

RESOLUTION NO. 28580

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND ADOPTING A MITIGATED NEGATIVE DECLARATION FOR A GENERAL PLAN AMENDMENT FROM VERY LOW DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL, REZONING FROM THE RR-40 ZONING DISTRICT TO THE R-1-6 ZONING DISTRICT, AND A TENTATIVE PARCEL MAP TO SUBDIVIDE ONE PARCEL INTO FOUR LOTS FOR THE PROPERTY LOCATED AT 408 CALISTOGA ROAD, ASSESSOR'S PARCEL NUMBER 153-430-032, FILE NO. MJP13-007

WHEREAS, the Environmental Coordinator has conducted an initial study on the possible environmental consequences of the proposed project including a General Plan Amendment from Very Low Density Residential to Low Density Residential, Rezoning from RR-40 to R-1-6, and Tentative Parcel Map to subdivide one parcel into four single family residential lots for the property located at 408 Calistoga Road, which study was initially completed May 23, 2014; and

WHEREAS, the study, in its final form, did not identify any significant effects on the environment which would result from the proposed project 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 project 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 Mitigated Negative Declaration, subject to mitigating requirements, with respect to the environmental consequences of the subject project; and

WHEREAS, a Notice of Intent and the proposed Mitigated Negative Declaration were duly posted for a period of 30 days, from May 23, 2014 to June 23, 2014, and no comments were received; and

WHEREAS, on June 26, 2014, the Planning Commission, after due consideration, investigation and study made by itself and in its behalf, and after due consideration of all evidence and reports offered at said meeting, did make findings and determinations adopting the requested Mitigated Negative Declaration; and

WHEREAS, said Planning Commission at its meeting held at City Hall in the City of Santa Rosa on June 26, 2014, did adopt Resolution No. 11676, adopting the Mitigated Negative Declaration; and

WHEREAS, on July 7, 2014, an application for an appeal of the Planning Commission's adoption of the Mitigated Negative Declaration for Calistoga Cottages was submitted by Paul Bussard and Lynn Denley-Bussard to the City Clerk's office for the property at 408 Calistoga Road, Santa Rosa; and

WHEREAS, on July 17, 2014, the appellant requested a continuance, and the applicant agreed, of the appeal public hearing scheduled and noticed for July 29, 2014; and

WHEREAS, on July 29, 2014, the City Council continued the scheduled and noticed public hearing to consider an appeal of the Planning Commission's adoption of the Mitigated Negative Declaration; and

WHEREAS, on September 16, 2014, the City Council held a public hearing to consider an appeal of the Planning Commission's decision to adopt a Mitigated Negative Declaration, and after consideration of all evidence and reports offered at said hearing, did make findings and determinations and motioned to deny appeal and uphold the Planning Commission approval of the Calistoga Cottages Mitigated Negative Declaration and the motion failed 4-3; and

WHEREAS, on September 23, 2014, Council Member Wysocky requested the Council reconsider its intension to grant the appeal and deny the Calistoga Cottages subdivision due to information brought up late in the discussion at the September 16, 2014 City Council meeting stating the project warranted additional consideration. City Council voted in favor of the reconsideration 4-2 with one Council Member absent; and

WHEREAS, on November 18, 2014, the City Council held a public hearing to reconsider its position to grant an appeal and deny the Calistoga Cottages subdivision. After reconsideration of project details and reports offered at said hearing, did make findings and determinations and denied the appeal and adopted the Calistoga Cottages Mitigated Negative Declaration; and

WHEREAS, the Council has reviewed and considered the environmental study, the findings and determination 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 City Council at the public hearings held on September 16, 2014, and November 18, 2014, and all comments and materials submitted prior thereto; and

WHEREAS, the Council 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 Council 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 General Plan Amendment, Rezoning, and Tentative Parcel Map 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 denies the appeal and adopts the Mitigated Negative Declaration for the Calistoga Cottages project.

IN COUNCIL DULY PASSED this 18<sup>th</sup> day of November, 2014.

AYES: (5) Mayor Bartley, Council Members Combs, Olivares, Ours, Wysocky

NOES: (2) Vice Mayor Swinth, Council Member Carlstrom

ABSENT: (0)

ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney