

RESOLUTION NO. 11570

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR THE NORTH VILLAGE II SUBDIVISION - LOCATED AT 2406 FULTON ROAD - FILE NUMBER MJP07-003

WHEREAS, an application was filed with the Department of Community Development requesting the approval of a Conditional Use Permit for the North Village II residential subdivision, to be located at 2406 Fulton Road, also identified as Sonoma County Assessor's Parcel Number(s) 034-030-088; 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 has considered, approved, and adopted a Supplement to the NWSR 3-97 EIR (SCN # 2003022085) prepared specifically for the North Village II residential subdivision; and

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 use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code;
- B. The proposed use is consistent with the General Plan and any applicable specific plan;
- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;
- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
- 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; and

- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

BE IT FURTHER RESOLVED that the Planning Commission approves and adopts the mitigation measures set forth in both the original Mitigation Monitoring Program dated December 2003 and the Supplemental Mitigation Monitoring Program dated March 11, 2011, and directs staff, as therein identified, to implement and complete the program.

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 a Conditional Use Permit for the North Village II residential subdivision, to be located at 2406 Fulton Road, is approved subject to each of the following conditions:

DEPARTMENT OF COMMUNITY DEVELOPMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.
2. All work shall be done according to the final approved plans date stamped April 1, 2011.
3. The address shall be displayed in a prominent location on the street side of the property. The numbers shall be no less than 6-inches in height and shall be of a contrasting color to the background to which they are attached. The address shall be illuminated during hours of darkness per City "Premises Identification" requirements.

EXPIRATION AND EXTENSION:

4. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
5. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use. As this decision approves and adopts the proposed Development Plan, future modifications to said development plan will require use permit approvals.

BUILDING DIVISION:

6. A building permit is required for all grading, interior and exterior construction, or for any change of occupancy from one building code group to another.

7. Grading and Drainage of the site must be per the approved plans. Site drainage shall be to the curb, under the sidewalk, per City standards.
8. A soils report must be submitted with an application for building permit. Check with the Building Division prior to submittal to determine the level of report necessary for the project or if a soils report is on file for the subject property.
9. Any existing zoning or building violations must be cleared prior to or in conjunction with any new permits.
10. Comply with all Federal, State and local codes, disabled access included.

ENGINEERING DIVISION:

11. Compliance with all conditions as specified by the attached Exhibit "A" dated April 11, 2011.

PLANNING DIVISION:

12. Compliance with all conditions as specified by the North Village II Tentative Map Resolution Number 11571.
13. A minimum 20' setback is required from the northern property line to the front wall of all structures facing to the north.
14. The approved recreation center is required to provide availability to the City of Santa Rosa Recreation and Parks Department for programs to be held at said facility, as long as the proposed programs do not unduly impact previously scheduled activities or financial management of the recreation center.
15. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that approved by the Planning Commission with modifications made based on the Design Review process.
16. As this decision approves the proposed development plan, including setbacks, lot coverage, number of units, and all other development aspects identified on said plan, any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division, and could include a separate Conditional Use Permit review.
17. This action approves the proposed Child Care Center, allowing up to three employees and 20 children, proposed to operate from the identified Community Building. Future expansions of this use will require revisions to the adopted Conditional Use Permit.
18. Conditions, Covenants, and Restrictions (CC&R's) in a form approved by the City of Santa Rosa, 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, including a management plan and ongoing maintenance of the onsite wetlands and other biologic resources avoided and preserved by the proposed development;
 - 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, if applicable.
19. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
20. PROJECT DETAILS:
- A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and California Building Codes, as well as the City's Design Review Guidelines.
 - B. The design of all fencing, sound walls, carports, trash enclosures, and similar accessory site elements shall be compatible with the architecture of main buildings and shall use similar materials. The design must be approved by the Planning Division prior to issuance of a building permit.
 - C. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architectural design element approved by the Design Review Board or Planning Division.
 - D. All outdoor storage of materials or refuse bins/cans shall be maintained within a completely screened structure or area. The design of the screened structure or area shall be approved by the Planning Division prior to issuance of a building permit.
21. TREE PRESERVATION:
- A. Tree Preservation notes and protection during construction notes shall be shown on the improvement plans and building plans. The tree driplines shall also be shown on each drawing with the attendant protection instructions.
 - B. Prior to issuance of a grading or building permit for any clearing, excavation, construction, or other work on the site, a protection zone shall be established to protect natural vegetation and trees from construction activities.

- C. The contractor(s) shall be notified in writing by the developer of the "Protection Zone."
- D. No concrete or asphalt paving or compaction of soil shall be permitted within the root zones of protected trees.
- E. Any special work, including mitigation, within the "Protection Zone" must be done under the supervision of a City approved certified arborist.

22. LANDSCAPING:

- A. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
- B. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans, except where not required.
- C. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.
- D. Street trees will be required and shall be planted by the developer. Selection will be made from the City's approved Master Street Tree Plant List in coordination with the City Parks Division. Planting shall be done in accordance with the City "Standards and Specifications for Planting Parkway Trees." Copies of the Street Tree List and the Planting Standards are available at the Parks Division office.

23. LIGHTING:

- A. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit in accordance with the Design Review approval.
- B. Light sources shall be concealed from public view.
- C. All lighting shall be directed toward the subject property and away from adjacent properties.
- D. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.

24. PARKING LOT AREA:

- A. The parking lot shall be paved to City standards.
- B. The parking lot shall be provided with concrete curbing around all planter areas unless specifically approved by the Department of Community Development in some other fashion.

- C. The parking lot shall be striped according to City standards and all handicapped and compact spaces shall be identified and marked accordingly.
- D. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.

25. SIGNING:

- A. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.
- B. A planning sign permit application is required for all signs.

26. NATURAL RESOURCES:

- A. Advisement. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. The applicant shall acknowledge in writing receipt of the above advisement.
- B. Mitigation requirement. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Community Development to determine if the project as redesigned is consistent with the original approval. A project that the City determines is not consistent with the City approval shall not be granted subsequent entitlements, such as approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.
- C. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.
- D. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.

FIRE DEPARTMENT

- 27. Hydrant spacing for this single/two-family residential project shall comply with current Fire Department standards: maximum 500 feet on center. Community Room requires 300 feet on center.
- 28. An approved UL rated fire extinguisher shall be provided for each 3,000 square feet or fraction thereof.

UTILITIES DEPARTMENT

- 29. 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.

RECREATION AND PARKS DEPARTMENT

- 30. The applicant shall pay park fees in effect at the time the building permit is issued.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 14th day of April, 2011, by the following vote:

AYES: (6) (Bañuelos, Byrd, Cisco, Duggan, Poulsen, Stanley)
 NOES: (0)
 ABSTENTIONS (0)
 ABSENT: (1) (Faber)

APPROVED: *Pat Crow*
 CHAIR

ATTEST: *Charley Regal*
 EXECUTIVE SECRETARY