

RESOLUTION NO. 11816

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA GRANTING A THIRD ONE-YEAR EXTENSION OF TIME FOR FOUNTAINGROVE INN HOTEL CONDOMINIUMS, A SUBDIVISION LOCATED AT 3586 MENDOCINO AVENUE, SANTA ROSA – ASSESSOR’S PARCEL NUMBER 173-020-051 – FILE NUMBER EXT17-0001

WHEREAS, on February 9, 2006, the Planning Commission adopted Resolution No. 10892, approving a Tentative Map to subdivide 2.84 acres into a new lot, 22 airspace hotel condominiums, and a common parcel (Project); and

WHEREAS, on September 25, 2008, the Planning Commission adopted Resolution No. 11368, which extended the Tentative Map expiration date from February 9, 2008, to February 9, 2009; and

WHEREAS, Senate Bill 1185 granted an automatic one-year extension for the Tentative Map, and Assembly Bills 333, 208, and 116 each granted automatic two-year Tentative Map extensions for a total of 7 years of time extensions in order to provide additional time to file the final map, extending the Tentative Map expiration date to February 9, 2016; and

WHEREAS, on February 9, 2017, the Planning Commission adopted Resolution No. 11815 granting a second one-year extension of time to the Tentative Map, extending the map expiration date from February 9, 2016 to February 9, 2017, and adding additional conditions of approval; and

WHEREAS, on February 9, 2017, after a duly noticed public hearing, the Planning Commission considered the request to extend the period for filing the final map for the Fountaingrove Inn Hotel Condominium Subdivision from February 9, 2017, to February 9, 2018; and

WHEREAS, there is no change of conditions that would preclude a time extension for the Fountaingrove Inn Hotel Condominiums project; and

WHEREAS, on January 27, 2005, the Planning Commission approved Resolution No. 10676, adopting a Mitigated Negative Declaration for the Fountaingrove Inn Extended Stay Suites, and the scope of the project has not changes substantially and remains consistent with the analysis of the environmental document, and there are no new circumstances that would require further environmental review under CEQA; and

WHEREAS, Section 15162 of the Guidelines for California Environmental Quality Act (CEQA Guidelines) provides that once an Environmental Impact Report or Negative Declaration has been adopted for a project, the lead agency may require additional environmental review only if one or more of the three following conditions are met:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the negative declaration was adopted, shows that the project will have significant or more severe effects not discussed in the previous EIR or negative declaration or that newly identified feasible mitigation measures could substantially reduce one or more significant effects of the project; and

WHEREAS, the record reveals no significant changes in the project, no significant changes in the circumstances of the project, and no new information that would require further environmental review under Section 15162. Therefore, additional environmental review is not required for the Tentative Map extension.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Santa Rosa grants a one-year extension of time on the filing of the final map for Fountaingrove Inn Hotel Condominiums, a subdivision of 2.84 acres located at 3586 Mendocino Avenue, subject to the following conditions:

1. Comply with all conditions of Planning Commission Resolution No. 10892, which approved the Tentative Map and with Resolution No. 11368, which granted a one-year extension of time.
2. Comply with all conditions as specified by Exhibit "A" dated February 2, 2017, attached hereto and incorporated herein.
3. This action approves a one-year extension of time to the period in which to file the final map for the Fountaingrove Inn Hotel Condominium subdivision. If the final map has not been filed by February 9, 2018, an addition time extension must be applied for.
4. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.

5. Obtain building permits for the proposed project.
6. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
7. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
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. If cultural resources are discovered during the project construction (inadvertent discoveries), all work in the area of the find shall cease and a qualified archaeologist and representatives of the appropriate tribe shall be retained by the project sponsor to investigate the find and make recommendations as to treatment and mitigation of any impacts to those resources.
10. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Sonoma County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the “most likely descendant.” The most likely descendant shall then make recommendations, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.
11. The developer of the Fountaingrove Inn Hotel Condominiums subdivision, which was approved via Resolution No. 10892 shall comply with City Code section 21-02, Housing Allocation Plan, through (a) provision of the appropriate number of on-site affordable units, (b) payment of housing impact fees, or (c) an alternative compliance proposed in accordance with City Code section 21-02.070 and approved by the Director of Planning and Economic Development. For purposes of this condition, the Director of Planning and Economic Development is designated as the review authority for review and acceptance of innovative Housing Allocation Plan compliance strategies under City Code section 21-02.070(D).
12. Prior to any earth moving activity, the Project Applicant shall retain a qualified archaeologist who meets the Secretary of the Interior's Standards for professional archaeology, to oversee the archaeological resources-related mitigation efforts. The archaeologist and a tribal monitor from an appropriate tribe shall monitor the following: 1) An initial pre-construction meeting with the grading contractor to review the definition of tribal cultural resources; 2) Review of removed earth on a spot checking

basis but no less than once per week; and 3) Review and signoff of completed areas where earth moving occurred. If any tribal cultural resources are found during earth moving activities, monitoring shall occur full time for the duration of the Project, except if, in consultation with the City of Santa Rosa and the appropriate tribe, the principal investigator determines that full-time monitoring is no longer warranted, he or she may recommend a reduction in the level of monitoring to periodic spot checking or may recommend that monitoring cease entirely. Earth moving activity shall be defined as rough grading or excavation deeper than 12 inches from natural grade.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on this 9th day of February, 2017, by the following vote:

AYES: (7) Chair Cisco, Vice Chair Crocker, Commissioners Duggan, Edmondson, Groninga, Rumble and Stanley

NOES: (0)

ABSTAIN: (0)

ABSENT: (0)

APPROVED: _____
Chair

ATTEST: _____
Executive Secretary

Attachment:

Exhibit A – Engineering Development Services Conditions, February 2, 2017