

RESOLUTION NUMBER DRB-2022-008

RESOLUTION OF THE DESIGN REVIEW BOARD OF THE CITY OF SANTA ROSA
GRANTING DESIGN REVIEW APPROVAL FOR THE ARBORS, LOCATED AT 3500
LAKE PARK DRIVE, FILE NOS. MJP07-016 (DR20-056)

WHEREAS, on April 8, 2010, the Planning Commission approved The Arbors project including the adoption of a Mitigated Negative Declaration; approval of a Conditional Use Permit for a small lot subdivision; approval of a Hillside Development Permit to develop on slopes with greater than ten percent slope; and approval of a Tentative Map to subdivide a 5.69-acre parcel into 37 residential lots and common area; and

WHEREAS, on January 8, 2021, the City Engineer signed the Improvement Plans for The Arbors project in compliance with the aforementioned Planning Commission approval; and

WHEREAS, on December 4, 2020, the application for Design Review was submitted to the Planning and Economic Development Department; and

WHEREAS, on January 5, 2023, the Design Review Board of the City of Santa Rosa considered The Arbors, a proposal to construct 37 attached residential units, comprised of 14 duplex units and the three triplex units, and common area; 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 wishing to be heard on the matter; and

WHEREAS, the Design Review Board, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The design and layout of the proposed development is of superior quality, and is consistent with the General Plan, any applicable specific plan, applicable Zoning Code standards and requirements, the City's Design Guidelines, architectural criteria for special areas, and other applicable City requirements (e.g., City policy statements and development plans). The Arbors will provide housing opportunities to Santa Rosa residents and is consistent with the allowable density requirements of the General Plan; it is not located within a specific plan area; it has been reviewed in compliance with development standards required in the Zoning Code; and it will implement several goals and policies outlined in the Design Guidelines, including, but not limited to, providing diversity in housing and selecting a color pallet that will blend with the natural environment.
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 it has been designed to blend with the surrounding natural and built environments.

3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments. The approved Tentative Map provides circulation on a private street system, and the development will implement the intended use of the General Plan Low Density Residential land use designation. Once established, the landscaping will screen the residential structures from neighboring properties and the public right-of-way, and the exterior materials selected for the residential structures have been selected to blend with the surrounding natural and built environment.
4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood. The project introduces multifamily housing into a neighborhood that is predominately developed with detached single-family homes. The architectural design will blend with the surrounding neighborhood using the same or similar exterior materials including shingles, lap siding and native landscaping.
5. The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color, and would remain aesthetically appealing and be appropriately maintained.
6. 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. The development site is designated for low-density residential development on the General Plan Land Use Diagram. The project plans have been reviewed by City staff, including the Fire Department, Traffic Engineering, Engineering Development Services, Building and Planning, in terms of safety, circulation, and compliance with development standards, and the project has been conditioned appropriately, including the requirement to provide an updated tree inventory to ensure compliance with the Tree Ordinance, City Code Chapter 17-24.
7. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). On April 8, 2010, the Planning Commission adopted a Mitigated Negative Declaration for The Arbors. Since then, the only notable change in the environment pertains to the native landscaping, for which the project has been conditioned to provide an updated arborist's evaluation and tree replacement plan in compliance with the City's Tree Ordinance. There are no changes proposed to the project design. Therefore, no additional environmental review is required.

NOW, THEREFORE, BE IT RESOLVED, the Design Review Board of the City of Santa Rosa does hereby grant Design Review of The Arbors subject to each of the following conditions:

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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. Compliance with all conditions of approval as shown on Planning Commission Resolution Nos. 11518 through 11521, including the adopted Mitigation Monitoring and Reporting Program (MMRP), the Development Advisory Committee (DAC) Report dated August 5, 2009, and Engineering Development Services Exhibit A, dated March 29, 2010, accept as modified by actions taken by the Design Review Board at its meeting of January 5, 2023. When conditions are in conflict, the most current shall apply.
3. All work shall be done according to the final approved plans dated stamped received December 20, 2022, except as revised by the Design Review Board at its meeting of January 5, 2023.
4. 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.

BUILDING DIVISION:

5. Obtain building permits for the proposed houses.

ENGINEERING DIVISION:

6. Compliance with all conditions as specified by the attached Exhibit "A", prepared by Carol Dugas, dated June 14, 2021.

PLANNING DIVISION:

7. An updated arborist report shall be provided prior to building permit issuance.
8. An updated tree replacement plan in compliance with the Tree Ordinance, City Code Chapter 17-24, shall accompany the updated arborist report.
9. Plans submitted for building permits shall show the height of each building at its tallest point above grade, which shall not exceed 35 feet in compliance with the Policy Statement 98-002.
10. The following notes shall be printed verbatim on plan sets submitted for building permits, under the heading of General Notes:
 - A. Construction hours shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 5:00 p.m. Saturday; and no construction activities are permitted on Sunday or holidays.

- B. Birds, their eggs and their nests are protected under the California Fish and Game Code and the Migratory Bird Treaty Act. Bird nesting season is between February 1 and August 31. During that time care should be taken to ensure no harm is caused to the birds, their eggs or their nests. A qualified professional, such as a bird biologist or certified arborist, shall perform a survey of the trees prior to commencement of tree work.
- C. Bats are also protected. Prior to tree work (removal or aggressive trimming), a qualified professional should assess any open cavity in the trees for bats. Alternatively, if no inspection is done, the tree work may be completed following a two-step removal process:
 - i. In the afternoon of the first day, any limbs or branches would be removed using a chainsaw only. Any Limbs with cavities, crevices or deep bark fissures would be avoided.
 - ii. On the second day, any additional would be completed, be it the final trimming or removal.
- D. In addition to protective measures required in the 2010 approval of The Arbors, the following tree protective measures shall apply:
 - i. The tree driplines shall be shown on each drawing submitted for building permits.
 - ii. Prior to issuance of building permits, a protection zone shall be established to protect natural vegetation and trees from construction activities in areas where no development is proposed. The following conditions and restrictions shall apply:
 - iii. The zone shall encompass the "protected perimeter" which shall be either the root zone or other limit as established in this approval.
 - iv. The zone shall be delineated with a brightly colored construction fence. Such fences shall remain continuously in place for the duration of all work undertaken on the site.
 - v. No storage or construction activities (including trenching, grading or filling) shall be permitted within the protected zone.
 - vi. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.
 - vii. All brush, earth, and other debris shall be removed in a manner which prevents injury to the protected trees and/or shrubs.
 - viii. No oil, gas, chemicals, or other substances that may be harmful to trees shall be stored or dumped within the protected perimeter or any other

location from which substances might enter the perimeter of a protected tree.

- E. The protection zone delineated with the brightly colored construction fence shall be posted with signs which state "Tree/Vegetation Protection Zone -- No Construction or Storage Permitted."
 - F. Irrigation systems, and plant varieties which require regular watering shall not be permitted within the dripline of an Oak tree which is to be preserved.
 - G. No concrete or asphalt paving or compaction of soil shall be permitted within the root zones of protected trees. Any exception to this shall be approved by the Planning Division prior to work being performed.
 - H. Any special work, including mitigation, within the "Protection Zone" must be done under the supervision of a City approved certified arborist.
11. Should housing in-lieu fees be applicable, then this proposal shall be subject to the provisions of Ordinance No. 3526, (requirements for lower-income housing), as the same now exists or may be extended and as its provisions may be amended, revised, or re-enacted in the future.
 12. The building materials, elevations, and appearance of this project, as presented for issuance of a building permits, shall be the same as that approved by the Design Review Board. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.
 13. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
 14. 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.
 15. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architectural design consistent with the building architecture element approved by the Design Review Board or Planning Division, as applicable.
 16. All outdoor storage of materials and/or refuse bins/cans shall be maintained within a completely screened structure or area. The design of the screened structure or area shall receive Design Review, if applicable, prior to issuance of a building permit.
 17. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
 18. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans.

19. 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.
20. All exterior lighting shall be shown on the plans submitted for issuance of a building permit in accordance with the Design Review approval and in compliance with the Zoning Code, Section 20-30.080.
21. All lighting shall be directed toward the subject property and away from adjacent properties.
22. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.
23. The parking lot shall be striped according to City standards and all accessible and compact spaces shall be identified and marked accordingly.
24. 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. No exterior signs, banners, or the like are approved with this permit. 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 Planning & Economic 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.

DULY AND REGULARLY ADOPTED by the Design Review Board of the City of Santa Rosa on this 5th day of January 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Approved: _____
Drew Weigl, Chair

Attest: _____
Amy Nicholson, Executive Secretary

Attachment: Exhibit A, prepared by Carol Dugas, dated June 14, 2021