

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
APPROVING THE KERRY RANCH – PARCEL A TENTATIVE MAP LOCATED AT  
ASSESSOR’S PARCEL NUMBER 034-850-026; FILE NUMBER PRJ21-008 & MAJ21-001

WHEREAS, an application has been submitted by Daniel H. Morgan, Morgan Properties, requesting approval of a tentative map of Kerry Ranch – Parcel A, more particularly described as Assessor's Parcel Number(s) 034-850-026, dated March 2019, stamped received on April 21, 2021, and on file in the Office of the Planning and Economic Development; and

WHEREAS, the Planning Commission heard the evidence and reviewed the proposed findings; and

NOW BE IT RESOLVED, the Planning Commission does hereby determine that said subdivision of Kerry Ranch – Parcel A, a five-parcel small lot subdivision, and no more is in compliance with the requirements of the Subdivision Ordinance of the City of Santa Rosa, (Title 19, City Code), and the Subdivision Map Act (Government Code Section 66410, et seq.) based upon the following findings:

- A. The proposed map is consistent with the General Plan and any applicable specific plans as specified in Government Code Sections 65451 and 66473.5. The proposed residential subdivision is consistent with the General Plan land use designation of Low Density Residential, which is primarily intended for detached single-family residential development and allows residential densities at 2-8 units per acre. The project is proposed at a density of 7.7 units per acre. The project site is not within a specific plan area.
- B. That the proposed subdivision meets the housing needs of the City and that the public service needs of the subdivision's residents are within the available fiscal and environmental resources of the City.
- C. That the design of the proposed subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities in the subdivision.
- D. That the proposed subdivision would not discharge waste into the City's sewer system that would result in violation of the requirements prescribed by the California Regional Water Quality Control Board.
- E. The project has been found in compliance with the California Environmental Quality Act (CEQA). On December 4, 2007, the City Council adopted a Mitigated Negative Declaration (MND) for Kerry Ranch I, II & III. An Addendum to the MND (Addendum), prepared by J. Kapolchok and Associates, dated March 2022, was

drafted for the proposed Kerry Ranch - Parcel A, in accordance with CEQA Guidelines Section 15162 and 15164. The Addendum, which analyzes the environmental impacts of the five additional residential lots concludes the “analysis of that new information or regulations applied to the proposed Project shows no new or more severe environmental effects. Furthermore, no infeasibility of adopted mitigation measures, no new feasible mitigation measures which the applicant declines to adopt, or no alternatives different from those in the Kerry Ranch MND, which would substantially reduce effects on the environment were discovered.” The Addendum was approved by the Planning Commission on August 11, 2022.

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

BE IT FURTHER RESOLVED that the Planning Commission of the City of Santa Rosa approves the Kerry Ranch – Parcel A Tentative Map dated March 2019, date stamped received on April 21, 2021, and on file in the Planning and Economic Development Department, subject to the following conditions:

1. Compliance with the Development Advisory Committee Report dated July 22, 2022.
2. Compliance with applicable mitigation measures of the Kerry Ranch I, II & III Mitigated Negative Declaration (MND) and associated Mitigation Monitoring Reporting Program (MMRP), approved by Council on December 4, 2007, State Clearinghouse No. 2007192019 and Addendum to the MND, adopted by the Planning Commission on August 11, 2022.
3. The project must comply with City Code Section 21-02, Housing Allocation Plan, through (a) provision of the appropriate number of on-site affordable units, (b) payment of Housing Impact Fees, or (c) an alternative compliance proposed in accordance with City Code Section 21-02.070 and approved by the Director of Planning and Economic Development. For purposes of this condition, the Director of Planning and Economic Development is designated as the review authority for review and acceptance of innovative Housing Allocation Plan compliance strategies under City Code Section 21-02.070(G).
4. Conditions, Covenants, and Restrictions (CC&R's) in a form approved by The Neighborhood Revitalization Program, shall be recorded on each lot. The CC&R's are intended to create a framework by which investor owner properties and common areas are managed and maintained. At a minimum, the CC&R's shall contain the following provisions:
  - A. Residential occupancy standards;

- B. Maintenance and habitability requirements;
  - C. Prohibition of nuisances and offensive activities including: graffiti, illegal drugs, violent acts and criminal gang behavior;
  - D. Resident and guest parking system;
  - E. Trash receptacle may be brought to the street for pick-up the evening before the schedule pick-up and brought back in by 6:00 p.m. the day of pick-up. All trash receptacles shall be screened from view from the public right-of-way at all other times.
  - F. Tenant screening and house rules for rentals including: credit, reference and criminal history checks, as well as verification of employment and prior residence.
- 5. That the project Conditions, Covenants, and Restrictions (CC&R's) shall be reviewed and approved by the City Attorney and the Department of Community Development prior to recordation of the final map and that the City of Santa Rosa has the right, but not the duty, to enforce the CC&R's pertaining to the conditions stated herein.
  - 6. That the developer shall enter into an agreement with the City which provides that the developer, his heirs, successors, and assigns shall defend, indemnify, and hold the City, its officers, employees, and agents harmless from any and all claims, suits, and actions brought by any person and arising from, or in connection with, the design, layout, or construction of any portion of this subdivision, or any grading done, or any public or private improvements constructed within, or under, or in connection with this subdivision, whether on-site or off-site.
  - 7. The approval of this project shall be subject to the latest adopted ordinances, resolutions, policies and fees adopted by the City Council at the time of the building permit review and approval.
  - 8. Sewer connections for this development, or any part thereof, will be allowed only in accordance with the requirements of the California Regional Water Quality Control Board, North Coast Region, in effect at the time, or thereafter, that the building permit(s) for this development, or any part thereof, are issued.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 11<sup>th</sup> day of August 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

Resolution No. \_\_\_\_\_

ABSENT:

APPROVED: \_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
EXECUTIVE SECRETARY