

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND GRANTING FINAL DESIGN REVIEW APPROVAL FOR THE OAKMONT OF EMERALD ISLE ASSISTED LIVING FACILITY PROJECT, LOCATED AT 0 GULLANE DRIVE; ASSESSOR'S PARCEL NUMBERS: 173-670-004, -016; FILE NUMBER: PRJ17-031

WHEREAS, on April 27, 2017, an application was submitted to the Department of Planning and Economic Development requesting approval of Design Review for the proposed Oakmont of Emerald Isle project, consisting of a 49-unit community care facility, located at the terminus of Gullane Drive, also identified as Sonoma County Assessor's Parcel Numbers 173-670-004 and 173-670-016 (Project); and

WHEREAS, the proposed Project is located within the boundaries defined in the Fountaingrove Ranch Planned Community District Policy Statement, adopted by the City Council in September of 1981 by Ordinance No. 2196, which has been determined to be consistent with the City's General Plan; and

WHEREAS, on September 25, 2017, an Initial Study/Draft Mitigated Negative Declaration (IS/MND) was prepared and circulated for the project; the public review period for the IS/MND began on September 25, 2017, and was to have ended on October 25, 2017; and

WHEREAS, on October 26, 2017, the public hearing that had been scheduled before the Planning Commission was cancelled in response to a local emergency and the public hearing and IS/MND comment period were rescheduled and extended, respectively, to November 30, 2017; and

WHEREAS, on November 30, 2017, the Planning Commission adopted a Mitigated Negative Declaration, approved a Conditional Use Permit, and approved a Hillside Development Permit for the Project, by Resolution Nos. 11860, 11861, and 11862, respectively; and

WHEREAS, on December 7, 2017, a Notice of Determination was filed with the Sonoma County Clerk's Office establishing a 30-day statute of limitations for challenges to the Mitigated Negative Declaration; and

WHEREAS, on January 4, 2018, the Design Review Board of the City of Santa Rosa held a duly noticed public hearing and adopted resolution No. 18-972, approving Preliminary Design Review for Project; and

WHEREAS, on March 15, 2018, the Design Review Board of the City of Santa Rosa adopted Resolution No. 18-977, approving Final Design Review for the Project; and

WHEREAS, an appeal of the Design Review Board's action was filed by Ms. Beth Eurotas and Ms. Gloria Eurotas with the grounds for appeal questioning the Design Review Board's consideration of over-concentration of community care facilities, adequacy of the project's environmental review, and the findings made by the Design Review Board in granting Final Design Review approval.

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NOW, THEREFORE, BE IT RESOLVED that after consideration of the appeal and the reports, documents, testimony, and other materials presented, and pursuant to City Code Sections 20-52.030 (Design Review) and 20-62.030 (Processing of Appeals), the City Council of the City of Santa Rosa denies the appeal, affirms the decision of the Design Review Board, and makes the following findings and determinations:

- A. The design and layout of the Oakmont of Emerald Isle development are of superior quality, and are consistent with the General Plan, any applicable specific plan, the Fountaingrove Ranch Planned Community Policy Statement and Development Plan, applicable Zoning Code standards and requirements, the City's Design Guidelines, architectural criteria for special areas, and other applicable City requirements; and
- B. The design is appropriate for the use and location of the proposed development and achieves the goals, review criteria, and findings for approval as set forth in the framework of Design Review (Design Guidelines, Introduction, Subsection C) in that it provides site layout, landscaping, ecological protection, and circulation considerations appropriate for community care development and has been determined by the Design Review Board to be of "Superior Design" by reflecting thoughtful considerations and responses to parameters outlined in the Framework of Design Review; and
- C. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments in that the Project includes set-backs, circulation and design features compatible with the surrounding neighborhood and that existing and proposed adjacent development was appropriately considered in the adopted environmental review document, approved Conditional Use Permit, and approved Hillside Development Permit for the proposed project; and
- D. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood in that in that the proposed Project is consistent with the Fountaingrove Ranch Planned Community District development plan which envisions cluster residential development in this area which would include community care facilities and the Project's approval is subject to, and consistent with, the City's hillside development and design standards; and
- E. The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color, and would remain aesthetically appealing and be appropriately maintained; and
- F. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity in that the entire project has been reviewed by City staff, outside agencies, and approval authorities and conditioned to minimize potential impacts; and
- G. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Planning Commission adopted a

Mitigated Negative Declaration, the scope of which included the proposed project design, Hillside Development Permit, and Conditional Use Permit for this project on November 30, 2017, as recorded in Planning Commission Resolution No. 11860.

BE IT FURTHER RESOLVED that Final Design Review is approved subject to each of the following conditions:

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. Compliance with all conditions of approval identified in Planning Commission Resolution Nos. 11860, 11861, and 11862, adopted on November 30, 2017, adopting a Mitigated Negative Declaration and approving a Conditional Use Permit and a Hillside Development Permit, respectively.
3. Compliance with all conditions of approval identified in Design Review Board Resolution No. 18-972, adopted on January 4, 2018, approving Preliminary Design Review for the Project.
4. Compliance with all conditions of approval identified in Design Review Board Resolution No. 18-977, adopted on March 15, 2018, approving Final Design Review for the Emerald Isle project.

BE IT FURTHER RESOLVED that the Council finds and determines this entitlement 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 would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

IN COUNCIL DULY PASSED this 24th day of July, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney