

11.7

RESOLUTION NO. 26991

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A  
MITIGATED NEGATIVE DECLARATION FOR THE REZONING OF THE PROPERTIES  
LOCATED AT 2181, 2191 & 2193 FRANCISCO AVENUE FROM OSC TO R-1-6 FILE  
NO. MJP05-053

WHEREAS, a rezoning application was submitted for properties located at 2181, 2191 & 2193 Francisco Avenue, Santa Rosa, requesting that 14.64 acres be rezoned from OSC to the R-1-6 District Assessor's Parcel Nos. 034-041-012, 034-022-001 & 002; and

WHEREAS, the Environmental Coordinator has conducted an initial study on the possible environmental consequences of the proposed project, which study was completed on September 11, 2007; and

WHEREAS, the initial study, in its final form, did not identify any significant effects on the environment which would result from the proposed Rezoning and Subdivisions; and

WHEREAS, the Environmental Coordinator, based upon this determination, prepared a proposed Mitigated Negative Declaration with respect to the environmental consequences of the project, and

WHEREAS, notice of the proposed use of a Mitigated Negative Declaration was thereafter duly posted and published, and opportunity for comments from the public was given before the public hearing was held on the matter; and

WHEREAS, the Council has reviewed and considered the environmental initial 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 Planning Commission on the proposed Rezoning and Subdivisions, and Mitigated Negative Declaration at the Planning Commission public hearing held on October 11, 2007, and comments and materials submitted prior thereto.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Santa Rosa, based upon the record before it, including, but not limited to, the environmental initial study, the finding of the Environmental Coordinator and comments received on the proposed Mitigated Negative Declaration, determines that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration, as proposed, reflects the Council's independent judgment and analysis.

BE IT FURTHER RESOLVED, that the Council approves and adopts the Mitigated Negative Declaration for the Rezoning from the OSC (Open Space Conservation) District to the R-1-6 (Single-family) district for properties located at 2181, 2191 & 2193 Francisco Avenue.

BE IT FURTHER RESOLVED, that the custodian and location of the documents and other materials which constitute the record of proceedings upon which the Council's decision is based are located in the City of Santa Rosa's Department of Community Development, City Hall, 100 Santa Rosa Avenue, Suite 3, Santa Rosa, California.

IN COUNCIL DULY PASSED this 4th day of December, 2007.

AYES: (6) Mayor Blanchard; Councilmembers Pierce, Bender, Gorin, Dean, Sawyer

NOES: (1) Councilmember Jacobi

ABSENT: (0)

ABSTAIN: (0)

ATTEST: Chettipewall  
City Clerk

APPROVED: Bo Blanchard  
Mayor

APPROVED AS TO FORM:

per p BTF  
City Attorney

RESOLUTION NO. 26992

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING, ON AN APPEAL, A SMALL LOT SUBDIVISION CONDITIONAL USE PERMIT FOR THE KERRY RANCH I SUBDIVISION - LOCATED AT 2181 FRANCISCO AVENUE - FILE NUMBER MJP05-053

WHEREAS, an application was filed with the Department of Community Development requesting the approval of a small lot Conditional Use Permit for the Kerry Ranch I Subdivision, to be located at 2181 Francisco Avenue, also identified as Sonoma County Assessor's Parcel Number(s) 034-041-012; and

WHEREAS, the Santa Rosa Planning Commission considered the application, the staff reports, oral and written, the General Plan, the proposed zoning on the subject property, the testimony, written comments, and other materials presented at a public hearing at which all those wishing to be heard were allowed to speak or present written comments and other materials, and the approved and adopted mitigated negative declaration for this use and project, and thereafter made findings and approved the requested conditional use permit subject to conditions; and

WHEREAS, the Planning Commission's approval was timely appealed to the City Council; and

WHEREAS, the Council held a public hearing on the matter at which all those wishing to be heard were allowed to speak and/or present materials; and

WHEREAS, the Council has considered the staff reports, oral and written, and the attachments thereto, the mitigated negative declaration, the Planning Commission's approval, and the testimony and materials presented by all those wishing to be heard at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, the approved mitigated negative declaration, and the other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit), the Council of the City of Santa Rosa finds and determines:

- A. The proposed use is allowed within the proposed 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 the proposed zoning district in which the project is to be located; and
- F. The proposed use has been reviewed in compliance with the California Environmental Quality Act (CEQA).

BE IT FURTHER RESOLVED, that the Conditional Use Permit as approved by this resolution shall be 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 the Kerry Ranch I Subdivision, to be located at 2181 Francisco Avenue, is approved subject to each of the following conditions:

- 1. Compliance with all conditions as specified by the Tentative Map Approval Resolution for this project.

BE IT FURTHER RESOLVED, that the Council 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.

IN COUNCIL DULY PASSED this 4th day of December, 2007.

AYES: (6) Mayor Blanchard; Councilmembers Bender, Dean, Gorin, Sawyer, Pierce

NOES: (1) Councilmember Jacobi

ABSENT: (0)

ABSTAIN: (0)

ATTEST: Chette Newall  
City Clerk

APPROVED: Rob Blanchard  
Mayor

APPROVED AS TO FORM:

[Signature]  
City Attorney

RESOLUTION NO. 26994

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING, ON AN APPEAL, THE KERRY RANCH I TENTATIVE MAP FOR PROPERTY LOCATED AT 2181 FRANCISCO AVENUE - FILE NUMBER MJP05-053

WHEREAS, an application was submitted by Kerry Ranch, LLC requesting approval of a tentative map for the property located at 2181 Francisco Avenue, more particularly described as Assessor's Parcel Number(s) 034-041-012, dated September 25, 2007, which is on file in the Office of the Department of Community Development; and

WHEREAS, the Santa Rosa Planning Commission held public hearing on the application and thereafter made findings and approved the tentative map subject to conditions; and

WHEREAS, an appeal to the City Council of the tentative map was thereafter filed; and

WHEREAS, the Council held a public hearing on the matter, at which all those wishing to be heard were allowed to speak and/or present materials; and

WHEREAS, the Council has considered the staff reports, oral and written, and the attachments thereto, the approved mitigated negative declaration, the Planning Commission's determination, and the testimony and materials submitted by all those wishing to be heard on this matter.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Santa Rosa does hereby determine that the subdivision of 25 lots and no more of the property at 2181 Francisco Avenue 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. The proposed tentative map is consistent with the General Plan and any applicable specific plans as specified in Government Code Sections 65451 and 66474.5.
- B. 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. 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. 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. 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 that this 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 Council of the City of Santa Rosa approves the Kerry Ranch I Tentative Map, dated September 25, 2007, for the property at 2181 Francisco Avenue, which is on file in the Department of Community Development, subject to each of the following conditions:

1. Compliance with all recommended conditions of approval contained in the Development Advisory Committee Report for this project dated August 29, 2007
2. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
3. The final map shall contain the following on its face: "The building envelopes shall be considered as building setback lines."
4. 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.
5. 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.
6. The developer shall pay park fees in effect at the time the building permit(s) is issued.
7. 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 fees at the time of building permit issuance.
8. 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.

9. At the Developers request, the Kerry Ranch project will achieve 80 points for the build-it-green program.
10. At the Developer's request, the 4-foot temporary asphalt pathway on the west side of Francisco Avenue from the corner of San Miguel Avenue to the point of access for the Jack London School will be constructed and installed as soon as possible, prior to the Subdivision's site improvement installation.

IN COUNCIL DULY PASSED this 11th day of December, 2007.

AYES: (5) Mayor Blanchard; Councilmembers Pierce, Bender, Gorin, Sawyer

NOES: (1) Councilmember Jacobi

ABSENT: (1) Councilmember Dean

ABSTAIN: (0)

ATTEST: Gina Perez  
Deputy-City Clerk

APPROVED: [Signature]  
Mayor

APPROVED AS TO FORM:

[Signature]  
City Attorney