

RESOLUTION NO. 28582

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVING A TENTATIVE PARCEL MAP TO SUBDIVIDE A 0.99-ACRE PARCEL LOCATED AT 408 CALISTOGA ROAD INTO FOUR SINGLE FAMILY RESIDENTIAL LOTS FOR CALISTOGA COTTAGES – FILE NO. MJP13-007

WHEREAS, the Planning Commission at its meeting held at City Hall in the City of Santa Rosa on June 26, 2014, heard and considered evidence regarding the proposed Tentative Parcel Map and made findings in connection therewith; and

WHEREAS, on June 26, 2014, said 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 approving the requested Tentative Parcel Map; 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. 11679, approving the Tentative Parcel Map to subdivide a 0.99 acre site into four single family residential lots; and

WHEREAS, on July 7, 2014, an application for an appeal of the Planning Commission's approval of the Calistoga Cottages Tentative Parcel Map to subdivide the 0.99-acre parcel located at 408 Calistoga Road, Santa Rosa, into four single family residential lots was submitted by Paul Bussard and Lynn Denley-Bussard to the City Clerk's office; 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 decision to approve a Tentative Parcel Map for Calistoga Cottages at 408 Calistoga Road, and

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

WHEREAS, on September 23, 2014, Council Member Wysocky requested the Council reconsider its position to grant the appeal and deny the Calistoga Cottages Tentative Parcel Map 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 Council reconsidered the Calistoga Cottages project applications.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa does hereby determine that said subdivision of four parcels 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.

BE IT FURTHER RESOLVED that the Council finds and determines said tentative parcel 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 Council approves and adopts the mitigation measures set forth in the Mitigation Monitoring Program for Calistoga Cottages, and directs staff, as therein identified, to implement and complete the program.

BE IT FURTHER RESOLVED that the Council denies the appeal and approves the Calistoga Cottages, Tentative Map dated June 12, 2014, and on file in the Department of Community Development, subject to the following conditions:

- 1. Compliance with the Department of Transportation and Public Works, Engineering Development Services, Cal Cottages additional conditions report dated May 21, 2014. Attached hereto as Exhibit A and part of the resolution.
- 2. 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.

3. 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.
4. 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.
5. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
6. 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.
7. 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.
8. The developer shall pay park fees in effect at the time the building permit is issued.
9. The developer shall, in lieu of providing one or more affordable units on site, and if the application is in compliance with Section 21-02.060 "A" and "B" of the Housing Allocation Plan, pay applicable housing impact fees.
10. That, prior to the approval of any final map, the applicant shall have obtained a

General Plan Amendment and Rezoning of the subject property which conforms in all respects to the rezoning recommendation(s) contained in Planning Commission Resolution Number 11678.

11. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturdays. No construction is permitted on Sundays and holidays.
12. Comply with the Mitigation Monitoring Program included in the Calistoga Cottages Mitigated Negative Declaration, dated May 22, 2014.
13. Construction documents shall include “Smart Meters” to track real-time energy consumption.
14. All existing trees have been preserved to the greatest extent possible. Any tree removal shall require a separate tree removal permit and shall comply with the City’s Tree Ordinance, Section 17-24.050.
15. Street trees shall be shown on the Improvement Plans, and installed by the developer.
16. The project shall include light colored concrete and light colored paving seal coat.
17. Future development of homes shall include pre-wiring & pre-plumbing for solar thermal or PV systems.
18. Future development of homes shall include 220v outlet in all garages to accommodate charging of electric vehicles.
19. The project will have water meters with real-time usage tracking, assuming that the City of Santa Rosa has this capacity at the time of construction.
20. Future development of homes shall require separate water meters for indoor and outdoor use per the City’s Water Efficient Landscape Ordinance. At which point recycled water becomes available at this location, the separation of indoor and outdoor water consumption shall be done.
21. Future development of homes shall include electrical outlets on exterior walls that may be used for charging lawn and garden equipment.
22. Construction procedures complying with the Climate Action Plan new development checklist will be noted on Improvement Plans and construction documents.
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24. 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.

PLANNING COMMISSION CONDITION

25. A note shall be added to the Information Page of the Parcel Map stating that only single story units shall be built.

CITY COUNCIL CONDITIONS

26. In conjunction with mitigation measure IV.a, the project arborist shall be present and hand trenching shall be done for construction activities within the dripline (under existing tree canopy) of the existing oak trees when implementing site improvements.
27. Applicant shall work with the property owner of 5220 Calistoga Road, APN 153-430-032, to determine appropriate landscape materials for screening along the shared property line. Installation of the screening shall be completed prior to recordation of the Final Map.

BE IT FURTHER RESOLVED that the Council denies the appeal and approves the Tentative Parcel Map for Calistoga Cottages located at 408 Calistoga Road, Santa Rosa.

IN COUNCIL DULY PASSED this 18th 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

Attachment: Exhibit A – Report dated May 21, 2014