

RESOLUTION NO. CUP09-083

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR MODIFICATIONS TO THE FOUNTAINGROVE II DESIGN PROGRAM – DESIGN GUIDELINES/OPEN SPACE MANAGEMENT; FILE NUMBER CUP 09-083

The Santa Rosa Zoning Administrator has completed its review of your application. Please be advised that your Minor Conditional Use Permit has been granted based on your project description and official approved exhibit dated April 15, 2010. The Santa Rosa Zoning Administrator has based its action on the following findings:

- 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. The matter has been properly noticed as required by Section 20-52.050.E.2.a and no request for a public hearing has been received.
- The proposed use is consistent with the General Plan in that a comprehensive open space management plan is appropriate in the Very Low Density Land Use category and it supports the following General Plan policy:

OSC-A Maximize the benefits of open space.


- The design, location, size and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity in that the prescribed open space management practices are supportive of the open space areas of the subject properties and the very low density land uses in the vicinity.
- The site is physically suited for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.
- 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.
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 15301 exemption.

This entitlement would not be granted 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 is invalid, this entitlement would not have been granted without requiring other valid conditions for achieving the purposes and intents of such approval. The approval of the project is contingent upon compliance with all the conditions listed below. Use shall not commence until all conditions of approval have been complied with. Additional permits and fees are/may be required. **It is the responsibility of the applicant to pursue and demonstrate compliance.**

1. Compliance with the amended Fountaingrove II Design Program, Design Guidelines/Open Space Management, dated April 15, 2010.

2. The boundaries of this Conditional Use Permit include the parcels indicated on the Fountaingrove II Open Space Maintenance Association Parcel list dated April 2, 2010 (attached).
3. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
4. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
5. Annual progress reports will be prepared detailing the open space management efforts' yearly results with regards to meeting its obligations for managing open space as outlined herein, including those for sensitive plants, fire safety, removal of trees and environmental and habitat concerns of plants and animals. These reports will discuss the efforts undertaken, and their results, any problems encountered and how they are to be resolved, and projected tasks for the next year. Opportunities for research will be encouraged. These reports shall be submitted to the Department of Community Development by February 1st of each year, commencing in 2011. The Annual Report will be accompanied by a certification, under perjury, by an authorized Director of OSMA that the Annual Report represents a complete and accurate report of all major issues required to be disclosed since the previous year's report, including attachments of all reports from Qualified Authorities (including Habitat Counsel) regarding the cutting, removal or alteration of any standing trees.
6. OSMA will have administrative procedures in place to notify and respond to Fountaingrove II homeowners of tree work that will occur within 20' of their property line on Heritage trees, as designated by the City of Santa Rosa per Chapter 17.24.020 of its Ordinances. Except for necessary emergency work, such notification will be made a minimum of 10 days before work will commence. Once planned work has been noticed, re-notification will not be required if work is done at a later date for any reasons such as weather, habitat clearance or possible financial issues. Notice can be made by regular mail, fax, e-mail, courier, express mail, and hand delivery.
7. Notice of tree removal will not be necessary for trees which are not designated as Heritage, or where any party has planted trees, including Heritage trees, on Open Space without written permission from OSMA. This notification does not preclude OSMA from removing trees that are considered a fire or safety hazard by a Qualified Authority, or if a Department of the City recommends tree removal for emergency safety reasons as provided herein.
8. OSMA will make its Annual Report to the Community Development Department of Santa Rosa available on its website for viewing at no cost. Hard copies of the report will be provided at a cost which will be the prevailing rate that OSMA, or its Property Management Company, establishes to recover the material, labor and overhead costs associated to supply copies by this means. It is the intent of OSMA to be paperless to coincide with its Charter to protect the environment.

This Minor Conditional Use Permit is hereby approved on this 15th day of April 2010, for the duration of use provided conditions are complied with and use has commenced within two years from approval date. The approval is subject to appeal within ten calendar days from the date of approval.



Noah Housh
Zoning Administrator

Fountaingrove II Open Space Maintenance Association Properties
4/2/2010

Exhibit 2 - April 15, 2010 Design Program Open Space Management and Use Permit

APN	Unit	Map	City Drawing #	Parcel	Parcel Acres	Subtotals Firebreak Acres	Proof to Firebreak Acres	OSMA Designation	Location/Comments	Title
173-400-018	East 3B	570 OM 36	1997-0118-002	A	11.58			11.58 FB-1 and I-1	Parkway at Daybreak	OSMA
173-400-024	East 3B	570 OM 36	1997-0118-002	A				FB-1 and I-1	Area included in APN 173-400-024	OSMA
173-400-039	East 9	602 OM 39	1999-0117-002	O				I-2	Parkway at Kendall Hill	OSMA
173-400-041	East 9	602 OM 39	1999-0117-002	Q				I-2	Parkway at Kendall Hill	OSMA
173-410-032	East 3C	581 OM 30	1998-0072-005	A	5.64			5.64 FB-2, N-3, and I-14	Rincon Ridge between Fox Hill and Sage Hill	OSMA
173-410-033	East 3C	581 OM 30	1998-0072-005	B	30.28			FB-3 and I-5	East of Fox Hill and Sage Hill	OSMA
173-410-034	East 3C	581 OM 30	1998-0072-005	B	5.91	36.19		FB-3 and I-5	East side of Fountaingrove South of Hadley Hill	OSMA
173-420-067	East 10	583 OM 19	1998-0083-007	K	11.84			FB-8	West of Hadley Hill	OSMA
173-420-068	East 10	583 OM 19	1998-0083-007	K	2.20	14.04		FB-8	West of Hadley Hill	OSMA
173-420-069	East 10	583 OM 19	1998-0083-007	N				I-4	Rutherford	OSMA
173-420-070	East 10	583 OM 19	1998-0083-007	M	3.03			FB-9	Dafford and Beaufoord	OSMA
173-420-071	East 10	583 OM 19	1998-0083-007	L				I-3	West side of Parkway South of Hadley Hill	OSMA
173-420-072	East 10	583 OM 19	1998-0083-007	O				I-2	West side of Parkway South of Kendall Hill	OSMA
173-420-102	East 11	607 OM 10	2000-0029-005	A	5.37			FB-10	Newbury and Banbury	OSMA
173-430-066	West 4	643 OM 13-15	2003-0012-011/013	F				I-11	Giorno	OSMA
173-430-067	West 4	643 OM 13-15	2003-0012-011/013	E				I-12	Palazzo	OSMA
173-430-068	West 4	643 OM 13-15	2003-0012-011/013	D				I-12	Bellagio	OSMA
173-430-069	West 4	643 OM 13-15	2003-0012-011/013	C				I-12	Incantare	OSMA
173-430-070	West 4	643 OM 13-15	2003-0012-011/013	K	13.44			FB-14 and N-4	Parker Hill, Giorno, Palazzo, Bellagio, Incantare	OSMA
173-430-072	West 4	643 OM 13-15	2003-0012-011/013	U				I-13	Crown Hill, South of Orbetello	OSMA
173-440-016	West 4	643 OM 13-14	2003-0012-011/012	L	42.13			FB-13	East/West Boundary	OSMA
173-450-006	East 1	527 OM 23	1994-0042-002	A	18.15			FB-7 and I-7	Boulder Point	OSMA
173-450-027	East 2	555 OM 37	1996-0118-005	A				I-7	Rocky Point	OSMA
173-450-028	East 2	555 OM 37	1996-0118-005	A				I-7	Rocky Point	OSMA
173-450-029	East 2	555 OM 37	1996-0118-005	B				I-7	Rocky Point	OSMA
173-450-030	East 2	555 OM 37	1996-0118-005	C	0.58			N-2	Rocky Point	OSMA
173-460-045	East 4	542 OM 31	1995-0103-005	B				I-6B	Rincon Ridge at Repton	OSMA
173-460-046	East 4	542 OM 31	1995-0103-005	C				I-6B	Rincon Ridge between Yorkton and Repton	OSMA
173-460-047	East 4	542 OM 31	1995-0103-005	D				I-6A	Rincon Ridge and Parkway across from Boulder Point	OSMA
173-470-024	East 5	542 OM 35	1994-0104-004	B				I-6B	Rincon Ridge at Sedgemoore	OSMA
173-480-060	East 6 & 8	567 OM 44	1997-0095-012	E				I-9	Rincon Ridge East of Park Gardens	OSMA
173-480-061	East 6 & 8	567 OM 44	1997-0095-012	E				I-9	Rincon Ridge North of Sedgemoore	OSMA
173-490-030	East 6 & 8	567 OM 45	1997-0095-013	B	5.91			FB-5	Shelter Glen to Heathfield	OSMA
173-490-031	East 6 & 8	567 OM 45	1997-0095-013	C	14.80			FB-4	East of Shelter Glen and Rincon Ridge	OSMA
173-490-032	East 6 & 8	567 OM 45	1997-0095-013	C	10.35	25.15		FB-4	East of Rincon Ridge and Sedgemoore	OSMA
173-490-057	East 7	593 OM 44	1999-0063-006	A				N-1 and I-8B	Parkway West of Heathfield	OSMA
173-500-047	Summit	598 OM 44	1999-0096-007	D				I-15	Parkway at Hanford	OSMA Prematurely
173-500-048	Summit	598 OM 44	1999-0096-007	E				I-15	Parkway at Hanford	OSMA Prematurely
173-500-049	Summit	598 OM 44	1999-0096-007	F				I-15	Parkway at Hanford	Creeksbridge Homes LLC
173-500-050	Summit	598 OM 44	1999-0096-007	G				I-15	Parkway at Hanford	Creeksbridge Homes LLC
173-500-051	Summit	598 OM 44	1999-0096-007	H				I-16	Parkway at Newgate	OSMA Prematurely
173-500-052	Summit	598 OM 44	1999-0096-007	I				N-6	Parkway at Newgate	OSMA Prematurely
173-500-053	Summit	598 OM 44	1999-0096-007	J				I-10	End of Hanford	Creeksbridge Homes LLC
173-510-033	West 1	581 OM 10	1998-0062-0010	J	8.45			FB-11 and I-10	Parker Hill at Wedgewood	OSMA
173-520-024	West 1	613 OM 51	2000-0086-0009	J				I-17	Parker Hill at Parkway	OSMA
173-540-052	West 2	613 OM 51	2000-0086-0009	K				I-11	Parker Hill North of Crown Hill	OSMA
173-540-053	West 2	613 OM 51	2000-0086-0009	G				I-11	Parker Hill South of Darlington	OSMA
173-540-054	West 2	613 OM 51	2000-0086-0009	V	11.22			FB-12	Darlington	OSMA
173-540-057	West 2	613 OM 51	2000-0086-0009	V	0.83			FB-15	West of Parker Hill at Crown Hill	OSMA
173-550-041	West 3	633 OM 26	2002-0053-0008	Q	201.71				Crown Hill Southeast of Hanover	OSMA
					Total Firebreak Acres					