

RESOLUTION NO. RES-2021-204

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND UPHOLDING THE DESIGN REVIEW BOARD'S ADOPTION OF AN ADDENDUM TO THE CERTIFIED ROSELAND AREA/SEBASTOPOL ROAD SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2016012030) AND APPROVAL OF MINOR DESIGN REVIEW FOR STONY POINT FLATS APARTMENTS, A 2- and 3-STORY, 50-UNIT, MULTI-FAMILY AFFORDABLE HOUSING PROJECT LOCATED AT 2268 STONY POINT ROAD, SANTA ROSA, APN 125-521-008, (FILE NUMBER DR21-023; PRJ21-012)

WHEREAS, on October 18, 2016, the City Council of the City of Santa Rosa adopted Resolution Number 28873 certifying the Final Environmental Impact Report (FEIR) for the Roseland Area/Sebastopol Road Specific Plan, Roseland Area Annexation, associated General Plan, Downtown Station Area Specific Plan, Zoning Code, and Bicycle and Pedestrian Master Plan Amendments, and Rezoning and Prezoning of parcels within the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation boundaries (State Clearinghouse No. 2016012030) in compliance with the California Environmental Quality Act (Pub. Resources Code § 21000 et seq), the State CEQA Guidelines (Cal. Code Regs., tit. 14 § 15000 et seq.) and the City's local CEQA Guidelines (collectively, "CEQA"); and

WHEREAS, the FEIR was not challenged and is presumed to comply with CEQA pursuant to Public Resources Code section 21167.2; and

WHEREAS, the Roseland Area/Sebastopol Road Specific Plan anticipated and described the construction of up to 49 new residential units consisting of either single-family attached or multiple-family development at 2268 Stony Point Road, APN 125-521-008; and

WHEREAS, on April 29, 2021, an application was submitted for Design Review for Stony Point Flats Apartments, a 50-unit, 100% affordable, Multi-family rental housing project consisting of one-, two-, and three-bedroom units in one, two-story and two three-story buildings, located at 2268 Stony Point Road, APN 125-521-008 (proposed Project); and

WHEREAS, on July 19, 2021, an application was submitted for Density Bonus for the proposed Project, and Density Bonus eligibility was confirmed in a Notice of Density Bonus Eligibility issued on August 10, 2021; and

WHEREAS, approval of the proposed Project is a subsequent discretionary action in furtherance of the adopted Roseland Area/Sebastopol Road Specific Plan; and

WHEREAS, the density, design, and infrastructure planned under the proposed Project is consistent with the adopted Roseland/Sebastopol Road Specific Plan in that the level and intensity of the proposed development and the location of the development are consistent with the Specific Plan; and

WHEREAS, pursuant to Public Resources Code section 21067 and CEQA Guidelines Section 15367, the City is the Lead Agency for the proposed Project; and

WHEREAS, pursuant to CEQA Guidelines Section 15182, the Project is exempt from CEQA in that the level and intensity of the proposed development and the location of the development is consistent with the Specific Plan and the Specific Plan EIR adequately addressed environmental issues related to the development of the entire Specific Plan area, including the subject property; no special circumstances or potential new impacts related to the Project has been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the Specific Plan EIR (SCH #2016012030); and

WHEREAS, because CEQA does not clearly address the applicability of Section 15182 where additional dwelling units are allowed pursuant to ministerial State Density Bonus Law, and to ensure the City complies with the intent of CEQA, an Addendum to the Specific Plan EIR was prepared to analyze any potential impacts of one additional dwelling unit; and

WHEREAS, CEQA Guidelines Section 15162 provides that when a project was previously analyzed and approved pursuant to a certified EIR, an Addendum to the EIR may be appropriate to analyze proposed modifications to the project; and

WHEREAS, City staff has evaluated the proposed Project in light of the standards for subsequent environmental review outlined in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 and concluded that the previously certified FEIR fully analyzed and mitigated all potentially significant environmental impacts, if any, that would result from the proposed Project, except that it did not include analysis of one additional dwelling unit permitted by Density Bonus; and

WHEREAS, pursuant to CEQA Guidelines Section 15164, because the Project proposes some changes and additions, in the form of one additional dwelling unit, not analyzed by the previously certified FEIR, the City has prepared an Addendum to the FEIR (“Addendum”); and

WHEREAS, CEQA Guidelines Section 15164 also provides that an addendum to an approved EIR is appropriate when only minor technical changes or additions are made but none of the conditions described in Section 15162 has occurred; and

WHEREAS, the Environmental Coordinator reviewed the FEIR and determined that there has been no substantial change in circumstances as a result of the proposed Project modifications that would cause new or more intense significant impacts that were not previously analyzed in the FEIR and there is no new information of substantial importance that identifies new or more intense significant impacts than were identified in the FEIR and therefore the use of an Addendum in accordance with CEQA Guidelines Section 15164 would be appropriate; and

WHEREAS, the Addendum concluded that the proposed Project would not cause new significant environmental impacts or substantial increases in the severity of significant effects beyond those previously identified as part of the City’s environmental review process and none of the circumstances under CEQA Guidelines Section 15162 were triggered, therefore, no additional analysis is required; and

WHEREAS, pursuant to CEQA Guidelines Section 15164(c), the Addendum is not required to be circulated for public review but can be attached to the adopted Roseland Area/Sebastopol Road Specific Plan FEIR; and

WHEREAS, on September 2, 2021, the Design Review Board (DRB) of the City of Santa Rosa held a duly noticed public hearing and considered the Addendum together with the previously certified FEIR and the proposed Project, at which time the DRB considered the proposed Project materials, public comments received, if any, staff reports, written and oral, and the testimony and other evidence of all those wishing to be heard; and

WHEREAS, having reviewed and considered the information contained in the Addendum together with the previously certified FEIR, all comments made at the public hearing, and all other information in the administrative record, the DRB determined that all potentially significant environmental effects of the proposed Project were fully examined and mitigated in the previously certified FEIR; and

WHEREAS, the Addendum was prepared pursuant to CEQA and all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the project site is located within the Roseland Priority Development Area (PDA), as described in Zoning Code § 20-16.070, Figure 1-1; and

WHEREAS, Design Review for multi-family residential developments the Roseland PDA is delegated to the Zoning Administrator, through the Minor Design Review process in accordance with § 20-16.070(A)(1), subject to a pre-application Neighborhood Meeting and Conceptual Design Review by the Design Review Board as required by § 20-16.070(A)(2); and

WHEREAS, on May 3, 2021, the Planning and Economic Development Department held a required pre-application Neighborhood Meeting to provide the opportunity for early input by the public prior to submittal of the required Planning entitlement application; and

WHEREAS, on June 3, 2021, the Design Review Board conducted the required Concept Design Review, during which time the Design Review Board provided nonbinding comments to the applicant and interested community members as to how the application may meet the City's development priorities, and those comments were recorded in the minutes of the subject meeting as follows:

- Explore brighter colors overall
- Explore less rural design
- Consider adding green element to leasing building
- Explore color scheme overall
- Explore more pop-outs, perhaps with balconies
- Consider adding buffer for headlights at night
- Explore tree diversity
- Explore plant diversity
- Consider improving design of pool/leasing buildings

- Consider metal roof for pool/leasing buildings
- Consider adding contrast between stair tower and brown color on building
- Consider implementing gray color to pool/leasing buildings
- Consider covered parking to reduce heat island effect
- Consider permeable paving to improve drainage
- Consider alternate tree species for pool area
- Consider re-visiting fencing design; and

WHEREAS, on June 1, 2021, the Director of the Planning and Economic Development Department acted to elevate required Minor Design Review from the Zoning Administrator to the Design Review Board. On June 1, 2021, the applicant was advised that to facilitate a more comprehensive review of the proposed Stony Point Flats application (DR21-023), the Planning Director acted to elevate discretionary review of DR21-023 from Zoning Administrator to Design Review Board at a public hearing. This decision to elevate was based upon authority granted to the Planning Director by [Section 20-60.080](#). Additionally, prior to this notification, the applicant had requested that the required public meeting be elevated to a public hearing, which is an option available to all projects reviewed by the Zoning Administrator for which a public meeting is otherwise required; and

WHEREAS, on July 19, 2021, the Planning and Economic Development Department approved a State Density Bonus application pursuant to Zoning Code § 20-31 for the Project, including a two percent increase over base density, allowing one additional dwelling unit for a total of 50 units when 49 are allowed; and

WHEREAS, on September 2, 2021, the Design Review Board of the City of Santa Rosa considered the Stony Point Flats Project; and

WHEREAS, the Design Review Board, at the same time considered written and oral reports of staff, testimony, and other evidence presented by all those who wished to be heard on the matter; and

WHEREAS, on September 2, 2021, the Design Review Board adopted the Stony Point Flats Addendum dated August 2021, which complies with the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, on September 2, 2021, the Santa Rosa Design Review Board approved Minor Design Review for the Project based upon the project description and official approved exhibit dated received July 28, 2021; and

WHEREAS, on September 13, 2021, an appeal of the Design Review Board's action was filed by Erin Rineberg, representative for Friends of Roseland Creek.

NOW, THEREFORE, BE IT RESOLVED that based on the substantial evidence set forth in the record, including but not limited to the Addendum, City Council finds that an addendum is the appropriate document for disclosing the minor changes and additions that are necessary to account for the proposed Project. City Council finds that based on the whole record before it, including but not limited to the Addendum, the Specific Plan FEIR, all related and supporting

technical reports, and the staff report, none of the conditions identified in CEQA Guidelines Section 15162 requiring the need for further subsequent environmental review has occurred because:

- a. The proposed Project does not constitute a substantial change that would require major revisions of the previously certified FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- b. There have been no substantial changes with respect to the circumstances under which the proposed Project or Roseland Area/Sebastopol Road Specific Plan will be constructed that would require major revisions of the previously certified FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- c. There has been no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan FEIR was certified that has come to light, and that shows any of the following: (i) that the proposed Project or Roseland Area/Sebastopol Road Specific Plan would have one or more significant effects not discussed in the certified FEIR; (ii) that significant effects previously examined would be substantially more severe than shown in the certified FEIR; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the City declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those analyzed previously would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

BE IT FURTHER RESOLVED that after consideration of the appeal and the reports, documents, testimony, and other materials presented, and pursuant to the requirements of Chapter 20 of the City Code, Zoning Code Sections 20-46.040 and 20-46.080, and 20-62.030 (Processing of Appeals), the City Council of the City of Santa Rosa denies the appeal, affirms the decision of the Design Review Board, and makes the following findings and determinations:

1. The design and layout of the proposed development is of superior quality, and is consistent with the General Plan, and the Roseland Area/Sebastopol Road Specific Plan, applicable Zoning Code standards and requirements, the City's Design Guidelines, architectural criteria for special areas, other applicable City requirements (e.g., City policy statements and development plans), and has received a State Density Bonus of two percent, and the matter has been properly noticed in as required by Section 20-52.050(E)(2)(b), and a public hearing has been acted on; and
2. The design is appropriate for the use and location of the proposed development and achieves the goals, review criteria, and findings for approval as set forth in the Framework of Design Review (Design Guidelines, Introduction, Subsection C) in that the proposed design provides a blend of contemporary and rural features in building height, form, and architectural details, while the form, massing, materials and

detailing express the design concept and building use. The landscape design is appropriate for the proposed use while considering a holistic approach to fast growth shading and light shielding throughout the site, while the design and outdoor amenity space would reinforce a sense of place in the Roseland/Sebastopol Road Specific Plan area as a place for semi-rural living, and the design promotes sustainability through materials, site location, and use; and

3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments in that the design is appropriate for its location in the Roseland/Sebastopol Road Specific Plan area, with its main entrance proposed on Stony Point. The building is set back from its entrance on Stony Point Road allowing adequate site distance for safe ingress and egress and was included in the Traffic Analysis Technical Memorandum by Dudek, dated August 6, 2021, and revised August 26, 2021; and
4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood in that the building is a functional urban design that provides a new statement to the existing neighborhood while employing simple massing by breaking up forms with windows, the use of mixed contemporary and rural style, employing a combination of pitched and flat roof areas to accommodate solar and other mechanical equipment while breaking up the massing of the buildings on a narrow parcel, and incorporating a combination of stucco and cementitious siding with muted earth tones; and
5. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity in that the project has been reviewed by City Building, Engineering, and Fire divisions and appropriately conditioned to comply with all local regulations currently in effect; and
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) as follows: the Project is exempt from CEQA pursuant to CEQA Guidelines section 15182 and Government Code section 65457 in that the level and intensity of the proposed development and the location of the development is consistent with the Specific Plan and the Specific Plan EIR adequately addressed environmental issues related to the development of the entire Specific Plan area, including the subject property; in addition, an Addendum to the Environmental Impact Report (EIR) for the 2016 Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation Projects Final Environment Impact Report (2016 FEIR) (State Clearinghouse Number 2016012030) was prepared in compliance with CEQA Guidelines Section 15164. The Stony Point Flats EIR Addendum was reviewed by City Staff and adopted by the Design Review Board after determining that the project would not cause new significant environmental effects or substantial increases in the severity of significant effects beyond those previously identified as part of the 2016 FEIR. An Addendum to a Certified Environmental Impact Report may be prepared if no significant environmental effects

will occur and none of the previously identified effects will increase in severity. (CEQA Guidelines Section 15164).

None of the circumstances under CEQA Guidelines Section 15162 are triggered; therefore, no additional analysis is required. See “Stony Point Flats EIR Addendum” dated August 2021 for further analysis.

Per CEQA Guidelines Section 15164(c), an addendum need not be circulated for public review, but can be included in or attached to the final EIR or adopted mitigated negative declaration. Per CEQA Guidelines Section 15164(d), the decision-making body shall consider an addendum with the final EIR or adopted mitigated negative declaration prior to making a decision on the project.

BE IT FURTHER RESOLVED that Design Review for the Project is approved subject to each of the conditions of approval contained in Design Review Board Resolution No. 21-1023, as amended herein to add the following new conditions of approval:

22. A fence shall be installed along the Project boundaries that are contiguous with Sonoma Water property subject to administrative Design Review conducted by the Planning Staff.
23. “No Trespassing” signs with appropriate spacing along the fence referenced in condition 22 shall be installed subject to review and approval by the Planning Staff.
24. A 4-foot tall solid Redwood fence with appropriate landscaping shall be installed along the developed area of the northern Project boundary in lieu of the approved hedge fence, subject to administrative design review approval.

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BE IT FURTHER RESOLVED that the Council finds and determines this entitlement would not be granted but for the applicability and validity of each and every one of the conditions contained in Design Review Board Resolution No. 21-1023, as amended herein and as set forth in Exhibit A attached hereto, and that if any one or more of the said conditions are invalid, this entitlement would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

IN COUNCIL DULY PASSED this 16th day of November, 2021.

AYES: (4) Mayor C. Rogers, Council Members Sawyer, Schwedhelm, Tibbetts

NOES: (2) Vice Mayor N. Rogers, Council Member Alvarez

ABSENT: (1) Council Member Fleming

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A - Stony Point Flats Minor Design Review Adopted Conditions of Approval, dated November 16, 2021