

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS DENYING THE APPEAL AND
UPHOLDING THE SUBDIVISION COMMITTEE'S APPROVAL OF THE ELM TREE
STATION PARCEL MAP WAIVER AND CERTIFICATE OF COMPLIANCE -
LOCATED AT 874 NORTH WRIGHT ROAD; APN: 035-063-001 - FILE NUMBER CC18-
004

WHEREAS, the on August 24, 2013, the Planning Commission adopted three resolutions approving the Elm Tree Station project located at 874 North Wright Road which included a Mitigated Negative Declaration, Conditional Use Permit and Tentative Map; and,

WHEREAS, on December 19, 2013, the Design Review Board of the City of Santa Rosa adopted a resolution approving Design Review for the Elm Tree Station project; and,

WHEREAS, on March 20, 2014, the Design Review Board approved Final Design Review for the project; and,

WHEREAS, on June 1, 2018, the applicant filed a Parcel Map Waiver and Certificate of Compliance application (CC18-004) in response to the determination that the Tentative Map had expired. A minor subdivision for a property can be allowed through Parcel Map Waiver and Certificate of Compliance pursuant to City Code Section 19-16.030; and,

WHEREAS, on November 14, 2019, the Certificate of Compliance and Parcel Map Waiver Application (CC18-004) was deemed complete; and,

WHEREAS, the Subdivision Committee held a duly noticed public hearing on December 12, 2019 for the Certificate of Compliance and Parcel Map Waiver for the Elm Tree Station Project (CC18-004), at which all those wishing to be heard were allowed to speak or present written comments and other materials; and,

WHEREAS, On December 12, 2019, the Subdivision Committee approved the application for a Certificate of Compliance with a Parcel Map Waiver for the Elm Tree Station Project with findings of fact and 67 conditions of approval to divide 0.98 acres into two (2) parcels -- Parcel 1 = 31,143 square feet and Parcel 2 = 11,600 -- to facilitate the development of a gasoline and electric charge fueling station, mixed residential and commercial use and extended hours from 5 a.m. to mid-night, seven days a week for the property located at 874 North Wright Road, also identified as Sonoma County Assessor's Parcel Number(s) 035-063-001 and also referred to as the Elm Tree Station Project (File No. CC18-004); and,

WHEREAS, an appeal was filed by Mr. Woody Hasting on December 19, 2019, pursuant to Santa Rosa Municipal Code (SRMC) §20-50.020-- Review Authority, Table

5-1, and §20-62.030 – Appeal Review Authority, Table 6-1, and has been processed in accordance with SRMC §20-62.030 as it relates to the filing and processing of an appeal; and,

WHEREAS, on December 17, 2021, applications for a Conditional Use Permit (CUP21-100) and Design Review (DR21-069) were filed for Elm Tree Station (PRJ21-033). The applications have been deemed complete by the Department and will be processed following the Planning Commission's action on this appeal; and

WHEREAS, following new applications being filed for a Conditional Use Permit and Design Review to allow the Elm Tree project, Planning staff moved forward with processing the appeal of the Parcel Map Waiver and Certificate of Compliance in accordance with SRMC §20-62.030; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 11, 2022, to consider the appeal filed by Mr. Hastings for the Elm Tree Station Parcel Map Waiver and Certificate of Compliance, at which all those wishing to be heard were allowed to speak or present written comments and other materials; and,

WHEREAS, the grounds for the appeal filed by Mr. Hastings contend that the Subdivision Committee did not adequately take into account significant changes that have occurred since this project was last before a decision-making body, without providing any specific significant changes for the Planning Commission to consider; and,

WHEREAS, no evidence has been presented to demonstrate any significant changes have occurred since the project was last reviewed by a reviewing body, i.e. the Planning Commission and Design Review Board, before the Subdivision Committee action approving the Certificate of Compliance and Parcel Map Waiver for the Elm Tree Station Project on December 12, 2019;

WHEREAS, the proposed action has been found in compliance with the California Environmental Quality Act (CEQA) in that a Mitigated Negative Declaration for the Elm Tree Station Project which evaluated the impacts of the proposed subdivision was adopted by the Commission on October 24, 2013, by Resolution No 11653, and pursuant to CEQA Guidelines Section 15162, no additional environmental review is required; and

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, the Planning Commission of the City of Santa Rosa finds and determines the appeal of the Elm Tree Station Project Certificate of Compliance and Parcel Map Waiver is hereby denied and approval of the Parcel Map Waiver and Certificate of Compliance is upheld.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 11th day of August, 2022 by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: /s/

ATTEST: /s/

