

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A RESIDENTIAL
SMALL LOT SUBDIVISION CONDITIONAL USE PERMIT FOR THE MIDDLE RINCON
SUBDIVISION - LOCATED AT 243 MIDDLE RINCON ROAD – ASSESSOR PARCEL
NUMBER 182-210-013 - FILE NUMBER PRJ17-015

WHEREAS, an application has been submitted by Phil Natoli, requesting approval of a Residential Small Lot Subdivision Conditional Use Permit for the Middle Rincon Subdivision to allow the subdivision of a 0.45-acre parcel into three lots, including two lots less than 6,000 square feet and a remainder lot, located at 243 Middle Rincon Road, more particularly described as Assessor's Parcel Number(s) 182-210-013, and on file in the Planning and Economic Development Department; 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 project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and has been found, pursuant to CEQA Section 15183, not to require additional environmental because the Project is consistent with the policies of the 2035 General Plan, which was adopted with a certified General Plan EIR; there is no special circumstance on the project site or vicinity, such as steep slopes or wetlands, that would be adversely affected by the Project; there is no new information regarding the environmental setting not previously evaluated by the General Plan EIR that may be adversely impacted by the Project; uniform application of the City's policies and regulations will ensure environmental effects of the Project, if any, will be avoided or mitigated to a level that is not significant.

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 in that it implements the General Plan land use designation at the higher end of the residential density, achievable through the Small Lot Conditional Use Permit process;
- 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 proposal includes detached two-story single-family residences with varying architecture and heights, consistent with the adjacent residential development;

- 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 proposed density is consistent with General Plan requirements, the site can accommodate the proposed use and infrastructure needed to serve the parcel is available;
- 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 proposal has been reviewed and conditioned as appropriate by requisite City staff and outside agencies; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and found to be consistent with the policies of the 2035 General Plan, which was adopted with a certified EIR, and is thus not subject to further environmental review according to CEQA Section 15183 when, as in this case, there is no special circumstance on the project site or vicinity, such as steep slopes or wetlands; nor is there any new information regarding the environmental setting not previously evaluated by the General Plan EIR that may be adversely impacted by the Project. Furthermore, uniform application of the City's policies and regulations will ensure environmental effects of the project, if any, will be avoided or mitigated to a level that is not significant.

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 Middle Rincon Subdivision, to be located at 243 Middle Rincon Road, is approved subject to compliance to each of the following conditions:

1. Compliance with approved plans prepared by Civil Design Consultants, Inc., dated March 7, 2017.
2. Compliance with all conditions as specified by the Middle Rincon Subdivision Tentative Map Resolution Number _____.
3. Construction hours shall be limited from 8:00 a.m. to 7:00 p.m. Monday through Friday. No construction is permitted on Saturdays, Sundays and holidays.

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 28th day of September, 2017, by the following vote:

AYES: (0)

NOES: (0)

ABSTAIN: (0)

ABSENT: (3)

APPROVED: _____
CHAIR

ATTEST: _____
EXECUTIVE SECRETARY

DRAFT