RESOLUTION NO. 12005

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A SUBDIVISION TENTATIVE MAP FOR THE BURBANK AVENUE SUBDIVISION, LOCATED WITHIN THE ROSELAND PRIORITY DEVELOPMENT AREA, TO SUBDIVIDE 14.25 ACRES OVER FOUR PARCELS INTO 75 LOTS THAT WOULD ALLOW DEVELOPMENT OF 62 DETACHED SINGLE-FAMILY UNITS, 12 SINGLE-FAMILY ATTACHED DUETS, AND 64 ATTACHED RESIDENTIAL UNITS WITH THE ADDITION OF A 6 FOOT TALL GOOD NEIGHBOR FENCE ALONG THE NORTH SIDE OF PUBLIC ROAD 4, CONTINGENT UPON THE APPROVED MINOR USE PERMIT (CUP19-095). LOCATED AT 1400 BURBANK AVENUE– ASSESSOR'S PARCEL NUMBERS 125-331-003, 125-361-003, 125-361-006, 125-361-007 - FILE NUMBER PRJ19-031 (MAJ19-003).

WHEREAS, an application has been submitted requesting approval of the Burbank Avenue Subdivision Tentative Tract Map, prepared by Munselle Civil Engineering date stamped January 9, 2020, for the subdivision of a 14.25-acre site consisting of four parcels being split into 75 lots, more particularly described as Assessor's Parcel Numbers 125-331-003, 125-361-003, 125-361-006, and 125-361-007, submitted on August 13, 2019, and on file in the Planning and Economic Development Department; 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 heard the evidence and reviewed the proposed findings, if any, submitted by the applicant.

WHEREAS, the proposed 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

NOW BE IT RESOLVED, the Planning Commission does hereby determine that said subdivision of four parcels into 75 parcels 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. The proposed map is consistent with the general plan and any applicable specific plans as specified in Government Code Sections 65451 and 66474.5 in that the project site is located in an area designated by the General Plan Land Use Diagram as Medium-Low Density Residential, which allows residential development at a density of 8-13 units per acre. The project is proposed at a density of 9 units per acre. The project is within the Roseland/Sebastopol Road Specific Plan, which allows the same density and allows small lots as an alternative to attain more affordable housing within the City of Santa Rosa;

B. 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 in that the project provides a mix of housing options including single-family detached, single-family attached, and multi-family, market rate units within the Roseland/Sebastopol Road Priority Development Area. City Staff has reviewed the project plans and determined that there is adequate water and sewer capacity. The site will be developed in compliance with the City's Standard Urban Stormwater Mitigation Plan (SUSMP);

C. The design of the proposed 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 trees have been thoughtfully placed throughout the subdivision providing shade for cooling opportunities. The single-family attached and detached units provide adequate yard space to allow future residents to build shade structures or additional trees in the rear yards, while also providing overhangs over doors to ease the amount heat entering each unit. The multi-family apartments incorporate semi-private open space with a roof covering the area located on the units. The multi-family units include a courtyard with natural shading from vegetation while also providing open outdoor space to provide an outdoor area with direct sunlight in the cooler months. The site will also comply with all Building Code Standards, including CalGreen, which requires energy efficient construction materials; and

D. 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 (Ord. 3396 § 1, 1998; Ord. 2622 § 1, 1987) in that the project has been reviewed by City Staff and was found to be in compliance with all City Utilities and Infrastructure.

E. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). The project is statutorily exempt from CEQA pursuant to Government Code Section 65457 and implemented in CEQA Guidelines Section 15182(a)(c) in that the project would develop a residential land use that is undertaken to implement, and is consistent with, the Roseland Area/Sebastopol Road Specific Plan. The EIR prepared for the Specific Plan was certified by the City Council in 2016 and no events subsequent to certification have required a supplemental EIR pursuant to Public Resources Code section 21166.

The Project also qualifies for an exemption pursuant to CEQA Guidelines section 15183 in that the project is consistent with the City's General Plan for which an EIR was prepared and certified by the Council on November 3, 2009, As evidenced by the Burbank Avenue Subdivision Consistency Determination Memorandum prepared for the project by FirstCarbon Solutions, dated December 18, 2019, which determines that the project does not contain conditions, nor would it result in effects that:

a. Are peculiar to the project or the parcel on which the project would be located,
b. Were not analyzed as significant effects in the General Plan EIR
c. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan-or
d. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

WHEREAS, the project was reviewed by the Zoning Administrator on February 5, 2020, and at that time the Zoning Administrator approved the application for Minor Use Permit for the small lot residential use and Minor Design Review for attached housing, and determined the project compliant with CEQA Pursuant to Government Code Section 65457 and CEQA Guidelines 15182(a) and 15183;

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 tract 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 Burbank Avenue Subdivision Tentative Tract Map dated January 9, 2020, and on file in the Planning and Economic Development Department, subject to the following conditions:

1. Compliance with the Development Advisory Committee Report dated January 9, 2020, attached hereto and incorporated herein as Exhibit A.

2. Comply with City Code Section 21-02, Housing Allocation Plan, through (a) provision of the appropriate number of on-site affordable units, (b) payment of housing impact fees, or (c) an alternative compliance proposed in accordance with City Code Section 21-02.070 and approved by the Director of Planning and Economic Development. For purposes of this condition, the Director of Planning and Economic Development is designated as the review authority for review and acceptance of innovative Housing Allocation Plan compliance strategies under City Code Section 21-02.070(D).

3. 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.

4. 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.

5. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 13th day of February 2020, by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: _____
PATTI CISCO, CHAIR

ATTEST: _____
CLARE HARTMAN, EXECUTIVE SECRETARY