

## RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA DENYING THE APPEAL AND APPROVING A CONDITIONAL USE PERMIT TO ALLOW BURBANK AVENUE SUBDIVISION, A 75-PARCEL SMALL LOT SUBDIVISION WITH ATTACHED HOUSING - LOCATED AT 1400 BURBANK AVENUE, ASSESSOR'S PARCEL NOS. 125-331-003, 125-361-003, 125-361-006, 125-361-007; FILE NO. PRJ19-031 (CUP19-095).

WHEREAS, an application has been submitted requesting approval of a Minor Conditional Use Permit for the Burbank Avenue Subdivision, a residential small lot subdivision that would allow the development of 62 single-family units, 12 duets, and 64 multi-family apartments totaling 138 new housing units on 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, on February 5, 2020, the Zoning Administrator approved a Minor Conditional Use Permit for the Burbank Avenue Subdivision, a residential small lot subdivision that would allow the development of 62 single-family units, 12 duets, and 64 multi-family apartments totaling 138 new housing units on 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; and

WHEREAS, on February 18, 2020, an appeal was filed by Mark Henry Parrish for the Minor Conditional Use Permit; 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 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 heard the evidence and reviewed the proposed findings, if any, submitted by the applicant.

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 small lot subdivision is allowed within the R-1-6 (Single-Family Residential) and R-1-6-SR (Single-Family Residential-Scenic Road) zoning districts and complies with all other applicable provisions of this Zoning Code and the City Code. The matter has been properly noticed as required by Zoning Code Section 20-52.050.E.2.a; and
- B. The proposed small lot subdivision with attached housing is consistent with the General Plan Land Use Designation and Roseland Area/Sebastopol Road Specific Plan Land Use Designation of Medium-Low Density Residential, which allows residential development at a density of 8-13 units per acre. The proposal provides a variety of housing types, at a density is 9 units per acre; and
- C. The design, location, size, and operating characteristics of the proposed small lot subdivision with attached housing would be compatible with the existing and future land uses in the vicinity. The project site is located within walking distance of public transit, schools and recreation. The site takes access off Burbank Avenue and establishes four new public roads while providing a location for a future connection to existing transitional and collector streets. A fair share agreement between the applicant and the City of Santa Rosa Traffic Engineering Department has been established providing a 30% fee for a traffic signal on Hearn Avenue and Dutton Meadow. The site plan provides circulation, setbacks, and design features compatible with the surrounding neighborhood and similar to the existing residential uses; and
- D. The site is physically suitable for the type, density, and intensity of the proposed small lot subdivision with attached housing, including access, utilities, and the absence of physical constraints in that the project is a residential project with an average of 9 units per acre, surrounded by existing and future residential uses, and includes the use of existing City streets, the development of four new City streets. A portion of a new City street that will connect future residential developments, and will be serviced by City Utilities; and
- 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 in The project plans have been reviewed by City staff, outside agencies, and approval authorities and conditioned accordingly; and
- F. The design, location, size and operating characteristics of the proposed fence would not be compatible with the existing and future land uses in the vicinity except as modified to accommodate a five-foot and 10-foot landscaped area between the sidewalk and fence as codified in Conditions of Approval Nos. 5 and 6 below, in that the fence is constructed of wood, consistent with adjacent neighborhood fences and would provide improved screening and privacy for the duet units from the public on Burbank Avenue while maintain the rural element of Burbank Avenue; and

- a. The site is physically suited for the type, density, and intensity of the proposed fence, including access, utilities, and the absence of physical constraints and would provide private open space for the future residents; and
- b. The issuance of the permit is reasonably necessary, by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights or the full use and enjoyment of the property in that the 6-foot solid fence on Lots 73 and 74 would provide private open space for the future residential units, and a 5-foot and 10-foot landscaped strip to be maintained by the owner preventing the fence from protruding into the Vision Triangle or dominating the new sidewalk;
- c. The proposed fence will not create a safety hazard to pedestrians or vehicular traffic in that the fence will be constructed well outside the vision triangle and the six-foot portion of the fence in the exterior yard facing Burbank Avenue on Lots 73 and 74 will include a landscaped planter strip; and
- d. The appearance of the proposed fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood in that the fence is of wood material similar to other fences in the neighborhood; and
- e. The proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures in that the fence design incorporating the design of the fences on neighboring properties; and
- f. The orientation and location of the proposed fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood in that fencing along Burbank Avenue on Lots 73 and 74 are to allow the future units to have a usable backyard for private open space and is setback 10 feet on Lot 73 and 5 feet on lot 74 from the back of sidewalk and will not overwhelm the neighborhood characteristics of wooden fences along property lines;
- g. The proposed fence will be of sound construction; and

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 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: Are peculiar to the project or the parcel on which the project would be located,

- a. Were not analyzed as significant effects in the General Plan EIR
- b. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan; or
- c. 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.

No exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines section 15300.2.).

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds and determines said Entitlement 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 Minor Conditional Use Permit would not have been approved without requiring other valid conditions for achieving the purposes and intent of such approval.

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 the Planning Commission of the City of Santa Rosa deny the appeal and approves the Minor Conditional Use Permit for the Burbank Avenue small lot subdivision, and on file in the Planning and Economic Development Department, subject to the following conditions:

1. The Small Lot Subdivision Conditional Use Permit for this Project is approved contingent upon the applicant(s) obtaining approval of the Tentative Map and Design Review associated with the Project.
2. Compliance with the Development Advisory Committee Report dated January 13, 2020, attached hereto and incorporated herein as Exhibit A.
3. The project shall comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit approval.
4. 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).

5. The project is approved with the small lot subdivision development standards required by Zoning Code 20-42.140 Residential Small Lot Subdivisions with the following modification:
  - a. Second story side yard setback of minimum seven (7) feet on one side
6. Fencing greater than three-feet in height on Lot 73 shall be setback 10 feet from back of sidewalk with landscaping required to be maintained by owner.
7. Fencing greater than three-feet in height on Lot 74 shall be setback five-feet from back of sidewalk with landscaping required to be maintained by owner.
8. The height of the three-story multi-family structures shall be limited to 35 feet.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 11<sup>th</sup> day of June 2020, by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: \_\_\_\_\_  
PATTI CISCO, CHAIR

ATTEST: \_\_\_\_\_  
CLARE HARTMAN, EXECUTIVE SECRETARY

Attachments: Exhibit A – DAC Report dated 1-13-2020