

RESOLUTION NUMBER DR21-051

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA GRANTING DESIGN REVIEW APPROVAL FOR THE AVIARA APARTMENTS, AT 1385 W. COLLEGE AVENUE, ASSESSOR'S PARCEL NO. 010-510-021; FILE NO. DR21-051

WHEREAS, on August 18, 2021, a Neighborhood Meeting was held to introduce the proposed Aviara Apartments to the neighbors and interested members of the public; and

WHEREAS, on August 19, 2021, the Design Review Board reviewed the Aviara Apartments as a Concept Item pursuant to Zoning Code Section 20-16.070(A)(2); and

WHEREAS, on August 27, 2021, a Design Review application and associated project exhibits and materials for the Aviara Apartments were submitted to Planning and Economic Development; and

WHEREAS, on November 29, 2021, the Director approved a Density Bonus for the Aviara Apartments allowing an approximately 168.3% Density Bonus, for the inclusion of 218 Density Bonus units, pursuant to Zoning Code Chapter 20-31, because the Project ~~is one hundred percent (100%) affordable~~ will provide 135 designated as affordable units and, as conditioned, will remain deed restricted for a period of fifty-five (55) years; and

WHEREAS, on December 15, 2021, the Zoning Administrator of the City of Santa Rosa held a public hearing to consider the Aviara Apartments; and

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

WHEREAS, the Zoning Administrator, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The design and layout of the Aviara Apartments (Project) is of superior quality, and is consistent with the General Plan, the North Station Area 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 Project site is located in an area designated as Medium-High Density Residential, which allows residential development at a density of 18-30 units per acre. The General Plan allows density bonuses for affordable housing provided the design and development standards are in conformance with those specified in the Zoning Code. Pursuant to Zoning Code Chapter 20-31, a Density Bonus was granted on November 29, 2021 (Revised on December 14, 2021), allowing a density increase of 218 additional units because the Project will provide 135 affordable units.

The Project site is within the boundary of the North Station Area Specific Plan and has been reviewed in compliance with relevant design standards, which have been incorporated into the Zoning Code. The project plans have been reviewed in compliance with applicable development standards set forth in the Zoning Code, including setbacks, lot coverage, building height, landscaping and parking. Pursuant to Zoning Code Chapter 20.16, Resilient City Measures, because the Project plans were reviewed by the Design Review Board as a Concept Item, the project is eligible for reduced authority because it proposes housing within the North Station Priority Development Area.

The Project plans have been reviewed in compliance with the Design Guidelines. The Project proposes a multifamily development that will act as a transition from commercial uses to the east and single-family residential uses to the west. The design is unique to Santa Rosa; the Site Plan provides a layout that can be easily navigated; and it provides diversity in housing type.

2. The design is appropriate for the use and location of the proposed Project and achieves the goals, review criteria and findings for approval as set forth in the Framework of Design Review (Design Guidelines, Introduction, Subsection C). The site design includes a parking buffer along the west and north property lines, which maximizes the separation from, and minimizes shadowing effects to, residential neighbors to the north and west; Zoning Code Table 3-4 requires one parking space per unit, or 136 spaces, and the project provides 179 spaces, an extra 43 spaces; the Project will include improvements along Kowell Road that will benefit the commercial shopping center to the east and residential neighbors to the north; and the three-story multifamily structures provide a smooth transition between commercial and residential uses by placing the residential structures closer to the southeast corner of the property where the buildings are separated from single-family uses abutting the westerly property line by greater than 80 feet; and
3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments. The three-story structures, consistent with higher density housing anticipated in areas with the Medium-High Density Residential land use designation, will provide an intended separation between single-family residential uses to the west and commercial uses to the east. The complex is easily navigated with a driveway entry at the southwest corner off W. College Avenue and another at the northeast corner off Kowell Road; and
4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood. On August 19, 2021, the project plans were reviewed by the Design Review Board as a Concept Item, at which point the Board provided very few comments and expressed unanimous support for the project as designed; and
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. At the direction of the Design Review Board during its meeting of August 19, 2021, the Site Plan was revised separating common and open space elements from the trash enclosure. No changes were made to the proposed architecture as the Design Review Board provided unanimous support the version presented to them; and

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 Project site is located in an area that is substantially developed where all utilities and public services are available. The Project plans have been reviewed by City staff, including Water, Traffic, Fire and Engineering Development Services, and has been conditioned appropriately, including improvements to infrastructure, circulation and public safety; and
7. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). The Project is statutorily exempt from CEQA pursuant to Government Code Section 65457 and CEQA Guidelines Section 15182(a)(c) in that it involves the construction of a residential development project that is undertaken to implement, and is consistent with, the North Station Area Specific Plan, for which an Environmental Impact Report was certified by City Council. Staff's analysis has demonstrated that the Aviara Apartment project is consistent with the North Station Area Specific Plan. As determined in an email prepared by Mark Shorett, Principle Planner, Association of Bay Area Governments (ABAG)/Metropolitan Transportation Commission (MTC), dated December 7, 2021, "the proposed project is located within a Priority Development Area (PDA) identified in Plan Bay Area 2050 that is projected to experience commercial, residential, and mixed-use development in the Plan. Consistent with CEQA 15182, the State Air Resources Board has accepted the determination that Plan Bay Area 2050 would achieve the applicable greenhouse gas emissions reduction target for the Plan."

NOW, THEREFORE, BE IT RESOLVED, the Zoning Administrator of the City of Santa Rosa does hereby grant Design Review of Aviara Apartments, a 136-unit, three-story, multi-structure housing complex, 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, unless otherwise approved by ordinance.
2. All work shall be done according to the final approved plans date-stamped received November 29, 2021, approved by the Zoning Administrator.

ENGINEERING DEVELOPMENT SERVICES:

3. Compliance with all conditions as specified by Engineering Development Services Exhibit "A," prepared by Cleve Gurney, dated ~~November 23~~ December 8, 2021.

PLANNING DIVISION:

4. Prior to Building Permit Issuance, ~~t~~he applicant shall enter into an agreement with the Housing Authority of the City of Santa Rosa to provide 136 of affordable units required under Zoning Code Section 20-31.100(B), the restricted units shall be identified by bedroom size and location in the Agreement, with the units at affordability levels as specified in the Code, for a period of 55 years, and with the following provisions.
- a. Reasonably dispersed affordable units throughout the development if multiple levels of affordability are provided.
 - b. Reasonably compatible with the design or use of all units in terms of appearance, materials, amenities, and quality finish; and
 - a.c. All units shall remain substantially the same through repairs and improvements for the entire 55-year period.
- 4.5. An onsite manager shall reside onsite. A 24-hour emergency contact number shall be provided to all residents.
- 5-6. Remain in compliance with the Noise Ordinance, City Code Chapter 17-16.
- 6.7. The following conditions shall be printed verbatim on all plan sets submitted for grading and 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 and 9:00 a.m. to 5:00 p.m. Saturday. No construction is permitted on Sundays and holidays. Exceptions, such as the pouring of foundations, may be granted by City staff if noticed to neighbors in advance of the activity.
 - a.b. During periods of construction, a sign shall be posted onsite that provides the General Contractor's or designated representative's contact information. All complaints shall be addressed within 24 hours.
 - b.c. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
 - e.d. 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, should perform a survey of the tree(s) prior to commencement of tree work.
 - d.e. Bats are protected under the California Fish and Game Code. Prior to tree work (removal or aggressive trimming), a qualified professional should assess any open cavity in the tree(s) 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 work would be completed, be it the final trimming or removal.

If the two-step process is utilized, it shall be documents and submitted to the Planning division for approval prior to the work being done.

~~7.8.~~ The trash enclosure will include a separate pedestrian-door to allow apartment occupants to access without opening the steel swinging doors.

~~8.9.~~ Waste receptacles for landfill, compost and recycle shall be made available for all residents of the apartment complex. Each trash area shall include instructions as to what materials are allowed in each receptible. Instruction shall be printed in both English and Spanish.

~~The operator will provide unbundled parking, defined by Zoning Code Chapter 20-70 are those spaces that are separated from the cost of housing, meaning that residents with no vehicles would realize a cost savings by not leasing a parking space. Each unit will be issued a unique sticker (to be attached to windshields for efficient monitoring) allowing the residents of that unit to park at least one automobile at the project. There will be 25 spaces marked "reserved for visitors". The visitor spaces will be monitored by the site manager and vehicles that sit for 48 hours or more will be cited and/or towed.~~

~~9.10.~~ The steel swinging doors on the trash enclosure shall remain locked to minimize large items being discarded in the dumpsters.

~~10.11.~~ 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.

~~11.12.~~ The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as the plans approved by the Zoning Administrator, date-stamped received on November 29, 2021. Any future additions, expansions, remodeling, etc., will be subject to review of the Planning Division.

~~12.13.~~ PROJECT DETAILS:

- a. 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.

- b. 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.
- c. 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.
- d. 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 be approved by the Planning Division prior to issuance of a building permit.

13.14. LANDSCAPING:

- a. The proposed Landscape Plan, prepared by Quadriga, dated November 8, 2021, includes 80 15-gallon ornamental trees, 11 24"-box native Oak trees, and 79 24"-box ornamental trees. Pursuant to the Tree Ordinance, City Code Chapter 17-24:
 - i. No replacement trees will be varieties that are identified as exempt including acacia, silver maple, poplar, ailanthus, hawthorn, fruitless mulberry, ~~ligustrum~~, pyracantha, Monterey pine, Monterey cypress, and fruit and nut trees, except walnut trees which are not exempt.
 - ii. The tree evaluation, prepared by Horticulture Associates, dated February 14, 2020, under stated the required replacement trees. As such, an additional nineteen (19) 15-gallon trees are required. The applicant may upsize the trees to reduce the overall number or pay a \$1,900 in-lieu fee to the City's Tree Mitigation Fund. Landscape Plans included with plan sets submitted for Building Permits shall identify which option will be implemented for the additional requirement.

14.15. All required landscaping and irrigation must be installed prior to final inspections (occupancy) per the approved final plans, unless otherwise approved by the Chief Building Official.

15.16. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans.

16.17. 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.

17.18. LIGHTING:

- a. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit in accordance with the Design Review approval.
- b. Light sources shall be concealed from public view.
- c. All lighting shall be directed toward the subject property and away from adjacent properties.
- d. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.

18.19. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.

19.20. 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 Zoning Administrator of the City of Santa Rosa on this 15th day of December 2021, by the following vote:

APPROVED: _____
ANDY GUSTAVSON, ZONING ADMINISTRATOR