PERMIT OR THE FIRST BUILDING PERMIT FOR ANY RESIDENTIAL UNIT FOR THIS PROJECT**, the project sponsor shall install perform a pipe replacement for the existing sewer pipe (Pipe 74) located near the intersection of Old Redwood Highway and ST. Joseph Way.

DESIGN REVIEW

83. PRIOR TO FINAL DESIGN REVIEW, the applicants shall revise plans to reflect the following:

- a Outdoor patios, balconies, or decks shall be no more than 2 feet above the existing grade at the property line when facing rear or side yards.
- b Rear-facing or side-facing upper story decks or balconies shall not be allowed.
- c Lots 31, 42, 43 and 45 shall be reconfigured such that the homes are shifted toward the street thus providing opportunity for an interior side yard patio area.
- d Lot 35, 36, 51 shall be redesigned such that the front entry shall be located at the closest wall to the street. A porch shall be placed at this location. The side yard (where the current proposed entry is) shall be the location of the private outdoor patio area.
- e Lot 37 shall be redesigned such that the private patio shall be located within the side yard (adjacent to the alley).
- f Lot 52 shall be redesigned such that the front entry walk should be directed to the westerly street side. The front porch shall then be expanded to line up with the southerly wall of the residence.
- g Outdoor storage shall be provided for Unit Type 8.
- h The applicant shall continue to work with staff regarding plant species and provide typical landscape details for the individual lots. The details shall focus on two or three lots as the typical proposed landscape proposal. These details shall serve as a sample for the remaining lots as building permits are submitted. The landscape details shall identify the areas that the applicant proposes to install and the areas that will be completed by individual property owners using the approved landscape pallet. All street facing (front and side) yards shall be landscaped by the applicant at time of development. Plans shall note the use of 50% native and 80% drought tolerant plants in each plant category (groundcover, shrubs, and trees) and the use of 80% drip irrigation. Plans shall indicate the use of a weed block fabric for the public and private landscape areas.
- i Site plan shall be revised to reflect 8-foot fences at the southerly boundary (Lots 1-16) to reduce visual and privacy impacts.
- j Plans shall be revised to reflect the use of hung windows. The Community Development Department-Planning Division staff, at their sole discretion, may approve the use of casement windows on a case by case basis.
- k Site plan shall be revised to reflect the use of Unit 1B for all lots along the southwesterly boundary. Alternatively the outdoor patio could be relocated to the lower portion of the lot.
- l The floor plans for Units 1A and 1B shall be revised such that the upper level floor plans are flipped so the family room is oriented toward the street and the bedrooms are oriented toward the rear.
- m Window orientation shall be such that privacy is maximized to the maximum extent possible. Window placement shall be such that they face away from the existing properties to the southeast and southwest. Clerestory windows shall be used in place of full length windows were possible.

84. PRIOR TO FINAL DESIGN REVIEW, the applicant shall submit a proposed lighting plan for private walkways, parking lots and individual lots.

85. **PRIOR TO FINAL DESIGN REVIEW**, the applicant shall submit details for the proposed street light fixtures that comply with City of Cotati Lighting standards.
86. **PRIOR TO FINAL DESIGN REVIEW**, the applicant shall submit a photometric analysis for all site lighting.
87. **PRIOR TO FINAL MAP APPROVAL**, the applicant shall submit recordable language satisfactory to the City Attorney, that encumbers Lots 1 through 16 with an 8-foot wide landscape buffer zone. This language shall ensure that individual property owners retain, maintain, and replace dead trees within that landscape buffer zone as necessary to ensure privacy. This landscape buffer zone shall be noted in the CC&Rs giving the Home Owners Association primary responsibility for enforcing. **CONCURRENT WITH FINAL MAP RECORDATION**, the applicant shall record landscape buffer zone for lots 1-16 of the approved Vesting Tentative Map.
88. **PRIOR TO FINAL DESIGN REVIEW**, the applicant shall submit a site plan that identifies the locations of all mechanical equipment, including air conditioning and heating units. All such equipment shall be located outside of all setbacks, shall not interfere with private outdoor patios or porches, and shall be adequately screened from view of the public right-of-way.
89. **PRIOR TO BUILDING PERMIT SUBMITTAL**, the applicant shall ensure that all proposed green building measures are properly cross referenced in the construction drawings and shall include the following:
- a A cement blend of at least 30% high volume fly ash shall be used for the foundation, walkways, driveways etc.
 - b All residences shall be pre-plumbed for solar water heating, and pre-wired for photovoltaic (PV) installation
90. This project shall comply with City Code and City Council policy by undergrounding all utilities and utility boxes that are within or visible from the public right-of-way. No utility boxes shall be located on public property. **PRIOR TO ISSUANCE OF A GRADING PERMITS OR IMPROVEMENT PLANS**, the applicant shall submit plans that identify the location of any utility boxes and a cross section that provide method used for undergrounding.
91. **PRIOR TO FINAL INSPECTION**, the applicant's landscape architect shall submit written certification that the plants installed are of the species and size of those indicated on the landscape plans, including 50% native species and 80% drought resistant. And that the required drip irrigation has been installed.
92. **PRIOR TO FINAL INSPECTION**, the applicant shall schedule a pre-inspection meeting with Planning to confirm that utility lines and boxes have been installed underground.

93. The applicant shall continue to work with staff to prepare complete plans that reflect staff and Design Review recommendations and to complete the necessary environmental documents and staff reports for the project.

PLANNING

94. **PRIOR TO RECORDATION OF THE FINAL MAP**, the applicant shall enter into a Affordable Housing Agreement.

95. **PRIOR TO RECORDATION OF THE FINAL MAP**, the applicant shall submit revised CC&Rs that reflect the following:

- a Turf within the front yard of all the residential lots shall be prohibited.
- b Turf within the rear yards shall be permitted only in compliance with the Water Conservation Plan.
- c Phase 1 (and subsequent phases) shall include the required mix of affordable units as required by Condition 61.
- d Phase 1 shall include rehabilitation of the wood shingle residence along with the parking and landscaping. This building shall be used as a community building and be constructed and ready for final occupancy prior to the construction of the 15th residential unit.
- e Phase 1 shall include public and private improvements such as drainage improvements, through alley access, through installation of all public right-of-way and connections to existing streets, all open space lots at the lower portion of the lot (near Old Redwood Highway).

96. **PRIOR TO BUILDING PERMIT SUBMITTAL**, the Green Building Professional shall review and certify that building permit plans have been prepared in compliance with the Green Building Checklist. Certification shall be illustrated by the Green Building Professional's signature on the plans.

97. **PRIOR TO ISSUANCE OF THE FIRST BUILDING PERMIT**, the applicant shall pay the Park-In-Lieu Fee as required by Land Use Code Section 17.76.030 (Park Land Dedication and Fees).

98. The locations of all mechanical equipment, including air conditioning and heating units, shall be shown on the design plans **PRIOR TO FINAL DESIGN REVIEW**. All such equipment shall be located outside of all setbacks, shall not encroach or be adjacent to any of the private patio areas, shall not be located within or adjacent to the front yard porches and shall be adequately screened from view from the public right-of-way.

99. This project shall comply with City Code and City Council policy by undergrounding all utilities, utility boxes that are within or visible from the public right-of-way. No utility boxes shall be located on public property. **PRIOR TO ISSUANCE OF A**

BUILDING PERMIT, the applicant shall submit plans that identify the location of any utility boxes and a cross section that provide method used for undergrounding.

100. Any OSY units or similar fire suppression units shall be properly screened from public right-of-way.
101. **PRIOR TO RECEIVING OCCUPANCY ON THE 15 RESIDENTIAL UNIT**, the applicant shall perform rehabilitation of the wood shingle residence, install the associated landscape, access, and parking improvements and establish the structure as a community building.
102. To ensure the timely construction of the affordable housing units the applicant shall construct half of the lower income units **PRIOR TO RECEIVING OCCUPANCY on the 10th market rate residential unit and the remaining PRIOR TO RECEIVING OCCUPANCY on the 20th market rate residential unit.**
103. Affordable housing units shall be similar to the market rate units in terms of dispersal, quality in materials and overall design
104. Stacked units shall be constructed **PRIOR TO RECEIVING FINAL OCCUPANCY OF THE 30th UNIT.**
105. The ground level single story units proposed for Lots G, H, K, L, M, and O shall be designed with hallway widths and doorway openings that comply with the ADA width requirements so that they are easily adapted to those with physical disabilities. **PRIOR TO SUBMITTING PLANS FOR BUILDING PERMIT REVIEW**, the applicant shall submit written certification by and expert in the field that this condition has been complied with.
106. Unit 1B shall be used for all lots along the southwesterly boundary. Alternatively, in cases where topography does not permit the use of Unit 1B, the outdoor patio shall be relocated to the lower portion of the lot with only a landing leading to this patio being provided.
107. The upper level floor plans for Units 1A and 1B shall be flipped such that the family room is oriented toward the street and the bedrooms are oriented toward the rear.
108. Window orientation shall be such that privacy is maximized to the maximum extent possible. Window placement shall be such that they face away from the existing properties to the southeast and southwest. Clerestory windows shall be used in place of full length windows were possible.
109. The applicant shall revise plans to reflect the use of hung windows. Casement windows may be permitted on a case by case basis at the discretion of the Community Development Department-Planning Division staff. Fiberglass frame

windows (or other similar energy efficient and non toxic material) shall be used instead of the vinyl windows.

110. Upper story balconies that face the existing neighboring properties shall not be allowed. Plans shall be replaced to reflect such.
111. The applicant shall install 8-foot high fencing along the rear of lots 4-16, **PRIOR TO RECEIVING FINAL OCCUPANCY FOR THOSE LOTS**, to serve as additional privacy buffer. This 8-foot high fence shall be design with as 6 feet of solid boards and 2 additional feet of closed lattice.
112. The applicant shall facilitate installation of tall stature trees on neighboring properties southeast and southwest if those neighboring property owners are willing.
113. All street facing (front and side) yards shall be landscaped **PRIOR TO RECEIVING OCCUPANCY FOR THOSE LOTS**.
114. **PRIOR TO FINAL DESIGN REVIEW**, the community building parking area shall be redesigned so that the ADA parking space and loading area are flipped to allow adequate room for maneuvering.
115. **PRIOR TO FINAL DESIGN REVIEW**, plans shall be revised to demonstrate use of a color treated asphalt or stamped asphalt as determined by the City Engineer.
116. **PRIOR TO FINAL INSPECTION**, THE applicant shall schedule a pre-inspection meeting with Planning to confirm that utility lines and boxes have been installed underground.
117. Photovoltaic panels shall be installed on the sales office, model home, or other first building to demonstrate the availability of photovoltaic as an option for the residential units. Panels shall be shown on building permit plans and shall be installed prior to receiving temporary or final occupancy of the building.

ENGINEERING

118. **Prior to Approval of the Final Map, the applicant shall comply with the following Engineering Requirements:**
 - a Each lot on the site layout plan shall have lot number associated with it which is consistent with the Vesting Tentative Map.
 - b Submit the Final Map to the City Engineer for review and approval, complete with recent(within 3 months) Title Report, closure calculations, documentation for existing easements within the project, etc.
 - c Submit easement documents to the City Engineer for review and approval for proposed easements for any off-site easements (including temporary construction easements) needed to complete the project improvements.

- d The Drainage Report shall be submitted to the Sonoma County Water Agency (SCWA) for review and approval. Recommendations and requirements shall be included in the Project Improvement, Grading and Drainage Plans.
- e The Storm Water Management Plan (SWMP) shall be referred to the SCWA for review and approval. Recommendations and requirements shall be included in the Project Improvement, Grading and Drainage Plans.
- f The SWMP is subject to the recommendations in the Soils Report (Geotechnical Exploration prepared by ENGEO Inc. dated March 4, 2005 or most current City-approved version). Said soils Report shall be updated, as necessary to include recommendations for the various BMPs.

- g Developer shall identify low impact development (LID) measures that are incorporated in the design of the project. These measures may include:
 - Downspouts flowing away from building foundation to landscaped areas;
 - Use of roof materials that are less likely to leach metals or other pollutants to storm water;
 - Mark storm drain inlets with the words “No Dumping, drains to Creek;”
 - Installation and maintenance of storm drain filter inserts;
 - Landscape irrigation that minimizes overspray and runoff;
 - Low-water use landscaping design.

- h The applicant shall submit a revised Water Conservation Plan for review and approval by the City Engineer, that incorporates the following.
 - Plants selected for this development shall not cause the Estimated Total Water Use to exceed the Maximum Applied Water Allowance as defined within the Water Efficient Landscape Ordinance;
 - Turf shall not be permitted within the front yards. Turf shall only be permitted in the rear yard if the above standard can be made;
 - Plants shall be grouped by water needs to allow for irrigation by zone (hydro-zoning);
 - Plant shade trees to the extent feasible without interfering with solar access;
 - Invasive plant species listed by Cal –IPC shall be prohibited;
 - Install high-efficiency irrigation systems and add smart controllers;
 - Mulch all exposed soil surfaces in planting areas with a minimum of 2 inches;
 - Incorporate organic amendments (compost) to a minimum depth of 8 inches;
 - Install separate dedicated landscape meters which would be used only for landscape irrigation;
 - Install rain water collection system;

- i The Utilities Study (Sanitary Sewer and Water System Capacity Analysis prepared by Adobe Associates, Inc., dated January 23, 2008), shall be revised to identify how any water and sewer capacity deficiencies will be corrected by

this project. Said restrictions to utility capacity shall be corrected by this project and shown on the Improvement Plans.

- j The existing 6-inch sewer main on Valparaiso shall be increased to meet the City's current standard size of 8 inches diameter. The upsizing of the existing 6-inch main on Valparaiso will be constructed where the sewer flow is being discharged and affected by the project. Said upsizing shall be shown on the Improvement Plans.
- k The deficiency of the 8-inch pipe on Old Redwood Highway from St. Joseph Way to Gravenstein Way will need to be increased by this project. Said deficiency shall be incorporated in the Utilities Study and subject to the review and approval of the City Engineer and shall be shown on the Improvement Plans.
- l The Soils Report shall be updated to reflect the proposed permeable pavement system and provide recommendations for the system design and construction and is subject to the review and approval of the City Engineer.
- m The CCRs shall be revised to include a maintenance program for the common facilities such as the alleyways, storm drain facilities, and storm water pollution control facilities. Said maintenance program included in the CCRs shall be subject to the review and approval of the City Engineer.
- n Developer shall submit an Engineer's Estimate for public improvements to the City Engineer for review and approval.
- o Developer shall enter into a Subdivision Improvement Agreement with the City. Said agreement shall be approved concurrently with the approval of the Final Map.
- p Developer shall submit Improvement Plans to the City Engineer for review and approval. Said plans shall include but not be limited to the following:
 - All public improvements shall be designed and constructed in accordance with City Standards or SCWA Standards (for drainage systems).
 - Curb, gutter, sidewalk, street lighting and other related street furniture for: all public streets and all existing public streets adjacent to the property boundaries. Existing curb, gutter and sidewalk that are in disrepair as determined by the City Engineer shall be removed and replaced with new.
 - The existing street lights located on Fehler Lane shall be replaced with approved City Light Standards to match the proposed development.
 - A Demolition Plan showing all items to be removed such as buildings, well system, septic system, etc.
 - A Grading Plan including sections along property line conforms, proposed elevations throughout the graded areas and including at least 50 feet beyond the project property lines. In addition to the City Engineer, the Grading Plan shall be subject to the review and approval of the Planning Director. Said

- Grading Plan shall incorporate the findings and recommendations from the approved Soils Report.
- A Drainage Plan that incorporates recommendations and requirements identified in the City and SCWA-approved Drainage Report and Storm Water Mitigation Plan.
 - An Erosion Control Plan for all onsite and offsite improvements designed by a professional qualified to prepare such a plan.
 - A Street Improvement Plan including street profiles, typical public street sections, typical private street/driveway sections, private street entry to the project, and required calculations for the street design. Said plan shall incorporate the findings and recommendations from the approved Soils Report for the pavement design and the approved Traffic Study. The proposed T.I. shall be submitted to the City Engineer for review and approval. Said plan shall also be subject to the review of the Rancho Adobe Fire District for emergency vehicle access throughout the project.
 - A Storm Water Drainage Improvement Plan, hydrology report, hydraulic calculations, SUSMP design subject to the review and approval of the SCWA. Private storm drain systems may connect to the public storm drain systems with City Engineer approval.
 - A “wet” Utility Plan showing sanitary sewer and water system (including meter locations) meeting City Standards including plan and profiles and all utility crossings.
 - Said plan shall incorporate the findings and requirements from the IS/MND. Said plan shall also be subject to the review of the Rancho Adobe Fire District for the water system (including hydrant locations and backflow devices).
 - A “dry” Utility Plan shall be submitted to the City Engineer. All proposed and existing utilities, including along the property boundary, shall be undergrounded. A 5-foot PUE shall be identified within each lot directly behind the public right-of-way. All utility vaults shall be below proposed grades. Utility cabinets above grade shall not be allowed in the public right-of-way or in any front yard setback visible from the public right-of-way, unless expressly approved by the Planning Director.
 - A Street Lighting Plan utilizing decorative residential street lights meeting City standards, shall be required on public and private and private streets. The Street Lighting Plan shall be subject to the review and approval of the City Engineer and the Police Chief. A photometric plan shall be submitted to the City Engineer for review and approval. Signing and Striping Plan for the project prepared by a licensed Traffic Engineer.
 - Landscape and irrigation Plan for plantings within the public street right-of-way (such as on Fehler Lane) shall be included in the Improvement Plan submittal package. Said plan is subject to the review and approval of the Planning Director, as well as the City Engineer
- q The Drainage Plan that is part of the Improvement Plans shall be submitted by the Developer directly to the SCWA for review and approval.

- r A geotechnical investigation report, prepared by a license Geotechnical Engineer, shall be submitted to the City for review and approval. The geotechnical report shall address, but not limited to, all required grading, compaction, foundations requirements and roadway structural sections.
 - s Developer shall pay into a City street improvement fund for cost of the rehabilitation of the half-section of Old Redwood Highway along the project property boundary. Said cost shall be subject to the review and approval of the City Engineer.
 - t Developer shall pay 20 percent of pedestrian walkway improvement anticipated on Valparaiso Avenue. Developer's proportionate share of costs shall be subject to review and approval by the City Engineer.
 - u The "conforms" to existing public streets shall include a slurry seal of the entire roadway width of Fehler Avenue and Valparaiso along the project property boundaries. Said slurry seal shall be shown in the Improvement Plans.
 - v Developer/Owner shall dedicate sufficient right-of-way to include the future curb, gutter and sidewalk.
 - w The planter and landscape strips adjacent to public streets shall be maintained by a homeowner's association or other mechanism, as approved by the City Attorney. Said maintenance program shall be included in the CCRs and subject to the review of the City Engineer.
 - x Best Management Practices (BMPs) shall be implemented for all private surface drainage and private storm drain system.
119. **Prior to Issuance of the Grading Permit, the following shall be submitted:**
- a The Final Map, grading plans, and improvements plans shall be approved prior to issuance of the grading permit.
 - b Copy of required permits and/or permit agreements from resource agencies.
 - c A haul route shall be submitted to the City Engineer for review and approval for the required import/export of material and for all demolition debris or unsuitable material disposal.
 - d Any existing well and septic system shall be abandoned in accordance with the Sonoma County Well & Septic Division. Developer shall submit a copy of the permit and abandonment approval letter prior to issuance of the grading permit.
120. **Prior to Issuance of the Encroachment Permit, the applicant shall provide the following:**
- a A Traffic Control and Work Plan shall be submitted to the City Engineer for review and approval.

- b An encroachment permit shall be required prior to performing work on public utilities or work within public rights-of-way or easements.

RANCHO ADOBE FIRE PROTECTION DISTRICT

- 121. The applicant shall install opticom controls at the intersection of Old Redwood Highway and Valparaiso Avenue.
- 122. All units shall be constructed with approved fire sprinkler systems designed and installed in accordance with NFPA 13-D.
- 123. Fire sprinklers shall extend into attic garage attached porches, carports, and bathrooms over 55 square feet, closets over 24 square feet or 3 feet deep and other attached structure. These systems shall be calculated for two-head activation for the most remote two heads.
- 124. The applicant shall obtain a permit from the Rancho Adobe Fire Protection District prior to installation of the fire sprinkler system. A minimum of four (4) sets of plans and calculations shall be submitted for review and approval.
- 125. To ensure the fire sprinkler system performs correctly a minimum of a one-inch water shall be installed from the City water line to the meter location.
- 126. A minimum of a one-inch water shall be installed to provide the PSI and GPM required for the required sprinkler system.
- 127. Fire Lanes, streets and alleys with a width of twenty (20) feet or less shall be red striped and shall have No parking signs stating "NO PARKING -FIRE LANE"
- 128. **PRIOR TO FINAL INSPECTION OF THE PUBLIC AND PRIVATE ACCESS IMPROVEMENTS**, the applicant shall contact the Fire Inspector for a Final Fire Inspection to ensure all Fire District requirements have been complied with.
- 129. **PRIOR TO FINAL OCCUPANCY OF ANY OF THE STRUCTURES**, the applicant shall contact the Fire inspector for a Final Fire Inspection to ensure all Fire District requirements have been complied with.

CITY ATTORNEY

- 130. The applicant shall pay all development impact fees, park-in-lieu fees, and any and all other applicable development fees.
- 131. The subdivider shall defend, indemnify and hold harmless the City or its agents, officers and employees from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul an approval of the City, the City's Council and/or the City's Planning Commission concerning the

subdivision, which action is brought within the time period provided for under Section 66499.37 of the Government Code. The City shall promptly notify the Subdivider of any claim, action, or proceeding and the City shall cooperate fully in the defense thereof.

132. The Conditions set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020 (d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. The applicant is hereby further notified that the 90-day approval period in which the applicant may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020 (1), has begun. If the applicant fails to file protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.
133. The applicant shall defend, indemnify and hold harmless the City and its agents, officers, attorneys or employees from any claim, action, or proceeding brought against the City, or its agents, officers, attorneys or employees to attack, set aside, void, or annul the City Council' s decision to approve the proposed development on property located at 100 Valparaiso, including any and all City decisions to approve the tentative map, use permit, hillside development permit, design review, initial study, negative declaration and the mitigation monitoring plan pertinent to the project. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorneys' fees, and other costs and expenses incurred in connection with such action whether incurred by the Applicant, including its partners, the City, and/or the parties initiating or bringing such action.
134. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, employees and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as the Initial Study), if made necessary by said legal action and if the Applicant desires to pursue securing such approvals, after initiation of such litigation, which are conditions on the approval of such documents, in a form and under conditions approved by the City Attorney.
135. In the event that a claim, action or proceeding described herein is brought, the City shall promptly notify the Applicant of the existence of the claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding. In the event that the Applicant is required to defend the City in connection with any said claim, action or proceeding, the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the Applicant in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own to defend any claim,

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action or proceeding where the Applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City. Notwithstanding the immediately preceding sentence, if the City Attorney's office participates in the defense, all City Attorney fees and costs shall be paid by the applicant (City of Cotati Zoning Ordinance, Section 17.48.030).

136. The applicant shall indemnify the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.

VII. REPORTS BY STAFF

None

VIII. REPORTS BY THE COMMISSION

Commissioner Harvey said that the Historical Society fundraiser was a great event.

IX. ADJOURNMENT

Adjourn meeting at 11:15 p.m.

Submitted By: Keri L. Pajon, Secretary