

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: ANDY GUSTAVSON, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT
SUBJECT: ROSELAND VILLAGE MIXED USE PROJECT.
APPEAL OF PLANNING COMMISSION ACTION ON THE
TENTATIVE MAP AND DENSITY BONUS FOR THE PLANNED
ROSELAND VILLAGE MIXED USE PROJECT LOCATED AT 665
& 883 SEBASTOPOL ROAD, SANTA ROSA ASSESSOR'S
PARCEL NUMBERS 125-101-031 & 125-111-037.
FILE NUMBER: PRJ17-075; MAJ17-006; DB19-001

AGENDA ACTION: RESOLUTIONS

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council, by two resolutions, deny the appeal by Robert Paulsen and uphold the Planning Commission's action approving the Roseland Village Project Tentative Map and Density Bonus.

EXECUTIVE SUMMARY

MidPen Housing Corporation (Applicant or MidPen) requests a tentative map and a density bonus (Project) for the planned development of the Roseland Village mixed use development on the western half of the Roseland Village Neighborhood Center. The 7.41-acre project site includes one large parcel owned by the Sonoma County Community Development Commission (CDC) and one small parcel owned by MidPen. The Tentative Map would adjust and split these two parcels into five lots (including Parcel A), develop subdivision infrastructure and streets needed to support a mix of residential, retail, civic, and park uses planned within the Roseland Village mixed use development.

The Applicant requests a 32% density bonus and three concessions to allow construction of an apartment building with 75 affordable units on Lot 1 in Phase 3 of the planned Roseland Village project, after the construction of two apartment buildings containing 100 workforce market rate units on Lot 2 in Phase 2. The residential density is otherwise restricted to 133 units by the General Plan Medium Density Residential land use designation. To qualify for the requested density bonus, MidPen will designate

14 Very Low and 14 Low income units as City density bonus units, which would be subject to a density bonus housing agreement with the Housing Authority. The additional 47 lower income units (including Very Low and Low income) proposed by MidPen would be subject to a separate density bonus housing agreement with CDC.

The construction of the 100 market rate workforce units in Phase 2 on Lot 2 is consistent with allowed residential density and thus does not require a density bonus and does not depend on any of the requested concessions. Consequently, the 100 workforce market rate housing units will not be subject to the City's affordable housing agreement.

The Applicant requests three Zoning Code concessions pertaining to (1) location or dispersion of affordable units, (2) timing or phased construction of affordable units, and (3) reduction of on-site parking. The location concession, which is allowed pursuant to Zoning Code section 20-31.100.H.2, would allow the proposed affordable housing apartment building with 75 units on Lot 1 rather than dispersing these units among market rate units on the same site as otherwise required by the zoning code. The timing concession would allow phased construction of two market rate apartment buildings with 100 units on Lot 2 before the affordable unit apartment building on Lot 1 instead of concurrent affordable and market rate unit construction as required by Zoning Code. The third concession would allow an 18% parking reduction so the planned Roseland Village project may be constructed without a parking structure.

According to State density bonus law (California Government Code Section 65915), it is mandatory for the City to grant a qualified density bonus at or below 35% and requested Zoning Code concessions unless the City finds the requested concession does not result in identifiable and actual affordable housing cost reductions, would cause a public health or safety problem, would cause an environmental problem, would harm historical property, or would be contrary to law.

Robert Paulsen (Appellant) filed an appeal of the Planning Commission action in a timely manner on March 7, 2019. The Appellant is president of Roseland Village LLC, which owns the properties that comprise the eastern half of the Roseland Village Neighborhood Center. The grounds for his appeal include the following points:

1. The Project violates a recorded easement and a prescriptive easement by eliminating shared access behind the Roseland Village Shopping Center.
2. The mixed-use housing Project contravenes the Easement's use restriction allowing only development of "retail business establishments" on the CDC Property and Paulsen Property.
3. Construction of the market rate units prior to the affordable units violates the City Code provisions requiring the affordable units to be incorporated or dispersed throughout the development and constructed concurrently with market rate units.

4. The Project eliminates over 270 shared parking spaces identified in the recorded easement.

BACKGROUND

1. Project Description

The Applicant requests a tentative map and a density bonus to provide subdivision infrastructure and streets, and to allow increased residential density necessary to support future development of Roseland Village. The Applicant (or future developers) must obtain separate Design Review approval of site planning and architectural design for any new development associated with “as-of-right” land uses within Roseland Village.



Tentative Map: The requested tentative map will establish the lot configuration, subdivision infrastructure, and street circulation needed to support the proposed phased and individual ownership, financing, development, and management of each lot or parcel. The proposed lots are depicted by the following figure and their acreage and future use are listed in the following table.

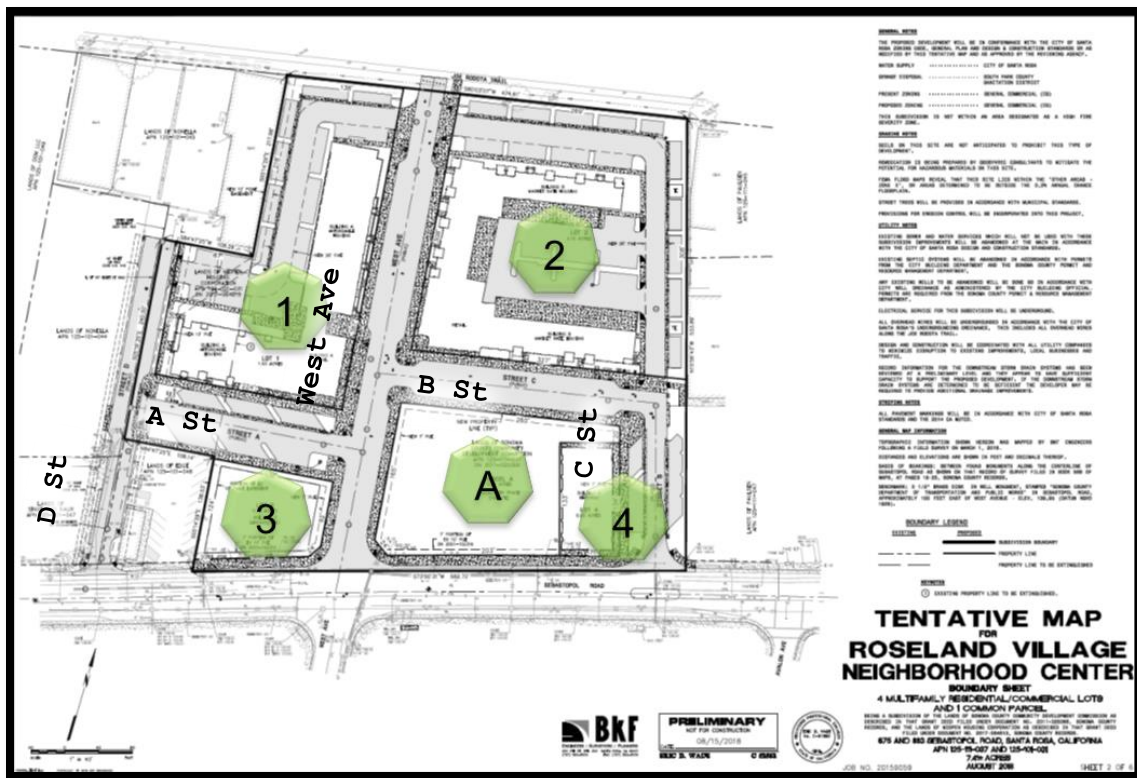


Figure 1 Proposed Tentative Map

Roseland Village Neighborhood Center		
Lot	Acres	Planned Future Use
1	1.53	One Apartment Building - Affordable Housing
2	2.10	Two Apartment Buildings - Market Rate Housing with ground floor Retail
3	0.35	Civic Building
4	0.22	Mercado Food Hall
A	0.86	Public Plaza (Plaza Temporal)

The submitted tentative map shows subdivision infrastructure including water, sewer, and storm drains will be developed to support planned mixed-use development within the project site. West Avenue will extend north through the site and is designed to serve as the public road and service corridor that will support future development on the vacant land north of the Joe Rodota Trail. The side roads – Street A, Street B, and Street C – will provide circulation between uses within the project site as well as access to the commercial uses on the Paulsen property to the east and the private access road – D Street – that serves commercial properties to the west.

Proposed sidewalk improvements throughout the project site and West Avenue will create a direct public access link between Sebastopol Road, the Joe Rodota Trail, and the Paulsen property to the east. The proposed one-acre plaza located along the Sebastopol Road street frontage will be open to the public and serve as the Roseland community-gathering hub.

Density Bonus: The requested 32% density bonus will allow development of 175 units, including 75 affordable units, within Roseland Village when the General Plan would otherwise limit the total number of residential units on the site to 133. The submitted Density Bonus Application targets 43%, or 75 of the 175 units, for lower income households. Overall, 30% of these units will be allocated to qualified Very Low income households and 70% of the units will be allocated to qualified Low income households. The Density Bonus Application specifies that 14 Very Low and 14 Low income units (each representing 10% of the maximum 133 units allowed on the project site) will be restricted by the City's density bonus agreement, qualifying the project for a 35% density bonus. The remaining 47 affordable units will be allocated or tied to a separate Affordable Housing Agreement with CDC. All of the Affordable units will be deed-restricted for 55 years and subject to other density bonus requirements such as similar construction and size as market rate units, consistent with State Law and the City's Zoning Code.

The construction of the 100 market rate workforce units in Phase 2 on Lot 2 is consistent with allowed residential density and thus does not require a density bonus and does not depend on any of the requested concessions. Consequently, the 100 workforce market rate housing units will not be subject to the City's affordable housing agreement.

The proposed 28 City allocated affordable units (14 Very Low income and 14 Low income) qualifies Roseland Village for three concessions/incentives. The Applicant requests concessions from the following Zoning Code requirements.

1. Affordable Housing Development Timing: The Applicant requests a concession from Zoning Code Section 20-31.100.H.1 which requires affordable units be constructed at the same time as market rate units. A concession from this requirement will allow the 100 market rate housing units built in the 2nd phase to financially support the development of affordable units in the 3rd Phase.
2. Affordable Housing Development Location: The Applicant requests a concession from Zoning Code Section 20-31.100.H.2 which requires affordable units be dispersed amongst market rate units within a density bonus project. This concession will allow the affordable units to be located within the proposed apartment building on Lot 1, separate from the market rate units in the apartment buildings on Lot 2. This concession is expressly allowed pursuant to Zoning Code Section 20-31.100.H.2 provided the

applicant demonstrates that the dispersal requirements reduce the financing feasibility of the project. Financing and design of apartment building with blended lower income housing is more complex which will likely delay the start of residential construction within the planned Roseland Village project. This delay will increase the market rate developer's carrying cost and thus the cost of constructing affordable housing units.

3. **Reduced Parking:** The Applicant requests a concession from Zoning Code Section 20-36.040 that requires a minimum of 393 off-street parking spaces for mix of uses within the planned Village. The Applicant requests an 18% parking reduction from 393 to 323 spaces, which was found by the traffic study (Attachment 11, Wtrans, June 14, 2018, revised May 6, 2019) to be the number of spaces needed to fulfill onsite parking demand.

The Planning Commission approved the three requested concessions as recommended by staff. The concessions will result in identifiable and actual affordable housing construction cost reductions. The requested concessions would not harm the environment, historical property, create a public health or safety issue, or be contrary to law.

Roseland Village: The following description of the planned Roseland Village is provided to establish the context for the requested tentative map and density bonus. The planned mix of uses within the Roseland Village are allowed by right in accordance with City's Resilient City Ordinance (Zoning Code Chapter 20-16-060). However, they are subject to design review, which staff will elevate to the Design Review Board. The temporary Plaza Temporal (described below) on the future plaza site will require a Minor Design Review, subject to Zoning Administrator approval.

- Affordable Housing (Lot 1): 75 multifamily rental units (1, 2, and 3 bedroom apartments ranging from approximately 516 sq. ft. to 1,025 sq. ft.) in a single 4-story building ("Building A") of stacked flats, and including approximately 3,500 sq. ft. of resident commons facilities (management and services offices, resident educational/lifestyle amenities spaces, storage and bike room). The main public entrance will be at the corner of Street A and West Avenue. A separate resident entrance will be located in a connector between the two building legs. The two primary facades respond to the urban conditions along Street A and West Avenue, embracing the street. Parking is screened from view in a podium and parking court.
- Market Rate Housing (Lot 2): A total of 100 units of multifamily rental units (1 and 2 bedroom apartments ranging from approximately 577 sq. ft. to 1,077 sq. ft.) in one 3-story and one 4-story building of stacked flats. The ground floor of the 4-story building will include up to 3,950 sq. ft. of resident commons facilities (leasing office, community gathering spaces, fitness and lifestyle amenities, storage and bike room) and up to 1,080 gross sq. ft. (rentable

1,000 sq. ft.) of retail use. A separate retail space, including room for outdoor dining, faces Street B. The main public entrance will be adjacent to the retail use. Residents may enter both buildings from either the parking courtyard or the north parking lot. In general, buildings are sited to accommodate stoops and patios on the front and tuck-under parking on the back. Non-residential uses pop out to engage the street.

- Civic Building (Lot 3): Approximately 24,800 gross sq. ft. of shared space in a single 2-story building, combining approximately 11,000 net sq. ft. for a ground floor public library, and approximately 11,000 net sq. ft. of 2nd story space for Office and Community uses.
- Mercado Food Hall (Lot 4): A 7,400 gross sq. ft. (7,000 rentable sq. ft.) 1-story food hall is planned at the corner of B Street and Sebastopol Avenue. This food hall is intended to utilize food as a catalyst for neighborhood economic development opportunities by featuring local restaurants and is also intended to serve as a food-based business incubation and enterprise opportunity.



Figure 2 View of planned Roseland Village Mercado and Plaza

- Public Plaza (Parcel A): A one-acre public plaza will serve as Roseland's community gathering hub and provide a public venue for community events, arts and culture, the farmers market, neighborhood commerce, and recreation. A "Plaza Temporal" is proposed as an interim use to activate the public plaza as a gathering space at the start of the project. The plaza temporal would enclose a portion of the plaza (less than 10,000 square feet) and establish an outdoor eating area with food and bar service, seating, and restrooms.

Project Phasing: The Project will be developed in three phases after the existing single-story commercial structure (Dollar Tree), parking lot, and temporary playground are removed from the site. The first phase would establish the Plaza Temporal, construct subdivision infrastructure and streets, and, at the end of this phase construct the plaza to replace the Plaza Temporal. The market rate apartment buildings will be constructed in the second phase to help fund project infrastructure and streets. The residential density of this phase is consistent with the land use designation. The third phase will include development of the affordable apartment building on Lot 1, and then the civic and Mercado buildings as Lots 3 and 4 are funded or sold for development. The construction of the affordable housing apartment building will exceed allowed residential density and thus requires the density bonus and the two concessions regarding the timing and location of affordable housing units. Also, the additional residential and non-residential uses trigger the need for the parking concession. Build-out and construction of the Project is expected to commence in 2019 and conclude in 2022.

2. Surrounding Land Uses

North: Joe Rodota Trail/Highway 12 Corridor
South: Commercial retail and restaurants
East: Commercial retail and restaurants (eastern half of Roseland Village Neighborhood Center; Paulsen Property)
West: Restaurant/gas station/industrial uses

The project site is surrounded on three sides by developed properties of differing uses and intensities primarily featuring single-story commercial development and commercial uses such as retail and restaurants. The Joe Rodota trail borders the project site immediately to the north. The nearest residential uses can be found approximately 250 feet south of the project site. Industrial uses and outdoor storage areas can be found further afield to the west of the project site on the north side of Sebastopol Road.

3. Existing Land Use – Project Site

The 7.41-acre project site was annexed into the City in November 2017 and is comprised of two parcels owned by CDC and MidPen. The CDC-owned parcel (665 Sebastopol Road/APN125-111-037) is a 6.81-acre property, which is flat and has an overall slope from north to south. It is the western half of the Roseland Village Neighborhood Center. A single-story commercial retail building stands on the site and is currently occupied by a discount retailer (Dollar Tree), the Roseland Library, and other non-profits. A parking lot (with approximately 270 spaces), and a playground area/recreation courts occupy the site of the former grocery store that once stood at the center of the neighborhood center.

The other parcel (883 Sebastopol Road/APN 125-101-031) is a 0.60-acre property owned by MidPen. This parcel lies on the west side of the CDC parcel and is also flat site. It is developed with a vacant commercial building and a parking lot.

Project History

In 2011, the CDC acquired the 665 Sebastopol Road property with redevelopment housing funds.

In 2012, when the State Legislature dissolved redevelopment agencies, the property was transferred to the Sonoma County Housing Authority/CDC as a housing asset. The property was acquired by the CDC to help facilitate the production of affordable housing on the property and to implement the goals and policies of the Sebastopol Road Urban Vision Plan that was adopted by both the City and County in 2007.

In 2014, The CDC started demolition of a vacant warehouse, bowling alley, grocery store, and gas station. The CDC also undertook and completed remediation and environmental cleanup activities on the property pursuant to a work plan approved by the North Coast Regional Water Quality Control Board. The environmental cleanup activities were necessary due to the site being the former location of a gas station and a dry cleaner.

In 2014, the CDC convened a project task group to help conduct the community engagement process for the planning and redevelopment of the property. With the assistance of the task group, the CDC also commenced a series of community forums to allow community members to contribute to the plans for the development of the CDC parcel.

In 2015, after completion of the community forums, the CDC issued a Request for Proposals (RFP) for a master developer of the CDC parcel. In addition to the provisions for affordable housing, the RFP included the construction of a one-acre public plaza and pathway connection to the Joe Rodota Trail as required elements of any plan submittal. Other desired uses in the RFP (as identified by residents via the outreach process) included a multi-cultural community center providing youth programs and other community activities, retail uses, recreational activities, educational programming and/or library services.

In 2016, CDC selected, and the County Board of Supervisors approved, MidPen Housing Corporation as master developer.

In April 2016, A City/County pre-application meeting was held with MidPen to discuss policy issues and development standards. The Roseland annexation process was underway at this time but the exact timing of the annexation was not yet known.

In August 2016, MidPen began a series of three community engagement workshops to help inform and define the public aspects to be developed on the project site – particularly the public plaza.

In November 2016, MidPen formally submitted a tentative map application to the County.

In April 2017, MidPen filed subsequent entitlement applications including use permit, Design Review, and density bonus.

Joint conceptual Design Review meetings with the City and County were held in December 2016 and June 2017 to review the project's development program, site plan and conceptual architecture.

On November 1, 2017, the Local Agency Formation Commission approved the Roseland Area Annexation. After the annexation, the County determined in December 2017 that the City should process and analyze required entitlement applications.

On December 21, 2017, the City's Design Review Board (DRB) reviewed the Project concept plan. The DRB approved the overall site plan and required the individual buildings return for their preliminary and final Design Review to resolve comments regarding architectural style, orientation, and materials.

On February 21, 2018, tentative map, use permit, and Design Review applicants were submitted to the City. (The density bonus application was submitted January, 2019.)

On March 14, 2018, A neighborhood meeting was held on-site at the library. The 17 attendees voiced concern about traffic generation, parking availability, and the programming of the public plaza area.

On December 4, 2018, the City deemed the entitlement applications complete.

On January 3, 2019, the Development Advisory Committee reviewed the proposed tentative map and recommended the Planning Commission approve the tentative map, subject to conditions listed in the accompanying DAC Report. The recommended DAC conditions were revised on January 31, 2019 and again on February 20, 2019 in response to Applicant comments, consistent with City development regulations.

On February 28, 2019, the Planning Commission approved, by resolutions, the proposed tentative map and density bonus by a vote of 5 ayes, 0 noes, and 2 absent.

On March 7, 2019, the subject appeal of the Planning Commission's action was filled with the City Clerk's Office. The Appellant provided supplemental information on March 20, 2019 regarding the recorded reciprocal access and parking easement over Roseland Village Neighborhood Center.

PRIOR CITY COUNCIL REVIEW

None.

ANALYSIS

1. General Plan

The project site is subject to two General Plan land use designations. The entire site is located within the Roseland Priority Development Area. The CDC parcel is designated Retail & Business Services and Medium-Density Residential (8-18 du/ac) and denoted by the General Plan land use map as an Existing Community Shopping Center site. This mixed-use designation is applied where higher density development is sought for investment, new homes and job growth. The MidPen site is designated Medium Density Residential (8-18 du/ac) where higher residential density development is sought.

The following General Plan goals and policies are most relevant to the Project:

Land Use

- LUL-A Foster a compact rather than a scattered development pattern in order to reduce travel, energy, land, and materials consumption while promoting greenhouse gas emission reductions citywide.
- LUL-E Promote livable neighborhoods. Ensure that everyday shopping, park and recreation facilities, and schools are within easy walking distance of most residents.
- LUL-E-1 Provide new neighborhood parks and recreation facilities, elementary schools, and convenience shopping in accordance with the General Plan Land Use Diagram. Specific to Southwest Santa Rosa, 14 parks, five schools, an international marketplace, two community shopping centers, and three neighborhood shopping centers have been identified as needed facilities.
- LUL-E-2 As a part of planning and development review activities, ensure that projects, subdivisions, and neighborhoods are designed to foster livability.
- LUL-F Maintain a diversity of neighborhoods and varied housing stock to

satisfy a wide range of needs.

- LUL-F-1 Do not allow development at less than the minimum density prescribed by each residential land use classification.
- LUL-F-3 Maintain a balance of various housing types in each neighborhood and ensure that new development does not result in undue concentration of a single housing type in any one neighborhood.
- LUL-F-4 Allow development on sites with a Medium Density Residential designation to have a maximum density of 24 units per gross acre (and up to 30 units per acre provided at least 20 percent of the housing units are affordable, as defined in the Housing Element).
- LUL-G Promote mixed-use sites and centers.
- LUL-G-2 Require design of mixed use projects to focus residential uses in the upper stories or toward the back of parcels, with retail and office activities fronting the regional/arterial street.

Sebastopol Road Urban Vision and Corridor Plan

- LUL-X Create an active, mixed use community shopping center at the Roseland Village Shopping Center site on Sebastopol Road near Dutton Avenue and develop the Sebastopol Road area – from Stony Point Road to Dutton Avenue – with a mix of neighborhood uses, focusing on commercial activity and neighborhood services for the Roseland area.
- LUL-X-1 Require a one-acre plaza facing Sebastopol Road including landscaping, a water feature and serving as a gathering place, to be incorporated into the design of the new center
- LUL-X-2 Pursue development of an International Marketplace offering crafts, food and wares of the many ethnic groups residing in Roseland
- LUL-X-3 Require new buildings fronting Sebastopol Road to be located adjacent to the sidewalk to ensure an interactive relationship between the public realm and ground floor uses.
- LUL-X-4 Include strong pedestrian and bicycle connections from the shopping center and its plaza to the Joe Rodota Trail.
- LUL-Y Create a pedestrian friendly streetscape with a distinctive ambiance on Sebastopol Road from Stony Point Road to Olive Street.

- LUL-Y-1 Widen sidewalks as specified in the Sebastopol Road Urban Vision and Corridor Plan to ensure a safe, pleasant pedestrian environment.
- LUL-Y-4 Require new development be oriented to the street and pedestrian friendly.
- LUL-Y-5 Require new development along the Joe Rodota Trail to be oriented to the trail, and where appropriate, to the proposed neighborhood park.

Urban Design

- UD-A-5 Require superior site and architectural design of new development projects, to improve visual quality in the city.
- UD-D Avoid strip patterns of commercial development. Improve the appearance and functioning of existing commercial strip corridors, such as Santa Rosa Avenue and Sebastopol Road.
- UD-D-1 Restructure existing strip developments to cluster commercial uses in neighborhood nodes, with higher density housing included where possible. Residential, office, or institutional uses that generate less traffic should be located between the nodes.
- UD-E Create a framework of public spaces at the neighborhood, city, and regional scale.
- UD-E-1 Provide for new open space opportunities throughout the city, especially in neighborhoods that have less access to open spaces.
- UD-G Design residential neighborhoods to be safe, human-scaled, and livable.
- UD-G-2 Locate higher density residential uses adjacent to transit facilities, shopping, and employment centers, and link these areas with bicycle and pedestrian paths.
- UD-G-9 Encourage pedestrian-oriented village character, rather than strip malls, in neighborhood centers for local shops and services. Shops should front on streets rather than parking lots. Parking areas should be located in less visible locations behind buildings and away from the street edge.

Housing

- H-A Meet the housing needs of all Santa Rosa residents.
- H-A-2 Pursue the goal of meeting Santa Rosa's housing needs through increased densities, when compatible with existing neighborhoods. Development of existing and new higher-density sites must be designed in context with existing, surrounding neighborhoods.
- H-C Expand the supply of housing available to lower-income households.
- H-C-6 Facilitate higher-density and affordable housing development in Priority Development Areas (PDA), which include sites located near the rail transit corridor and on regional/arterial streets for convenient access to bus and rail transit. Implement existing PDA specific plans to encourage the development of homes that have access to services and amenities.

Economic Vitality

- EV-A Maintain a positive business climate in the community.
- EV-C Promote new retail and higher density uses along the city's regional/ arterial corridors.

Staff Response: The Project will further the above goals and policies by establishing lots, developing subdivision infrastructure and roads, and by providing a 32% residential density bonus to develop 175 units, including 75 affordable units, within the planned Roseland Village. The Project will support planned higher density residential and commercial development within the Roseland Priority Development Area and will thus provide residents, workers, and visitors with increased access to public transit, pedestrian facilities, and bicycle routes. The Project will create a direct pedestrian/bicycle connection between the Joe Rodota trail – a Class I bicycle pedestrian path – and Sebastopol Road. It will support public transit use along Sebastopol Road and West Avenue corridors that serve Downtown SMART station, Second Street Bus Terminal, and downtown employment locations. The Project will construct sidewalk improvements that will support pedestrian travel within the vicinity of the project site. In this regard, the Project will help to minimize dependence on automobiles and greenhouse gas emissions within the City consistent with General Plan goals.

The Project will support planned development of a 175 housing units within the center of the Roseland community and within walking distance of community services, schools, shopping, restaurants, and a future public plaza and library.

criteria were identified for future development along the corridor, with an emphasis placed on evoking a sense of community pride. Challenges were addressed, including groundwater contamination, poor road conditions, and declining properties.

One of the Vision Plan's main goals is to create a neighborhood center with neighborhood-serving and residential uses in the Roseland Village Shopping Center. The Project and the future Roseland Village are located along West Avenue, on the western half of this center.

Specifically, the Vision Plan called for the following key design criteria for redevelopment of the project site.

- West Avenue should be extended north through the new development;
- A public gathering space/public plaza approximately one acre in size;
- 15-foot-wide sidewalks between Sebastopol Road and the plaza;
- An international market place facing the plaza that would create a destination in Roseland for visitors to patronize, ideally offering crafts and foods of the various ethnicities present in Roseland;
- A strong bicycle/pedestrian connection between the public plaza, the mixed-use development and the Joe Rodota trail;
- Three- to four-story mixed-used buildings with activated ground floors; and,
- Parking tucked behind buildings in the development of the center.

The Project is consistent with these key design criteria. The tentative map will result in the construction of public improvements including the West Ave extension and wide sidewalks, creation of lots configured for the plaza and the international market (Mercado), establish a strong bicycle/pedestrian link to the Joe Rodota Trail. The Roseland Village project plan is to develop the remaining new parcels with a mix of housing (Lots 1 and 2), civic and retail uses (Lots 3 and 4) consistent with the goal of the Vision Plan for neighborhood-serving and residential uses within the Roseland Village Shopping Center site.

3. Roseland Area/Sebastopol Road Specific Plan

The Roseland Area/Sebastopol Road Specific Plan (Specific Plan), adopted November 2016, is a planning level document that addresses land use, circulation and infrastructure needs for the area located around the Southside Bus Transfer Center in southwest Santa Rosa, which includes the project site.

The Specific Plan focuses on improving the physical environment for residents and employees; establishing a land use and policy framework to guide future development in the area toward transit supportive land uses and a healthy community; improving connections, particularly for bicycling and walking, to the bus transfer center, Sebastopol Road, and other key destinations; and promoting community health and equity. The Specific Plan was developed concurrently

with consideration of annexation of the previously unincorporated area. The plan area includes the Roseland Priority Development Area (PDA) and part of the Sebastopol Road PDA. The community land use and streetscape preferences expressed by the Sebastopol Road Urban Vision Plan are incorporated into the Specific Plan.

The Project is consistent with the land use goals and policies for the Specific Plan. The Project will provide a one-acre parcel (Parcel A) for the public plaza as called for by the Specific Plan. Lot 3 will provide land for the future community center that is designated for a public library and various other public uses including social services, a cultural center, an extended education facility, and a youth activities center needed by the community.

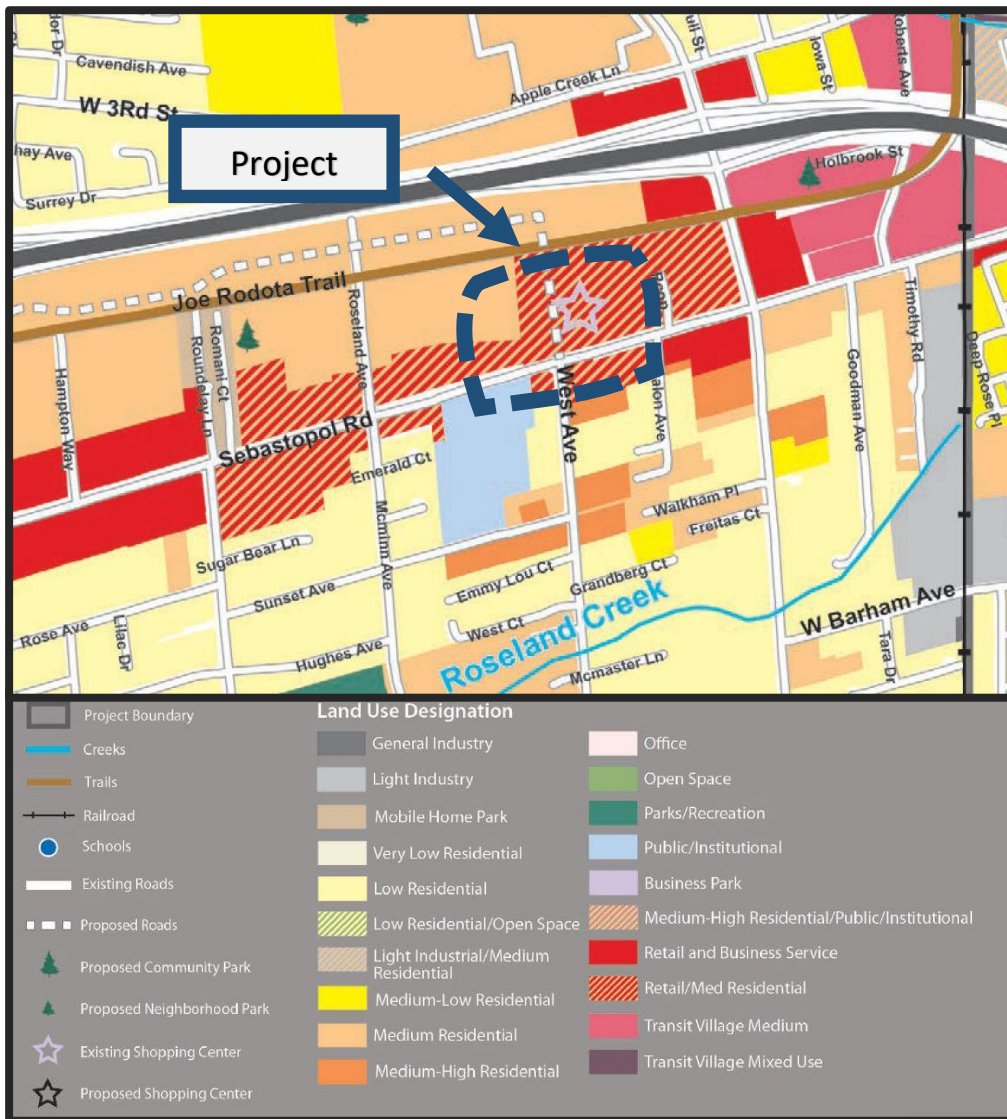


Figure 4 Roseland Sebastopol Road Specific Plan, excerpt

4. Bicycle and Pedestrian Master Plan

The Bicycle and Pedestrian Master Plan requires a five-foot-wide, Class II bicycle lane on Sebastopol Road. The frontage along the project site already contains such a bicycle lane configuration and the project will not change this condition. As a condition of approval, the existing bicycle lane on the project's Sebastopol Road frontage will be marked with bike lane symbols along the north side of the Sebastopol Road frontage and along both sides of West Avenue frontage replacing the existing markings and symbols.

5. Zoning

The project site is split between two zoning districts. The larger CDC parcel is zoned General Commercial (CG); the smaller MidPen parcel is zoned R-3-18. (Multiple Family Residential, 18 du/ac).

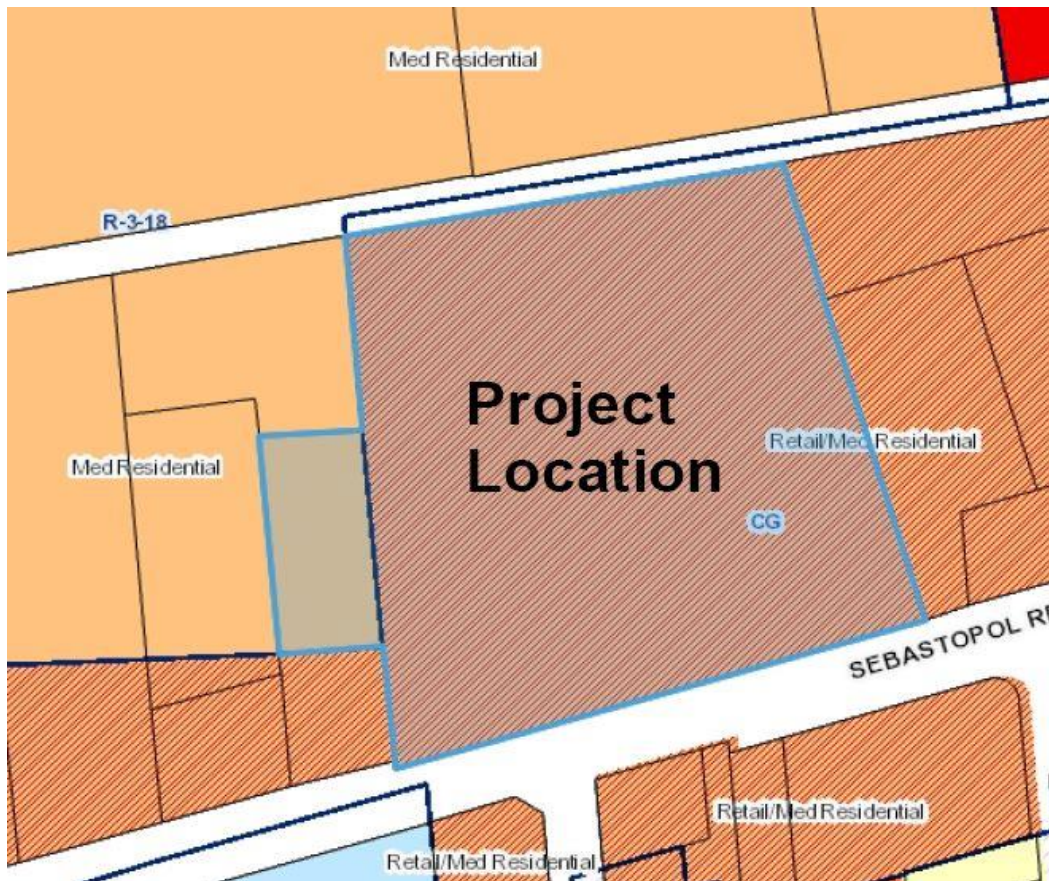


Figure 5 General Plan and Zoning

Zoning for surrounding properties includes:

- North: General Commercial (CG) zoning district
- South: General Commercial (CG) zoning district

East: General Commercial (CG) zoning district
West: R-3-18 (Multi-family Residential) zoning district.

Allowed Uses: Zoning Code Section 20-23.020(B) describes the purposes of the General Commercial zoning district and the manner in which the district is applied as follows:

CG (General Commercial) district. The CG zoning district is applied to areas appropriate for a range of retail and service land uses that primarily serve residents and businesses throughout the City, including shops, personal and business services, and restaurants. Residential uses may also be accommodated as part of mixed use projects, and independent residential developments. The CG zoning district is consistent with the Retail and Business Services land use classification of the General Plan

The planned future development of the Roseland Village with a mix of residential, retail, civic, and open spaces uses on Lots 2, 3, and 4 and on Parcel A is consistent with the General Commercial zoning district.

The R-3-18 (Multi-family Residential) zoning district applies to areas of the City appropriate for residential neighborhoods with medium and higher residential densities, to provide home rental and ownership opportunities, and to provide a full range of choices in housing types to improve access to affordable housing.

The R-3-18 zoned portion of the project site would lie over the western part of Lot 1. The planned Roseland Village project would construct a portion of the affordable apartment building and related parking lot within this zoning. Multifamily residential uses are allowed by right in the R-3-18 zoning district.

The Resilient City Development Measures offset forth in Zoning Code Section 20-16.060 allow multi-family residential and the residential portion of a mixed-use project located on CG-zoned properties in a Priority Development Area as a by-right use. On non-PDA properties zoned CG throughout the City, a Minor Use Permit would need to be approved to allow a multi-family residential use and/or a residential portion of a mixed-use project.

Lot Size: The Zoning Code does not provide for a specific lot size minimum or maximum in the CG zoning district. Alternatively, the Zoning Code allows for the CG lot size to be determined via the tentative map process based on factors such as characteristics of the site and surroundings and environmental constraints. Most of Lot 1 and all of Lots 2, 3 and 4, and Parcel A are located in the CG-zoned portion of the project site. Staff has determined that the proposed lot sizes are adequate to house the respective development planned for each site with no environmental constraints.

Approximately 0.6 acres of the 1.53-acre Lot 1 will be in the R-3-18 zoning district. The minimum lot size in R-3-18 is 6,000 square feet for interior lots and

7,000 square feet for corner lots. Proposed Lot 1 is consistent with the minimum lot size requirements of the R-3-18 zoning district.

Lot Width: The CG zoning district does not have minimum lot dimensions, while the R-3-18 Zoning District has a minimum lot width requirement of 80 feet for interior lots and 90 feet for corner lots. The project will comply with these dimensional requirements.

6. Tentative Map

The Development Advisory Committee (DAC) reviewed the requested tentative map and issued its report recommending the tentative map be approved subject to conditions. Some of the notable subdivision improvements noted by the DAC Report (January 3, 2019, revised February 20, 2019) are listed below.

- A pedestrian connection from the project site to the Joe Rodota trail will be provided.
- A new network of public roads and sidewalks including a 15-foot-wide sidewalk along Sebastopol Road.
- Streetscape improvements including decorative street lighting and planters.
- New intersection turn lanes including a “right turn only lane” for the west-bound lane of Sebastopol Road.
- Bicycle racks will be provided within the Plaza and near all the projects non-residential Buildings.
- Transit stop improvements include benches and shelters consistent with City Design Standards.
- Overhead utility lines will be placed underground

In order for the Planning Commission to approve the requested tentative map, it must make the following findings, pursuant to City Code Chapter 19-24. The Planning Commission made each of these findings when it approved the project February 28, 2019.

- The proposed map is consistent with the General Plan and any applicable specific plans as specified in n Sections 65451 and 66474.5.

Staff Response: As noted in parts 1, 2, and 3 of the Analysis section of the staff report, the proposed tentative map is consistent with the General Plan, as well as the Sebastopol Road Urban Vision Plan and the Roseland Area/Sebastopol Road Specific Plan.

- The proposed subdivision meets the housing needs of the City and the public service needs of the subdivision’s residents are within the available fiscal and environmental resources of the City.

Staff Response: The Project complies with the City of Santa Rosa Housing Allocation Plan (HAP) by providing lots that will be developed with residential uses with more than 15% allocated affordable units on-site (City Code Section 21-02.070(C)). The subdivision will establish two residential parcels for the development of 175 rental units, including 75 units for lower income (i.e., Very Low and Low income) households. Twenty percent, or 28 units of the 133 maximum allowed units, will be “allocated” for lower income households and will be subject to a density bonus housing agreement with the Housing Authority. The location of the project site and the provision of public improvements and streets required by the tentative map will help to ensure the provision of public services to the subdivision’s residents are within the City’s available financial and environmental resources.

- The design of the proposed subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities in the subdivision; and

Staff Response: Lots 1, 2, 3 and 4 are all configured with at least two street frontages that provide separation which will allow future buildings within the planned Roseland Village project to utilize passive heating methods by absorbing the sun’s heating energy throughout the day due to significant east, south, and west-facing building elevations. The rooftops of these future buildings will also be able to easily accommodate solar arrays to capture the sun’s energy. Passive cooling features such as sunshades and recessed building areas are proposed at the upper stories of these buildings. The future public plaza on Parcel A will also serve as a passive cooling mechanism by removing nearly one-acre of hardscape and replacing it with planted areas that will reduce urban heating that occurs on paved areas. The plaza will also feature shaded areas that will allow its users to access naturally shaded outside areas.

- The proposed subdivision would not discharge waste into the City’s sewer system that would result in violation of the requirements prescribed by the California Regional Water Quality Control Board.

Staff Response: The Project has been reviewed by City Staff and was found to be in compliance with all City Utilities and Infrastructure.

Staff recommends the Council approve the tentative map subject to the conditions of approval in Exhibit A of the Tentative Map Resolution.

7. Density Bonus and Concessions

The submitted Density Bonus Application, included in the project description, allocates 14 very low and 14 low income housing units to qualify for the

requested 32% density bonus and three concessions. These 28 below market rate units equate to 20% of the 133 maximum number of units allowed on the 7.41-acre project site. MidPen will develop and manage these and the other the 47 affordable units within the one apartment building on Lot 1. This building would be built in Phase 3 after the two apartment buildings with 100 market rate units are constructed on Lot 2 in Phase 2. The density bonus is required to build the affordable unit apartment building in Phase 3 when the total number of units on the project site will exceed the 133 maximum units otherwise allowed.

Staff recommends the Council grant, by resolution, the requested Density Bonus with a requirement the Applicant enter into an Affordable Housing Agreement with the City Housing Authority and thus ensure 28 affordable units are deed-restricted for 55-years consistent with the City's density bonus regulation. The resolution will also require the other 47 units to be subject to a similar agreement with the CDC.

The Council must grant the the Applicant's requested development standard or zoning code concessions when they will result in identifiable and actual cost reductions to provide affordable housing. These concessions may be denied only if City finds they will create significant, adverse impacts to public health and safety, to the physical environment, or to properties listed in the California Register of Historical Resources.

The Applicant's justification for the three requested concessions is presented below.

- Affordable Housing Development Timing (Zoning Code Section 20-31.100.H.1): This concession will allow phased development of two apartment buildings with 100 market rate units on Lot 2 in Phase 2 before the affordable units on Lot 1 in Phase 3. The market rate developer will buy Lot 2 from CDC, who will then use this money to build infrastructure needed to construct the affordable apartment building on Lot 1. The phased development would therefore reduce the cost of constructing affordable housing units. Strict enforcement of the concurrent timing requirement would delay the sale of Lot 2 until affordable housing financing is secured and thus threaten the financial feasibility of the affordable housing component of the planned Roseland Village project.

The third phase will include the development of the affordable apartment building on Lot 1, and then the civic and Mercado buildings as Lots 3 and 4 are funded or sold for development. The construction of the affordable housing apartment building will exceed allowed residential density and thus requires the concessions regarding the timing and location of affordable housing units.

- Density Bonus affordable housing construction location (Zoning Code Section

20-31.100.H.2): The dispersed affordable unit concession will allow the construction of separate market rate and affordable unit apartment buildings. Financing and design of apartment building with blended lower income housing is more complex which will likely delay the start of residential construction within the planned Roseland Village project. This delay will increase the market rate developer's carrying cost and thus the cost of constructing affordable housing units. This concession is allowed pursuant to Zoning Code section 20-31.100.H.2 provided the applicant demonstrates that the dispersal requirements will reduce the financing feasibility of the project.

- **Reduced Parking (Zoning Code Section 20-36.040):** The requested 18% parking reduction would allow the project to be develop with 323 parking spaces when 393 are otherwise required. 175 spaces would be reserved for residents; the remaining spaces would be available to the public at all times. Without this reduction the planned Roseland Village project would have to include structured parking to accommodate another 70 parking spaces on the site. There is no unused surface area on the site to accommodate these additional spaces. The requested concession would avoid the cost of structured parking and will thus result in identifiable and actual cost reductions to provide affordable. The traffic impact study found peak parking demand on the site is 322 spaces.

The third phase will include development of the affordable apartment building on Lot 1, and then the civic and Mercado buildings as Lots 3 and 4 are funded or sold for development. The construction of the affordable housing apartment building will exceed allowed residential density and thus the additional residential and non-residential uses trigger the need for the parking concession.

Staff recommends the Council grant these three concessions, by resolution, finding they will result in identifiable and actual cost reductions to provide affordable housing and that they will not create significant, adverse impacts to public health and safety, to the physical environment, or to properties listed in the California Register of Historical Resources

8. Neighborhood Comments

The representative of the adjacent property owner to the east has submitted comments regarding a reciprocal parking agreement between the CDC parcel and the easterly property (see Attachment 8 for the entirety of the comments). Both City and County staff have reviewed the correspondence and do not concur with its conclusions regarding the reciprocal parking agreement. Please see Attachment 9 for a previous legal opinion on the matter from County Counsel.

Seventeen neighbors signed-in at the project's required Neighborhood Meeting held on March 14, 2018. The primary concerns of those in attendance included

concerns regarding traffic and vehicular circulation in the area, parking, and programming the park. It should be noted that a traffic impact study was prepared for the Project. The traffic study concluded that the project would not result in any level-of-service failures at any of the intersections that study examined. Additionally, the study concluded that the project's estimated 342 parking spaces will be sufficient for the proposed project in that the project would generate the maximum need of 318-321 parking spaces at any one point in the day. The conclusions of the traffic impact study were accepted by the City's Traffic Engineering Division.

FEBRUARY 28, 2019 PLANNING COMMISSION HEARING

The following public comments or statements were expressed after staff's presentation at the public hearing.

Public statements supporting the project cited the need for affordable and equitable housing in the Roseland community, the provision of space for the public library and the Boys and Girls Club, and how the project will reinforce Roseland Village as the center of the community. Public comments also noted that CDC and MidPen have a record of successful infill residential development; that CDC and MidPen conducted extensive public meeting/outreach that helped to shape the project design. Finally, it was noted reduced parking is appropriate for infill, mixed use projects since car dependence will be reduced in the future.

Public statements opposing the project claimed the requested increased density is not appropriate in Santa Rosa, as it is not found elsewhere in the city, traffic and construction associated with the planned Roseland Village project will exacerbate existing air quality impacts on the youth attending Roseland School, and that added impervious surface area would exacerbate climate change. It was stated that the entire site should be a park and not housing as proposed. Finally, the Appellant said the project will exacerbate existing traffic and parking impacts because the 2-car household is the norm and the project will eliminate 270 parking spaces. The Appellant also said 70 shared parking spaces, as proposed, will adversely impact businesses within east half of Roseland Village Neighborhood Center.

Planning Commissioners sought clarification or confirmation regarding a number of issues. In response, staff confirmed: the reciprocal access and parking easement does not impede the Planning Commission's action on the requested tentative map and density bonus as alleged by the Appellant; and the project would include appropriate on-site and off-site public crosswalks. MidPen detailed the mix of one and two bedroom units that will be offered to qualified lower income households and to workforce households and highlighted its past success providing units to local residents. MidPen also explained the building housing the library will be demolished when construction of subdivision improvements is expected to start in late 2019. Finally, MidPen explained phased and separate development of affordable units from the market units is

necessitated by affordable housing funding requirements and that the start of affordable unit construction should not be substantially delayed after the market rate units as MidPen is making good progress towards obtaining Low Income Tax Credit financing.

APPEAL STATEMENT AND COUNCIL OPTIONS

Pursuant to Zoning Code Chapter 20-62, the Council shall be the appeal body for appeals of decisions made by the Planning Commission on a Tentative Map and Density Bonus. The Council may:

- Affirm, affirm in part, or reverse the action, the determination, or decision that is the subject of the appeal; or
- Adopt additional conditions of approval, that may address issues or concerns other than the subject of the appeal; or
- If new or difference evidence is presented on appeal, the Council may refer the matter back to the Planning Commission for further consideration.

The Appellant sets forth the following grounds or points in the appeal statement filed on March 7, 2019. The appeal statement and supplemental information submitted on March 20, 2019 regarding the recorded reciprocal access and parking easement over the Roseland Village Neighborhood Center are attached.

1. The Project violates a recorded easement and a prescriptive easement by eliminating shared access behind the Roseland Village Shopping Center.
2. The mixed-use housing Project contravenes the Easement's use restriction allowing only development of "retail business establishments" on the CDC Property and Paulsen Property.
3. Construction of the market rate units prior to the affordable units violates the City Code provisions requiring the affordable units to be incorporated or dispersed throughout the development and constructed concurrently with market rate units.
4. The Project eliminates over 270 shared parking spaces identified in the recorded easement.

MERITS OF APPEAL

Planning staff recommended that the Planning Commission approve the Project and continues to consider that the mandatory findings can be made to approve the Tentative Map and Density Bonus. The attached recommended resolutions provide findings to deny the appellant's appeal and to affirm the Planning Commission's action to approve the Tentative Map and Density Bonus.

Staff's response appellant's grounds for the following appeal points are provided below.

Appeal 1. The Project violates a recorded easement and a prescriptive easement by eliminating shared access behind the Roseland Village Shopping Center.

Response 1a. Description of shopping center and easement area.

The Roseland Village Shopping Center (Center) was developed in 1954 on five parcels totaling approximately 8.9 acres. The Grant of Reciprocal Easement recorded September 12, 1956 (easement), includes the parking lot and driveways that provide access to the commercial buildings within the Center. The Sonoma County Community Development Commission (CDC) now owns the 6.7-acre (+/-) parcel (APN 125-111-37) on the west side of the Center. APN 125-111-37 is entirely within the easement and was once developed with five buildings, totaling approximately 85,000 square feet. Two buildings, totaling 35,000 square feet (+/-), remain on the CDC property at this time. Mr. Paulsen owns the east side of the Center, which consists of four parcels that total 4.5-acres (+/-).

Original construction of the Center included a large multi-tenant commercial building straddling the CDC Property and Paulsen Property. The portion of this building located on the CDC parcel was demolished in 2014. The remainder of the Center is currently developed with smaller commercial buildings around the perimeter, and existing parking spaces and driveways serve the businesses located within the Center.

The CDC Property and Paulsen Property owners share access to and use of the Center's parking lot and driveways by and through the easement.

The approved tentative map for the Roseland Village project (Project) requires CDC to maintain access between the CDC Property and Paulsen Property by providing a new 24-foot wide commercial driveway entrance at the corner of two new public collector streets: Street B and Street C. This driveway entrance is aligned with the parking lot driveway on the Paulsen Property. The extension of West Street from Sebastopol Road to the Joe Rodota Trail and the new public collector streets provided by the Project will maintain access and circulation over the CDC property. The tentative map also shows a row of new parking spaces on Lot 2 will block an existing gated driveway that now runs along the north side of the main building on the Paulsen Property. The City will require the applicant to quitclaim or remove any other easements over this driveway, should any exist, before site improvements may be constructed on Lot 2 (Engineering Condition Number 3, Exhibit A, Tentative Map Resolution).

Response 1b. The Easement does not identify specific parking or access locations. The easement states as follows: "the parties hereto desire to grant to each other reciprocal easements over that portion of said real property which has been, and will be in the future, set aside for vehicular parking lots and driveways." By and through this language, the parties granted each other a "non-exclusive easement to use and to allow the use of vehicular parking lots and driveways which presently exist or will be developed hereafter." By its plain language, the easement contemplates future development of the Center and describes a scenario under which the parties will share

non-exclusive access over each other's properties. The easement does not describe a specific location for vehicular parking or driveway uses on the CDC Property or Paulsen Property. No prescriptive easement has been established.

Response 1c. The City is not a party to the easement.

The easement is a private agreement between the property owners, CDC and Paulsen, to share access and parking within the Roseland Village Shopping Center. The City is not party to the agreement, nor is the City's authority to regulate land use limited by the easement. MidPen and CDC, as applicants, are required to disclose all easements or other covenants that may restrict development or use the property at the time of the tentative map and density bonus application. The applicants and their legal counsel have stated that the easement does not restrict the applicants' ability to proceed with project development on the CDC Property.

Appeal 2. The mixed-use housing Project contravenes the easement's use restriction allowing only development of "retail business establishments" on the CDC Property and Paulsen Property.

Response 2. The easement does not restrict allowable uses on the CDC Property or Paulsen Property.

The easement grants reciprocal rights to use the parking lots and driveways "which presently exist, or will be developed hereafter" on the CDC Property and Paulsen Property for the mutual "ingress, egress, and parking of motor vehicles, [and] for all proper purposes connected with the operation of retail business establishments" on both properties. By its terms, the easement allows ingress, egress and parking across the Center and allows any other "proper purposes" connected with operation of the retail Center. There is no express restriction on the use of either the CDC Property or Paulsen Property. In fact, the easement contemplates future development of the Center, granting use of the parking lots and driveways "which presently exist, or will be developed hereafter." The only restriction with the easement is when the owner is using the Easement. Here the CDC is not using the easement for the Project.

Appeal 3. Construction of the market rate units prior to the affordable units violates the City Code provisions requiring the affordable units to be incorporated or dispersed throughout the development and constructed concurrently with market rate units.

Response 3. Density Bonus Law allows the City to grant concessions and the need for the concessions are not triggered by construction of the market rate units.

The construction of the 100 market rate workforce units in Phase 2 on Lot 2 is consistent with allowed residential density and thus does not require a density bonus and does not depend on any of the requested concessions. The third phase will include development of the affordable apartment building on Lot 1, and then the civic and Mercado buildings as Lots 3 and 4 are funded or sold for development. The construction

of the affordable housing apartment building will exceed allowed residential density and thus requires the concessions regarding the timing and location of affordable housing units.

The Planning Commission approved the two concessions requested by the applicant to allow phased development of the affordable housing units in a separate apartment building. Pursuant to the City's Density Bonus regulation and State Density Bonus law, the applicant established that the requested concessions are necessary to reduce the cost of affordable units. Phasing the affordable housing development after the market rate units will allow the sales proceeds of the market rate unit development on Lot 2 to be reinvested in the subdivision infrastructure needed to develop affordable housing units on Lot 1 in Phase 3. Also, by developing the affordable units on a separate lot in a separate building, as allowed pursuant to Zoning Code section 20-31.100.H.2, the market rate housing development will avoid the costs and delays associated with complex Low Income Tax Credit (LITC) financing. Additionally, any residential project associated with LITC financing is required to meet and exceed sustainability design guidelines, which will add a cost to market rate units and thus will reduce the price the market rate development will pay for Lot 2. These concessions will help reduce the cost of affordable housing development, minimize developer carrying cost, and support the financial feasibility of the project. As such, the Planning Commission acted within its discretion when it approved the requested zoning code concessions for the Density Bonus.

Appeal 4. The Project eliminates over 270 shared parking spaces identified in the recorded easement.

Response 4a. The easement neither designates nor requires a specific number of shared parking spaces. The lot configuration and circulation for the Roseland Village Tentative map shows continued reciprocal access and shared parking between the CDC property (project site) and the appellant's property. The recorded easement does not specify the number, nor does it describe the location, of shared parking spaces that must be maintained or offered on either property. While the Planning Commission approved the Tentative Map and Density Bonus, the Commission's action did not entitle the development of any land uses on the site. The Commission considered parking and other zoning code development standards associated with the planned Roseland Village project to determine the lots are configured to provide adequate vehicle circulation and parking necessary to support development of future land uses allowed in the zoning district. The approved Density Bonus allows a future housing project with affordable units to be developed with more dwelling units than otherwise allowed by the General Plan. It also grants three concessions to zoning development regulations, including one for reduced parking, because the Commission found the concessions were needed to reduce the cost of affordable housing construction. The approved tentative map includes a parking and circulation plan that shows 324 parking spaces and public streets on the project site. Patrons of uses located on the Paulsen side of the Center have unrestricted, reciprocal access to the streets and 108 parking spaces on the CDC Property. It should be noted that all future development on the CDC

Property, including the proposed Roseland Village Project, is subject to City design review which will ensure adequate parking and other needed site improvements are provided pursuant to the approved tentative map and density bonus.

Response 4b. The Project provides adequate parking and infrastructure. The Planning Commission determined the proposed new lots and subdivision improvements depicted by the submitted Tentative Map will comply with the City's subdivision regulations, subject to the City's subdivision conditions as listed in Exhibit A of the Tentative Map Resolution (attached). These conditions set forth uniform standards for subdivision improvements to ensure streets, sewer, water and other utilities will accommodate future development, consistent with the General Plan and zoning. In this case, the Commission also based its approval of the tentative map on parking demand findings set forth in the Project's traffic study and shared parking analysis. While the Commission's tentative map approval did not approve the planned Roseland Village Project, their action sets the stage for future development of these lots, which will be subject to major design review approval by the City's Design Review Board. When MidPen or any other developer is ready to develop the new lots, the Design Review Board will evaluate the adequacy of site improvements, including but not limited to parking supply and circulation, associated with the proposed development.

As expressed above, the February 28, 2019 Planning Commission staff report, the information staff presented at that hearing, and this staff report support the City Council denying the appeal and approving the Tentative Map and Density Bonus.

ENVIRONMENTAL IMPACT

The Project qualifies for an exemption pursuant to CEQA Guidelines section 15183 in that the Project is consistent with the City's General Plan and the Roseland Area/Sebastopol Road Specific Plan for which EIRs were prepared and certified and, as evidenced by the special studies prepared for the Project, the Project does not contain conditions, nor would it result in any of the following effects.

- a. Effects that are peculiar to the project or the parcel on which the project would be located.

There are no project specific effects which are peculiar to the Project or its site, and which the General Plan or Specific Plan EIRs failed to analyze as significant effects. The subject property is no different than other properties in the surrounding area, and there are no Project specific effects that are peculiar to the Project or its site. The project site is located in an area developed with commercial, institutional, and residential uses. The property does not support any peculiar environmental features, and the Project would not result in any peculiar effects. In addition, all Project impacts were adequately analyzed by the specific plan and General Plan EIR.

- b. Effects that were not analyzed as significant effects in the General Plan EIR

The project site is within the planning boundaries of the Roseland Area/Sebastopol Road Specific Plan, adopted in 2016, and was analyzed by the Specific Plan EIR (State Clearinghouse No. 2016012030). The General Plan was amended in 2016 to incorporate the land use and housing policies of the Specific Plan. As noted earlier the Project is consistent with the Specific Plan land use policy. As such, the effects of the future development of the Roseland Village project, including the proposed subdivision and planned higher density mixed use development, was fully analyzed. The Project does not include any new land use that could create an effect that has not been previously analyzed by the Specific Plan or General Plan.

- c. Effects that are potentially significant off-site impacts and cumulative impacts that were not discussed in the prior EIR prepared for the General Plan.

There are no potentially significant off-site and/or cumulative impacts which the General Plan or Specific Plan EIRs failed to evaluate. The proposed Project is within the scope of the General Plan and Specific Plan EIRs and would represent a small part of the growth that was forecast for build-out of the General Plan. The General Plan and Specific Plan EIRs considered the incremental impacts of the future development, such as the Project and planned Roseland Village project, and no potentially significant off-site or cumulative impacts have been identified which were not previously evaluated.

- d. Effects that are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

The applicant provided the specific assessments and reports including Traffic and Circulation (W-Trans, July 14, 2018, errata August 14, 2018), Biotic Resources (Wildlife Research Associates and Jane Valerius Environmental Consulting, April 12, 2017), and Cultural Resources (Tom Origer & Associates, January 30, 2017). These assessments and reports did not reveal any new information or condition that suggests a previously identified significant effect is more severe than determined at the time the General Plan or Specific Plan EIR were certified.

The Project's residential developments also qualify for an exemption under California Government Code Section 65457 and Section 15182 (Residential Projects Pursuant to a Specific Plan) of the State CEQA Guidelines. These provisions apply to residential Projects where a public agency has prepared an Environmental Impact Report (EIR) on a specific plan. On November 2016, the City Council, concurrent with the adoption of the Roseland Area/Sebastopol Road Specific Plan, certified the Roseland Area/Sebastopol Road Specific Plan EIR (SCH 2016012030). The density, design, and infrastructure plan under the proposed project is consistent with the adopted Specific Plan in that the level and intensity of the proposed developments and the locations of the developments are consistent with the Specific Plan. 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. The Specific Plan EIR adequately addressed environmental issues related to the development of the entire Specific Plan area, including the subject property. Therefore, the proposed Project's residential developments qualify for the exemption under CEQA Guidelines Section 15182, and California Government Code Section 65457, and no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

The City's Design Review Board (DRB) reviewed the conceptual designs for each of the sites in the development, as well as the overall project site plan on December 21, 2017. At the meeting the DRB indicated that they could recommend the project's overall site plan to the Planning Commission and they accepted the site plan design. However, the DRB had a number of comments on the individual elements of the project including comments on the individual components' architectural styles, orientation of building features, and the materiality of the buildings. Staff will elevate the Preliminary and Final Design Review of each of the buildings as requested by the DRB.

The Planning Commission reviewed the proposed tentative map and density bonus on February 28, 2019. Based on the submitted application and the information provided at the public hearing by staff and by the public, the Commission approved the project 5-0 (with two members absent) as recommended by staff.

NOTIFICATION

The notice for the Council's public hearing on the appeal was provided on or before April 26, 2019 per the requirements of Chapter 20-66 of the City Code. Notification of this public hearing was provided by posting an on-site sign, publishing notice in a newspaper of general circulation, mailed notice to surrounding property owners, electronic notice to parties that had expressed interest in projects taking place in this geographic area of Santa Rosa, and bulletin board postings at City Hall and on the City website.

ISSUES

None.

ATTACHMENTS

- Attachment 1 - Disclosure Form
- Attachment 2 - Location Map
- Attachment 3 - General Plan and Zoning Map
- Attachment 4 - Appeal
- Attachment 5 - Appeal Supplemental Information
- Attachment 6 - PC Minutes – Draft
- Attachment 7 - PC Tentative Map Resolution No. 11941

Attachment 8 - PC Density Bonus Resolution No. 11940

Attachment 9 - Project Description

Attachment 10 - Tentative Map

Attachment 11 - Traffic Impact Study

Attachment 12 - Public Comments

Attachment 13 - County Counsel Legal Opinion

Resolution 1 – Tentative Map / Exhibit A (DAC Report/Conditions of Approval)

Resolution 2 – Density Bonus

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