

RESOLUTION NO. 11313

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE KAWANA VILLAGE
SUBDIVISION LOCATED AT 1150, 1166 AND 1310 KAWANA TERRACE, SONOMA
COUNTY ASSESSOR'S PARCEL NO.044-051-027, -019 AND -025; FILE NUMBER MJP05-
040

WHEREAS, the Environmental Coordinator has conducted an initial study on the possible environmental consequences of the proposed 39-lot subdivision project, which study was initially completed April 8, 2008; and

WHEREAS, the study, in its final form, did not identify any significant effects on the environment which would result from the proposed use permit provided certain mitigation measures therein identified and listed were adopted and implemented; and

WHEREAS, the Environmental Coordinator, based on the Initial Study, determined that any potential environmental effects of the proposed 39-lot Kawana Village Subdivision have been clearly mitigated by the identified mitigation measure to the point where no significant environmental effects would occur and the Environmental Coordinator, based upon this determination, prepared a Negative Declaration, subject to mitigating requirements, with respect to the environmental consequences of the subject project; and

WHEREAS, a notice of Mitigated Negative Declaration was thereafter duly posted and an opportunity for comments from the public was given; and

WHEREAS, the Planning Commission of the City of Santa Rosa has reviewed and considered the environmental study, the findings and determinations of the Environmental Coordinator, the proposed Mitigated Negative Declaration, the staff reports, oral and written, and the comments, statements, and other evidence presented by all persons, including members of the public, who appeared and addressed the Planning Commission at the public hearing held on May 8, 2008, and all comments and materials submitted prior thereto; and

WHEREAS, the Planning Commission has before it all of the necessary environmental information required by the California Environmental Quality Act (CEQA) to properly analyze and evaluate any and all of the potential environmental impacts of the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Santa Rosa, based upon the findings and the records and files herein, and the findings above made, hereby determines that the proposed 39-lot subdivision will not have a significant effect upon the environment if the mitigation measures listed and identified in the Mitigated Negative Declaration are implemented prior to development of the subject property, and hereby approves and adopts the Mitigated Negative Declaration for the Kawana Village project.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on this 12th day of June, 2008, by the following vote:

AYES: (6) (Bartley, Caston, Cisco, Karsten, Poulsen, Walsh)
NOES: (0)
ABSTENTIONS (0)
ABSENT: (1) (Duggan)

APPROVED: _____

CHAIRMAN

ATTEST: _____

EXECUTIVE SECRETARY

RESOLUTION NO. 11314

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A SMALL LOT
SUBDIVISION CONDITIONAL USE PERMIT FOR KAWANA VILLAGE - LOCATED AT
1150, 1166 AND 1310 KAWANA TERRACE - FILE NUMBER MJP05-040

WHEREAS, an application was filed with the Department of Community Development requesting the approval of a small lot Conditional Use Permit for Kawana Village, to be located at 1150, 1166 and 1310 Kawana Terrace, also identified as Sonoma County Assessor's Parcel Number(s) 044-051-027, -019 and -025; 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 Planning Commission has considered the approved and adopted Negative Declaration for this use and project; 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 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 and any applicable specific plan;
- 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;
- 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;
- 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; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

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 Kawana Village, to be located at 1150, 1166 and 1310 Kawana Terrace, is approved subject to each of the following conditions:

1. Compliance with all conditions as specified by the Kawana Village Tentative Map Resolution Number 11316.

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 June, 2008, by the following vote:

AYES:	(6)	(Bartley, Caston, Cisco, Karsten, Poulsen, Walsh)
NOES:	(0)	
ABSTENTIONS	(0)	
ABSENT:	(1)	(Duggan)

APPROVED: _____

CHAIRMAN

ATTEST: _____

EXECUTIVE SECRETARY

RESOLUTION NO. 11315

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
APPROVING TWO HILLSIDE DEVELOPMENT PERMITS FOR KAWANA VILLAGE
SUBDIVISION LOCATED AT 1150, 1166 AND 1310 KAWANA TERRACE - ASSESSOR'S
PARCEL NUMBER(S) 044-051-027, -019 AND -025 - FILE NUMBER MJP05-040

WHEREAS, the Planning Commission of the City of Santa Rosa has duly considered the
above referenced Hillside Development Permits for the Kawana Village Subdivision; and

WHEREAS, the Planning Commission finds that the approval of the Hillside Development
Permits for the subdivision and the development of four hillside lots within the subdivision
known as lots 26, 27, 28 and 29 meet the requirements of the Santa Rosa Zoning Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds that the
proposed plan is consistent the required findings for a Hillside Development permit and is
consistent with the General Plan and the design guidelines for hillside development in that:

- A. Site planning minimizes the visual prominence of hillside development by taking
advantage of existing site features for screening, including tree clusters, depressions in
topography, setback hillside plateau areas, and other natural features.
- B. Site development minimizes alteration of topography, drainage patterns, and vegetation
on land with slopes of 10 percent or more.
- C. Site development does not alter slopes of 25% or more, except in compliance with
Section 20-32.020.B (Applicability-Limitations on hillside development),
- D. Project grading respects natural features and visually blends with adjacent properties.
- E. Building pad location, design, and construction avoids large areas of flat pads, and
building forms will be stepped to conform to site topography.
- F. The proposed project complies with the City's Design Guidelines.
- G. The proposed project complies with the requirements of this Article and all other
applicable provisions of this Zoning Code.
- H. The proposed project is consistent with the General Plan.
- I. The establishment, maintenance, or operation of the use will not, under the circumstances
of the particular case, be detrimental to the public health, safety or general welfare.

BE IT FURTHER RESOLVED that a Hillside Development Permit for the Kawana Village Subdivision located at 1150, 1166 and 1310 Kawana Terrace is approved.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 12th day of June, 2008, by the following vote:

AYES: (6) (Bartley, Caston, Cisco, Karsten, Poulsen, Walsh)
NOES: (0)
ABSTENTIONS (0)
ABSENT: (1) (Duggan)

APPROVED: _____

CHAIRMAN

ATTEST: _____

EXECUTIVE SECRETARY

RESOLUTION NO. 11316

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
APPROVING THE KAWANA VILLAGE TENTATIVE MAP LOCATED AT 1150, 1166
AND 1310 KAWANA TERRACE - FILE NUMBER MJP05-040

WHEREAS, an application has been submitted by Ben Smith of Waterford Associates requesting approval of a tentative map of 4.78 acres, more particularly described as Assessor's Parcel Number(s) 044-051-027, -019, and -025, dated January 28, 2008, and on file in the Office of the Department of Community Development; and

WHEREAS, the applicant was presented with the opportunity and did not prepare proposed findings supported by evidence that said subdivision complies with the requirements of the Subdivision Ordinance of the City of Santa Rosa, (Title 19, City Code) and the Subdivision Map Act (Government Code Section 66410, et seq.); and

WHEREAS, the Planning Commission heard the evidence and reviewed the proposed findings, if any, submitted by the applicant.

NOW BE IT RESOLVED, the Planning Commission does hereby determine that said subdivision of 39 lots and no more is in compliance with the requirements of the Subdivision Ordinance of the City of Santa Rosa, (Title 19, City Code), and the Subdivision Map Act (Government Code Section 66410, et seq.) based upon the following findings:

- A. That 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. That 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.
- C. 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.
- D. 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.
- E. That the proposed subdivision is consistent with the City of Santa Rosa Design Guidelines and is determined to be of Superior Design.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds and determines said tentative map would not be approved but for the applicability and validity of each and every one of the below conditions and that if any one or more of the below conditions

are determined invalid, this tentative map would not have been approved without requiring other valid conditions for achieving the purposes and intent of such approval.

BE IT FURTHER RESOLVED that the Planning Commission approves and adopts the mitigation measures set forth in the Mitigation Monitoring Program dated April 8, 2008, and directs staff, as therein identified, to implement and complete the program.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Santa Rosa approves the Kawana Village Tentative Map dated January 28, 2008, and on file in the Department of Community Development, subject to the following conditions:

1. Compliance with the Revised Development Advisory Committee Report dated April 4, 2008.
2. Conditions, Covenants, and Restrictions (CC&R's) in a form approved by The Neighborhood Revitalization Program, shall be recorded on each lot. The CC&R's are intended to create a framework by which investor owner properties and common areas are managed and maintained. At a minimum, the CC&R's shall contain the following provisions:
 - A. Residential occupancy standards;
 - B. Maintenance and habitability requirements;
 - C. Prohibition of nuisances and offensive activities including: graffiti, illegal drugs, violent acts and criminal gang behavior;
 - D. Resident and guest parking system;
 - E. Tenant screening and house rules for rentals including: credit, reference and criminal history checks, as well as verification of employment and prior residence.
3. That the project Conditions, Covenants, and Restrictions (CC&R's) shall be reviewed and approved by the City Attorney and the Department of Community Development prior to recordation of the final map and that the City of Santa Rosa has the right, but not the duty, to enforce the CC&R's pertaining to the conditions stated herein.
4. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
5. That the developer shall enter into an agreement with the City which provides that the developer, his heirs, successors, and assigns shall defend, indemnify, and hold the City, its officers, employees, and agents harmless from any and all claims, suits, and actions brought by any person and arising from, or in connection with, the design, layout, or construction of any portion of this subdivision, or any grading done, or any public or private improvements constructed within, or under, or in connection with this subdivision, whether on-site or off-site.

6. The approval of this project shall be subject to the latest adopted ordinances, resolutions, policies and fees adopted by the City Council at the time of the building permit review and approval.
7. The developer shall pay park fees in effect at the time the building permit is issued.
8. The developer shall in lieu of providing one or more affordable units on site, pay fees at the time of building permit issuance.
9. Sewer connections for this development, or any part thereof, will be allowed only in accordance with the requirements of the California Regional Water Quality Control Board, North Coast Region, in effect at the time, or thereafter, that the building permit(s) for this development, or any part thereof, are issued.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 12th day of June, 2008, by the following vote:

AYES: (6) (Bartley, Caston, Cisco, Karsten, Poulsen, Walsh)
NOES: (0)
ABSTENTIONS (0)
ABSENT: (1) (Duggan)

APPROVED: _____

CHAIRMAN

ATTEST: _____

EXECUTIVE SECRETARY