

RESOLUTION NO. ZA-2022-067

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW A MULTIFAMILY HOUSING PROJECT, COMPRISED OF 50 RESIDENTIAL UNITS AND ASSOCIATED AMENITIES, FOR THE PROPERTY LOCATED AT 1801 RIDLEY AVENUE, SANTA ROSA, APN: 036-091-051, FILE NO. PRJ21-015 (CUP21-059)

WHEREAS, in May 2021, entitlement applications for the Project were submitted and fees were paid to Planning and Economic Development, proposing to develop the Ridley Avenue Family Apartments (Project), a 50-unit, affordable apartment complex, offering 1-, 2-, and 3-bedroom homes and associated amenities. Required entitlements include a Density Bonus, Minor Conditional Use Permit, and Major Design Review; and

WHEREAS, on August 11, 2021, a Neighborhood Meeting was held to introduce the Project to interested members of the public pursuant to Zoning Code Section 20-50.050; and

WHEREAS, on August 19, 2021, the Design Review Board (DRB) reviewed the Project as a concept item pursuant to Zoning code Section 20-50.040. The DRB was generally in favor of the project providing non-binding comments that had a minimal impact on the proposed site plan; and

WHEREAS, on November 3, 2022, the Project received approval for a 47% Density Bonus and a height concession pursuant to Assembly Bill 1763; and

WHEREAS, the Santa Rosa Zoning Administrator has completed review of the Minor Conditional Use Permit application to allow the proposed Multifamily Housing project described above; and

WHEREAS, the Minor Conditional Use Permit approval to allow the proposed Multifamily Housing project is based on the project description and architectural plans date-stamped received on May 18 & 23, 2022, and civil plans date-stamped received on November 2, 2022; and

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 20-52.050.F, the Zoning Administrator of the City of Santa Rosa finds and determines that:

1. The proposed use is consistent with the General Plan and any applicable specific plan. The site is within an area designated on the General Plan as Medium-Low Density Residential, which allows residential development at a density of 8-13 units per acre to provide housing for Santa Rosa residents. As directed in the General Plan, density

bonuses may be approved for projects with affordable housing with specific amenities designated for residents, provided the design and development standards are in conformance with those specified in the Zoning Code. Pursuant to Assembly Bill 1763, because the project is 100% affordable, it is allowed a density increase of up to 80%. As designed, it requires a density increase of 47%. A Density Bonus was approved by the Director on November 3, 2022. The project site is not within a specific plan area.

2. The proposed use is allowed within the R-1-6 zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. The project site is within the R-1-6 zoning district, which allows multifamily housing with the approval of a Minor Conditional Use Permit. Site zoning is not consistent with the General Plan land use designation of Medium-Low Density Residential, however, pursuant to Assembly Bill 3194, if zoning for a housing project is inconsistent with the General Plan, the development cannot be required to rezone for consistency if the project complies with the objective development standards for the implementing zoning district (Multi-Family Residential {R-3}) of the General Plan land use. The project is consistent with the objective development standards of the R-3 zoning district.
3. The design, location, size and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity. The immediate neighborhood is primarily constructed with detached single-family housing structures, both one- and two-story, and the Project proposes a mix of two- and three-story structures, with varying roof heights. Unit sizes range from 539 square feet to 1,004 square feet, and the site plan includes several amenities for the residents of the Ridley Avenue Family Apartments. On August 19, 2021, the Design Review Board (DRB) reviewed the Project as a concept item pursuant to Zoning Code Section 20-50.040. The DRB was generally in favor of the project and provided non-binding comments that had a minimal impact on the proposed site plan. The Project plans have been reviewed by the Fire Department, Traffic Engineering, Engineering Development Services and Planning, and has been conditioned appropriately in terms of circulation, site drainage, emergency access, and neighborhood compatibility.
4. The site is physically suited for the type, density, and intensity of the proposed multifamily housing including access, utilities, and the absence of physical constraints. As conditioned, the Project will extend streets and utilities consistent with the General Plan and City standards. The Project plans have been reviewed by the Fire Department, Traffic Engineering, Engineering Development Services and Planning, and has been conditioned appropriately in terms of circulation, site drainage, emergency access, and neighborhood compatibility.
5. 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 in that the development site is designated for Medium-Low Density Residential, which provides a transition from the properties to the north and west, which are designed Very Low Density on the General Plan Land Use Diagram, and the properties to the

south and east, which are designated as Medium Density Residential and Medium High Density Residential, respectively, allowing a gentle transition from large lot residential development to areas designated for higher density residential development.

6. The proposed Project has been found exempt from the provisions of the California Surface Mining and Reclamation Act of 1975 because all proposed excavation and earthmoving activities can be identified as a necessary and integral part of a construction project.
7. The proposed Project has been reviewed in compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15332, the Project is categorically exempt as infill development.

The Project is consistent with the General Plan and zoning. The General Plan land use designation of Medium-Low Density Residential, which allows development at a density of 8-13 units per acre. The General Plan encourages density bonuses for affordable housing projects, and the project has been granted a 47% Density Bonus. The site zoning is R-1-6, which allows multifamily housing with the approval of a Minor Conditional Use Permit. Pursuant to Assembly Bill 3194, if zoning for a housing project is inconsistent with the General Plan, the development cannot be required to rezone for consistency if the project complies with objective development standards of the implementing zoning district for the General Plan land use designation. The project complies with each of the objective development standards for the Multi-Family (R-3) zoning district.

The Project is proposed on a property within Santa Rosa city limits, is less than five acres, and is substantially surrounded by urban development.

The Project site has no known value for habitat.

- Tree replacement will be done in compliance the City's Tree Ordinance, City Code Chapter 17-24;
- A Focused Traffic Study, prepared by W-Trans, dated October 31, 2022, concluded that the project would have a less-than-significant impact on Vehicle Miles Travelled (VMT);
- A Biological Resources Assessment, prepared by Ms. Lucy Macmillan, M.S., concluded that there are no wetlands present on the site, the site is unlikely to provide habitat for special-status plants.
- Macmillan's assessment provided bird and bat protective measures that should implemented in the event construction activities commence between February 1 and August 31. These standard measures have been included as conditions of approval;

- The Project site is not within the California Tiger Salamander Critical Habitat area; and

All required public utilities and emergency services are available at the project site.

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.**

Conditions of Approval

1. A building permit is required for all on site demolition, construction, and/or change of use.
2. Compliance with conditions of approval as shown on the Engineering Development Services Exhibit A, dated November 7, 2022, attached hereto and incorporated herein.
3. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
4. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans, except where not required.
5. 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.
6. The perimeter fence along the western and northern property lines shall be eight feet tall and constructed of solid wood (no lattice).
7. Contingent upon the Design Review approval.
8. Plan sets submitted for grading and building permit shall show tree driplines for all trees to be retained, on or off site, that will be impacted by construction.
9. Tree replacement shall be done in compliance with the Tree Ordinance, City Code Chapter 17-24.
10. The following notes shall be printed, verbatim, on all plan sets submitted for Improvement Plans and grading/building permits under the heading of General Notes:

- Construction hours shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday. No construction activities are permitted on Sunday or holidays. Exceptions may be made for construction activities that must begin earlier in the day (i.e. the pouring of foundations). Such exceptions shall be approved by Planning staff. Once approved, the developer shall send a notice to property owners and occupants within 600 feet of the project site, or an alternative perimeter as approved by Planning staff. The notice shall be provided to neighbors a minimum of seven days prior to the event.

11. The following protective measures shall be implemented for all trees to be preserved on the development site and any that will be impacted by construction activities on neighboring sites:

The drip line (protected zone) for all trees designated to remain 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.

The protection zone delineated with the brightly colored construction fence shall be posted with signs which state "Tree/Vegetation Protection Zone - No construction, parking or storage is permitted."

No storage or construction activities (including trenching, grading or filling) shall be permitted within the protected zone.

No burning or use of equipment with an open flame shall occur near or within the protected perimeter.

All brush, earth, and other debris shall be removed in a manner which prevents injury to the protected trees and/or shrubs.

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.

No vehicles of any kind may park within the protected zone at any time during project construction.

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.

No concrete or asphalt paving or compaction of soil shall be permitted within the root zones of protected trees.

Any special work, including mitigation, within the "Protection Zone" must be done under the supervision of a City-approved certified arborist.

12. If construction activities commence between February 1 and August 31, the following standard measures shall be implemented for bats:

To the extent practical, tree removal and construction-related activities should be conducted between September 15 and April 15 to avoid impacts to pregnant females and active maternity roosts (colonial or solitary).

To avoid impacts to solitary roosters, trees should be removed in pieces, rather than felling the entire tree. Felled tree pieces should be shaken gently to rouse any bats and then left overnight prior to removal from the site or on-site chipping to allow any bats to exit the roost.

If roosts cannot be removed during the non-maternity season, a pre-construction roost assessment and emergence survey should be conducted in suitable habitat on or adjacent to the project site. If a maternity roost is located, that roost must remain undisturbed until September 15 or until a qualified biologist has determined the roost is no longer active.

If an active maternity roost is found, compensatory mitigation shall be provided through consultation with CDFW and may include construction and installation of suitable replacement habitat on-site.

13. If construction activities commence between February 1 and August 31, the following standard measures shall be implemented for birds:

If initial ground disturbance or vegetation removal occurs during the breeding season, a qualified biologist will conduct a breeding bird survey no more than seven (7) days prior to ground disturbance to determine if any birds are nesting in trees adjacent to the Study area.

If active nests are found close enough to the Study area to affect breeding success, the biologist will establish an appropriate exclusion zone around the nest. This exclusion zone may be modified depending upon the species, nest location, and existing visual buffers. Once all young have become independent of the nest, vegetation removal and grading may take place in the former exclusion zone.

If initial ground disturbance is delayed or there is a break in Project activities of greater than seven (7) days within the bird-nesting season, then a follow-up nesting bird survey should be performed to ensure no nests have been established in the interim.

14. No exterior signs are approved with this permit. A separate sign permit is required.

15. Compliance with the Outdoor Lighting Ordinance, City Code Section 20-30.080.

16. All lighting shall be directed toward the subject property and away from adjacent properties.
17. Compliance with the Graffiti Ordinance, City Code Chapter 10-17.
18. Compliance with the Inclusionary Housing Ordinance, City Code Chapter 21-02.
19. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
20. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.

This Minor Conditional Use Permit is hereby approved on November 17, 2022, for the duration of the use provided that conditions are complied with and that the use has commenced within 24 months from the approval date. The approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: _____
SHARI MEADS, ZONING ADMINISTRATOR

Attachment – Exhibit “A” dated November 7, 2022