

RESOLUTION NO. ____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR THE CHERRY RANCH SUBDIVISION, A 67-UNIT RESIDENTIAL
SMALL LOT SUBDIVISION - LOCATED AT 930 FRESNO AVENUE, APN 035-101-004 -
FILE NUMBER PRJ20-018

WHEREAS, the project site is located in the Sebastopol Road Corridor Priority Development Area (PDA), and Zoning Code Section [20-16.060](#) reduces the permit requirement for small lot subdivisions from the approval of a Major Conditional Use Permit to the approval of a Minor Conditional Use Permit when proposed within a PDA; and

WHEREAS, Zoning Code Section [20-42.140](#) establishes development standards for residential small lot subdivisions subject to Conditional Use Permit approval; and

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Cherry Ranch Subdivision, a 67-unit single-family development in compliance with storm water Best Management Practices (BMP) in accordance with the City's Low Impact Development Technical Design Manual, to be located at 930 Fresno Avenue, also identified as Sonoma County Assessor's Parcel Number(s) 035-101-004; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission has considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

WHEREAS, the Planning Commission considered residential small lot subdivision standards and the proposed modifications to allow five-foot side yard setbacks for all second story portions for each unit in place of eight-foot second-story side yard setbacks for each unit, and to allow 10-foot rear setbacks in place of the required 15-foot minimum setback, as allowed by review authority approval under Zoning Code Section [20-42.140](#); and

WHEREAS, as allowed by Zoning Code Section 20-42.140(F)(4), the applicant proposed different setbacks from those established in Subsection (F)(4), and the proposed setbacks are shown on the proposed site plan and include identification of proposed building areas; and

WHEREAS, pursuant to Subsection (F)(4) the Planning Commission may approve different setbacks proposed by the applicant after first determining that the alternative approach is more appropriate to the characteristics of the site and surroundings; and

WHEREAS, the applicant proposed reduced rear setbacks (10 feet) other than those in Zoning Code Section 20-42.140(F)(4) (15 feet) which results in a private space dimension of 10 feet where 15 feet is required by , and pursuant to this Subsection, design alternative(s) may be authorized by the Planning Commission as part of the Conditional Use Permit; and

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that the proposed residential small lot subdivision is allowed with Conditional Use Permit approval as regulated in Zoning Code Section 20-42.140 and complies with all other Zoning Code and City Code regulations. The project requires Planning Commission approval of modified development standards related to second-story setbacks for all two-story units and rear setbacks for lots 8, 9, and 33 through 67 as described in the staff report. The modification of second-story setbacks would be more appropriate to the characteristics of the site and surroundings in that the reduction of second-story setbacks is necessary to accommodate the design of the proposed modular construction, and the reduced side setbacks would be strictly interior setbacks which maintains the pedestrian perspective along the project's internal sidewalks. The reduced rear yard setbacks are necessary in order to accommodate the maximum development potential of the parcel and provide a greater number of housing units to the City, which is consistent with the City Council's Goals related to housing. This modification of rear yard setbacks would more appropriate to the characteristics of the site and surroundings in that future residents would be provided with at least 400 SF of private open space which is sufficient to reasonably enjoy private activities in a private space and complies with the standard for the total amount of private open space established by Zoning Code Section 20-42.140F(5) and future residents would be within close walking distance to a public park; ;
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the site is designated Medium Low Density Residential, which allows 8 to 13 units per acre for which this project's density is 9.75 units per acre, while implementing General Plan Goals and Policies including but not limited to promoting livable neighborhoods; maintaining a diverse housing type; and encouraging creative subdivision design that avoids walling off neighborhoods abutting regional/arterial streets. The project site is not located within the boundary of any specific plan;
- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity in that the proposed activity is consistent with the Zoning Code and General Plan Land Use designation, which both envision residential development in this area which would include single-family attached and detached units on small lots. The project site is located within walking distance to two schools and a public park. The site would be accessed from Fresno Avenue and respects the scale of existing residential development to the east and

southeast of the project site. The site plan provides circulation, setbacks, and design features compatible with the surrounding neighborhood and similar to the surrounding residential uses;

- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints in that the project complies with General Plan objective criteria for land use and density, as well as all site development and use standards contained in applicable Zoning Code regulations. The project site is located in a developed area within the City that has access to City services and has been reviewed by City staff and conditioned to include improvements as necessary to support the project and its associated uses;
- E. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located in that the proposed scale, scope, and operations of the Project has been thoroughly analyzed and reviewed by multiple city departments, undergone significant environmental analysis, and been conditioned to avoid potential impacts on the environment and surrounding neighborhood; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) in that the Cherry Ranch Subdivision Addendum to the Southwest Area Projects Subsequent Environmental Impact Report was prepared in compliance with CEQA Guidelines Section 15164 and was reviewed by City Staff who determined that the project would not cause new significant environmental effects or substantial increases in the severity of significant effects beyond those identified in the previously certified EIR for the Southwest Area Projects.

BE IT FURTHER RESOLVED, that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

BE IT FURTHER RESOLVED that a Conditional Use Permit for Cherry Ranch Subdivision, to be located at 930 Fresno Avenue, is approved subject to each of the following conditions:

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

GENERAL:

1. Compliance with the Tentative Map Conditions of Approval as part of Planning Commission Resolution No. ____.
2. Compliance with the Mitigation Monitoring and Reporting Program approved as part of Planning Commission Resolution No. ____, attached hereto and incorporated herein as Exhibit B.

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3. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.
4. All work shall be done according to the final approved plans dated July 9, 2021.

EXPIRATION AND EXTENSION:

5. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
6. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.

BUILDING DIVISION:

7. Obtain a demolition permit for structures to be removed.
8. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
9. Obtain building permits for the proposed project.

ENGINEERING DIVISION:

10. Comply with Engineering Development Services Exhibit "A", dated January 21, 2022, attached hereto and incorporated herein as Exhibit A.

PLANNING DIVISION:

11. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that approved by the Planning Commission. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.
12. No residential unit shall exceed 65% of allowable lot coverage.
13. **PROJECT DETAILS:**
 - A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and Uniform Building Codes, as well as the City's Design Review Guidelines.

- B. The design of all fencing, sound walls, carports, trash enclosures, and similar accessory site elements shall be compatible with the architecture of main buildings and shall use similar materials. The design must be approved by the Planning Division prior to issuance of a building permit.
- C. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architecturally design element approved by the Design Review Board or Planning Division.

14. TREE PRESERVATION:

- A. Tree Preservation notes and protection during construction notes shall be shown on the improvement plans and building plans. The tree driplines shall also be shown on each drawing with the attendant protection instructions.
- B. Prior to issuance of a grading or building permit for any clearing, excavation, construction, or other work on the site, a protection zone shall be established to protect natural vegetation and trees from construction activities. The following conditions and restrictions shall apply:
 - i. The zone shall encompass the "protected perimeter" which shall be either the root zone or other limit as established in this approval.
 - ii. The zone shall be delineated with a brightly colored construction fence. Such fences shall remain continuously in place for the duration of all work undertaken on the site.
 - iii. No storage or construction activities (including trenching, grading or filling) shall be permitted within the protected zone.
 - iv. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.
 - v. All brush, earth, and other debris shall be removed in a manner which prevents injury to the protected trees and/or shrubs.
 - vi. No oil, gas, chemicals, or other substances that may be harmful to trees shall be stored or dumped within the protected perimeter or any other location from which substances might enter the perimeter of a protected tree.
- C. The contractor(s) shall be notified in writing by the developer of the "Protection Zone." Copies of the letter shall be provided to the Planning and Building Divisions prior to issuance of a building or grading permit for any site work.

- D. The protection zone delineated with the brightly colored construction fence shall be posted with signs which state "Tree/Vegetation Protection Zone -- No Construction or Storage Permitted."
- E. Irrigation systems and plant varieties which require regular watering shall not be permitted within the dripline of an Oak tree which is to be preserved.
- F. No concrete or asphalt paving or compaction of soil shall be permitted within the root zones of protected trees.
- G. Any special work, including mitigation, within the "Protection Zone" must be done under the supervision of a City approved certified arborist.

15. LANDSCAPING:

- A. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
- B. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans, except where not required.
- C. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.
- D. Street trees will be required and shall be planted by the developer. Selection will be made from the City's approved Master Street Tree Plant List in coordination with the City Parks Division. Planting shall be done in accordance with the City "Standards and Specifications for Planting Parkway Trees." Copies of the Street Tree List and the Planting Standards are available at the Parks Division office.

16. LIGHTING:

- A. Compliance with the City's Outdoor Lighting Ordinance in Zoning Code Section [20-30-080](#).
- B. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit.
- C. Light sources shall be concealed from public view.
- D. All lighting shall be directed toward the subject property and away from adjacent properties.

- E. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.

17. SIGNING:

- A. No exterior signs, banners, or the like are approved with this permit. A Planning sign permit application is required for all signs.
- B. Sign permit approval shall be obtained prior to application for a building permit.
- C. Building permits for sign installations shall be separate permits from other building permits issued for construction.

18. NATURAL RESOURCES:

- A. Advisement. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. The applicant shall acknowledge in writing receipt of the above advisement.
- B. Mitigation requirement. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Planning and Economic Development to determine if the project as redesigned is consistent with the original approval. A project that the City determines is not consistent with the City approval shall not be granted subsequent entitlements, such as approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.
- C. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.
- D. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 9th day of June, 2022 by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
CLARE HARTMAN, EXECUTIVE SECRETARY

Exhibit A: Engineering Development Services Exhibit “A” dated January 21, 2022