

RESOLUTION NO. PC-2024-018

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
APPROVING THE ACACIA VILLAGE TENTATIVE MAP LOCATED AT 746 ACACIA
LANE – ASSESSOR’S PARCEL NO. 182-520-050 - FILE NUMBER PRJ24-006

WHEREAS, on June 11, 2019, the Zoning Administrator granted a five-unit density bonus, including four development waivers for setbacks, private open space, lot size, and lot coverage, in compliance with Zoning Code Chapter 20-31, for Acacia Village, a 25-parcel subdivision in which three parcels were designated and low-income owners and would be deed restricted for a period of 55 years; and

WHEREAS, on June 27, 2019, the Planning Commission approved the Acacia Village project, including a Conditional Use Permit for a small lot subdivision and a Tentative Map to subdivide a 2.50-acre parcel into 25 lots (Resolutions 11969 & 11970). The project also involved a Density Bonus, which was granted for five additional units and four waivers for setbacks, private open space, lot size, and lot coverage. The project was found in compliance the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 as infill development. The project was approved for a period of two years; and

WHEREAS, pursuant to Assembly Bill 1561, the project received an 18-month time extension, which extended the expiration date December 27, 2022; and

WHEREAS, no further requests for time extension were received and the project entitlements expired on December 27, 2022; and

WHEREAS, on April 15, 2024, an application was submitted by Acacia Village LLC requesting approval of a Tentative Tap for Acacia Village, located at 746 Acacia Lane, more particularly described as Assessor's Parcel Number 182-520-050; the project materials are on file in the Office of the Planning and Economic Development Department; and

WHEREAS, pursuant to Zoning Code Chapter 20-31, a Density Bonus has been approved. In accordance with Zoning Code Table 3-5, the project is entitled one concession by right, which has been applied to a reduction in lot size, allowing parcels smaller than 2,000 square feet. Three waivers have also been granted for reduced setbacks and private open space, and an increase in lot coverage, which are necessary for the development of this project; 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

NOW BE IT RESOLVED, the Planning Commission does hereby determine that said subdivision of 25 (twenty-five) 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 66473.5. The Project site is in an area designated as Low Density Residential on the General Plan Land Use Diagram, which allows residential development at 2-8 units per acre. The Project has an approved Density Bonus. By deed-restricting three for-sale units for low-income owners, the Project qualifies for five density bonus units, increasing the density to 10 units per acre. With an approved density increase, the project exceeds the allowable density. Pursuant to *California* Government Code Section 65915, as determined by *Wollmer v. City of Berkeley*, a housing development that exceeds the maximum allowable densities due to a Density Bonus remains consistent with the General Plan. The Project site is not within a specific plan area; and
- 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 by providing 25 single-family housing units. The developer will construct the necessary infrastructure (i.e. sewer, water, roads/sidewalks) for the Project, as provided in the attached Development Advisory Report, dated September 4, 2024.
- 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. The developer will be required to meet current City and State Building Code requirements for new residential projects effective the date of Building Permit submittal. The Project plans have been reviewed by City staff and conditioned appropriately; and
- 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. The project has been reviewed by City Staff and has been conditioned in compliance with required discharge standards; and
- E. The Project has been found in compliance with the California Environmental Quality Act (CEQA).

Pursuant to CEQA Guidelines Section 15332, the Project qualifies for a categorical exemption as in-fill development.

- The Project is consistent with the General Plan and zoning. The land use designation is Low Density Residential and the zoning is R-1-6, which are consistent and intended for

signal family residential uses at densities ranging from 2-8 units per acre. With an approved density increase, the project exceeds the allowable density. Pursuant to *California* Government Code Section 65915, as determined by *Wollmer v. City of Berkeley*, a housing development that exceeds the maximum allowable densities due to a Density Bonus remains consistent with the General Plan.

- The Project site has no value as habitat for endangered, rare or threatened species. A Biological Resources Assessment, prepared by WRA Inc., dated November 2017, “no wetlands, streams, or riparian areas are present. All special-status plant and wildlife species documented within the vicinity of the Study Area are unlikely or have no potential to occur. No further studies are required or recommended for this site.” In a Memorandum dated August 14, 2024, WRE has confirmed the previous findings still apply.
- The Project occurs on a site that is less than five acres within City limits and is substantially surrounded by urban uses.
- Approval of the project would not result in any significant effects relating to traffic. A study conducted by W-Trans, dated August 7, 2018, and updated memorandum dated concluded that “given the limited number of peak hour trips that the project would be expected to generate, it’s reasonable to conclude that its impact on traffic operation will be less-than-significant.

A memo from Dalene J. Whitlock of W-Trans, dated August 13, 2024, states that, “though the rates in the latest version of the Trip Generation Manual are slightly different, the results would be nearly identical and the trip generation still well below the City’s threshold of 50 peak hour trips; a more extensive study is therefore still not required. Assuming that the physical conditions in the project vicinity have remained relatively constant, the findings regarding pedestrian, bicycle, and transit facilities as well as site access would remain unchanged. Similarly, assuming the City’s parking requirements have not changed, the parking analysis would still be valid.”

- The project is required to comply with the City’s Low Impact Development standards, which will treat stormwater runoff generated by a one-inch storm over a 24-hour period.
- An Environmental Noise Assessment, prepared by Illingworth & Rodkin, Inc., dated September 18, 2018, concluded that the implementation of standard conditions of approval would reduce temporary construction noises to a level less than significant. The project has also been conditioned to remain in compliance with the Noise Ordinance, City Code Chapter 17-16.
- The Project site is located in a developed area where it can be adequately served by all required utilities and public services. City staff has reviewed the plans and conditioned the Project appropriately.

The project is also exempt from CEQA pursuant to CEQA Section 15183, in that the project is consistent with the General Plan and zoning, for which an Environment Impact Report (EIR) was certified by Council in 2009. The EIR analyzed impacts to traffic, air quality & greenhouse gases, and noise for implementation of the General Plan. There are no impacts peculiar to the site or off-site or cumulative impacts that were not analyzed in the prior General Plan EIR.

No exceptions to the exemption 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 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 Acacia Village, Tentative Map dated, April 15, 2024, and on file in the Planning and Economic Development Department, subject to the following conditions:

1. Compliance with the Development Advisory Committee Report dated September 4, 2024, attached hereto and incorporated herein.
2. That the project Conditions, Covenants, and Restrictions (CC&R's) shall be reviewed and approved by the City Attorney and the Planning and Economic Development Department 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.

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. The developer shall provide three on-site units designated for low-income owners in compliance with the Housing Allocation Plan, City Code Chapter 21-02, which shall be consistent with the approved Density Bonus.
6. 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 12th day of September 2024, by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
JESSICA JONES, EXECUTIVE SECRETARY

Exhibit A - Development Advisory Report, dated September 4, 2024

Resolution No. PC-2024-016