

RESOLUTION NO. MOD21-001

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A MODIFICATION OF  
SUMMERFIELD HILLS SUBDIVISION NO. 8 FINAL MAP - LOCATED AT 5494  
NEWANGA AVENUE AND 5530 NEWANGA AVENUE; APN 031-300-034 and 031-300-  
033; FILE NUMBER MOD21-001

WHEREAS, an application was submitted requesting the approval of a Modification of Final Map to modify the front setback for Lots 13 and 14 of the Summerfield Hills Subdivision No. 8 Final Map by reducing the setback from 40 feet to 20 feet for properties located at 5494 and 5530 Newanga Avenue, also identified as Sonoma County Assessor's Parcel Numbers 031-300-034 and 031-300-033;

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 Modification of Final Map request is exempt from further environmental review under the California Environmental Quality Act (CEQA) in that the request qualifies for a Class 5 exemption under CEQA 15305 for "Minor Alterations in Land use limitations"; and

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Chapter 19-24 (Tentative Map Procedures), the Planning Commission of the City of Santa Rosa finds and determines:

- A. 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. 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. The modification would not reduce housing availability and public services are currently provided to all existing development;
- C. The design of the proposed subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities in the subdivision in that the subdivision is fully developed and the modification would result in negligible change to the subdivision design; and

- D. 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 (Ord. 3396 § 1, 1998; Ord. 2622 § 1, 1987) in that the subdivision is fully developed and any new development is required to comply with current regulations that require connection to City services.

BE IT FURTHER RESOLVED, that this Modification of Final Map 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 Modification of Parcel Map for Lots 13 and 14 of the Summerfield Hills Subdivision No. 8, located at 5494 and 5530 Newanga Avenue, is approved subject to each of the following conditions:

**DEPARTMENT OF COMMUNITY DEVELOPMENT**

**GENERAL:**

1. 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.
2. Modifications shall be the same as those reflected on the final plan dated April 8, 2021.
3. The City Engineer shall execute a Certificate of Modification in a form consistent with Exhibit A, attached hereto and incorporated herein.

**PLANNING DIVISION:**

1. 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 Community 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

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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 10<sup>th</sup> day of June, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

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

Exhibit A: Certificate of Modification, dated 5-18-21