

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
APPROVING THE EMERALD ISLE TENTATIVE AIRSPACE CONDOMINIUM MAP  
LOCATED AT 0 THOMAS LAKE HARRIS DRIVE, APN 173-670-016 and 173-670-004 -  
FILE NUMBER MAJ19-001

WHEREAS, an application has been submitted by OSL Santa Rosa Projects, LLC, et al., requesting approval of a tentative map of Emerald Isle, more particularly described as Assessor's Parcel Numbers 173-670-004 and 173-670-016, dated February 28, 2019, and on file in the Office of Planning & Economic Development; and

WHEREAS, the applicant was presented with the opportunity and did not 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 82 airspace condominium lots with associated common space 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 66473.5 in that the project site is designated Low Density Residential by the General Plan, which allows residential multifamily development at a density of 2-8 dwelling units per acre. The proposed project density is 6 units per gross acre, which is consistent with the General Plan. The project site is not located within any specific plan boundary.
- B. That the proposed airspace condominium 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 airspace condominium subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities in the subdivision in that all structures have been designed with sufficient windows to allow the inflow of sunlight for natural heating and airflow for natural cooling. Numerous larger tree species would be retained throughout the site, with more than 280 new trees proposed, to provide shade and cooling opportunities. The project site is surrounded by open spaces and is adjacent to Fountaingrove Lake, both of which may contribute to

natural cooling of surrounding ambient air.

- D. That the proposed airspace condominium 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 in that the project has been reviewed by City Staff and was found to be in compliance with all City Utilities and Infrastructure. The project is required to implement permanent storm water Best Management Practices (BMP) in accordance with the City's Low Impact Development Technical Design Manual. Implementation of BMPs ensures compliance with the North Coast Regional Water Quality Control Board's NPDES Municipal Separate Storm Sewer Systems (MS4) Permit requiring Governing Agencies to implement a myriad of programs to prevent pollution, improve and protect storm water quality, reduce storm water runoff, and enhance the ecologic vitality of local creeks and waterways.
- E. That the proposed airspace condominium subdivision is consistent with the City of Santa Rosa Design Guidelines and is determined to be of Superior Design.
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) in that an Initial Study was prepared, which resulted in the adoption of a Subsequent Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the project.

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 and Reporting Plan dated September 8, 2019, 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 Emerald Isle Tentative Airspace Condominium Map dated received by the City on July 1, 2019, and on file in the Department of Planning & Economic Development, subject to the following conditions:

1. Compliance with the Development Advisory Committee Report dated October 7, 2019, and Mitigation Monitoring and Reporting Plan dated September 8, 2019.
2. Conditions, Covenants, and Restrictions (CC&R's) 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:

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- 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 Planning & Economic 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. 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.
  - 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 is issued.
  - 7. The developer shall provide no on-site allocated units in compliance with the Housing Allocation Plan or 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.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 24<sup>th</sup> day of October, 2019, by the following vote:

AYES:

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NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
EXECUTIVE SECRETARY