

RESOLUTION NO. 11322

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR ART HOUSE - LOCATED AT 620 7TH STREET - FILE NUMBER
MJP07-043

WHEREAS, an application was filed with the Department of Community Development requesting the approval of a Conditional Use Permit for Art House, to be located at 620 7th Street, also identified as Sonoma County Assessor's Parcel Number(s) 009-025-011; and

WHEREAS, the proposed Conditional Use Permit would allow a mixed-use building in the CD Downtown Commercial zoning district including 21 residential units and two commercial units, live/work uses within the residential units, and certain non-exempt home occupations; 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 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 project has been reviewed in accordance with the California Environmental Quality Act and has been found to be consistent with Article 19, Categorical Exemption, Class 15332, in that the project meets the conditions described in this section as follows:

- (a) The project is consistent with the General Plan and applicable General Plan policies as well as the zoning code and other regulations.
- (b) The project occurs within city limits on a site of no more than five acres surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare, or threatened species.
- (d) Approval of the project, as conditioned, would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

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;

- 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 Conditional Use Permit for Art House, to be located at 620 7th Street, is approved subject to each of the following conditions:

DEPARTMENT OF COMMUNITY DEVELOPMENT


1. Compliance with all conditions as specified by the Art House Tentative Map Resolution Number 11323.
2. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
3. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.
4. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.
5. Tree Removal. The removal of three Liquidambar trees on the adjacent property to the south is hereby approved as part of this Conditional Use Permit. Tree replacement, in the form of two 24-inch box size medium canopy trees, shall occur on the site from which the trees are to be removed, planted in the vicinity of the removed trees. Responsibility for irrigating the trees for a period of two years following installation shall be the responsibility of the property owner of 620 7th Street. The trees shall be installed prior to final inspection.


6. Home Occupations. Home occupations utilizing the services of no more than two nonresident employees or independent contractors shall be allowed within the residential units. No additional on-site parking is required to accommodate customers, clients, or employees related to the home occupations, and customers, client, and/or employees shall park off-site. All home occupations shall comply with the provisions of Title 20-42.070(D) of the Zoning Code, as amended.
7. Live/Work Units. All residential units may be utilized as residential units or as live/work units. Live/work units shall be occupied by business owners who live in the same residential unit as the commercial activity. Conversion from residential unit to live/work unit and from live/work unit to residential unit shall not require Use Permit approval provided that the live/work use is allowed by this Conditional Use Permit.
8. Live/Work Uses. The following live/work uses are allowed within any live/work unit: artisan shop with customers by appointment only; personal services including barber and beauty shop and tailor uses only with customers by appointment only; studio – art, dance, martial arts, music.

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. 11323

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
APPROVING THE ART HOUSE TENTATIVE MAP LOCATED AT 620 7TH STREET - FILE
NUMBER MJP07-043

WHEREAS, an application has been submitted by Hugh Futrell Corporation requesting approval of a tentative map of Art House, more particularly described as Assessor's Parcel Number(s) 009-025-011, dated December 2007, 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 one lot condominium including 21 residential units, two commercial units, and common area 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 of the City of Santa Rosa approves the Art House, Tentative Map dated December 2007, and on file in the Department of Community Development, subject to the following conditions:

1. Compliance with the Development Advisory Committee Report dated May 7, 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. 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