

RESOLUTION NO. 27127

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A
MITIGATED NEGATIVE DECLARATION FOR THE SOMERSET PLACE PROJECT
LOCATED AT 2786 DUTTON MEADOW – ASSESSOR’S PARCEL NUMBER 043-071-010
– FILE NO. MJP05-001

WHEREAS, on March 24, 2008, an application for an appeal of the Planning Commission’s adoption of a Mitigated Negative Declaration for the Somerset Place project was submitted to the City Clerk’s office for the property at 2786 Dutton Meadow, Santa Rosa; and

WHEREAS, the Environmental Coordinator has conducted an initial study on the possible environmental consequences of the proposed Somerset Place project, which study was initially completed February 11, 2008; and

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

WHEREAS, a notice of Mitigated Negative Declaration was thereafter duly posted and an opportunity for comments from the public was given; and

WHEREAS, the Planning Commission at its meeting held at City Hall in the City of Santa Rosa on March 13, 2008, heard and considered evidence regarding the Mitigated Negative Declaration and made findings in connection therewith; and

WHEREAS, the Planning Commission of the City of Santa Rosa reviewed and considered the environmental study, the findings and determinations 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 at the public hearing held on March 13, 2008, and all comments and materials submitted prior thereto; and

WHEREAS, the Planning Commission determined that it had 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; and

WHEREAS, said Planning Commission at its meeting held at City Hall in the City of Santa Rosa on March 13, 2008, adopted Resolution No. 11252, adopting the Mitigated Negative Declaration; and

WHEREAS, on June 17, 2008, the Council held a duly noticed public hearing on the proposed Mitigated Negative Declaration at which time it considered the Initial Study, the findings and determination of the Environmental Coordinator, the proposed Mitigated Negative Declaration, the public comments previously received, if any, the staff reports, written and oral, the action of the Planning Commission, and the testimony and other evidence of all those wishing to be heard; 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 project 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 hereby approves and adopts the Mitigated Negative Declaration for the Somerset Place project located at 2786 Dutton Meadow.

IN COUNCIL DULY PASSED this 17th day of June, 2008.

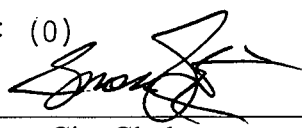
AYES: (5) Vice-Mayor Sawyer; Councilmembers Bender, Dean, Gorin, Pierce

NOES: (1) Councilmember Jacobi


ABSENT: (0)

ABSTAIN: (0)

ATTEST:


City Clerk

APPROVED:


Vice Mayor

APPROVED AS TO FORM:


City Attorney

RESOLUTION NO. 27128RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A
SMALL LOT CONDITIONAL USE PERMIT FOR THE SOMERSET PLACE PROJECT
LOCATED AT 2786 DUTTON MEADOW

WHEREAS, an application was filed with the Department of Community Development requesting the approval of a Small Lot Conditional Use Permit for Somerset Place, to be located at 2786 Dutton Meadow, also identified as Sonoma County Assessor's Parcel Number(s) 043-071-010; and

WHEREAS, the Planning Commission at its meeting held at City Hall in the City of Santa Rosa on March 13, 2008, heard and considered evidence regarding the proposed Small Lot Conditional Use Permit and made findings in connection therewith; and

WHEREAS, said Planning Commission at its meeting held at City Hall in the City of Santa Rosa on March 13, 2008, adopted Resolution No. 11253, approving the Small Lot Conditional Use Permit to allow construction of 32 attached single family residences; and

WHEREAS, on March 24, 2008, an application for an appeal of the Planning Commission's approval of a Tentative Map and Small Lot Conditional Use Permit for the Somerset Place project was submitted to the City Clerk's office for the property at 2786 Dutton Meadow, Santa Rosa; and

WHEREAS, at a public hearing on May 6, 2008, the Council granted a continuance to June 17, 2008 at the appellant's request; and

WHEREAS, at a public hearing on June 17, 2008, the Council received testimony from the project neighbors, property owner and others familiar with the project; and

WHEREAS, the Council 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 Council has considered the Mitigated Negative Declaration for this use and project; and

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 Council 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, 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 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 the Council approves and adopts the mitigation measures set forth in the Mitigation Monitoring Program dated February 11, 2008, and the Mitigation Monitoring Program and directs staff, as therein identified, to implement and complete the program.

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 Small Lot Conditional Use Permit for Somerset Place, to be located at 2786 Dutton Meadow, is approved subject to each of the following conditions:

Compliance with all conditions as specified by the Somerset Place Tentative Map Resolution Number 27129.

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 17th day of June 2008.


AYES: (5) Vice-Mayor Sawyer; Councilmembers Bender, Dean, Gorin, Pierce

NOES: (1) Councilmember Jacobi

ABSENT: (0)

ABSTAIN: (0)

ATTEST:



City Clerk

APPROVED:


Vice-Mayor

APPROVED AS TO FORM:


City Attorney

RESOLUTION NO. 27129

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A TENTATIVE MAP FOR THE SOMERSET PLACE PROJECT LOCATED AT 2786 DUTTON MEADOW

WHEREAS, the Planning Commission at its meeting held at City Hall in the City of Santa Rosa on March 13, 2008, heard and considered evidence regarding the proposed Tentative Map and Small Lot Conditional Use Permit and made findings in connection therewith; and

WHEREAS, 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, made findings and determinations approving the requested Tentative Map; and

WHEREAS, said Planning Commission at its meeting held at City Hall in the City of Santa Rosa on March 13, 2008, adopted Resolution No. 11254, approving the Tentative Map to subdivide a 2.89 gross acre site into 32 lots for the construction of 32 attached single family residences; and

WHEREAS, 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, made findings and determinations approving the requested Small Lot Conditional Use Permit; and

WHEREAS, said Planning Commission at its meeting held at City Hall in the City of Santa Rosa on March 13, 2008, adopted Resolution No. 11253, approving the Small Lot Conditional Use Permit to allow the construction of 32 attached single family residences on lots less than 6000 square feet in size; and

WHEREAS, on March 24, 2008, an application for an appeal of the Planning Commission's approval of a Tentative Map and Small Lot Conditional Use Permit for the Somerset Place project was submitted to the City Clerk's office for the property at 2786 Dutton Meadow, Santa Rosa; and

WHEREAS, at a public hearing on May 6, 2008, the Council granted a continuance to the meeting of June 17, 2008 at the appellant's request; and

WHEREAS, at a public hearing on June 17, 2008, the Council received testimony from the project neighbors, property owner and others familiar with the project; and

WHEREAS, the Council heard the evidence and reviewed the proposed findings, if any, submitted by the applicant.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Santa Rosa hereby determines that said subdivision of 32 lots 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 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 dated February 11, 2008, and directs staff, as therein identified, to implement and complete the program.

BE IT FURTHER RESOLVED that the Council approves the Somerset Place project, Tentative Map dated January 2008, and on file in the Department of Community Development, subject to the following conditions:

- 1. Compliance with the Development Advisory Committee Report dated January 30, 2008.
- 2. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).

3. 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.
4. The approval of this project shall be subject to the latest adopted ordinances, resolutions, policies and fees adopted by the Council at the time of the building permit review and approval.
5. The developer shall pay park fees in effect at the time the building permit is issued.
6. 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.
7. 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.

BE IT FURTHER RESOLVED that the Council approves the Tentative Map for the Somerset Place project located at 2786 Dutton Meadow, Santa Rosa.

IN COUNCIL DULY PASSED this 17th day of June, 2008.

AYES: (5) Vice-Mayor Sawyer; Councilmembers Bender, Dean, Gorin, Peirce

NOES: (1) Councilmember Jacobi

ABSENT: (0)

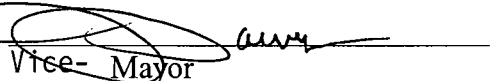
ABSTAIN: (0)

ATTEST:



City Clerk

APPROVED:


Vice-Mayor

APPROVED AS TO FORM:


City Attorney