

## SUBDIVISION COMMITTEE REPORT

**September 5, 2018**

### RESIDENCES AT TAYLOR MOUNTAIN WAIVER OF PARCEL MAP

#### ***Project Description***

The Subdivision Committee will consider an application for a parcel map waiver for the approved Residences at Taylor Mountain project, as allowed by Section 66428(b) of the Subdivision Map Act and Section 19-16.030 of the Santa Rosa City Code. The waiver of the parcel map and subsequent certificate of compliance would create 93 airspace condominium units, where the 93 multi-family units are approved and under construction. No additional development or changes to the entitled project are proposed.

LOCATION.....2880 Franz Kafka Avenue

APNS.....044-460-001, -070, -072, -073

GENERAL PLAN LAND USE ..... Medium Low and Low Medium Density  
Residential

#### ZONE CLASSIFICATION

EXISTING .....PD 05-003 (Planned Development)

PROPOSED.....PD 05-003 (Planned Development)

OWNER/APPLICANT .....Kawana Meadows Development, LLC

ADDRESS.....2 Fifer Avenue, #10, Corte Madera

ENGINEER/SURVEYOR .....Jason Kirchmann, PE, BKF Engineers

ADDRESS.....200 4<sup>th</sup> Street, Santa Rosa

FILE NUMBER.....PRJ17-006

CASE PLANNER .....Amy Nicholson

PROJECT ENGINEER... Jesús McKeag

PLANNING COMMISSIONER .....Curt Groninga

## ***Background***

The project site is located in southeast Santa Rosa, adjacent to Petaluma Hill Road and west of Taylor Mountain Regional Park. The site is designated for Medium Low Density Residential and Medium Density Residential uses and is zoned Planned Development (PD96-001 F), to accommodate a variety of residential and residential support uses. The four-parcel site, totaling 5.08-acres, is part of the existing Kawana Meadows Subdivision.

On September 28, 2017, the Planning Commission adopted a Mitigated Negative Declaration, and approved a Hillside Development Permit and Density Bonus to allow the entitled 93 multi-family units. The written materials provided to the Planning Commission indicated the intent to create condominium units through the certificate of compliance process. The Design Review Board approved the project architecture and landscaping on October 5, 2018.

Following approval of the aforementioned entitlements, building permits were submitted in March of 2018, to construct the multi-family units.

Section 66428(b) of the Subdivision Map Act, and Section 19-16.030 of the Santa Rosa City Code, provide a process for a designated review authority within the City to waive the requirement for a parcel map. If the Subdivision Committee, Planning Commission, or City Council makes the finding that the proposed division of land meets all City requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection, and that sufficient record and survey data are available to determine the location of the parcels, a waiver can be granted. A certificate of compliance, the document that delineates the boundaries of the approved lots, is required whenever the parcel map requirement is waived by the Subdivision Committee, Planning Commission or City Council.

## **Conditions of Approval**

- I. Developer's engineer shall obtain the current City Design and Construction Standards and the Engineering Development Services Department's Standard Conditions of Approval dated August 27, 2008 and comply with all requirements therein unless specifically waived or altered by written variance by the City Engineer.
- II. All final designs to be constructed by Building or Encroachment Permit shall be governed by the Kawana Meadows Phase One Final Map (2005-0107) & Improvement Plans (2005-0040) where applicable.
- III. All conditions of approval contained within the EXHIBIT "A" for Residences at Taylor Mountain (City File Number PRJ17-006) dated 9/11/2017 are carried forward by reference.

- IV. In addition, the following summary constitutes the recommended conditions of approval on the subject application based on the Parcel Map Waiver Request Memorandum from BKF Engineers dated 4/25/17:

#### **RIGHT OF WAY AND PUBLIC EASEMENT DEDICATION**

1. All public easement and right of way dedications shall be granted by separate instrument.
2. Vehicular access rights shall be dedicated to the City by separate instrument along the Franz Kafka Ave, Raphael St, Goya St, Farmers Ln and Petaluma Hill Rd frontages of the site except at the planned street entrances to the project and any emergency access points that may be required but do not appear on the present plan prior to recordation of the Conditional Certificates of Compliance.

#### **CC&Rs**

3. This is a Subdivision creating 93 residential units with private use areas on 4 Lots. The formation of a Homeowners Association, responsible for ownership and maintenance of the common area building and site improvements is required for this subdivision. The documents creating the Association and the Covenants, Conditions and Restrictions (CC&Rs) governing the Association shall be required to be submitted with the First plan check for review by the City Attorney. The approved CC&Rs shall be recorded contemporaneously with the Conditional Certificates of Compliance for each parcel of this subdivision.
4. *Individual CC&Rs may be required for each Common Area.*
5. **The CC&Rs for any Common Area containing airspace condo units subject to the Housing Allocation Plan (HAP) DN# 2005-132539 and the Density Bonus Housing Agreement (DBHA) DN# 2018-001908 and any modifications to either shall state a restriction that each of the subject units shall remain rentals and shall not be owner occupied for the duration of the life of the housing contract. This restriction will also be declared on the individual deed for each subject unit.**

#### **MAPPING, PRIVATE EASEMENT DEDICATION AND PERPETUAL MAINTENANCE**

6. All Conditional Certificates of Compliance resulting from a parcel map waiver shall comply with all currently adopted ordinances, resolutions, and policies of the City of Santa Rosa and the State Subdivision Map Act.
7. All costs associated with Conditional Certificates of Compliance, plan, easement, plat, legal description, and/or support document preparation shall be the sole responsibility of the developer.
8. Prior to recordation of Conditional Certificates of Compliance all public and common infrastructure conditioned in the subdivision committee report for the parcel map waiver, and all elements of 2005-0040 necessary for the development of this site, shall be installed to the satisfaction of the City Engineer. To the extent that this results in the need for private joint maintenance

agreements or CC&Rs these shall be included with the plan review submittal. Any private joint maintenance agreements or CC&Rs shall be recorded by separate instrument to the satisfaction of the City Engineer.

9. Prior to recordation of Conditional Certificates of Compliance, any needed private easement between the parcels subject to this action or between this project and adjacent properties (including but is not limited to cross lot drainage, egress and parking easements) as determined during the plan review shall be recorded by separate instrument as private easements or Covenants of Easement to the satisfaction of the City Engineer. Conformed copies shall be provided to the Planning & Economic Development Department.
10. A Condominium Plan which defines the privately-owned airspace units is required for each individual common area and must be prepared as a separate document attached to and recorded concurrently with the Conditional Certificate of Compliance for each parcel of this subdivision.
11. If contiguous parcels are to have internal circulation, egress, parking, common drainage, and SUSMP BMPs Covenants of Easement and joint maintenance agreements shall be recorded by separate instrument with conformed copies provided to the Planning & Economic Development Department prior to recordation of the Conditional Certificates of Compliance. This applies even if there is one HOA for the entire site.
12. Any required notes that would appear on the Local Agency Page of the Final Map shall be either shown on the plat for the Conditional Certificates of Compliance, incorporated into the verbiage of another recorded document to be concurrently recorded along with the Conditional Certificates of Compliance, or form another document to be concurrently recorded with the Conditional Certificates of Compliance as the discretion of the City Engineer or his/her designee during Plan Check for the Conditional Certificates of Compliance.

This includes the notes referring to the maintenance schedule required by the Final SUSMP which is to be followed by the property owner and that all logs are to be made available for review by the City on an annual basis.

## **AFFORDABLE HOUSING CONTRACT**

13. If it is determined necessary by the Director of the Department of Housing & Community Services, prior to recording any Conditional Certificates of Compliance for this subdivision the HAP and DBHA shall be amended, to reflect which airspace condo units shall be subject to the affordable housing rental contract. The Conditional Certificates of Compliance will reflect this information and reference the HAP and DBHA by their recorded document numbers (DNs).

## **PUBLIC STREET IMPROVEMENTS**

14. All public and private improvements, both on-site and off-site; all rights-of-way and easement acquisitions, be they on-site or off-site; and all removal, relocation, or undergrounding of existing public utilities and any coordination thereof

required or necessitated as a result of the review and approval of the project and the cost thereof shall be the obligation of the subdivider unless express written provision to the contrary is agreed to by the City. The full installation of all such required improvements to the satisfaction of the City Engineer shall be completed prior to the acceptance of the improvements by the City.

15. An Encroachment Permit must be obtained from Engineering Development Services of the Planning and Economic Development Department prior to beginning any work within the public Right-of-Way or for any work on utilities located within public easements.
16. Existing streets being cut by new services will require edge grinding per City Standard 209, trenching per Standard 215, and an A.C. overlay.
17. New services (electrical, telephone, cable or conduit) to new structures shall be underground.

### **COMMON DRIVEWAYS**

18. All common driveways for lots shall be covered by joint access and utility easements. A separate joint maintenance agreement shall be provided for each group of lots served by a common driveway.
19. All common driveways shall be built to City minor street structural standards.

### **STORM DRAINAGE**

20. Drainage easements shall be provided to the satisfaction of the City Engineer or the Chief Engineer of the Sonoma County Water Agency at the subdivider's expense.
21. If any off-site storm water runoff is to be conveyed across the project site in a separate bypass storm drain system, a separate drainage easement shall be granted in favor of the dominant property and shall be recorded by separate instrument with conformed copies provided to the Planning & Economic Development Department prior to recordation of the Conditional Certificates of Compliance.
22. Provide storm drain and easements for any lot to lot drainage not draining to a common driveway. Lot drainage and private storm drain facilities shall be approved by the Chief Building Official or designated representative. Private drainage inlets and lines shall be required and shall be privately owned and maintained.

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### ***Public Meeting***

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The Subdivision Committee of the City of Santa Rosa, based upon the evidence presented and the records herein, hereby determines that the proposed parcel map waiver, as hereinafter conditioned, complies with the requirements of Chapter 19 of the Santa Rosa City Code and the California Subdivision Map Act, based upon the following findings:

- The proposal to create 93 airspace condominium units across four parcels, where 93 multi-family units have been entitled, but not yet constructed, has been found consistent with a parcel map in that it meets the criteria under Subdivision Map Act Section 66426(a). Although the total land area of all four, separate parcels before division is 5.08-acres, 0.08-acres over the threshold of 5 acres, Staff has found this 0.08-acre amount to be negligible, and thus consistent with the intent and purpose of the applicable provision. Further, each of the four existing legal parcels is less than 5-acres and four separate applications for a waiver of parcel map have been filed. No additional residential density would be achieved based on the airspace condominium subdivision of these properties. Consistent with Subdivision Map Section 66426(a), each parcel created by the division abuts a maintained public street, including Franz Kafka Avenue and Petaluma Hill Road. In addition, no additional dedications or improvements would be required as the existing parcels are part of an existing subdivision which was fully conditioned, with approved improvement plans.
- The proposed division of land meets all City requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and sufficient record and survey data are available to determine the location of the parcels. Specifically, the proposed airspace condominium units will not result in any physical changes to the approved project or allow for additional development. The previously approved project was reviewed and conditioned to meet all City Code requirements related to the topical areas above, and to mitigate all environmental impacts to the extent feasible. Further, the proposed subdivision creates lots which meet area requirements indicated in the Zoning Code and Planned Development Policy Statement, and the attached proposed certificate of compliance depicts the location of the proposed parcels; and
- The proposed subdivision would be in compliance with the California Environmental Quality Act, in that a 93-unit multi-family residential project was analyzed in a Mitigated Negative Declaration adopted on September 28, 2017, and the processing of 93 airspace condominium units would not create any additional environmental impacts beyond those analyzed in the adopted Mitigated Negative Declaration.

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The Subdivision Committee is a subordinate agency of the city Planning Commission and is empowered to act on behalf of the Commission. All actions by the Committee must be by unanimous vote or the matter under consideration is automatically referred to the Planning Commission.

***Action***

☒ Approval with conditions as set forth in this report.

☐ Denial - Major Reasons:

☐ Continuance

<u>Vote</u>			
<u>Name</u>	<u>Aye</u>	<u>No</u>	<u>Continue</u>
<u>Commissioner Groninga</u>	_____	_____	
<u>Amy Nicholson</u>	_____	_____	
<u>Jesús McKeag</u>	_____	_____	

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CLARE HARTMAN  
Deputy Director of Planning  
Planning & Economic Development Department

Attachment 1 – Parcel Map Waiver Request  
Attachment 2 – Proposed Certificate of Compliance  
Attachment 3 – Approved MND Resolution  
Attachment 4 – Approved Density Bonus Resolution  
Attachment 5 – Approved Hillside Development Resolution  
Attachment 6 – Approved Design Review Resolution