

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
August 22, 2024

PROJECT TITLE

4301 and 4500 Fistor Drive Final Map
Modification

ADDRESS/LOCATION

4301 and 4500 Fistor Drive

ASSESSOR'S PARCEL NUMBER

182-090-001 and 182-090-045

APPLICATION DATE

April 24, 2024

REQUESTED ENTITLEMENTS

Modification of Final Map

PROJECT SITE ZONING

Planned Development (PD0079-SR)

PROJECT PLANNER

Sheila Wolski

APPLICANT

Maria Ghisletta, Dimensions 4
Engineering, Inc.

PROPERTY OWNER

Fistor Patrice Lenore Trust

FILE NUMBER

MOD24-001

APPLICATION COMPLETION DATE

June 17, 2024

FURTHER ACTIONS REQUIRED

N/A

GENERAL PLAN DESIGNATION

Low Residential

RECOMMENDATION

Recommend Approval

Agenda Item #11.2
For Planning Commission Meeting of: August 22, 2024

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE PLANNING
COMMISSION
FROM: SHEILA WOLSKI, CITY PLANNER
PLANNING & ECONOMIC DEVELOPMENT
SUBJECT: MODIFICATION OF FINAL MAP – 4301 & 4500 FISTOR DRIVE

AGENDA ACTION: Resolution

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, approve the modification of the Fistor Subdivision Final Map recorded September 15, 1975, to modify building setback lines consistent with the Scenic Road Combining District (-SR) for Brush Creek Road.

EXECUTIVE SUMMARY

The 4301 and 4500 Fistor Drive Final Map Modification project consists of a modification of the Fistor Subdivision Final Map, dated September 15, 1975. This project would modify the existing 50-foot side Building Setback Lines established on the Final Map to be consistent with the Scenic Road (-SR) combining district setback requirements.

BACKGROUND

The 4301 and 4500 Fistor Drive Final Map Modification project application has been submitted in accordance with the following policies and regulations of the City of Santa Rosa:

- [City Code Chapter 19-40](#) Corrections, Amendments or Modifications

1. Project Description

The project consists of a request for Modification of Final Map in order to modify the existing 50-foot side building setback line established by the Fistor Subdivision Final Map for the properties located at 4301 and 4500 Fistor Drive.

Both properties are corner lots that have frontage on both Fistor Drive and Brush Creek Road. The project would establish new building setback lines for the Brush Creek frontage consistent with the Scenic Road (-SR) combining district setback for Brush Creek Road. The minimum setback for Brush Creek Road is outlined in Zoning Code Section 20-28.050 (D)(1)(b) as “50 feet measured from edge of pavement to a one-story structure with a maximum height not exceeding 25 feet.” The applicant is requesting a modified building setback line consistent with the Scenic Road Combining District setback, which is measured from the edge of pavement of Brush Creek Road, not the parcel boundaries.

2. Surrounding Land Uses

North	Low Density Residential
South	Low Density Residential
East	Low Density Residential
West	Very Low Density Residential

The project site is located in a low-density residential area with low-density residential uses in the surrounding area.

3. Existing Land Use – Project Site

The subject properties are both vacant with a low-density residential General Plan land use designation.

4. Project History

April 24, 2024	Project application submitted
May 10, 2024	Notice of Application sent
May 23, 2024	Waterways Advisory Committee meeting
August 9, 2024	Planning Commission public hearing was noticed

PRIOR CITY COUNCIL REVIEW – N/A

ANALYSIS

1. General Plan

The project site is designated as Low Density Residential. This designation accommodates single family residential development. The proposed project site is not subject to a specific plan. The proposed project would not inhibit implementation of the General Plan.

2. Zoning

The project site is located within the Planned Development (PD-0079) zoning district, which is an implementing zoning district for all General Plan land use designations. The project consists of a request for Modification of Final Map in order to modify the existing 50-foot side building setback line, as established by the Fistor Subdivision Final Map. The proposed building setback line, along the Brush Creek Road frontage for both sites, would be consistent with the Scenic Road (-SR) combining district setback for Brush Creek Road. The minimum setback for Brush Creek Road is outlined in Zoning Code Section 20-28.050 (D)(1)(b) as *"50 feet measured from edge of pavement to a one-story structure with a maximum height not exceeding 25 feet."* The applicant is requesting consistency with the Scenic Road combining district setback, which is measured from the edge of pavement of Brush Creek Road, not the parcel boundaries.

3. Design Guidelines

Not applicable- no construction is proposed with this project.

4. Neighborhood Comments

A Notice of Application and Notice of Public Hearing have been distributed to neighbors and property owners within 600 feet of the project site. Emailed comments were submitted by neighbors who expressed opposition to the project based on the assumption that future development would occur, eliminating open space, as well as an informal walking/biking path.

5. Public Improvements/On-Site Improvements

No public or on-site improvements are proposed or required with this project.

6. Authority and Required Findings

Government Code 66472.1 states that in addition to the amendments authorized by Section 66469, after a final map or parcel map is filed in the office of the county recorder, the recorded final map may be modified by a certificate of correction or an amending map, if authorized by local ordinance, if the local agency finds that there are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary and that the modifications do not impose any additional burden on the fee owners of the real property, and if the modifications do not alter any right, title, or interest in the real property reflected on the recorded map, and the local agency finds that the map as modified conforms to Section 66474. Any modification shall be set for public hearing as provided for in Section 66451.3. The local agency shall confine the hearing to consideration of, and action on, the proposed modification.

Changes in circumstances do exist that make some conditions of the map no longer appropriate or necessary. The 50-foot setbacks established on the 1975 map were intended to preserve the rural character of Brush Creek Road. The preservation of scenic roads in the City, to include Brush Creek Road, were codified in 2004 with the Scenic Road (-SR) Combining District (Section 20-28.050). This section of the code measures the 50-foot setback from the edge of the pavement, rather than the parcel line. Further, the requested modification does not impose any additional burden on the fee owners of the real property, and the modifications do not alter any right, title, or interest in the real property reflected on the recorded map.

City Code Section 19-40.030(C) requires the Planning Commission hold a public hearing and review the recommendation of the Development Advisory Committee in making its decision to approve or disapprove the modification to the filed map, after making the findings required in Section 19-24.080 and determining that no grounds for mandatory denial, as set forth in Section 19-24.090, apply. The following paragraphs include the findings for approval and grounds for denial accompanied by staff responses.

Section 19-24.080 Findings for Approval

In compliance with City Code Section 19-40-030(C), "Application for a modification to a final/parcel map", the Planning Commission is required to hold a public hearing, reviewing the recommendation of the Development Advisory Committee, and make a decision to approve or disapprove the modification of the filed map, after making the findings required in Section 19-24-080 and determining that no ground for mandatory denial, as set forth in Section 19-24.090 apply. Below are the required findings and staff responses to each:

1. The proposed map is consistent with the general plan and any applicable specific plans.

The proposed modification would not affect General Plan consistency. The existing low density residential land use is consistent with the General Plan, and the modification would not change this land use. There is no applicable specific plan.

2. 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 proposed modification would better meet the housing needs of the City in that it would allow for more developable lot area to accommodate residential uses consistent with the Planned Development, Zoning Code

and applicable State Housing legislation. The proposed modification does not impact the available fiscal and environmental resources of the City.

- 3. 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; and**

The proposed modification does not affect the site's ability to provide opportunities for passive or natural heating or cooling.

- 4. 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.**

The proposed modification would not affect the site's sewer discharge. Future additional development of the site would be required to comply with all discharge requirements prescribed by the California Regional Water Quality Control Board.

Section 19-24.090 Grounds for Denial:

- 5. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

The proposed modification would continue to be consistent with the City's General Plan and provide opportunities for development consistent with the low-density residential land use. There is no applicable specific plan.

- 6. That the site is not physically suitable for the proposed density of development.**

The proposed modification would allow for the properties to be developed at the density allowed by the City's General Plan.

- 7. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The proposed project does not include construction; therefore, there is no likelihood of any substantial environmental damage, to include substantial and avoidable fish or wildlife habitat.

- 8. That the design of the subdivision does not incorporate all mitigation measures as outlined in the certified environmental impact report or negative declaration.**

The Fistor Subdivision Final Map was approved in 1975 and was developed in compliance with all applicable mitigation measures. The proposed modification does not amend any of these measures. Future development would be subject to all required environmental review.

9. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

The proposed project does not include construction. Any future development or improvements would be subject to all applicable codes related to public health.

10. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

No easements of record are impacted by the proposed modification, no easements have been established by judgment of a court of competent jurisdiction, and no authority has been granted to a legislative to determine the public at large has acquired easements for access through or use of property within the proposed subdivision.

While an informal path has been created on the 4500 Fistor Drive property (APN 182-090-045) for connection to Brush Creek Road, there is no recorded easement for access on this property. The Citywide Creek Master Plan indicates a paved trail in this area could provide a more direct connection to Brush Creek Road. The Citywide Creek Master Plan Policy PR-2.2 also states that *“Every effort will be made to avoid exercising the power of eminent domain for the purpose of implementing the Plan. Where possible, the Plan includes an alternative (located within public right-of-way) to proposed improvements shown on private property. The alternative of choice would be determined at the time of Plan implementation. This determination would be made by decision-making bodies, considering recommendations by the Waterways Advisory Committee.”* A public right-of-way alternative is available in that all properties in the subdivision, including vacant properties, have existing sidewalks for a connection to Brush Creek Road. The Waterways Advisory

Committee provided the following comment and recommendation at its May 23, 2024 meeting: a new paved trail should not be required on the 4500 Fistor Drive (APN 182-090-045) parcel, and support for the option of a paved trail from Cox Court to Brush Creek Road in a different location.

11. That the design of the subdivision, where the subdivision fronts upon a public waterway, river, or stream, does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivisions.

The subject parcels do not front upon a public waterway, river or stream; therefore, no public access by fee or easement is required.

12. That the design of the subdivision, where the subdivision fronts upon a public waterway, river, or stream, does not provide for a dedication of a public easement along a portion of the bank of the river or stream bordering or lying within the proposed subdivision; or

The subject parcels do not front upon a public waterway, river or stream; therefore, no dedication of a public easement is required.

13. That the design of the subdivision or the proposed improvements is likely to result in or contribute to downstream property damage or injury due to storm water runoff.

The proposed project does not include construction. Any future development or improvements would be subject to storm water requirements.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act (CEQA), this project qualifies for a Class 5 exemption under CEQA Section 15305 for "Minor Alterations in Land Use Limitations" due to the project's nature as a modification to a setback established by a Final Map. No exceptions to the exemption listed under CEQA Section 15300 apply to the project.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

The project was noticed as a public hearing per the requirements of Chapter 20-66 of the City Code. Notification of this public hearing was provided by posting an on-site sign, publishing notice in a newspaper of general circulation, mailed notice to surrounding property owners and occupants, and electronic notice on the City website.

ISSUES

There are no unresolved issues.

ATTACHMENTS

Attachment 1 Disclosure Form
Attachment 2 Location Map
Attachment 3 Scenic Road Combining District Zoning Code Section 20-28-050 (D)
Attachment 4 DAC Report
Attachment 5 Public Correspondence
Attachment 6 Fistor Subdivision Final Map, Recorded September 5, 1975

Resolution 1 Modification of Final Map
Exhibit A Certificate of Modification

CONTACT

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