

RESOLUTION NO. 11377

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
APPROVING THE DITTY DOWNS TENTATIVE MAP LOCATED AT 1520 DITTY
AVENUE - FILE NUMBER MJP07-036

WHEREAS, an application has been submitted by Zina Nahas requesting approval of a tentative map of Ditty Downs, more particularly described as Assessor's Parcel Number 148-083-009, dated September 15, 2008, and on file in the Office of the Department of Community 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 four (4) 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 of the City of Santa Rosa approves the Ditty Downs Tentative Map dated September 15, 2008, and on file in the Department of Community Development, subject to the following conditions:

1. Compliance with the Development Advisory Committee Report dated October 6, 2008.
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 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.
6. 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.

7. The developer shall pay park fees in effect at the time the building permit is issued.
8. The developer shall, in lieu of providing one or more affordable units on site, pay fees at the time of building permit issuance.
9. That, prior to the approval of any final map, the applicant shall have obtained a rezoning of the subject property which conforms in all respects to the rezoning recommendation(s) contained in Planning Commission Resolution Number (to be inserted by secretary upon adoption of resolution).
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.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 9th day of October, 2008, by the following vote:

AYES:	(5)	(Bartley, Cisco, Duggan, Karsten, Poulsen)
NOES:	(0)	
ABSTENTIONS	(0)	
ABSENT:	(2)	(Caston, Walsh)

APPROVED: _____

CHAIRMAN

ATTEST: _____

EXECUTIVE SECRETARY