

RESOLUTION NO. 11779

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A ZONING VARIANCE TO ALLOW ENCROACHMENTS INTO THE REQUIRED 15-FOOT SIDE SETBACK AND 20-FOOT FRONT SETBACK, FOR THE PROPOSED CONSTRUCTION OF 7 DETACHED SINGLE-FAMILY RESIDENCES WITHIN THE TERRAZZO AT FOUNTAINGROVE SUBDIVISION LOCATED AT 1601 FOUNTAINGROVE PARKWAY, ASSESSOR'S PARCEL NUMBER 173-670-024; FILE NUMBER ZV16-001

WHEREAS, the Planning and Economic Development Department of the City of Santa Rosa received an application for a Zoning Variance pursuant to the provisions of Title 20 of the Santa Rosa City Code from Fountaingrove Terrazzo General Partnership, to allow encroachments ranging from approximately 1 to 11 feet into the required 15-foot side setbacks, and encroachments ranging from approximately 3 to 8 feet into the required 20-foot front setbacks, in accordance with the Terrazzo at Fountaingrove Development Plan dated received June 27, 2016 (Development Plan); and

WHEREAS, the proposed front setback variance would apply to Lots 2, 4, and 7, and the proposed side setback variance would apply to Lots 1-7, all in the Upper Village (Properties), as indicated in the Development Plans; and

WHEREAS, the Planning Commission at its meeting held at City Hall in the City of Santa Rosa on September 8, 2016, heard and considered evidence regarding the proposed Zoning Variance and made findings in connection therewith; and

WHEREAS, the 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, does find and determine the following:

- a. There are special circumstances applicable to the Properties (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards. Special circumstances applicable to the property include surroundings, topography, and natural resource that make meeting the required setbacks detrimental to other requirements of the hillside development standards. In order to address topography, minimize grade disturbance, and to limit the removal of trees, the Development Plan calls for clustering of units. Applying the 15-foot side setback, and 20-foot front setback to all of the units would create an unnecessary and non-self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards.

- b. A non-self-created hardship peculiar to the Properties does exist by reason of the conditions, and that these conditions are not common to all or most of the properties in the immediate area which are also within the identical zoning district. In this context, personal, family, or financial difficulties, loss of prospective profits, and existing zoning violations, or legal nonconforming uses or structures existing on neighboring properties shall not be deemed hardships justifying a Variance. The hardship that exists peculiar to the subject property includes presence of a ridgeline through the parcel as well as the presence of an ecologically and aesthetically valuable oak woodland, the preservation of which, in addition to other Hillside Development Permit requirements, such as reducing grading, minimizing vegetation removal, and reducing visual impacts, would not be achievable with the required setbacks in place.
- c. Granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the vicinity which are within the identical zoning district as the subject property, and that a Variance, if granted, would not constitute a special privilege to the Properties which is not held or enjoyed by neighboring properties within the identical zoning district. The Development Plan proposes a residential density comparable to other developments in the vicinity and consistent with applicable General Plan and zoning standards, but which is rendered infeasible if standard setbacks are required. While all properties within the Fountaingrove Ranch Planned Development District are subject to the standards of the Hillside Development Ordinance, the particular conditions of this site render it infeasible for the project to satisfy all of those standards, while still enjoying the rights possessed by others in the vicinity. The requested reduction in setbacks will allow the project to move forward in keeping with the surrounding development and with the greatest degree of compliance with the Hillside Development Ordinance and the least impact on the neighborhood. The setbacks between the subject Properties and surrounding properties and rights-of-way will remain in excess of those required by the ordinance. Additionally, the requested Variance would limit tree removal and minimize grading, which would preserve the hillside aesthetics and environmental integrity enjoyed by properties in the vicinity.
- d. The Variance would not be of substantial detriment to adjacent properties and would not be in conflict with the purposes and intent of this Zoning Code, the General Plan, any applicable specific plan, or the public interest or welfare, in that the requested encroachments into the 15-foot side setbacks and 20-foot front setbacks, as shown on the Development Plan, will not affect the functionality or aesthetics of the adjacent properties, and would allow clustered development in line with recommendations for hillside development in the General Plan and Design Guidelines.

- e. 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 Mitigated Negative Declaration for the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Santa Rosa does hereby approve the requested Zoning Variance to allow encroachments between approximately 1 to 11 feet into the required 15-foot side setbacks, and encroachments ranging from approximately 3 to 8 feet into the required 20-foot front setbacks, as shown on the Development Plan, for the proposed detached single-family residences located on lots 1, 2, 3, 4, 5, 6, and 7 in the Upper Village of the Terrazzo at Fountaingrove development, subject to the following conditions:

1. Compliance with all applicable federal, state, and local codes, except as otherwise provided herein. Failure to comply may result in issuance of a citation and/or revocation of approval.
2. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval, except as otherwise provided herein.
3. This variance is valid specifically and solely for the encroachments indicated on the Development Plan dated received June 27, 2016.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on this 8<sup>th</sup> day of September, 2016, by the following vote:

AYES: (5) Chair Cisco, Vice Chair Stanley, Commissioners Duggan, Edmondson, Groninga

NOES: (0)

ABSENT: (2) Commissioners Crocker, Dippel

ABSTAIN: (0)

APPROVED:   
CHAIR

ATTEST:   
EXECUTIVE SECRETARY