

Attachment 6

RESOLUTION NO. 11201

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE MONTGOMERY CREEK SUBDIVISION LOCATED AT 4743 MONTGOMERY DRIVE - ASSESSOR'S PARCEL NUMBER(S) 031-140-023 - FILE NUMBER MJP06-029

WHEREAS, the Environmental Coordinator has conducted an initial study on the possible environmental consequences of the proposed Montgomery Creek project, which study was initially completed June 21, 2007; and

WHEREAS, the study, in its final form, did not identify any significant effects on the environment which would result from the proposed use permit provided certain mitigation measures therein identified and listed were adopted and implemented; and

WHEREAS, the Environmental Coordinator, based on the Initial Study, determined that any potential environmental effects of the proposed Montgomery Creek have been clearly mitigated by the identified mitigation measure to the point where no significant environmental effects would occur and the Environmental Coordinator, based upon this determination, prepared a Negative Declaration, subject to mitigating requirements, with respect to the environmental consequences of the subject project; and

WHEREAS, a notice of Mitigated Negative Declaration was thereafter duly posted and an opportunity for comments from the public was given; and

WHEREAS, the Planning Commission of the City of Santa Rosa has reviewed and considered the environmental study, the findings and determinations of the Environmental Coordinator, the proposed Mitigated Negative Declaration, the staff reports, oral and written, and the comments, statements, and other evidence presented by all persons, including members of the public, who appeared and addressed the Planning Commission at the public hearing held on Montgomery Creek, and all comments and materials submitted prior thereto; and

WHEREAS, the Planning Commission has before it all of the necessary environmental information required by the California Environmental Quality Act (CEQA) to properly analyze and evaluate any and all of the potential environmental impacts of the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Santa Rosa, based upon the findings and the records and files herein, and the findings above made, hereby determines that the proposed Montgomery Creek Subdivision will not have a significant effect upon the environment if the mitigation measures listed and identified in the Mitigated Negative Declaration are implemented prior to development of the subject property, and hereby approves and adopts the Mitigated Negative Declaration for the Montgomery Creek project.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on this 8th day of November, 20, 2007, by the following vote:

AYES: (4) (Cisco, Duggan, Karsten, Walsh)

NOES: (0)

ABSTENTIONS: (1) (Bartley)

ABSENT: (2) (Caston, Poulsen)

APPROVED: _____
VICE-CHAIR

ATTEST: _____
EXECUTIVE SECRETARY

RESOLUTION NO. 11202

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A SMALL LOT
SUBDIVISION CONDITIONAL USE PERMIT FOR MONTGOMERY CREEK - LOCATED
AT 4743 MONTGOMERY DRIVE - FILE NUMBER MJP06-029

WHEREAS, an application was filed with the Department of Community Development requesting the approval of a small lot Conditional Use Permit for Montgomery Creek, to be located at 4743 Montgomery Drive, also identified as Sonoma County Assessor's Parcel Number(s) 031-140-023; 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 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 approved and adopted Mitigated Negative Declaration for this use and project; 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, including Section 20-42.140 (Residential Small-Lot Subdivisions);
- B. The proposed use is consistent with the General Plan and any applicable 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;
- 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;
- 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; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

BE IT FURTHER RESOLVED that the Planning Commission approves and adopts the mitigation measures set forth in the Mitigation Monitoring Program dated June 21, 2007, and the Mitigation Monitoring Program and directs staff, as therein identified, to implement and complete the program

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 small lot Conditional Use Permit for Montgomery Creek, to be located at 4743 Montgomery Drive, is approved subject to each of the following conditions:

1. Compliance with all conditions as specified by the Montgomery Creek Tentative Map Resolution Number 11203.

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 8th day of November 2007, by the following vote:

AYES:	(4)	(Cisco, Duggan, Karsten, Walsh)
NOES:	(0)	
ABSTENTIONS:	(1)	(Bartley)
ABSENT:	(2)	(Caston, Poulsen)

APPROVED: _____
VICE-CHAIR

ATTEST: _____
EXECUTIVE SECRETARY

RESOLUTION NO. 11203

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING THE MONTGOMERY CREEK TENTATIVE MAP LOCATED AT 4743 MONTGOMERY DRIVE - FILE NUMBER MJP06-029

WHEREAS, an application has been submitted by Montgomery Creek LLC requesting approval of a tentative map of Montgomery Creek, more particularly described as Assessor's Parcel Number(s) 031-140-023, dated June 19, 2007, and on file in the Office of the Department of Community Development; and

WHEREAS, the applicant was presented with the opportunity and did not prepare proposed findings supported by evidence that said subdivision complies 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.); and

WHEREAS, the Planning Commission heard the evidence and reviewed the proposed findings, if any, submitted by the applicant.

NOW BE IT RESOLVED, the Planning Commission does hereby determine that said subdivision of 6 (six) lots 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. That the proposed map is consistent with the General Plan and any applicable specific plans as specified in Government Code Sections 65451 and 66474.5.
- 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. That the proposed subdivision is consistent with the City of Santa Rosa Design Guidelines and is determined to be of Superior Design.

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 approves and adopts the mitigation measures set forth in the Mitigation Monitoring Program dated June 21, 2007, and directs staff, as therein identified, to implement and complete the program.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Santa Rosa approves the Montgomery Creek, Tentative Map dated October 1, 2007, and on file in the Department of Community Development, subject to the following conditions:

1. Compliance with the Development Advisory Committee Report dated October 16, 2007.
2. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
3. That the final map shall contain on its face: That building envelopes shall be considered as building setback lines.
4. 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.
5. 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.
6. The developer shall pay park fees in effect at the time the building permit is issued.
7. The developer shall pay fees at the time of building permit issuance in lieu of providing one or more affordable units on site, and in compliance with Section 21-02.060 "A" and "B" of the Housing Allocation Plan.
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 8th day of November, 2007, by the following vote:

AYES: (4) (Cisco, Duggan, Karsten, Walsh)
NOES: (0)
ABSTENTIONS: (1) (Bartley)
ABSENT: (2) (Caston, Poulsen)

APPROVED: _____
VICE-CHAIR

ATTEST: _____
EXECUTIVE SECRETARY

FINAL

DEVELOPMENT ADVISORY COMMITTEE REPORT

October 16, 2007

MONTGOMERY CREEK

Project Description

A small lot subdivision to subdivide a 1.15 acre site into 6 lots.

LOCATION.....4743 Montgomery Drive

APN.....031-140-023

GENERAL PLAN LAND USE.....Low Density Residential

ZONE CLASSIFICATION

EXISTINGR1-6

APPLICANTMontgomery Creek LLC

ADDRESS.....PO Box 14517
Santa Rosa, CA 95402

OWNERMontgomery Creek LLC

ADDRESS.....PO Box 14517
Santa Rosa, CA 95402

FILE NUMBERMJP06-029

PROJECT PLANNERLori MacNab *LM*

PROJECT ENGINEER.....Larry Lackie *LL*

Background

The applicant is proposing to construct a small lot subdivision on a 1.15 acre parcel abutting Santa Rosa Creek on Montgomery Drive. The proposal includes retaining an existing single family home and constructing four detached single family homes and leaving the lot abutting the creek as a custom home lot for future development. In all, the proposal will create six new lots and five new homes. The proposed lot sizes will range from 3,798 square-feet to 8,924 square-feet. Four of the lots will have a 1-story homes and one lot will have a custom built home. As part of the proposal, approximately 11 of the 27 trees on site will be removed.

Conditions of Approval

- I. Developer's engineer shall obtain the current City Design and Construction Standards and the Community Development Department's Standard Conditions of Approval dated March 1, 2004 and comply with all requirements therein unless specifically waived or altered by written variance by the City Engineer.
- II. Developer's engineer shall comply with all requirements of the City Standard Storm Water Mitigation Plan Guidelines dated June 26, 2005. Final Plans shall address the storm water quality and quantity along with a maintenance agreement or comparable document to assure continuous maintenance of the source and treatment.
- III. The tentative map shows stream outfall which will likely require a permit from the North Coast Water Quality Control Board. Mitigation measures required by the Board may not be consistent with the approval of this map, which would require a re-application of the tentative map for approval with the new configuration. It is recommended that the applicant work closely with the Board and the City to achieve a mutually acceptable project.
- IV. In addition, the following summary constitutes the recommended conditions of approval on the subject application/development based on the plans stamped received October 1,2007

Planning Conditions

1. The applicant has requested the following Growth Management Allotments:

RESERVE "A"					
RESERVE "B"			5		
	2006	2007	2008	2009	2010

2. ~~Prior to application for a building permit on lot 6, a minor conditional use permit must be obtained. As part of the permit review the project must be forwarded to the Waterways Committee for comment.~~
3. Preserve trees numbered 9 through 16, 18 and 21 through 27 shown on the Tentative Map.
4. A 5 foot wide strip of decorative paving shall be installed along the public lane on the west side.
5. All the trees shown to be saved on the tentative map for lot 6 may not be removed for the development of the custom home on lot 6.
6. Revise the acoustical study dated October 27, 2006 to evaluate the approved site plan, incorporate all recommendations of the report into the subdivision development. The revised acoustical study should be submitted with the improvement plans.
7. The Improvements Plans submitted for the project shall depict the boundary fences running along the east and west property lines of the project.

Engineering Conditions

MAPPING/PARCEL AND EASEMENT DEDICATION

8. Vehicular access rights shall be dedicated to the City along the Montgomery Drive frontage of the site except at the planned street entrance to the project and any emergency access points that may be required but do not appear on the present plan.
9. The creek setback area shall be shown on the Final Map as part of Lot 6. A Hydraulic Maintenance Access Easement from the northerly property line of Lot 6 and bounded southerly by the creek setback line is to be offered to the City. The creek setback limits are to be determined by surveyed creek cross sections submitted with the Final Map and Subdivision Improvement Plans for review and approval.
10. This project is subject to the City's Storm Water Mitigation Program and elements unique to the individual properties are to be privately maintained and the Information sheet of the Final Map is to note the individual property owner's maintenance responsibility.

PUBLIC STREET IMPROVEMENTS

11. Montgomery Drive is designated as a scenic roadway and is subject to specific improvement standards required by City Council direction. The roadway shall be dedicated to the Regional Street standard called for per the General Plan with

bike lane and improved to Rural Street Standards along the project frontage. Half width street improvements shall consist of a 12 foot travel lane, a 5 foot bike lane, with a 5 foot wide asphalt pathway. The roadway, as a scenic designation, is not to be bordered with curb and gutter but limited to an asphalt curb depressed at the curb returns with a pedestrian ramp transitioning to a pathway at road level. The curb return opposite Lot 1 is to be depressed for a future Pedestrian Ramp. The 5 foot wide asphalt pathway is to be contained within the existing right of way and is to be separated from the path of travel by either an asphalt curb or 4 foot rocked shoulder and may meander to avoid obstructions or grade restrictions. A 5.5 foot sidewalk easement contained within a 13 foot Public Utility Easement is to be dedicated along the right of way line regardless of where the pathway is located. See the Standard Conditions of Approval for dimensions.

12. Street "A" right of way dedication is to be limited to 0.5 feet behind the curb face except at the intersection where it is to extend to the adjacent property line. Street improvement shall consist of 20 foot wide pavement. The street standard has been modified through a variance approved by the City Engineer to remove the sidewalk requirement and no walkway is allowed in the street between curbs. The street is to terminate at Lot 6 a minimum of 40 feet beyond the driveway curb cut for Lot 6. A driveway curb cut, 12 feet wide, for public maintenance access to Montgomery Creek storm drain outfall is to be provided in the curb line at the end of the street. The street is to be bordered by a 6 inch asphalt curb from the curb return on Montgomery Drive for 50 feet then constructed with a 2% cross fall from a City Standard median curb on the high side to city standard curb and gutter along the residential frontages for the remainder of the street length and across the end of Street "A". The right of way between the curb and project boundary fence opposite lots 1 through 6 is to be left in a natural condition with no formal landscaping. City Standard 615D Ornamental Street lights are to be installed on Street A on the residential side of the street within the Public Utility Easement and at the corner of Street A and Montgomery Drive. See the Standard Conditions of Approval for dimensions.
13. A 5 foot Public Sewer and Water Easement contained within a 13 foot Public Utility Easement is to be dedicated to the City along the public right of way. The easements may be reduced around structures as shown on the approved Development Plan but are to widen as soon as the obstruction is cleared.
14. Curb return radius at the intersection of Montgomery Drive and Street "A" is to be 25 feet through a variance approved by the City Engineer from the 35 feet required standard and be bordered with a 6 inch asphalt curb ending at the curb return on Montgomery Drive. Right-of-way shall be dedicated so that a City Standard 232A handicap ramp and the 4 foot sidewalk landing are contained within 6 inches of the right-of-way at curb returns on the Lot 1 frontage.

15. Street "A" shall be posted for no parking. Montgomery Drive shall be posted for no Parking.
16. This is a major subdivision and is subject to the Undergrounding Ordinance.
17. A Fire Department turnaround per City Standard 206 modified to extend the legs from 30 feet to 40 feet shall be constructed on Lot 6 covered by a public access easement.

STORM DRAIN (PUBLIC)

18. Type II Public Curb inlets are to be installed at the end of Street "A" connected to a public storm drain extended in the common driveway to a new creek outfall to be contained in a 15 foot public storm drain easement.
19. The storm drain from Street "A" shall daylight into a rock lined swale to discharge to the creek. The embankment from the creek bed to the top of bank shall be rock rip rapped from the swale discharge to a point 20 feet on either side of the outfall location per City Standard 407. The swale shall be designed to promote a smooth flow transition into the creek channel. Rock rip-rap installed is to maintain and protect existing vegetation and trees

GRADING AND DRAINAGE

20. 2 copies of the Phase 1 Environmental Site Assessment shall be included with the submittal of the first plan check. 1 copy is to be submitted directly to the Fire Department and review fee paid, a copy of the receipt shall be submitted with the remaining copy to the Engineering Department. Grading, demolition or construction permits shall not be issued until the Fire Department has reviewed and cleared the Phase 1 Study.
21. A Final Storm Water Mitigation Plan (SWMP) using Best Management Practices (BMP) is to be included with the Improvement Plans and Final Map submitted for the First Plan Check. Private improvements required by the Final SWMP are to be contained on the individual properties and are maintained by the property owners. All SWMP details and improvements are to be included in the Subdivision Improvement Plans.
22. After the BMP improvements have been completed, the developers Civil Engineer is to prepare and sign a written certification that they were constructed and installed as required or per the manufacturer's recommendation. Written certification of SWMP required improvements is to be received by the City prior to acceptance of subdivision improvements. The maintenance schedule and the Final SUMP are to be included as part of the C.C. & R's recorded with the Final Map.

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23. Creek outfalls to Santa Rosa Creek are to be per Sonoma County Water Agency Standards, be rock lined, and outfall to the creek to be sloped to prevent channel forming flows. Work in the creek will require; Army Corps 404 permit, State Board of Water Quality 401 permit, Fish and Game Stream Bed Modification Agreement, and Sonoma County Water Agency Revocable License. No City Grading permit will be issued until all federal, state, and county agency approvals including but not limited to those identified have been obtained for work in the creek.
 24. The private drainage system for Lots 1 through 6 is to be connected to the public system at a public drainage structure, no blind connections are allowed. An all weather access road is to be provided to all public drainage structures.

UTILITIES

25. There is an existing 6" public sewer main, within a public sewer easement, in the private driveway directly adjacent to the westerly side of this parcel. The sewer laterals for Lots 2 through 6 shall be connected as shown to this main (the sewer lateral for Lot 1 already connects to this main). Sewer cleanouts on the westerly side of the property lines, within the existing public sewer easement. The sewer main was not shown on the westerly side of the project and shall be shown on the Improvement Plans.
26. There is an existing 10' sewer easement crossing Lot 6. This easement must be increased to a minimum of 15', or equal to twice the depth of the main, whichever is greater. See Section 315 (c) of the Uniform Plumbing Code. Easements must be centered over the facility. No structures may encroach on any Public water or sewer easement on, above, or below the surface of the ground. This includes footings of foundations or eaves from the roof of any adjacent structure. The foundation for the single family residence on Lot 6 may be too close to the easement and the one to one setback from the sewer main. Provide a profile detail on the Improvement Plans showing the sewer main and foundation. Trees may not be planted within 10' of a public sewer main. The City Utilities Department will not be responsible for repairs or replacement of landscaping in public sewer main easement (and shall be so noted on the Final Map).
27. If the water meter boxes can not be located in the public lane right of way, public water easements shall be required for the meter boxes and the public fire hydrant. For the meter boxes, allow 4' on either side of the property line and 10' back of right of way line. Dual meter boxes per Standard 864 shall be installed at the property line of lots 2/3 and 4/5. Individual meter boxes per Standard 863 shall be installed for lots 1 and 6.

28. The fire hydrant shall be moved to within the frontage of lot 6 so it does not conflict with the water meter boxes. There may be a conflict with the fire hydrant and storm drain. Provide a detailed profile of the lateral and storm drain. The storm drain may need to be moved.
29. Decorative paving is shown in the public lane. The decorative paving shall not be over the public water main. Any future repairs to the water laterals will not include the replacement of the decorative paving.
30. A walking gate must be provided in all fences crossing the public sewer main on Lot 6. No footings shall be installed within 5 feet of the public water or sewer mains. Provide City Utilities and Public Works Field Maintenance Operations 12 keys each to the Knox locks. Access to public utilities including all structures is to be provided at all times.
31. Submit landscape and irrigation plans in conformance with the Single Family Residential Landscape Policy adopted by the Santa Rosa City Council, Resolution No. 26690, on October 17, 2006. Submit Peak Month Water Use Estimate (Appendix A) and Certificate of Conformance (Appendix B). On landscape and irrigation plans, include the total planned square footage of planted areas for high water use plants (i.e.- turf, annuals and container plants); moderate water use plants (i.e. - ornamental trees, shrubs ground covers, and perennials primarily irrigated by sprinklers); and low water use plants (i.e. - drought tolerant plants irrigated primarily through drip emitters). The planting plan must include specific plant names that fit in each category.

Fire Conditions

32. The proposed new fire hydrant is to be located at the property line between Lots 4 and 5.
33. A Fire Flow Analysis, including calculated available fire flow at the new public fire hydrant, shall be provided to the Fire Department for review and approval concurrent with submittal of Public Improvement plans. Minimum required Fire Flow for this single-family residential project not in the Very High Fire Hazard Severity Zone is 1500 gpm with 30 psi residual in the main. A flow test of existing hydrant #3910 at the frontage of 4730 Montgomery Drive is required.

Recreation and Parks Conditions

34. Street trees will be required and planted by the developer. Selection will be made by the city's approved master plan list and approved by the city's Parks Division. Planting shall be done in accordance with the city "Standards and Specifications for Planting Parkway Trees." Tree planting locations shall be marked by the city Parks Division Tree Section personnel. Contact Parks

~~Division Tree Section at (707) 543-3422. Copies of the master street tree list and the standards are available at the Parks Division Office, (707) 543-3770.~~

35. Parks acquisition and/or park development fees shall be paid at the time of building permit issuance. The fee amount shall be determined by the resolution in the effect at the time.

The Development Advisory Committee is an administrative committee designed to inform the Planning Commission of technical aspects of various matters which the Commission is to consider. The report of the Committee in no way constitutes approval or denial of the item under discussion. Final approval or denial rests with the Planning commission and/or City Council and may or may not be subject to terms of the report.

Recommendation

Approval with conditions as set forth in this report.

Continuance

Denial – Major Reasons:

Final action referred to the Planning Commission

Marie Meredith

MARIE MEREDITH
Deputy Director of
Community Development - Planning