

RESOLUTION NO. PC-2024-017

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE
PERMIT FOR ACACIA VILLAGE, A SMALL LOT SUBDIVISION LOCATED AT
746 ACACIA LANE, ASSESSOR'S PARCEL NO. 182-520-050; FILE NUMBER PRJ24-006

WHEREAS, on June 11, 2019, the Zoning Administrator granted a five-unit density bonus, including four development waivers for setbacks, private open space, lot size, and lot coverage, in compliance with Zoning Code Chapter 20-31, for Acacia Village, a 25-parcel subdivision in which three parcels were designated and would be deed restricted for a period of 55-years for low-income owners; and

WHEREAS, on June 27, 2019, the Planning Commission approved the Acacia Village project, including a Conditional Use Permit for a small lot subdivision and a Tentative Map to subdivide a 2.50-acre parcel into 25 lots. The project also involved a Density Bonus, which was granted for five additional units and four waivers for setbacks, private open space, lot size, and lot coverage. The project was found in compliance the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 as infill development. The project was approved for a period of two years; and

WHEREAS, pursuant to Assembly Bill 1561, the project received an 18-month time extension, which extended the expiration date December 27, 2022; and

WHEREAS, no further requests for time extension were received and the project entitlements expired on December 27, 2022; and

WHEREAS, an application has been submitted by Acacia Village LLC requesting approval of a Conditional Use Permit for a small lot subdivision, located at 746 Acacia Lane, more particularly described as Assessor's Parcel Number 182-520-050, dated April 15, 2024, and on file in the Office of the Planning and Economic Development Department; and

WHEREAS, pursuant to Zoning Code Chapter 20-31, Table 3-5, a Density Bonus has been approved. One concession is allowed by right and has been applied to a reduction in lot size, allowing parcels smaller than 2,000 square feet. Three waivers have also been granted for setbacks, lot coverage, and private open space, which are necessary for the development of this project; and

WHEREAS, in response to the project expiration, on April 15, 2024, a new application package was submitted for the same Acacia Village project, including a request for the approval of a Conditional Use Permit for a 25-parcel small lot subdivision, to be located at 746 Acacia Lane, also identified as Sonoma County Assessor's Parcel Number 182-520-050; 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 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

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 R-1-6 (Single-family Residential) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. Pursuant to Zoning Code Table 2-5, the Project requires a Conditional Use Permit for a small lot subdivision. Zoning Code Section 20-42.140 provides development standards for small lot subdivisions. Pursuant to Zoning Code Chapter 20-31, the Project has an approved Density Bonus and is entitled one concession, applied to a reduction in lot size, and three waivers, for lot coverage, private open space, and setbacks. The project complies with all other development standards outlined in Section 20-42.140; and
- B. The proposed use is consistent with the General Plan. The Project site is located in an area designated as Low Density Residential, which allows residential density from 2-8 units per acre. The Project has an approved Density Bonus. By deed-restricting three for-sale units for low-income owners, the Project qualifies for five density bonus units, increasing the density to 10 units per acre. With an approved density increase, the project exceeds the allowable density. Pursuant to *California* Government Code Section 65915, as determined by *Wollmer v. City of Berkeley*, a housing development that exceeds the maximum allowable densities due to a Density Bonus remains consistent with the General Plan. The Project site is not within a specific plan area; and
 - The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity. The project will construct 25 single-family homes and is surrounded by similar single-family residential uses. A study conducted by W-Trans, dated August 7, 2018, concluded that “given the limited number of peak hour trips that the project would be expected to generate, it’s reasonable to conclude that its impact on traffic operation will be less-than-significant.” In a email sent from Dalene Whitlock of W-Trans, dated August 13, 2024, she confirmed
 - Though the rates in the latest version of the *Trip Generation Manual* are slightly different, the results would be nearly identical and the trip generation still well below the City’s threshold of 50 peak hour trips; a more extensive study is therefore still not required.

- Assuming that the physical conditions in the project vicinity have remained relatively constant, the findings regarding pedestrian, bicycle, and transit facilities as well as site access would remain unchanged.
- Similarly, assuming the City’s parking requirements have not changed, the parking analysis would still be valid.

The Project meets parking requirements set forth in the Zoning Code. The Project Plans have been reviewed by City staff, including the Fire Department, Traffic Engineering, Engineering Development Services, Santa Rosa Water, Building, and Planning, and has been conditioned appropriately; and

- C. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints. The low-density residential land use designation was considered in the scope of review in the General Plan 2035 Environmental Impact Report, which was certified by Council in 2009. The Project Site Plan provides circulation and parking, which has been reviewed by City staff and conditioned appropriately. The site is located in a developed area and all City services are available; and
- D. 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 area is designated for single-family residential uses and was considered in the scope of review the General Plan 2035 Environmental Impact Report, which was certified by the Council in 2009; and
- E. The Project has been found in compliance with the California Environmental Quality Act (CEQA).

Pursuant to CEQA Guidelines Section 15332, the Project qualifies for a categorical exemption as in-fill development.

- The Project is consistent with the General Plan and zoning. The land use designation is Low Density Residential and the zoning is R-1-6, which are consistent and intended for single family residential uses at densities ranging from 2-8 units per acre. With an approved density increase, the project exceeds the allowable density. Pursuant to *California* Government Code Section 65915, as determined by *Wollmer v. City of Berkeley*, a housing development that exceeds the maximum allowable densities due to a Density Bonus remains consistent with the General Plan.
- The Project site has no value as habitat for endangered, rare or threatened species. A Biological Resources Assessment, prepared by WRA Inc., dated November 2017, “no wetlands, streams, or riparian areas are present. All special-status plant and wildlife species documented within the vicinity of the Study Area are unlikely or have no potential to occur. No further studies are required or recommended for this site.” In a

Memorandum dated August 14, 2024, WRE has confirmed the previous findings still apply.

- The Project occurs on a site that is less than five acres within City limits and is substantially surrounded by urban uses.
- Approval of the project would not result in any significant effects relating to traffic. A study conducted by W-Trans, dated August 7, 2018, and updated memorandum dated concluded that “given the limited number of peak hour trips that the project would be expected to generate, it’s reasonable to conclude that its impact on traffic operation will be less-than-significant.

A memo from Dalene J. Whitlock of W-Trans, dated August 13, 2024, states that, “though the rates in the latest version of the Trip Generation Manual are slightly different, the results would be nearly identical and the trip generation still well below the City’s threshold of 50 peak hour trips; a more extensive study is therefore still not required. Assuming that the physical conditions in the project vicinity have remained relatively constant, the findings regarding pedestrian, bicycle, and transit facilities as well as site access would remain unchanged. Similarly, assuming the City’s parking requirements have not changed, the parking analysis would still be valid.”

- The project is required to comply with the City’s Low Impact Development standards, which will treat stormwater runoff generated by a one-inch storm over a 24-hour period.
- An Environmental Noise Assessment, prepared by Illingworth & Rodkin, Inc., dated September 18, 2018, concluded that the implementation of standard conditions of approval would reduce temporary construction noises to a level less than significant. The project has also been conditioned to remain in compliance with the Noise Ordinance, City Code Chapter 17-16.
- The Project site is located in a developed area where it can be adequately served by all required utilities and public services. City staff has reviewed the plans and conditioned the Project appropriately.

The project is also exempt from CEQA pursuant to CEQA Section 15183, in that the project is consistent with the General Plan and zoning, for which an Environment Impact Report (EIR) was certified by Council in 2009. The EIR analyzed impacts to traffic, air quality & greenhouse gases, and noise for implementation of the General Plan. There are no impacts peculiar to the site or off-site or cumulative impacts that were not analyzed in the prior General Plan EIR.

No exceptions to the exemption apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines section 15300.2.)

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 Conditional Use Permit for Acacia Village, a 25-parcel small lot subdivision, to be located at 746 Acacia Lane, is approved subject to each of the following conditions:

1. Compliance with all conditions of approval as set forth by Planning Commission Resolution No. PC-2024-016, which approved the Tentative Map for Acacia Village.
2. 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.
3. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
4. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.
5. 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.
6. 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 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.
7. 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.

8. 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 FURTHER 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.

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 12th day of September 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
JESSICA JONES, EXECUTIVE SECRETARY