

RESOLUTION NO. 11296

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE MIDDLE RINCON  
SUBDIVISION LOCATED AT 117 MIDDLE RINCON ROAD - ASSESSOR'S PARCEL  
NUMBER(S) 182-560-031 - FILE NUMBER MJP06-047

WHEREAS, the Environmental Coordinator has conducted an initial study on the possible environmental consequences of the proposed Middle Rincon Subdivision project, which study was initially completed August 21, 2007; 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 six lot subdivision have been clearly mitigated by the identified mitigation measures 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 of the City of Santa Rosa has 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 October 11, 2007, and all comments and materials submitted prior thereto; and


WHEREAS, the Planning Commission 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 Planning Commission 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 six lot subdivision 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 Middle Rincon Subdivision project.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on this 8<sup>th</sup> day of May 2008, by the following vote:

AYES: (7) (Bartley, Caston, Cisco, Duggan, Karsten, Poulsen, Walsh)  
NOES: (0)  
ABSTENTIONS (0)  
ABSENT: (0)

APPROVED:   
CHAIRMAN

ATTEST:   
EXECUTIVE SECRETARY

RESOLUTION NO. 11297

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A SMALL LOT  
SUBDIVISION CONDITIONAL USE PERMIT FOR THE MIDDLE RINCON SUBDIVISION  
- LOCATED AT 117 MIDDLE RINCON ROAD - FILE NUMBER MJP06-047

WHEREAS, an application was filed with the Department of Community Development requesting the approval of a small lot Conditional Use Permit for the Middle Rincon Subdivision, to be located at 117 Middle Rincon Road, also identified as Sonoma County Assessor's Parcel Number(s) 182-560-031; 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 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 approved and adopted 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 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, 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 Planning Commission approves and adopts the mitigation measures set forth in the Mitigation Monitoring Program dated August 21, 2007, 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 Middle Rincon Subdivision, to be located at 117 Middle Rincon Road, is approved subject to each of the following conditions:

1. Compliance with all conditions as specified by the Middle Rincon Subdivision Tentative Map Resolution Number 11298.

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 8th day of May 2008, by the following vote:

AYES:	(7)	(Bartley, Caston, Cisco, Duggan, Karsten, Poulsen, Walsh)
NOES:	(0)	
ABSTENTIONS	(0)	
ABSENT:	(0)	

APPROVED:

  
CHAIRMAN

ATTEST:

  
EXECUTIVE SECRETARY

RESOLUTION NO. 11298

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
APPROVING THE MIDDLE RINCON SUBDIVISION TENTATIVE MAP LOCATED AT  
117 MIDDLE RINCON ROAD - FILE NUMBER MJP06-047

WHEREAS, an application has been submitted by Elizabeth Fisher requesting approval of a tentative map of the Middle Rincon Subdivision, more particularly described as Assessor's Parcel Number(s) 182-560-031, dated April 7, 2008, and on file in the Office of the Department of Community Development; and

WHEREAS, the applicant was presented with the opportunity and did 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 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.

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 approves and adopts the mitigation measures set forth in the Mitigation Monitoring Program dated August 21, 2007, and directs staff, as therein identified, to implement and complete the program.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Santa Rosa approves the Middle Rincon Subdivision, Tentative Map dated April 7, 2008, and on file in the Department of Community Development, subject to the following conditions:

1. Compliance with the Development Advisory Committee Report dated September 5, 2007.
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 final map shall contain on its face: That building envelopes shall be considered as building setback lines.
6. 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.

7. 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.
8. The developer shall pay park fees in effect at the time the building permit is issued.
9. 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.
10. 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.
11. A solid noise barrier wall, built to a minimum height of 7 feet above grade is required to be built on the entire southern property line (abutting the fire station) of the project. To be effective as a barrier to noise, the wall should be built without cracks or gaps in the face or continuous gaps at the base and have a minimum surface weight of 3.0 lbs. per sq. ft. Acceptable materials include, but are not limited to, masonry block, pre-cast concrete panels, or wood may also be used. For a wood wall to meet these requirements a homogenous sheet material, such as 3/4" plywood, is to be used as a backing for typical 1" thick (nominal) wood fence slats.
12. Windows with a minimum STC rating of 34 are to be used in the construction of the new home on Lot 1 and the existing home on Lot 6 is to be retrofitted with STC 34 windows, The new home on Lot 2 is to be constructed with a minimum STC rating of 32 to achieve a maximum sound level of 59 dBA or less within the interior.
13. Trees are required to be planted along the rear property lines of houses 3, 4, and 5. These trees must be a minimum of 15-gallons (size) and are required to provide privacy screening for the existing homes to the west. Specific tree species is allowed to be chosen by the applicant and/or property owner. Said trees must be indicated on the development plans submitted for grading and/or building permit review.
14. Pathways and parking areas along the private drive are required to be constructed with a stamped and stained concrete finish to differentiate the appearance of the paving.
15. Hours for grading and construction activities shall be limited to Monday through Saturday from 7 AM to 7 PM. No grading or construction shall take place on New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day.
16. DAC Report Condition 4 of the Public Street Improvements shall be revised to read:

Middle Rincon Road shall be dedicated and reconstructed to Boulevard standards along the entire project frontage. Half width street improvements shall consist of a 14 foot travel lane, with a 5 foot bike lane, a planter strip, and sidewalk behind the planter strip. Sidewalk is to be in a Public Sidewalk Easement when outside of the Public Right of Way, and included in

a Public Utility Easement that provides a clear 7.5 foot width behind the sidewalk. Middle Rincon Road is to be signed and striped for a bike lane and signed for no parking along the project frontage. See the Standard Conditions of Approval for dimensions unless otherwise noted.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 8<sup>th</sup> day of May, 2008, by the following vote:

AYES:	(7)	(Bartley, Caston, Cisco, Duggan, Karsten, Poulsen, Walsh)
NOES:	(0)	
ABSTENTIONS	(0)	
ABSENT:	(0)	

APPROVED:   
CHAIRMAN

ATTEST:   
EXECUTIVE SECRETARY



FINAL

DEVELOPMENT ADVISORY COMMITTEE REPORT

September 5, 2007

MIDDLE RINCON SUBDIVISION

Project Description

The project proposes to subdivide the 0.91 acres into six residential lots for single family development. The proposal maintains the existing single family dwelling but demolishes existing residential out-buildings in favor of constructing a new garage for the existing house. The proposed lots range in size from 5,825 square feet to 9,893 square feet for the existing house.

LOCATION ..... 117 Middle Rincon Road

APN ..... 182-560-031

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

ZONE CLASSIFICATION

EXISTING ..... R-1-6

PROPOSED ..... R-1-6

APPLICANT ..... Elizabeth Fisher

ADDRESS ..... 1287 Barlow Ln.  
Sebastopol, CA 95472-2503

OUTSIDE ENGINEER ..... Baechtel Hudis, Inc.

ADDRESS ..... 2360 Professional Dr.  
Santa Rosa, CA 95403-3021

ARCHITECT ..... Vincent Saunders

ADDRESS ..... 130 South Main St., Ste 212  
Sebastopol, CA. 95472

FILE NUMBER ..... MJP06-047

PROJECT PLANNER ..... Noah Housh NH

PROJECT ENGINEER ..... Larry Lackie L

### Background

A pre-application Neighborhood Meeting was held for this project on July 13, 2005.

A Cultural Resource report was conducted for this project and was incorporated into the Mitigated Negative Declaration, posted on August 21, 2007.

### Conditions of Approval

- I. Developer's engineer shall obtain the current city Design and Construction Standards and the Community Development Department's Standard Conditions of Approval dated March 1, 2004 and comply with all requirements therein unless specifically waived or altered by written variance by the City Engineer.
- II. In addition, the following summary constitutes the recommended conditions of approval on the subject application/development based on plans stamped received September 18, 2007.

### PLANNING CONDITIONS

1. The applicant has requested the following Growth Management Allotments:

RESERVE "A"					
RESERVE "B"			5		
	2006	2007	2008	2009	2010

2. A solid noise barrier wall, built to a minimum height of 7 feet above grade is required to be built on the entire southern property line (abutting the fire station) of the project. To be effective as a barrier to noise, the wall should be built without cracks or gaps in the face or continuous gaps at the base and have a minimum surface weight of 3.0 lbs. per sq. ft. Acceptable materials include, but are not limited to, masonry block, pre-cast concrete panels, or wood may also be used. For a wood wall to meet these requirements a homogenous sheet material, such as 3/4" plywood, is to be used as a backing for typical 1" thick (nominal) wood fence slats.
3. Windows with a minimum STC rating of 34 are to be used in the construction of the new home on Lot 1 and the existing home on Lot 6 is

to be retrofitted with STC 34 windows, The new home on Lot 2 is to be constructed with a minimum STC rating of 32 to achieve a maximum sound level of 59 dBA or less within the interior.

4. To allow the residents of the homes on Lots 1, 2, and 6 to close their windows for the purpose of noise control, mechanical ventilation is required.
5. Trees are required to be planted along the rear property lines of houses 3, 4, and 5. These trees must to be a minimum of 15-gallons (size) and are required to provide privacy screening for the existing homes to the west. Specific tree species are allowed to be chosen by the applicant and/or property owner. Said trees must be indicated on the development plans submitted for building permit review.
6. Obtain a demolition permit for the removal of the existing structures proposed to be removed. An Air Quality Control J# is required before the demolition permit can be issued.
7. Obtain a well abandonment permit from Sonoma County Permit and Resource Management Department.
8. A sign listing all the addresses in this development shall be placed at the front of the development on Middle Rincon Rd., for easy identification by responding emergency personnel.

## **ENGINEERING CONDITIONS**

### **PARCEL AND EASEMENT DEDICATION**

1. Vehicular access rights shall be dedicated to the City along the Middle Rincon Road frontage of the site except at the planned driveway entrance to the project and any emergency access points that may be required but do not appear on the present plan.
2. Prior to recording of the Final Map obtain an inspection of the existing dwellings to determine if any substandard housing conditions exist. Any substandard conditions must be corrected prior to map recordation. Contact Michael Palmer, Senior Building Inspector, to arrange for an inspection.
3. The formation of a homeowner's association, responsible for ownership and maintenance of all private improvements within the common easement area is required for this subdivision. The documents creating the association and the covenants, conditions and restrictions governing

the association shall be submitted to the City Attorney's Office and the Department of Community Development. The Homeowners Association is required to own and maintain the common driveway, sidewalk, and storm drain system all contained in a private access and utility easement.

#### **PUBLIC STREET IMPROVEMENTS**

4. Middle Rincon Road shall be dedicated and reconstructed as a Boulevard along the entire project frontage. Half width street improvements shall consist of travel lane, with a 5 foot bike lane, a planter strip, and sidewalk behind the planter strip. Sidewalk is to be in a public sidewalk easement where the outside of the public right of way, and included in a public utility easement, provides a clear 7.5 foot width behind the sidewalk. Middle Rincon Road is to be signed and striped for a bike lane and signed for no parking along the project frontage. See the Standard Conditions of Approval for dimensions unless otherwise noted.
5. Existing sidewalk is to transition to 6 foot behind an 8 foot planter at the project boundaries through use of 10 foot radius reverse curves.
6. The existing curb cut is to be removed and the subdivision access to Middle Rincon Road is to be through a new City Standard 250A drive approach 24 foot.

#### **PRIVATE STREET/DRIVEWAY IMPROVEMENTS**

7. The portion of the common driveway over Lots 1, 2, and 6 shall be 20 feet wide. The portion of the common driveway over Lots 3, 4, and 5 shall be 25 feet wide. The driveway is to be built to minor street structural section. The driveway over Lots 1, 2, and 6 is to have a 2% minimum and 5% maximum cross fall from a 6 inch vertical curb to city standard curb and gutter on the sidewalk side of the driveway over Lots 1, 2, and 6. The driveway over Lots 3, 4, and 5 is have a 2% minimum and 5% maximum cross fall from a vertical curb to a concrete valley gutter draining to a field inlet with a traffic rated grate. Driveway connections to the common driveway are to be through city standard 250B driveway curb cuts.
8. A 46 foot clear back up length shall be provided from garage face to opposite curb face where tandem parking is being allowed in the driveway. The common drive shall access through a 24 foot minimum width curb cut and then taper to 20 foot 20 feet past the sidewalk.
9. A 5 foot wide sidewalk is to be provided along the common driveway contiguous to the curb on Lot 1 and 2 from the Middle Rincon Road sidewalk to the driveway connection for Lot 2. A 232B City Standard Pedestrian Ramp is to be provided at the driveway curb radius on Lot 2.

10. The storm drain system for the subdivision is to be extended from the private system constructed by the Heather Glen Subdivision, City File No. 2001-0089. The private storm drain system through the subdivision is to be contained within a 10 foot minimum storm drain easement in favor of the Homeowners Association.
11. Backyard swales are to discharge to the common storm drain system maintained by the Home Owners Association through drain inlets that are to be maintained by the individual property owners. Front yard drainage is to be through curb drains to the driveway. A private storm drain easement shall encompass the common driveway for Lots 1 through 6 in favor of lots 1 through 6 and the Homeowners Association.

## UTILITIES

12. Submit the square footage of each lot to determine sewer and water demand fees. The lot sizes should be listed on the information sheet of the Final Map.
13. Water services must be provided per Section X of the Water System Design Standards. Indicate any lots with second units. Second units are required to have a separate water meter.
14. There is an existing water and sewer service to the parcel. Any existing water or sewer services that will not be used must be abandoned at the main per City Standards under an encroachment permit. Show the existing sewer service. The water and sewer services for lots 1 and 6 must be on the Middle Rincon Road frontage. Only two sewer laterals may be joint trenched in the driveway. An option is to have a private sewer main for lots 2, 3, 4 and 5. A maintenance agreement would be required for a private sewer main. A manhole is required on the main and at the property line if a private main is used.
15. Add a cleanout to the existing sewer lateral per City Standard #513 if it does not exist.
16. The Improvement Plans must clearly identify all lots requiring pressure regulating valves (more than 80 psi static pressure at meter) or lots requiring water booster pumps (less than 35 psi static pressure at meter). Lots requiring pressure booster pumps must have double check backflow device per City Standard #875. The Final Map information sheet must also be annotated with this information.

## FIRE DEPARTMENT CONDITIONS

1. Two copies of a Phase 1 Environmental Site Assessment shall be included with submittal of the first Engineering plan check. One copy is to be submitted directly to the Fire Department and review fee paid; a copy of the receipt shall be submitted with the remaining copy to the Engineering Department. Grading, demolition or construction permits shall not be issued until the Fire Department has reviewed and approved the Phase 1 study.
2. Access roads and water supplies for fire protection shall be installed and made serviceable prior to storage or construction of any combustible materials.

## RECREATION AND PARKS CONDITIONS

1. Street trees will be required and planted by the developer. Selection will be made by the city's approved master plan list and approved by the city's Parks Division. Planting shall be done in accordance with the city "Standards and Specifications for Planting Parkway Trees." Tree planting locations shall be marked by the city Parks Division Tree Section personnel. Contact Parks Division Tree Section at (707) 543-3422. Copies of the master street tree list and the standards are available at the Parks Division Office, (707) 543-3770.
2. Parks acquisition and/or park development fees shall be paid at the time of building permit issuance. The fee amount shall be determined by the resolution in the effect at the time.

The Development Advisory Committee is an administrative committee designed to inform the Planning Commission of technical aspects of various matters which the Commission is to consider. The report of the Committee in no way constitutes approval or denial of the item under discussion. Final approval or denial rests with the Planning commission and/or City Council and may or may not be subject to terms of the report.

Recommendation

  X   Approval with conditions as set forth in this report.

       Continuance

       Denial – Major Reasons:

       Final action referred to the Planning Commission

*Marie Meredith*

MARIE MEREDITH  
Deputy Director of  
Community Development - Planning