CITY OF VACAVILLE
650 MERCHANT STREET
VACAVILLE, CALIFORNIA 95688-6908
www.cityofvacaville.com

ESTABLISHED 1850

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Councilmember

November 22, 2013

Community Development Department
Planning Division

Standard Pacific Homes
c/o Mandi Kaercher
3825 Hopyard Road, Suite 275
Pleasanton, CA 94588

SUBJECT: RANCHO ROGELIO PLANNED DEVELOPMENT MODIFICATION AND THE RESERVE AT BROWNS VALLEY HOUSE PLANS AND MODEL HOME COMPLEX APPROVAL
7019 Browns Valley Road
Planned Development Modification and EIR Reaffirmation (File No. 13-042)

Dear Mrs. Kaercher:

At the November 19, 2013 regularly scheduled meeting of the City of Vacaville Planning Commission, the Planning Commission reaffirmed the Rancho Rogelio Mitigated Negative Declaration, approved the Modification to the Rancho Rogelio Planned Development, and approved The Reserve at Browns Valley House Plans and Model Home Complex. The approved house plans include five house plans, each with four elevations, ranging from 2,674 to 4,024 square feet in size. The approved model home complex will be constructed in two phases. Phase 1 includes constructing house models on Lots 3, 4, and 5 and installing the sales trailer on Lot 6, which is the one-acre custom home lot. Phase 2 includes constructing the remaining two house models on Lots 7 and 8. Phase 2 will happen if and when the housing market warrants it.

This approval shall become effective immediately unless a written appeal to the City Council is submitted within 10 calendar days. To appeal this decision, a written appeal application and the accompanying fee must be submitted to the Planning Division offices at 650 Merchant Street on or before 5:00 pm on December 2, 2013.

The Planning Commission approved the Modification to the Rancho Rogelio Planned Development, and The Reserve at Browns Valley House Plans and Model Home Complex for a period of time that coincides with the valid Rancho Rogelio Tentative Map expiration date, June 27, 2016, subject to the attached conditions of approval.

This approval shall expire on June 27, 2016, unless Building Permits are issued and construction commenced and diligently pursued prior to the expiration date, or an application for a time extension is filed prior to the expiration date. Final building plans shall reflect all conditions of approval and mitigation measures. If you have any questions, please feel to contact me (707) 449-5140 or the Permit Services Division at (707) 449-5152.

Sincerely,

TYRA HAYS, AICP
Senior Planner

RESOLUTION NO. 13-042

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VACAVILLE REAFFIRMING THE MITIGATED NEGATIVE DECLARATION FOR RANCHO ROGELIO, APPROVING THE MODIFICATION TO THE RANCHO ROGELIO PLANNED DEVELOPMENT, AND APPROVING THE RESERVE AT BROWNS VALLEY HOUSE PLANS AND MODEL HOME COMPLEX

WHEREAS, the Planning Commission of the City of Vacaville conducted a hearing on November 19, 2013, to consider a request for the Modification to the Rancho Rogelio Planned Development and approval of The Reserve at Browns Valley House Plans and Model Home Complex relating to the following described property:

7019 Browns Valley Road
APN: 123-040-010

WHEREAS, on July 11, 2006, the City Council of the City of Vacaville unanimously approved Ordinance No.1762 approving the Zone Changes within the Rancho Rogelio Project Area; and

WHEREAS, on July 11, 2006, the City Council of the City of Vacaville unanimously approved Ordinance No. 1763 approving the Development Agreement by and between the City of Vacaville and Private Island Homes, Inc., for the proposed development within the Rancho Rogelio Project Area; and

WHEREAS, on June 27, 2006, the City Council of the City of Vacaville unanimously approved Resolution No. 2006-69 approving the Mitigated Negative Declaration and Mitigation Monitoring Plan for the Rancho Rogelio Project; and

WHEREAS, on June 27, 2006, the City Council of the City of Vacaville unanimously approved Resolution No. 2006-70 approving the Planned Development and Tentative Subdivision Map for the Rancho Rogelio Projects; and

WHEREAS, the public hearing before the Planning Commission was duly noticed in accordance with applicable state law and the Vacaville Development Code requirements; and

WHEREAS, on November 19, 2013, Planning Commission received testimony from City staff, the applicant, and interested persons regarding the proposed project; and

WHEREAS, the Planning Commission has reviewed the written record for a reaffirmation of the 2006 Mitigated Negative Declaration for the Rancho Rogelio Project and, on the basis of the factual information, approves a reaffirmation of the previous environmental assessment, based on the following findings:

1. That the activity is within the scope of the project covered by the previously approved Rancho Rogelio Mitigated Negative Declaration;

2. That no new significant effects would occur or no new mitigation measures would be required;

3. That feasible mitigation measures or alternatives adopted with the previous Rancho Rogelio Mitigated Negative Declaration have been incorporated into the project approval; and

4. That no new environmental document would be required.

5. Environmental permits required by the Rancho Rogelio Mitigated Negative Declaration have been obtained by the Standard Pacific and submitted to the City.

WHEREAS, The Planning Commission has reviewed the request for the Reserve at Browns Valley House Plans and Model Home Complex and request for a Modification to the Rancho Rogelio Planned Development and finds:

1. That the proposed change is of a nature that does not require the complete redesign and re-submittal of the original project;
2. That the proposed change is consistent with the original project;
3. That the proposed change does not result in lack of compliance with the development standards approved with the original project;
4. That the proposed change is consistent with the findings for a design review approval;
5. That the proposed change is consistent with the goals, objectives, and policies of the General Plan, the Zoning Ordinance, and the Development Code.
6. That the requested setback exceptions are acceptable because (1) the proposed front yard setbacks are consistent with the Rancho Rogelio Planned Development condition of approval that requires varying setbacks for three- and four-car garages; (2) the setback reductions are being requested for side-entry garages; (3) there are compensating (larger) side or rear yard areas on the lots which will offset the requested reductions; and (4) varying the setbacks will reduce an artificial "canyon" appearance and provide visual interest along the streetscape.
7. That the requested minimum lot dimension exception for Lot 19 is acceptable because (1) the lot meets the minimum 10,000 square foot minimum, and (2) the proposed street-side yard setback exceeds the required 15-foot setback from the side property line located adjacent to the street.
8. That the requested minimum lot dimension exception for Lot 6, the custom home lot, is acceptable because (1) the proposed lot dimensions are in substantial compliance with the approved Rancho Rogelio Tentative Map; (2) the lot meets the minimum one-acre requirement; (3) the lot is somewhat pie-shaped with the narrowest part of the lot facing the interior of the project, and the widest part abutting Browns Valley Road; and (4) the width of the lot far exceeds the 150-foot minimum.
9. The proposed house plans are consistent with the conditions of approval prescribed by the Planned Development for the Rancho Rogelio Project.

NOW, BE IT RESOLVED, that the Planning Commission does hereby reaffirm the Rancho Rogelio Mitigated Negative Declaration, approves the Modification to the Rancho Rogelio Planned Development, and approves The Reserve at Browns Valley House Plans and Model Home Complex for a period of time that coincides with the valid Rancho Rogelio Tentative Map expiration date, June 27, 2016, subject to conditions of approval.

I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the Planning Commission of the City of Vacaville, held on the 19th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

MAUREEN T. CARSON, Community Development Director

EXHIBIT A

CONDITIONS OF APPROVAL

Rancho Rogelio Planned Development Modification, and The Reserve at Browns Valley (AKA Rancho Rogelio) House Plans and Model Home Complex Approval
7019 Browns Valley Road
File No. 12-042

I. Standard Conditions of Approval:
The Applicant shall comply with all applicable Standard Conditions of Approval. In the event of a conflict between the Standard Conditions of Approval and these Conditions, these conditions shall prevail.

II. Project-Specific Conditions:
The applicant shall comply with the following Project-Specific Conditions:

PLANNING

1. This action approves a Modification to the Rancho Rogelio Planned Development, approved by the City Council on June 27, 2006 with the approval of Resolution No. 2006-70. The Rancho Rogelio project shall demonstrate substantial compliance with the aforementioned Planned Development conditions of approval, except as modified by this action. This project approval is tied to the expiration date of the valid Rancho Rogelio Tentative Map, which expires on June 27, 2016.

2. This action approves house plans and a model home complex for the Rancho Rogelio Subdivision, being marketed as "The Reserve and Browns Valley." House Plans submitted for building permits shall be in substantial compliance with the house plans prepared by William Hezmalhalch Architects, Inc. dated November 12, 2013. Plans submitted for the building permits for the model home complex and sales trailer shall be in substantial compliance with the Plans created by VanderToolen Associates, dated November 6, 2013. This project approval is tied to the expiration date of the valid Rancho Rogelio Tentative Map, which expires on June 27, 2016.

3. Section 14.09.072.150 (D) of the City of Vacaville Land Use and Development Code states: "A permit or entitlement may be revoked for reasons which include, but are not limited to, any of the following: (1) Failure to comply with the original approval or with one or more of the project conditions as originally approved; or the construction or development of the subject property is not in conformance with the project as approved; (2) Upon a determination that the permit or entitlement was obtained or extended upon fraud or misrepresentation; and (3) Upon a determination that the project violates a provision of the Municipal Code or is not operating in conformance with the performance standards".

4. The Applicant and development shall comply with these conditions of approval and all applicable provisions of the Vacaville Municipal Code (Zoning, Subdivision, Building Codes, etc.), the Vacaville General Plan and any applicable policy plan or specific plan, as such provisions may be amended from time to time including, but not limited to, Vacaville Municipal Code Section 14.09.072.190, which requires, except as otherwise provided by law (e.g. Government Code 664.74.9) that the Applicant shall defend, indemnify, and hold harmless the City and its officials and employees in any action, claim or proceeding brought by any person or entity to overturn, set aside, or void any permit, entitlement, or approval issued or granted by the City. The City shall promptly notify the Applicant of any such action, claim or proceeding and the City shall cooperate with Applicant in the defense thereof without contributing to the cost of such defense.

5. The Applicant and development shall indemnify, defend and hold the City of Vacaville and its officers and employees harmless against all claims, suits or actions made against them arising out of or in connection with the ownership, occupancy, use or development of the project site, or any portion thereof, including the installation or construction of improvements thereon; however, this duty to indemnify and defend shall not extend to any claim, suit or action arising solely from the City or its officers or employees' negligence or misconduct. In addition, the Applicant shall comply with the requirements of Vacaville Municipal Code Section 14.09.072.190.

6. The Developer shall comply with the requirements of the Development Agreement between the City of Vacaville and Private Island Homes, Inc., regarding the development of real property commonly referred to as the "Rancho Rogelio." Said document is dated July 11, 2006, and was recorded February 8, 2007. In the event there is a conflict with these Conditions of Approval and the Development Agreement, the Development Agreement shall prevail. Per Section 12(d) of the Development Agreement, administrative amendments to the agreement may be authorized and approved by the Community Development Director. However, if the Community Development Director does not consider a proposed amendment to be administrative, a duly noticed hearing will be held before the Planning Commission and the City Council.

7. The Rancho Rogelio project shall demonstrate compliance with the Rancho Rogelio Mitigation Monitoring Plan approved by the City Council on June 27, 2006 with the approval of Resolution 2006-69.

8. The development plan and plot plans submitted for building permits shall be in substantial conformance with the development plan prepared by Carlson, Barbee & Gibson, Inc. dated October 22, 2013. The Director of Community Development and the Fire Chief may grant small deviations to the setbacks of lots 35, 36, 37, and 38 to ensure the project is consistent with the intent of the *Development Standards for New Construction Adjacent to Open Space Land Where Wildfire is a Threat* Fire Ordinance.

9. All homes within the RE-10 zoning district shall comply with the following setbacks, except those lots identified in Condition of Approval #10, which permits front yard setback reductions: :

   - Minimum Front Setback: 25-feet from the front property line (*20-feet from the front property line for unenclosed porches*)
   - Minimum Side Setback: 10-feet from the side property line (*15-feet from the property line located adjacent to the public right-of-way for corner lots.)*
   - Minimum Rear Setback; 20-feet from the rear property line.

   In the event the *Development Standards for New Construction Adjacent to Open Space Lands Where Wildfire Is a Threat* Ordinance (Chapter 14.20.290 of the Land Use and Development Code) requires larger side and rear yard setbacks, the larger setbacks shall prevail.

10. The following lots have been granted front yard setback reductions to accommodate side-entry garages: . (*Lot 39 is approved with a reduced front yard setback to accommodate the irregularly shaped flag lot.) :

    - Lot 4 – 20 feet
    - Lot 5 – 16 feet
    - Lot 10 – 17 feet
    - Lot 11 – 20 feet
    - Lot 15 – 22 feet
    - Lot 17 – 15 feet
    - Lot 19 – 20 feet
    - Lot 26 – 20 feet

- Lot 27 – 15 feet
- Lot 30 – 15 feet
- Lot 31 – 15 feet
- Lot 35 – 20 feet
- Lot 39* – 15 feet

11. Lot 19 shall be at least 10,000 square feet in size, and shall measure a minimum of 85-feet wide and 100-feet deep. The future house plan shall be setback a minimum of 15-feet from the side property line located adjacent to the public right-of-way.

12. Lot 6, the one-acre, custom home lot located adjacent to Browns Valley Road, shall be at least one-acre in size, and shall measure a minimum of 162-feet deep and 330-feet wide as measured from the widest part of the lot. The minimum street frontage shall measure 60-feet wide.

13. This action approves five (5) house plans, each with four elevations. No single house plan, with the same floor plan/elevation combination, shall be used on more than four times within the residential project.

14. Maximum building height shall not exceed 30-feet on the RE-10 zoned lots, as measured by the mean height between the eaves and ridges of the gable or hip roof.

15. Maximum building height shall not exceed 40-feet on the RE-20 zoned lots, as measured by the mean height between the eaves and ridges of the gable or hip roof

16. Maximum lot coverage shall not exceed 35 percent in the RE-10 zoning district, and 40 percent in the RE-20 zoning district.

MODEL HOME COMPLEX

17. This action approves two phases of development for the model home complex. Phase 1 consists of the placement of three (3) model homes on Lots 3, 4, and 5, and the placement of a temporary sales trailer and parking lot on Lot 6, the custom home lot. Phase 2 consists of the placement of two (2) additional model homes on Lots 7 and 8. Phase 2 will be constructed if and when the market warrants its development.

18. Plans submitted for building permits shall be in substantial compliance with this action.

19. The development shall meet all applicable provisions of Title 24 and ADA (Americans with Disability Act). The applicant shall provide an accessible path from the public street to the temporary sales trailer.

20. Final landscape and irrigation plans for the model home complex shall be subject to the review and approval of the City Planner and City Landscape Inspector.

21. All retaining walls/fencing for the model homes and sales trailer complex shall comply with the improvement plans approved by the Development Engineering Division for the Rancho Rogelio subdivision. All retaining walls shall be decorative and are subject to the review and approval of the Community Development Director and City Engineer.

SIGNAGE

22. All signs are subject to a separate sign permit. Please contact Permit Services Division for sign permits (707) 449-5152.

23. All subdivision signs and sign structures shall be removed within 10 days of the sale of the final residential lot within the subdivision.

24. No sign shall be located within 100 feet of an occupied residence or building.

25. The following items shall be removed prior to the building inspection for the last dwelling unit constructed in the subdivision:

- Model I.D. sign
- Sales information signage and all flags and banners.

26. Residential Subdivision Signs. Each residential subdivision shall be allowed real estate signs subject to the following standards. Signs permitted under this section shall not be installed until and unless a final map has been recorded for the subdivision. Subdivision signage shall comply with the following:

Off-site Subdivision Signs.

a. A maximum of two off-site directional signs shall be allowed.

b. The signs shall indicate only travel directions, the name and address of the subdivision, the developer and the typical price range of housing units.

c. The area of each sign shall not exceed thirty-two square feet.

d. Each sign shall not exceed ten feet in height and 10 feet in horizontal length.

e. No additions, tag signs, streamers or appurtenances shall be added to such signs.

On-Site Subdivision Signs

a. Two on-site identification signs not exceeding thirty-two square feet in total area for each sign nor more than six feet in height nor ten feet in horizontal length shall be allowed.

b. One identification sign per model home not exceeding eight square feet in area or three and one-half feet in height shall be allowed. In addition to the above, one flag or banner will be permitted per model home to identify the model home area and the sales complex area.

DEVELOPMENT ENGINEERING

27. Provide detailed lot grading on the plot plans submitted for building permits.

28. Provide accurate contours at the proposed driveways on the plot plans.

STANDARD CONDITIONS OF APPROVAL FOR ALL DESIGN PERMITS, USE PERMITS, PLANNED DEVELOPMENTS, AND SUBDIVISION MAPS

CODE & POLICY REQUIREMENTS MAY ONLY BE SUPERCEDED BY SPECIAL CONDITIONS OF APPROVAL

General Conditions

1. Development shall be in substantial conformance with the approved Site Plan, Landscape Plan, Floor Plans, and Elevations prepared by William Hezmalhalch Architects, Inc. dated November 12, 2013 and any modifications or changes as may be required to meet these Standard Conditions of Approval and any Special Conditions of Approval. In the event the applicant proposes any deviations from the approved plan of subdivision or the Standard or Special Conditions of Approval, the Director of Community Development or his designee may require the project to be re-submitted to the Planning Commission for consideration at a duly noticed public hearing. The applicant will be responsible for paying a new application fee for any such reconsideration.

2. In the event of a conflict between these Standard Conditions of Approval and any Special Conditions, the Special Conditions of Approval shall prevail. If applicable, any conflict between the Standard and or Special Conditions of approval and the Development Agreement, the Development Agreement shall prevail.

3. Prior to the issuance of any grading and/or building permit, the development shall comply with all applicable provisions of the Vacaville Municipal Code (Land Use and Development Code, Subdivision Codes, Building Codes, etc.), the Vacaville General Plan, any applicable policy or specific plan, and these Conditions of Approval.

4. Failure of the project applicant to comply with all applicable provisions of the Vacaville Municipal Code (Land Use and Development Code, Subdivision Code, Building Codes, etc.), the Vacaville General Plan, any applicable policy or specific plan, and these conditions of approval may result in revocation of the project approval.

5. No development shall commence until the developer receives a grading permit and/or a building permit and pays all applicable fees, charges, and assessments, including development impact fees and building permit and inspection fees, in accordance with Chapter 11 of the Vacaville Municipal Code and any applicable School Impact Fees and County Facilities Fees.

Hold Harmless; Indemnification of City

6. In accordance with Vacaville Municipal Code Section 14.09.072.109, the Developer, and any parties or individuals acting through Developer or granted rights-of-entry by Developer, shall defend, indemnify, and hold harmless the City of Vacaville ("City") and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees seeking to set aside, void, annul, or modify an approval or action of the City or its City Council, Planning Commission, Director of Community Development, Zoning Administrator, or any other department, committee, commission, agency, board, official, or employee of the City relating to a subdivision or other land use application, discretionary or ministerial permit or approval, or other development; provided, however, that this duty to defend, indemnify, and hold harmless is conditioned upon City's prompt notification of such claim, action, or proceeding and its reasonable cooperation in the defense thereof. As used in the preceding sentence, "cooperation" shall not exclude the expenditure or payment of any funds by City

7. Applicant and any successor in interest to this entitlement shall defend, indemnify and harmless City and its agents, officers and employees from and against any and all claims, losses, costs, damages, injuries or expenses (including, but not limited to, attorney fees, expert witness and consultant fees, and other costs of litigation) arising out of or in any way related to injury or death of persons or damage to property that arise out of or relate to the use and or development of the property pursuant to this (*Design Permit, Use Permit, or Planned Development),* or by any action or activity by City, whether caused by joint negligence of the City, its officers or employees.

Cooperation In The Event Of Legal Challenge

8. In the event of any administrative, legal or equitable action or other proceeding is instituted challenging the validity of this approval, the sufficiency of any environmental review under CEQA ("Third Party Challenge"), or the issuance of any grading or building permits pursuant to this approval, Developer and City shall mutually cooperate with each other in the defense of such challenge. City may tender the defense of any such Challenge to Developer ("Tender"), in which case Developer shall pay for and control all aspects of the defense and shall indemnify, defend, and hold harmless City, its agents, officers, and employees from and against any liabilities, costs, and fees arising out of such Challenge (including, but not limited to, Attorneys fees, expert and consultant fees, and other costs and fees of litigation). If after the Tender City wishes to assist Developer in the defense of the matter, City may do so if Developer consents to such assistance and if City pays its own attorney fees and costs (including related court costs). Should Developer refuse to accept such a Tender, City may defend the Challenge, and if City so defends, Developer shall promptly reimburse City for all attorney fees, consultant and expert fees, and other costs reasonably incurred by City in the defense thereof.

Mitigation Monitoring

9. All Mitigation Measures incorporated into the Environmental Impact Report or Mitigated Negative Declaration shall be incorporated into the final project plans unless a separate Mitigation Monitoring Plan has been approved in conjunction with this application.

Consultations and Permits Required by State and Federal Agencies

10. The developer shall be responsible for scheduling all required consultations and obtaining all necessary permits from all applicable State and Federal resource agencies prior to commencement of grading activities, unless otherwise approved by the City Engineer and/or Director of Community Development.

11. In the event any regulatory agency requires amendments to the project that result in substantial deviations from the approved project or these Conditions of Approval as determined by the Community Development Director, these Conditions of Approval shall prevail. Should any conditions or requirements of any regulatory agency require amendments to the Project or these Conditions of Approval that may not be approved as a Modification in accordance with applicable provisions of the Land Use and Development Code, the Director of Community Development may require the project to be re-submitted to the Planning Commission for consideration at a duly noticed public hearing. The applicant will be responsible for paying a new application fee for any such reconsideration.

Construction Activities

12. No construction or grading equipment shall be operated nor any outdoor construction or repair work shall be permitted within 500 feet from any occupied residence between dusk (one half-hour after sunset) and 7:00 AM Monday through Saturday, and no such grading or construction activities shall be allowed on Sundays or holidays except as provided for below:

(a) Interior work which would not create noise or disturbance to a reasonable person of normal sensitivity in the surrounding neighborhood shall not be subject to these restrictions;

(b) A request for an exception to the permitted construction hours and days may be granted by the Director for emergency work, to offset project delays due to inclement weather, for 24-hour construction projects, or other similar occurrences.

13. Construction traffic shall not use existing residential streets for access to the site unless approved by the City Engineer.

14. If applicable, prior to the commencement of construction, the Developer shall obtain air quality permits from the Yolo-Solano Air Quality Management District for the operation of large stationary equipment such as generators

Tree Trimming

15. Developer shall trim any existing tree limbs which overhang into the public right of way to the satisfaction of the Director of Public Works. Tree limbs overhanging into the street pavement shall be trimmed a minimum 14' above the pavement and away from any existing traffic signals, traffic control signs, or street signs. The tree limbs overhanging any public sidewalk shall be trimmed a minimum 7' above the walk. This work shall be performed by a qualified tree trimmer, and the procedure shall be approved by the City prior to commencement of work.

Public Improvements

16. Unless specifically approved as a part of the overall development plan, all proposed public improvements shall conform to the latest City Standard Specifications as adopted September 11, 1990, and as updated in May, 2006. These improvements (including sewer and water services) shall be shown on the building permit plans and must be approved by the City Engineer prior to the issuance of a building permit.

17. In the event Developer proposes any Design Exceptions to the City Standards and Specifications, a letter signed and wet stamped by the Civil Engineer for the development shall be submitted with the Civil Improvement Plans, Grading Plans, or Building Permit Plans describing each requested Design Exception, the sheet or page number or numbers on the plans where each improvement subject to the Design Exception is described, and an explanation describing why such Design Exception is being requested and how the Design Exception meets or exceeds the City's Standards.

18. All public improvements must be in and accepted by the Public Works Director prior to the issuance of any Certificates of Occupancy for any development allowed by this approval unless specifically addressed by these Conditions of Approval or approved by the Director of Public Works and City and Developer enter into a Deferred Improvement Agreement.

19. The developer will provide a deposit for the improvements and pay Plan Check and Inspection Fees in accordance with Ordinance 1053.

20. Submission of a soils and geotechnical report prepared by a Civil Engineer licensed by the State of California shall be required as a condition of approval the Civil Improvement Plan. The Civil Improvement Plan shall be signed and wet-stamped by the applicant's civil engineer prior to approval by the City.

21. The developer shall post a construction clean-up deposit in accordance with Resolution 1986-F-5.

Deferral of On-Site and/or Off-Site Improvements

22. In case of exceptional circumstances, the Community Development Director shall be authorized to defer completion of on-site and/or off-site improvements past the date of occupancy of the proposed building or dwellings provided that the developer enters into a Deferred Improvement Agreement with the City of Vacaville and provided that the developer post with the City of Vacaville adequate financial securities to ensure completion of such deferred improvements.

Encroachment Permit

23. Developer shall obtain an encroachment permit for any and all work in the public right of way. The Developer shall pay all City Fees and bonding requirements for obtaining such a permit. The developer will provide a deposit for the improvements and pay Plan Check and Inspection Fees in accordance with Ordinance 1053.

Transitioning Existing Improvements

24. The Developer shall be responsible for adequately transitioning all proposed improvements to match existing improvements in line and grade to current City requirements to the satisfaction of the City Engineer and Director of Public Works.

Damage/Repairs

25. Developer shall repair all damaged existing pavement, existing sidewalk, curb and gutter, landscaping or other public improvements along the frontage of the project to the satisfaction of the Director of Public Works prior to occupancy.

26. Developer shall slurry seal existing roads not being reconstructed along the project frontage prior to occupancy.

Construction Coordination

27. Developer shall construct all infrastructure improvements in a timely manner in accordance with the overall project infrastructure improvement schedule approved by the City in conjunction with the Civil Improvement Plans.

    (a) In the event certain infrastructure improvements need to be constructed for the convenience and protection of the adjacent or nearby land owners, residents, or the general public, Developer shall install all such improvements as defined by the City Engineer.

    (b) Unless otherwise approved by the City Engineer, construction of any required off-site improvements shall commence when grading and undergrounding permits are issued for on-site improvements.

    (c) Developer shall work cooperatively with all parties involved and shall have certain house-keeping measures in place in a timely manner for the benefit of all affected. Such measures include but are not limited to on-going street and sidewalk cleaning and regular debris clean-up and removal. At the start of the project, Developer shall inform the City inspectors when each of the infrastructure improvements will be installed and what housekeeping measures will be in place during construction and coordinated with surrounding developments.

(d) Developer shall construct any temporary improvements during construction as required by the City Engineer for the convenience and coordination of adjacent and nearby businesses, residents, and the general public.

(e) In the event that temporary improvements or house keeping measures are not constructed or not properly maintained, the City reserves the right to withhold building permits, inspections, or occupancy approvals and, if necessary, to stop construction until such needed improvements are constructed or housekeeping measures are implemented to the satisfaction of the City Engineer, Chief Building Official, or Director of Public Works.

Design Permits, Use Permits, Planned Developments; Variances

28. Development shall be in substantial conformance with the approved site plan, landscape plan, floor plans, and elevations dated November 19, 2019, and any modifications or changes as may be required to meet these Conditions of Approval. In the event the applicant proposes any deviations from the approved site plan, floor plan, elevations or these Conditions of Approval that may not be approved in accordance with applicable provisions of the Land Use and Development Code, the Director of Community Development may require the project to be re-submitted to the Planning Commission for consideration at a duly noticed public hearing. The applicant will be responsible for paying a new application fee for any such reconsideration.

29. The project approval is granted for a period of one year from the effective date of approval unless a Special Condition is approved granting a different length of time. Unless a building permit is issued and the improvement of the site is diligently pursued or completed prior to the expiration of one year, the approval shall lapse and become void. A one-year extension may be considered by the original decision-maker, provided that prior to the expiration date an application for renewal of the project is filed with the Community Development Director. Approval shall be for two years if processed concurrently with a Tentative Map.

30. Final (construction) architectural drawings, site plan, landscape plan, and sign drawings shall be submitted for review and approval by the Community Development Director prior to the issuance of any building permits.

Master Plotting Plan for Residential Developments

31. A master plotting plan shall be submitted with the Building Permit submittal for the house plans to ensure compliance with these regulations. The plan shall include: the model name/number; reverse plans; delineation of first and second story building footprints; garage locations; driveways; building setbacks; fencing description; and required retaining walls.

Architecture and Design

32. Unless approved as a part of this application, the Director of Community Development shall review and approve the proposed colors and exterior construction materials prior to the issuance of Building Permits.

33. Roof materials shall be tile, treated wood shake, 40-year architectural grade composition, or an equivalent approved by the Community Development Director. The decision-maker may specify the type of roof material(s) for the development in compliance with this standard.

34. Acceptable siding materials include, but are not limited to, amazonite siding, lap siding, horizontal siding, vertical siding, diagonal siding, shingles, stucco, and masonry. T-1-11 siding, with a

minimum thickness of five-eighths (5/8) inch, may be permitted only on side or rear elevations not facing a street.

35. All residential units shall have garages with sectional, roll-up garage doors.

36. All single family detached and/or attached residential units within the development shall have internally-illuminated house numbers.

37. Roof mounted equipment such as electrical equipment, air conditioning or heating equipment or compressors, generators, or other similar mechanical equipment, shall be screened from public view from adjoining private or public property and public rights-of-way by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. All screening is subject to review and approval by the Community Development Director. The Community Development Director may approve exceptions for solar equipment.

38. Equipment may be screened by a separate roof screen that is architecturally integrated with the building, and when screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The Community Development Director may approve exceptions for solar equipment.

39. Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction.

40. All building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.

41. Ground mounted equipment such as but not limited to double detector check valves, reduced pressure devices 3 inches and larger, backflow prevention devices, gas meters, irrigation valves, and storage tanks, shall be screened by walls or landscaping to the satisfaction of the Community Development Director.

42. The Director of Community Development shall approve the placement of centralized mailbox delivery and/or parcel locker units if required by the United States Postal Service. The Director may require decorative framework or other enhanced architectural treatment. The developer shall submit a separate drawing with the improvement plans indicating the location(s) of the unit(s) and any design enhancements for review and approval.

Signs

43. All signs are subject to design review approval and require a separate sign permit. The required sign plan(s) shall indicate sign location, size, height, materials, colors, lighting, and other pertinent information required to insure conformance with the provisions of Section 14.09.132 of the Land Use and Development Code or any applicable Planned Sign Program.

44. All signs shall conform with Section 3-09 Stopping Sight Distance, and Standard Drawing 3-03 A and B and 3-04 of the Vacaville Standard Specifications. Special attention shall be given to note 1 and 2 on Standard Drawing 3-03 A and B. This may affect the location of any monument signs and associated landscaping.

Decorative Walls and Fences

45. The developer shall submit to the Community Development Director detailed plans for corner lot, block end, perimeter, unit perimeter, and easement fencing which shall be provided by the developer. Corner lot fencing shall be placed not closer than fifteen (15) feet from the face of curb on the street side of a corner lot. All fences shall be returned to the adjacent dwelling per the requirements of the Community Development Director.

46. All required fencing shall be shown on plot plans submitted at the time of building permit application for individual lots and shall be located and constructed in a manner consistent with the details and specifications approved by the Community Development Director. Such fencing shall be installed prior to occupancy of individual homes. For model homes, the Community Development Director may allow the required fencing to be deferred provided appropriate financial security such as a bond or cash deposit is submitted to ensure that the required fencing is installed prior to the sale of the home to an individual buyer.

47. Decorative masonry walls shall be required in residential back-up areas along all arterial streets. All back-up areas between the curb and fencing shall be fully improved with low-maintenance, irrigated landscape treatments that may include trees, shrubs, natural ground cover, rock, or other decorative paving materials. Plans shall be approved by the Community Development Director, City Engineer, and City Landscape Architect prior to recordation of the Final Map. The wall shall also angle at the corners of street intersections to provide a larger entry landscape treatment. The back-up wall shall meander or be offset to be approximately 15 to 20 feet behind face of curb. The wall height shall be sufficient to mitigate noise within the subdivision to a maximum exterior noise level of 60dbA DNL. However, the wall shall not be less than six feet or more than eight feet in height. An acoustical analysis prepared by an acoustical engineer shall be submitted to the Community Development Director. The acoustical analysis shall address the necessary wall height based on buildout traffic levels as contained in the most recent traffic studies.

48. There shall be a solid masonry wall not less than six feet or greater than eight feet in height along the property lines adjoining any residential district.

49. Side yard fences, not abutting areas specifically mentioned in these Conditions with other requirements may be constructed with six (6) foot high redwood (or equivalent) fence boards. All interior lot fences shall be double sided. "Good Neighbor" fences are not permitted.

50. Wall and fence height shall be measured from the finished grade level established through the approved grading plan, on the side of the fence on which the grade elevation is the greatest. When a retaining wall is used in combination with a wall or fence, the total height of the wall or fence shall be measured from the originally approved grade level, established through a subdivision improvement plan or an approved grading plan, on the side of the fence on which the grade elevation is the greatest.

51. In areas where neighboring custom or semi-custom residential lots are separated by a slope, the fence shall be placed on top of the slope.

Energy Conservation

52. The Conditions, Covenants and Restrictions will not restrict or prohibit the use of active solar panels for water heating or electric power.

Building Standards and the Issuance of Building Permits

53. No building permit shall be issued until:

(a) The Chief Building Official reviews the plans and specifications and determines compliance with current State adopted Building Standards and all related Appendix Chapters as amended and restated in Title 14 of the Vacaville Municipal Code.

(b) The Community Development Director determines that the plans and specifications conform to the General Plan; all applicable Specific and Policy Plans; the Vacaville Land Use and Development Code, and these Conditions of Approval.

(c) No grading and or/construction may commence unless and until a grading and/or a building permit has been issued and all applicable fees and charges have been paid, except as noted in the California Building Standards.

54. All design calculations shall meet all criteria for Seismic Design Category D and a Basic Wind Speed of 85 MPH Surface Roughness C unless otherwise directed by the Building Official.

55. The applicant is responsible for submitting all of the plans, specifications and reports as required by the Building Official of the Community Development Department.

56. All design shall conform to the current State adopted Building Standards.

57. A soils report providing design and construction criteria shall be provided for all proposed building foundations for new buildings.

58. The State of California requires that prescriptive energy standards be met or energy calculations be submitted to the Building Official for all new construction and when conditioned space volume is increased in an existing facility. The energy design shall meet the current State adopted residential and nonresidential standards of the California Energy Commission.

Grading Plans

59. Developer shall prepare and submit to the City Engineer a Geotechnical Investigation Report prepared by a Civil Engineer or Geotechnical Engineer, licensed in the State of California, to be used in the preparation of the grading plan. The Geotechnical Investigation Report shall provide recommendations for all grading and remediation work. The Developer shall comply with the recommendations of the Geotechnical Investigation Report and any additional requirements deemed necessary by the City Engineer and Chief Building Official

60. A grading, geotechnical, and erosion control plan shall be submitted concurrently with the Final Map and Improvement Plans. Plans shall show any effect on adjacent properties.

61. For projects with greater than 5,000 cubic yards of grading, grading plans shall be prepared by a Civil Engineer licensed by the State of California in accordance with Appendix Chapter 33 of the California Building Standards Code and Section 11 of the Standard Specifications. The plans shall be accompanied by a Soils Report prepared, signed, and wet-stamped by a geotechnical engineer licensed by the State of California, and shall be submitted to the City Engineer for concurrent review with the Improvement Plans and Final Map.

62. For projects with 5,000 cubic yards or less of grading, grading plans in accordance with Appendix Chapter 33 of the California Building Standards Code and Section 11 of the Standard Specifications shall be prepared by a Civil Engineer licensed by the State of California unless otherwise approved by the Chief Building Official. If required by the Chief Building Official, the plans shall be accompanied by a Soils Report prepared, signed, and wet-stamped by a Geotechnical Engineer licensed by the State of California, and shall be submitted to the City Building Official for review and approval prior to the issuance of a building or grading permit.

63. The grades and elevations shown on the Tentative Map are considered preliminary and subject to further review. The final design elevations for streets and building pads shall not vary more than 0.5 ft. from those shown on the subdivision Tentative Map, unless otherwise approved by the City Engineer. In no case shall the grading deviate from the criteria set forth in Section 11 of the City of Vacaville Design Standards without approval from the City Engineer and the Director of Public Works. The Developer shall submit an "as built" grading plan with building pad elevations certified by a land surveyor, licensed in the State of California, for review and approval by the City Engineer and Community Development Director prior to building permit.

64. The grading plan shall show all finish floor elevations of all buildings, building pads and parking lot grades of all pavement areas. The cross slopes of the parking lot shall be not less than 1% minimum.

65. Reasonable measures shall be provided for and practiced to minimize any nuisance from dust during grading and construction operations, including but not limited to having a water truck on the site and watering as necessary to keep fugitive dust from nearby developed properties.

66. All grading work shall be performed in one continuous operation. In addition to grading information, the grading plan shall indicate all existing trees to be preserved and trees to be removed as a result of the proposed development.

67. Developer shall install and maintain proper erosion control measures at every stage of construction of the project in all areas of the parcel as required by City Engineer.

68. All landscaped and graded slopes shall be hydro-seeded and treated with erosion control measures immediately upon completion of grading to prevent soil erosion. The hydro-seed mix shall be subject to approval by the Director of Public Works. For slopes greater than 3:1, the Developer shall install proper erosion control measures for added slope protection against erosion per Regional Water Quality Control Board requirements for 2:1 slopes.

69. Prior to any grading activity, a grading permit shall be issued and all applicable fees paid.

70. Prior to the issuance of any building permit, the Developer shall plot the house footprints on the final grading plan and show all drainage, retaining walls and final grading of each lot.

71. Prior to the issuance of a building permit for construction on any lot approved by this Subdivision, a Land Surveyor licensed by the State of California shall certify to the Building Official that the building pad elevation and all on-site drainage conforms to the elevations shown on the Grading Plans, Final Map, and/or Improvement Plans.

Retaining Walls

72. Where finished grade of a property is in excess of 12 inches higher or lower than the abutting property or adjacent grade, and an appropriate slope is not feasible, a concrete or masonry block retaining wall or other suitable solution acceptable to the Director of Community Development shall be required to be constructed. All retaining walls over 12" high shall be shown on the project grading plans for review and approval by the City Engineer prior to starting grading operations. No retaining walls on the site shall be in excess of 5 ft. high or what shown on the tentative Map. All retaining walls shall be designed and constructed in accordance with City requirements and building codes and constructed prior to building permit.

73. Developer shall indicate the location and bottom and top elevation of all retaining walls on the plot plans submitted with Building Permit applications to the satisfaction of the City Engineer.

Removal of Obstructions

74. Developer shall prepare a demolition plan as a part of the grading plan or site improvement plan showing any existing improvements and trees that are proposed to be removed and those which are proposed to remain. The developer shall remove all obstructions that are necessary for the new improvements approved by the City and/or as may be required for public safety as directed by the City Engineer.

Lot Drainage

75. Developer shall provide adequate drainage for each lot and construct storm drainage swales, pipes, thru curb drains and inlet connection points to the street drainage system so each lot drainage and storm drain system can tie into the public storm drain system without surface flow over the public sidewalk or proposed private lots. Only natural existing drainage will be allowed to cross property lines, and all new lot improvements shall be tied to a drainage system to properly dispose of the lot drainage within the lot boundary unless drainage easements are obtained. Existing drainage across property lines will be allowed provided that all man made improvements on the uphill lot that causes additional or concentrated drainage to flow to an acceptable drainage system before it reaches the down hill lot. If this occurs, the uphill property must collect the drainage and dispose into a storm drain system or other method as approved by the City Engineer.

76. Developer's Engineer shall submit a stamped and signed calculation showing to the satisfaction of the City Engineer that all building pads will be protected from a 100-year flood. Prior to the issuance of a building permit on any parcel or lot created by this Subdivision, a Surveyor or Civil Engineer licensed by the State of California shall certify that the pad elevation for any such parcel or lot and the approved drainage system is as shown on the grading plan.

Non-Stormwater Discharges

77. Discharges other than stormwater (non-stormwater discharges) to the storm drain system are prohibited unless approved by the Public Works Director. Non-stormwater discharges include, but are not necessarily limited to, discharges from the washing of motorized vehicles, airplanes, trailers, and recreational vehicles.

Utility Relocation

78. Any relocation of existing improvements or public utilities shall be accomplished under the direction of that utility at no expense to the City or Utility Company prior to occupancy.

Maximum Slopes of Driveways

79. Developer shall show the location of all driveways on the grading plan and show the slope of the driveway and drainage of each residential lot. All driveway slopes shall not to exceed a 14% unless otherwise approved by the City Engineer or Building Official, regardless of what may have been initially proposed by Developer.

Public and Private Landscaping

80. A landscape plan prepared by a licensed landscape architect or a licensed landscape contractor (design-build only) shall be submitted for each building site, dwelling unit or lot. Small projects may be exempted from this condition subject to approval by the Community Development

Director. Final landscape plans shall be subject to the review and approval of the Community Development Director and must include the following details:

(a) A plant legend including plant name, common and botanical, quantity, size, spacing, method of planting, and similar landscape design information.
(b) The minimum size of shrubs shall be five (5) gallon.
(c) The minimum tree size (exclusive of specimen trees) shall be fifteen (15) gallon (3/4" to 1" trunk caliper).
(d) Approximately one third of all trees planted on the site shall be specimen size (minimum 2" truck caliper) located at all major focal points.
(e) All planter trees shall be surrounded by a minimum six (6) inch concrete curb.
(f) Alternative sizes of plant material may be approved as a tradeoff based on the amount and type of planting to be provided.
(g) Where applicable, a tree planting plan shall be submitted that includes tree location, species, size, and root crown elevation.
(h) An irrigation material legend shall be included showing all components, quantity, and size. A drip or other low volume irrigation system shall be used where feasible.
(i) All hardscape details shall be shown as applicable.

81. The landscaping plans shall include the total square footage of all landscaped area.

82. All landscaping shall comply with the City's Water Efficient Landscaping Regulations.

83. Prior to the conveyance of any dwelling unit or lot, the developer shall install at least one street tree and one accent tree (minimum 15 gallon 1 1/2 inch trunk caliper measured from four feet above finished grade), pursuant to the requirements of Data Sheet ST01, as revised, in front of each lot or dwelling unit.

84. Corner lots shall also be landscaped between the fence and back of sidewalk with a minimum of three trees (minimum 15 gallon 1 1/2 inch trunk caliper measured from four feet above finished grade), shrubs, and groundcover.

85. Landscaping and irrigation shall be installed in the front yards of each lot in accordance with criteria established by either the Planned Development, Use Permit, Policy Plan, Specific Plan, and or any other Conditions of Approval prior to receiving a Certificate of Occupancy, unless a suitable financial security is deposited with the Building Official to ensure timely compliance with this condition.

86. After the installation of the landscaping / irrigation, the landscape architect and the landscape contractor shall provide written confirmation to the City Planner that the completed landscaping is installed per the approved landscape plan.

87. The landscape and irrigation system installation will be subject to inspection by the City Building and/or Landscape Inspector.

88. All landscaping and irrigation shall be permanently maintained and replaced as necessary per Section 14.09.074.130 (Landscaping) of the City of Vacaville Land Use and Development Code.

89. Deep root barriers shall be provided for all trees within eight (8) feet of pavement. Trees shall not be planted within 10 feet of sewer or water lines.

90. Any required ground mounted equipment, including all backflow prevention devices, timers, manifolds, shall be either placed below grade in appropriate boxes or vaults or screened by landscape or building materials per City design standards.

91. Tree and shrub placement shall take into account the location of approved signage, to promote enhanced views of signage without impacting parking lot and perimeter landscaping coverage.

92. A commercial parking lot shade plan shall be submitted show that fifty (50) percent shading of the entire parking lot area will be attained in ten (10) years.

93. For public landscape installations, the City Public Works Inspector shall be notified and accomplish the following inspections in concert with the City Landscape Architect/Landscape Inspector; Park Maintenance Representative and Landscape Contractor. Call 48 hours in advance of the required inspection (449-5347 City Inspection recording).

94. Soil amendments shall be added as recommended by the soils reports and rototill to six (6) inches in depth. Submit copy of soils report and recommended amendment receipts to City Landscape Inspector.

95. Developer shall submit to the Community Development Director specified tree preservation measures for the existing trees to be retained. No tree removals for the purpose of developing the project subject to these Conditions of Approval shall be performed without authorization by the Community Development Director.

96. Soil preparation, irrigation, and all landscaping shall be inspected by the City prior to the issuance of a Certificate of Occupancy.

97. Subject to approval of the Director of Community Development, the completion of landscaping may be deferred due to inclement weather with the posting of a bond for the value of the deferred landscaping and associated improvements.

Police Department Requirements and Conditions

98. The development shall comply with City Building Security Ordinance 15.28.

Fire Lanes and No Parking Zones

99. The Fire Marshal shall identify on the final site development plans all Fire Lanes and areas where parking is to be restricted. The location of these lanes, signage, and curb painting shall be determined at the sole discretion of the Fire Marshal.

Private Driveways

100. Unless otherwise approved by the Fire Marshal, all private driveways shall meet the following criteria:

    (a) Average grades shall not be more than 12.5% with no section greater than 14%.

    (b) Sections of private driveways less than 100 feet in length may have grades of 15% if specifically approved by the Fire Marshal on a case-by-case basis.

    (c) Private driveways greater than 100 feet in length shall have a minimum clear width of 20 feet.

    (d) Private driveways less than 100' in length shall have a minimum width of 15'.

(e) Private driveways greater than 100 feet in length shall have a turn-around or turnout approved by the Fire Marshal every 100 feet and at the structure.

Permits and Inspections

101. Prior to the issuance of any grading or building permits, all fees required by the Fire Prevention Bureau shall be paid in full and all plans and specifications approved by the Fire Marshal.

102. A special permit for use of fire hydrants for construction water shall be obtained from the Public Works Department prior to the issuance of any grading or building permits.

103. All shell buildings must have final Fire Department approval before any occupancy.

104. All buildings must have Fire Department approval before any tenants, employees, vendors, or patrons can be allowed in the building or before any stocking can be done.

Premise Identification

105. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Unless specifically exempted by the Fire Marshall, address numbers are also required on rear doors.

106. The minimum size dimension of street numbers shall be as specified in Table 1. Numbers shall be in contrasting colors to their backgrounds. Where a building is set back from the street or road fronting the property, and where addresses may not be clearly legible due to distance from the street or roadway, landscaping and architectural features or other obstructions, address posting shall be required both at the street driveway serving such building and on the building. Individual condominiums, commercial suites, and apartments shall have numbers and letters installed in accordance with this policy and Table 1. Numbering and lettering shall be in logical sequence within the building.

TABLE 1

Distance to Building Measured from Center of Roadway	Number Height Inches	Size of Letter Inches
20 feet	4"	3/4"
21-35	6"	1"
36-50	9"	1 1/4"
Over 50	12"	1 1/2"

107. An illuminated graphic directory, approved by the Fire Marshall, shall be provided at each main entrance to any residential or commercial condominium complex, apartment complex, townhouses, mobile home parks, and multiple tenant and commercial building complexes. The directory shall consist of the following:

(a) a plot plan showing public and private drives;
(b) all emergency and non-emergency access roads;
(c) building locations with unit numbers and addresses;
(d) fire hydrant locations;
(e) the name of the complex;
(f) a reference point on the plot plan indicating the location of the directory;
(g) a north direction indicator.