

Amendment to Appeal of Cultural Heritage Board (CHB) Denial of DeTurk Winery Village project: (Including Landmark Alteration approval) and Design Review Board (DRB) Denial: Appealing Resolution of CHB of the City of Santa Rosa approving the Landmark Alteration approval, and the Resolution of the CHB and DRB of the City of Santa Rosa granting Preliminary and Final Design review approval for DeTurk Winery Village project. Staff recommended approval of this project and remains strongly supportive of this development.

Applicant Responses:

The original land for this building was acquired in 1872, and on or about 1875 the DeTurk Winery Village building started construction and was finished about 18 months later. The DeTurk Winery buildings were recognized as the second oldest winery in the County when finished. Drawings from 1875 show that only one home was in the area, now known as the West End Historic District, (WE), which makes the DeTurk Winery the second building built in this area. However, the first home was destroyed in the 1906 earthquake making DeTurk Winery Village the oldest remaining building in the District, and the only Industrial Building. In 2007, during the final DRB and CHB on the approved tentative map project, it was pointed out at the hearing that there was no identifiable direct link to the existing West End Historic District and more emphasis should be placed on providing elements from the existing historic DeTurk Winery, and other nearby industrial projects as to the design of the new additions to the adjacent buildings (Those buildings identified in the North Railroad Historic District).

The current DeTurk Village Winery is in two Historic Districts, one being the WE, which was formed on or about 1990. Prior to this District being formed the North Railroad District, (NRHD), which was submitted by Ann Bloomfield and Dan Peterson in 1989 for inclusion in the State Registry. The NRHD is a strip of commercial and industrial buildings along both sides of Wilson Street and the Northwestern Pacific Railroad tracks just north of the Railroad Square National Railroad District. The DeTurk Winery Village is listed as one of the building(s) located within this district. This District was

DEC 02 2016

COMMUNITY DEVELOPMENT
DEPARTMENT

considered a potential National Registry of Historic Places (National Register) district and was assigned to National Registry Category 4 indicating that it could become eligible in the future. In the current coding system, some contributing properties have been listed as 7N. (DeTurk Winery Village is included in this district). (From the Station Area Plan, cultural heritage study: It states "Furthermore, it was determined that eight buildings in the Santa Rosa North Railroad District that include 802 Donahue Street, 806 Donahue Street, 812 Donahue Street, 807 Ripley Street, 21 West Seventh Street, 625 Wilson Street, 717 Wilson Street (Pullman Loft Project), and 99 Sixth Street appear eligible for the NRHD as individual properties through survey evaluation". We raise this issue because we feel that the CHB and the DRB, when they asked us to consider the other Industrial Buildings in our District so we could incorporate elements from buildings in this district, was the direction we were given. You cannot consider this as to the WE when we are the only Industrial Building in the WE District. This is one of the many conflicting instructions we received by the Boards that impacted our design choices.

In 2005 the NRHD was deemed eligible by the State of California. The West End Historic District includes one industrial building, the DeTurk Winery Village. The original Round Barn, previously owned by the owners of the DeTurk Winery Village when built, was constructed for training of the DeTurk family horses. We are not aware of any other use for this building except for the current use of a local event facility and City Park. All other properties in the District are residential, with 10, of a few hundred homes, being shown on the National Registry due to their age of construction. None of these 10 homes, which are all one-story cottages, have a visual view of the DeTurk Village Winery, including its setback fourth floor. There is a new project that just recently approval by the DRB to build a 73-unit project just about 80 feet from our project. That project was approved at a height of 50 feet, which is nearly 10 feet higher than what we are proposing for our new additions, which in our opinion makes this issue even more confusing to us.

Findings from 2007 DRB/CHB final approval of the DeTurk Winery Village Tentative Map Hearing: (Still active)

1. Prior DRB and CHB hearing approval. The DRB and the CHB, in 2007, made the following statements about the prior approved tentative map

project, which as of this date is still active. This approval was in 2007. Also, a Negative Declaration was prepared and ratified for both this 2007 hearing but also on the re-zoning of the property to Housing. Note: This prior approved project was taller (42-foot-tall-2 to 3 feet higher than the current proposed project), had a larger elevation (More than 10% greater) massing than the current project. (This was achieved by lowering the building height and creating a 20-foot separation between "Building "D" elevation). The historic building remodel and repairs from our current project, as well as the 2007 tentative map project, are the exact same and in 2007 DRB and CHB approved these repairs. Also, even though the 2007 project had only 73 units approved in that project, these were mainly three bedroom townhomes. This bedroom count closely resembles the number of bedrooms being provided in our current proposed development.

The DRB and the CHB voted unanimous approval of that prior approved project and found;

- a. The project design and the preservation and rehabilitation of the Historic Design Winery Village elements, is consistent with the architectural character and defining elements of the West End Preservation District;
- b. The project is compatible with other structures and landmarks in the preservation district; and
- c. The proposed colors, textures, materials, fenestration, decorative features and details are compatible with the time-period of the original building's construction, and with nearby structures;
- d. The project will not destroy or adversely affect an important architectural feature or features;
- e. The project complies with the Secretary of Interior Standards for Rehabilitating Historic Buildings (1983 Revision); and
- f. The project complies with the Design Guidelines for Historic Properties Pages 40-42 that address design compatibility of new construction in a preservation District.

We raise this issue here since this project, a former active Tentative Map approved and Active project, could have been used or slightly modified to the new proposed development, which we tried to accomplish in our

original concept design project. However, these new Board(s), from our recent hearing, stated they wanted the project to reflect an industrial design concept, not the prior approved design concept. Redesigning this project, as we did as requested by these Boards, was costly and added at least six months of additional time to our processing. Our frustration is being asked to redesign our project in this manner, just to have these Boards turn down this proposed project. That is not only unfair, in our opinion is prejudicial to our rights. It, in our opinion, shows a flagrant disregard to our efforts to build housing in the Downtown area of Santa Rosa, as needed desperately by the City of Santa Rosa. It also ignores the 15 very low income units we are providing. The last three housing projects approved in the City of Santa Rosa provided no affordable housing, which in our opinion, provides additional support for our project approval. Putting conditions before us, just to establish a reason not to approve this project, seems to us irresponsible, especially when you consider that City Staff strongly favors this new project, so do the neighbors. Additionally, State Law, that mandates control over this project, due to the inclusion of Density Bonus concessions, further states that once the Density Bonus concessions are taken one of the other main benefits of this option is "Relaxed Building Design Standards", especially when it's needed to create housing in transit village areas. The Density Bonus guidelines, under State and local law states, A "concession" or incentive includes, "a reduction in site development standards, or a modification of zoning code or architectural design requirements, including reductions in otherwise mandated setbacks, square footage, height, and parking ratio requirements, resulting in identifiable, financially sufficient and actual cost reductions";

2. Concept Hearing and Preliminary Design Approval Hearings-Design issues. There were two concept hearing held on this project. The minutes of the March 3, 2016 concept hearing stated the following; "The applicant was encouraged, by the Boards, to lighten the feel of the residential units and simplify the design, to avoid creating a massive wall between east and west sides, and to revisit the building entry. The Board suggested looking at existing industrial buildings for context. The Design Review Board encouraged the applicant to bring an industrial character to the new buildings to celebrate the old while incorporating the new, and "let the

historic building be historic". This required a total redesign of the proposed project, which cost us another few hundred thousand dollars to accomplish. The applicant was encouraged seek design concepts for the new additions from elements found in the other historic buildings in the District. The applicant took that to mean the North Railroad District, which is the only historic district that contains industrial buildings, especially remaining from after the 1906 earthquake period. There were only 7 buildings that remained after the 1906 earthquake. Four of these were brick buildings and three of these are stone or block buildings. The elements we determined relevant were 1. Brick façade, 2. Industrial small pane black metal windows typical to industrial design, 3. Wrought iron railings, 4. Wood doors and shutters. We used these items in our re-design, which is what we were requested to accomplish from the Boards. The Boards specifically felt that trying to design our project, looking at the existing single family homes in the West End Historic District, should be discouraged. There were some additional individual comments from Board Members such as Anderson, "Broaden the interpretation of learning from industrial patterns-color accents such as the bright green door; or "Revisit the industrial style and consider other elements from the geographic area". And "Revisit" the industrial style and consider other elements from the Geographic area". Statements were made at this meeting by the Board praising the design changes we provided at the hearing, including providing elements that differentiate from the original historic building, a requirement of the Secretary of State Interior Standards. The neighbors strongly, in our opinion, supported the design of this project. We had numerous meeting with these neighbors during the Concept Hearing process. The neighbors were very favorable to the way we designed our deck system for the residential apartment units, which is a requirement of the code to provide. We could have stuck decks onto the building like virtually every other developer to save cost. However, we determined, and the neighbors supported, recessing the decks into the structure and adding closets from the deck for storage for things like bikes, etc. This allowed the project not to suffer from the typical problem of too much clutter on the deck that must be seen by the neighbors. The neighbors appreciated this amenity. It created eyes on the street with little obstruction to the WE neighbors. We also deemed this issue important since we believe any deck added to the wall is a safety problem with serious health and safety compromise, especially if the deck is not sealed and bolted properly.

In the second concept design meeting, we received many conflicting statements, mainly relating specifically to design issues. We again were encouraged to design this in an Industrial manner, using elements from other industrial and warehouse buildings in the "District", which we interpreted came from the recognition we were in the North Railroad District, especially since we are the only industrial building located in the West End Historic District. We have also been told by the Boards in the past, and by review of the Secretary of Interior Standards, that encouraged and recommended us to differentiate the new building from the Historic Building, not reproduce the Historic Building. The original historic Building, as stated in the Bloomfield and the Dan Peterson reports for these properties were 35-45 feet tall. Part of these walls were damaged after 1906 and the Owners plan to rebuild these parapet walls back to the original style and height, which is 5 feet higher than the walls of the new additions.

3. Preliminary Hearings-The First Preliminary hearing before the Boards was on October 2016. In the October hearing a comprehensive Historical Analysis was presented to the Boards from our well known and respected Historian, Susan Clark. That report clearly established that the historic buildings and the new additions were compatible and met the conditions of the Secretary of Interior, for such development projects, and established there was no "Adverse Impacts" created by this development. At that October hearing no Member of the CHB had a single question of our Historian, who attended the hearing to answer questions.

The last hearing on this project came on November 3, 2016. In this hearing, we did initially receive unanimous approval of the DRB on our design, but the CHB voted unanimously to reject the project, which forced both Boards to have to reject this project. There were certain statements, mainly by the CHB relating to their review that we adamantly disagree with. Three of the CHB Board Members stated they could not vote for approval of this project because of the height of the building, even though they were aware by statements from Staff, this was the purview of the Planning Commission. All three of those that spoke of the height of the buildings stated they resented being told they would need to let the Planning Commission make this decision. The CHB Members ignored the

fact that the total building height of the Historic Building varied but was at 45 feet for most of the wall structures currently. You cannot see this unless you step back from the street almost to Prince Street, $\frac{3}{4}$ of a block from the building. That's because the roof element is not visible from the street or from the round barn. Also-one of the CHB Members claimed that the building height for this property was limited to 3 stories. But that is not correct. Zoning code for TV-R zoning concerning height:

"4 stories, except for properties that abut residential and historic residential uses and zoning districts, maximum height shall transition down to a max. of 3 stories adjacent to the residential property. If the City wanted it to be 3 stories they would have stated this. The work "transition down" is recognized in every major City in California to allow for a top floor set back, which is a transition method. Also, there are four homes on Donahue Street. One of these homes is a small cottage that faces Decker Street and only the restroom window has a view of our property addition. The other three homes are on Donahue Street off 8th Street. Two of these homes are only a few years old and when built they did not have to go through any historic review by CHB and in fact are totally out of character to our Historic Building. One of these homes is also a small cottage that has been converted to a commercial building for a Massage studio.

All five of the CHB Board Members were told in the hearing that the applicant was taking a design standard concession, which these Board Members ignored since they felt that height was their purview, even though State Law states otherwise. A few of the CHB Board Members stated we did not address the relationship of the Round-barn which was confusing to us, especially since the Round barn was built after the DeTurk Winery and the original design was significantly modified to allow the rebuilding of that structure in 2014. This was never an industrial building, but a horse shelter for the DeTurk family. It is also difficult for us to understand how you relate our new addition to the Boards design directions, especially when you consider the Boards instructed us to design in an industrial manner while we look to elements from our Historic building and other Industrial Buildings in our District (North Railroad Historic District). In addition, in this Preliminary Design hearing, statements were made that we did not relate our designs for the new additions to the surrounding West End neighborhood. This was certainly difficult at best to accomplish when the

Boards instructed us to design the Buildings in an Industrial design character, using elements from our Historic Building, and other Industrial/Warehouse buildings in our District. Again, we related that to the North Railroad Historic District since the only Industrial Building in the WE district is the DeTurk Winery Building.

Lastly the CHB made statements about removing historic materials from the Historic building which they claimed we could not do. It appears the CHB did not read the totality of what we originally submitted to staff on this remodel. The Primary wall on Donahue Street was being repaired only, and any brick that was being removed was being replaced by doors and windows previously located in the original design of the building when built. That included rebuilding the parapet wall that fee in 106, which we planned to rebuilt to the original design concept. This included the windows and doors previously closed in the early period of 2000 when the buildings were brought up to seismic levels. We also planned to remove roll-up doors added about 15 years ago so we can repair the walls to the original design look. The changes we proposed for the Donahue Historic Building were in fact approved in 2007 by the CHB and DRB for the prior approved tentative map project and were deemed acceptable by those boards on a unanimous vote. This included all the changes that were approved to Building "B" in 2007 with a unanimous vote of both Boards. And, the changes to the secondary wall (Southern Wall), which is not seen from the street, once the project is built. We did propose raising the windows about 2 feet higher but we also included adding back the approximate 8 missing windows that were removed about 15 years ago when six roll-up doors were installed in the southern end of the Historic Building. The Secretary of Interior standards allow these changes to Secondary walls of a historic building, which is why the prior Board hearing on the 2007 tentative map project approved this change.

4. Discussion of State Law: Overturning DRB and CHB Denial Required Under California Density Bonus Law (Government Code Sections 65915- 65918) and Housing Accountability Act (Government Code Section 65580 – 65589.8)

The State of California has declared that the availability of housing is of vital statewide importance, and that attaining this goal requires the cooperation of local government and private builders to expand housing opportunities and accommodate the housing needs of Californians of all economic levels. Local governments have a responsibility to facilitate the development of housing to address regional housing needs, and must consider how their approval process affects the economics of proposed housing (Government Code Section 65580, et seq.)

The proposed project is meant to address a portion of the housing needs of the City, as expressed in the City General Plan and as stated in the City Station Area Plan (SAP). It contains 15 units for Very Low Income households, which qualifies the project for a density bonus under state law. As a critical part of its statewide housing program, the Legislature has enacted the Density Bonus law to "contribute significantly to the economic feasibility of lower income housing in proposed housing developments" (Government Code Section 65917).

The California Legislature, in its passage of an amendment to the Density Bonus Law last year (AB 744), found that (1) the cost of building affordable housing in California is expensive due to local opposition, changes imposed by local design and review, and requirements for on-site parking and (2) minimum parking requirements are often excessive given infill development characteristics, especially infill near transportation and pedestrian amenities. The legislature further determined that reducing parking requirements in infill development would (i) lead to the production of more housing, and specifically, more affordable housing, (ii) help decrease dependence on cars and demand for parking, (iii) be consistent with AB 32 and SB 375, regarding state policy to promote transit-oriented infill development to reduce greenhouse gas emissions and (iv) reduce the effects long observed resulting from excessive parking requirements in transit-oriented, infill areas that reduce the viability of transit by limiting the number of households or workers that can live near transit, increasing walking distances, and degrading the pedestrian environment. As articulated in the SAP, it appears consistent with the aforementioned goals of the California Legislature, however,

denial of the Project would be inconsistent with both the SAP and such findings of the CA Legislature.

Under California Government Code Section 65915, when a development proposes to include the construction of 11% of its units to be rent restricted to be affordable to Very Low Income households, a city is *required* to provide a density bonus of 35% and two concessions. To ensure that the density bonus can be achieved, Section 65915(e) provides that a city may not apply any development standard that will physically preclude construction of a development with the densities and concessions allowed by the Density Bonus Law. Section 65915(o)(1) specifically provides that reductions in height and parking ratio standards must be provided to avoid physically precluding construction of a development in compliance with the state law.

The California Density Bonus Law and Housing Accountability Act are both applicable because the Project provides at least 11% of its units for Very Low Income Households. The DRB/CHB Denial must be overturned because it violates multiple provisions of the Density Bonus Law and Housing Accountability Act, as confirmed below. The parking and height adjustments sought are necessary to avoid physically precluding construction of the Project, and therefore must be provided.

Below please find a brief analysis of the California Density Bonus Law as applicable to the Project.

- A. Section 65915(b)(1) and fb(Z)- Provides basis for application of the Density Bonus Law.

Analysis:

The Project is zoned for 40 density units without the application of the Density Bonus Law. Per the law, if 15 units are built to be rent restricted for Very Low Income Households, then the Project is entitled to a 35% density bonus and subject to other protections of the law.

Section 65915(e) • "(1) In no case may a city or county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section and may request a meeting with the city, county or city and county...Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific adverse impact as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact".

Note: "Specific adverse impact" comes from the Housing Accountability Act, specifically, "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date of the application was deemed complete". Further the findings would need to address, "a "specific adverse impact" upon health and safety or the physical environment that cannot be mitigated without rendering the development unaffordable to low- and moderate income households". The DRB and CHB were highly supportive of our designs, which can be observed by the unanimous approval of the DRB for approval of this project, but still was rejected once the CHB stated they could not approve this project if the fourth floor was not removed. Even though this issue was explained by staff to come under the purview of the Planning Commission at least two CHB Members stated they would have to withdraw from the Board if they could not vote on this restriction, a clear violation of both City and State law on this issue. The fact that this new project was 2-3 feet lower in height of the prior tentative map project, was more than 10% smaller in massing as well, contained only 6 additional parking spaces than what has been

approved for this current project, makes it difficult to us to understand the rationale of the Boards. It is further interesting to point out that our new additions adjacent to the historic building are lower than a large portion of the original historic building parapet walls, that are being repaired under our development profile and we are about 10 feet lower in height than the adjacent Pullman Loft project, which is about 80 feet from our project. This Loft project was just increased in height on November 17, 2016 by the DRB. The length of this Loft project is about 750 feet long. In addition, this Loft project is located within the North Railroad District, and eligible district under the California Registry, but received no CHB review.

Analysis:

As previously indicated, it would be physically impossible to build the Project at the State mandated density without both a height and parking adjustment. Therefore, we hereby once again request such adjustments as originally requested about the Project's application. The analysis of the Project is relatively straight forward due to the unique site characteristics and existing building characteristics, the development standards that must be waived (to accommodate a development complying with the Density Bonus Law) expressly include height and parking ratio adjustments.

Section 65589.5(d)(2) provides as follows: "a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety."

Analysis:

a. It is possible for a city to deny reduction in development standards, however, the necessary conditions have not been, and cannot possibly be, satisfied.

b. The city failed to provide ANY "specific, "adverse impact" in accordance with the foregoing definition. This provision requires "objective" and "written", "public health or safety" standards in place "on the date the application was deemed complete".

c. The definition of "specific, adverse impact" expressly states "inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety".

d. Almost all reasons cited for denying the project are based on zoning regulations, and would wherefore Not constitute public health or safety. This provision is very clear and does not mean that inconsistency with zoning shall not "necessarily" constitute a specific, adverse impact upon public health and safety (i.e. it could possibly constitute a specific, adverse impact). It means that such inconsistency is NOT a specific, adverse impact on public health and safety. I.e. zoning issues are not eligible to be considered adequate grounds for denial.

e. Even if the City had properly found a public health and safety reason to deny the project, the City further failed to perform the second part of the required analysis, notably "*and* for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low & moderate income households."(Note-1)

f. When the City passed the Station Area Plan (SAP), it required a finding that it would be in the best interest of the City's health, safety and general welfare to consider /promote parking and height concessions in this area. The Denial requires a finding that, not only are such concessions inappropriate, but such concessions are

detrimental to the health and safety of its citizens (i.e. the exact opposite finding). Our project meets the conditions of the SAP, as reflected by staff in their consistency report on this project.

g. Please also be aware that the DRB/CHB's analysis was backwards regarding whether there was a specific, adverse impact on public health and safety posed by the Project. After all, DRB/CHB had spoken and some had indicated that they could not support the project (because, for example, too tall, which they stated was "inconsistent with the neighborhood", it didn't comply with their subjectively interpreted "spirit of the law"), the DRB/CHB then tried to establish why this could arguably be detrimental to public health and safety. This analysis occurred backwards with State law being an afterthought.

Note 1/ Financial Analysis: If the proposed development removed the fourth floor of the buildings there would be a loss of 55 units, which would bring the total unit count to about 130 units, less than the maximum density required in this zoning classification. It would eliminate Density Bonus; it would eliminate all 15 very low income units and it would increase the parking requirement by more than 100 additional cars needed since AB744 parking reduction would no longer become available.

B. Section 65915(d)(1) - A City may only deny concessions with findings like those required under Section 65915(e)(1). For the reasons outlined above, the City has failed to make the findings required to deny the request for height concession.

C. Section 65589.5(d) - Under the Housing Accountability Act, the City may not deny a Project for very low income households unless findings like those required under Section 65915(e)(1) have been provided. For the reasons outlined above, the City has failed to make the findings required to deny the Project under the Housing Accountability Act.

d. Requirements of written "findings" required by opposing governmental agency: Written findings showing "The concession or incentive is not

required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision; or The concession or incentive would have a "specific adverse impact", as defined in paragraph (2) (Note 2) of subdivision (d) of Section 65589.5,(a) upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or The concession or incentive is contrary to state or federal law. Neither the DRB nor CHB in the Preliminary approval Hearing provided any written findings as required by State Law. In fact, the only housing being built within the Historic Buildings were the same as designed and approved by the former DRB/CHB Boards for the 2007 tentative map approval hearings, which received unanimous support from the Boards and the neighborhood.

(Note 2): Paragraph (2) of subdivision (d) of §65589.5 states: "[A] 'specific, adverse impact' means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete." (b)This requirement is in §65915(d)(3).

DRB/CHB incorrectly interpreted the language precluding concessions for building height and parking adjustments, which is in the purview of the Planning Commission, not the DRB/CHB, as staff instructed these Boards prior to the hearing. In spite of this instruction from staff, these Boards ignored this instruction, which became a part of their reason for rejecting this project. However, the DRB and the CHB provided no required "FINDINGS" for these concessions. Also, the DRB and CHB accepted Section 6. Of the Resolution of the Cultural Heritage and the Design Review Board for the DeTurk Winery Village, ("The proposed project will not be detrimental to the public health, safety and welfare or materially injurious to the properties in the vicinity in that the project was reviewed by requisite City Staff and conditioned appropriately"). This provision further relates to State Law conditions for a requirement relating to Density Bonus concessions.

As indicated herein, the parking and height standard reductions are consistent with the SAP and the Density Bonus regulations and are separately required by state law.

1. Shared Parking Reduction. Parking is provided as shown on the Traffic and Parking analysis provided by W-Trans, the Companies traffic consultant. Parking under Density Bonus regulations were taken based on this project is located within ½ mile of the Railroad Smart station, which developments receive a parking reduction based on AB744.

2. Mixed-Use Parking Reduction. By approving an administrative use permit, the Planning director may reduce the parking requirement for projects that share parking by up to twenty-five (25%) percent, in addition to the shared parking reduction, for a total maximum parking reduction, as shown on the W-Trans report upon finding that the times of maximum parking demand from various uses will not coincide."

3. The current project provides 175 parking spaces, which is 6 more than the prior approved tentative map development from 2007.

Recent Appeal Hearing San Luis Obispo on same issues as rejected in our project.

We have forwarded to City staff a recent "Appeal Reversal" by the council of the City of San Luis Obispo. The significance of this appeal relates to the facts that their project, and our project, (Both) were rejected for the same issues.

1. Both projects sought a 35% Density Bonus increase by supplying 11% very low income as part of the project.
2. Both projects took the Parking reduction offered under AD 744 for projects located within a half mile from a transit facility.

3. Both projects asked for a height concession and both providing a fourth-floor addition. However, our proposed project alone offered and provided a 12-15 foot fourth floor setback.
4. Both projects were in historic downtown neighborhoods surrounded by low commercial buildings and single family homes.
5. Both projects provide high Density infill housing and mixed use options, and both will set the tone for future projects in the Downtown area of their community, which help set the tone of future development.

In the San Luis Obispo project the City Council reversed the rejection of their project and approved this project. We raise this issue since its becoming clear throughout California, especially with the urgent need for housing and especially affordable housing, it is being recognized by these cities that approval of these projects is critical to meeting the housing needs within their cities. In the SAP area, nearly all locations for possible future housing opportunities are in Historic Districts surrounded by housing and communities, who would rather see new housing in locations other than their own neighborhood. In fact, one "opportunity site" identified in the SAP was the Western Farm property, which we have the option to purchase. This was anticipated by us for future housing needs of the City. But the reality facing the City and the entire Santa Rosa community is housing is needed and being within a half mile from the new passenger train is the most advantageous location for such construction of new projects.

In addition to the reversal of the San Luis Obispo Appeal, on the same reasons raised by the DRB/CHB for our project, there have been more than four litigations filed to the State Court on these Bonus Density issues. San Francisco was one of these cities. San Francisco has elected not to fight this litigation, and instead increased by three additional floors the maximum height of buildings in their downtown area, to meet required State Law housing needs. The other Cities litigations were resolved in the favor of the Plaintiff's, (applicants), supporting the applicant's motions and one of these dropped the suit to mitigate their extensive legal fees mitigating this matter. We see no valid reason why the City of Santa Rosa

would not and should not embrace the DeTurk Winery Village project, as submitted for Final Design approval. This will be the largest accumulation of housing that can be built in 2017, if approved, in Downtown Santa Rosa. Especially affordable housing, in a City that has a severe shortage of housing needed under State Law. The DeTurk project is currently surrounded on three sides by industrial projects that will offer the ability to add more housing for the future. One side of the building faces the railroad tracks and the fourth side does face the houses in the WE (Four homes only across from the building about 100 ft. from the building). There is a Round-Barn and City Park buffering the Historic Building from the neighborhood then about 250-300 feet away are additional homes. Many these homes were built around 1998. No historic review was done on that subdivision and our Historic Building was ignored, as to design consideration when these units were built. The Round Barn and the City Park provide a significant buffer between the WE homes and the DeTurk Winery Village project.

Susan Clark-Our Historian for this project. Susan Clark, who was one of our Historian's in 2007 was also our Historian for this new proposed development. Susan has 35 years of experience in this industry and is considered by everyone in her field as being one of the most qualified historian within the entire Sonoma County and Santa Rosa area. She has developed many publication and historic reviews throughout her many years as a Registered Historian. She was involved in the creation of the West End Historic District and the North Railroad Historic District. Ms. Clark has provided an extensive Historic review of the DeTurk Winery Review. In 2007 she was praised at the CHB in the Final Design Review hearing for the earlier hearing. I have previously spoken to Stacy DeShazo, who is the Chairwoman for the CHB. She provided me with a list of exceptional Historians but she noted if we could retain Susan Clark again for the new proposed project that would be the best alternative for us. She praised Susan Clark and stated we could not find a better Historian for this project especially based on her prior work done on this project in 2007.

Ms. Clark has submitted an extensive Historical analysis for this proposed project, including recent updates to her report. Her conclusions were there is no "Adverse Impact" on the adjacent Historic Building or for the

neighborhood, including the Round barn. Her report states that the new additions compliment and are consistent with the Historic Building, including when reviewed with the fourth floor included. Nothing in her report would or should give anyone concern about both the new additions adjacent to the Historic Building or as to address directly the Historic Building. Most significant in her report is her statement, "The project as proposed is consistent with the Secretary of the Interior's Standards and will not "adversely affect" or "decrease the significance" of the Historic DeTurk Winery". She further stated, "the proposed alterations to the Winery is compatible in height with the historic Winery's and the nearby Bonded Warehouse". A thorough review of her reports, clearly show that this proposed project meets the standards of the Secretary of Interior Guidelines, and fits into the neighborhood, which is what was determined accurate by the DRB and CHB in the 2007 approval. It's also important to remember it was the DRB who unanimously supported approval in the Preliminary Design Hearing recently for this project.

We therefore request the City Council to reverse the DRB and CRB rejection and approve this project, with a final Design Review approval, so that this project can proceed to Planning Commission as to Density Bonus approval. The rejection of this project will have significant impact on the development of the Downtown area, especially since we are only 800 feet from the Smart Train Terminal. This project will help set the standards for future development, especially since almost all the potential housing options Downtown are in Historic neighborhoods.

Thanks, Richard Deringer Applicant.

DeTurk Village-Neighborhood Site

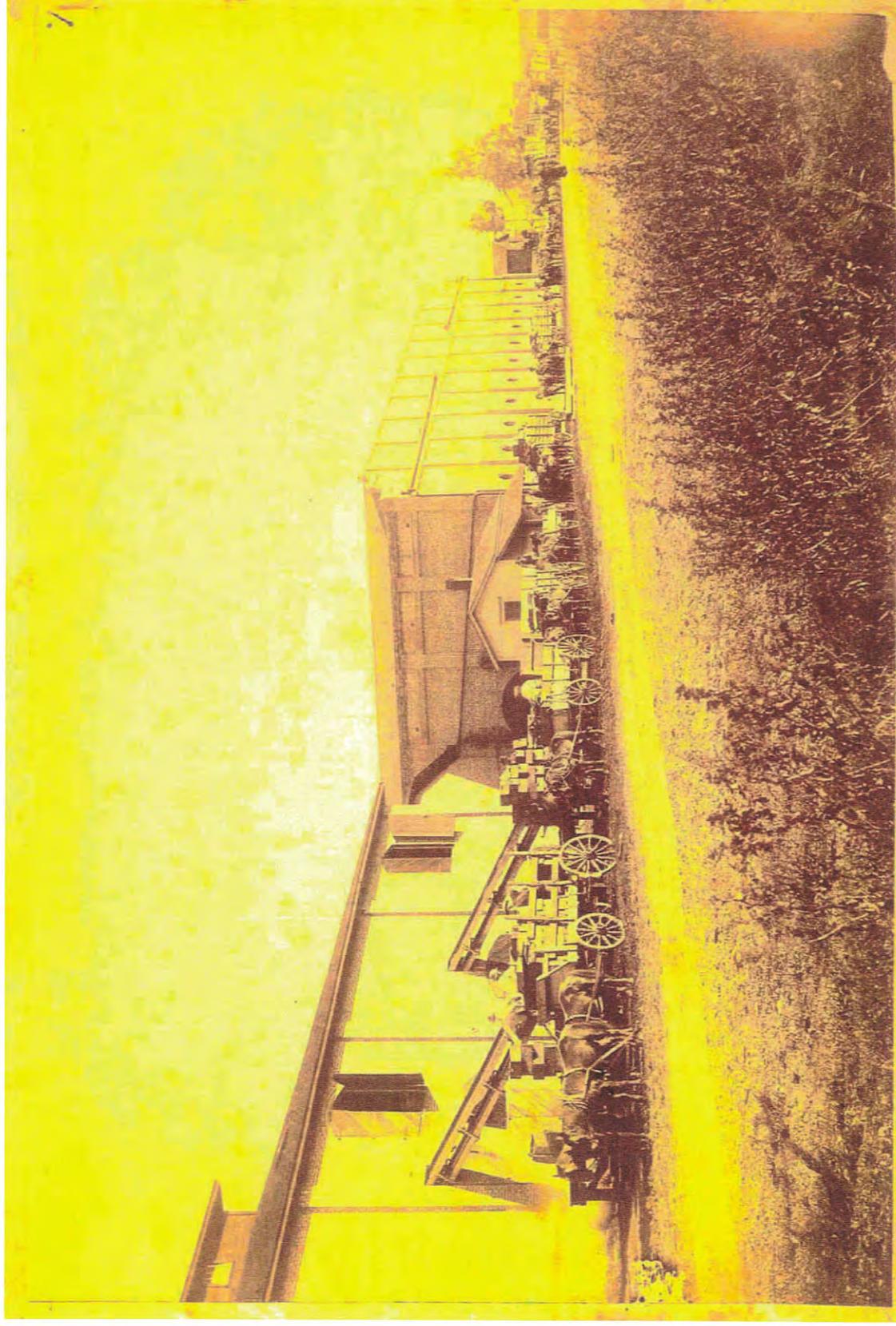
Aerial



Historic Review

- About 1870 the DeTurk family acquired the DeTurk Winery and Round-Barn property. Years later these buildings were sold to the Grace Brother Company. From 1875 forward the various DeTurk Winery Buildings were built, including some buildings that were removed back in 1906. These buildings predated all of the housing in the West End neighborhood. The Sanborn maps from 1893 show the DeTurk Winery Building and the Round Barn. There were a very few homes, at that time, in 1893, per the Sanborn map, and these were mainly removed and replaced with newer homes, especially to accommodate lot line changes during that period. Starting in 1940 forward there were new homes built in the area. Of the three homes across from the DeTurk Winery Building one home was built in the 1940 period, another small house was built in the 1959 period and one home was built about 20 years ago. There is a Round Barn and Park and at Prince Street around 250-300 feet from the DeTurk project was build in the late 1990 period. In 1906, after the earthquake, in which DeTurk Winery survived, there was substantial repairs on the buildings, mainly relating to brick replacement. During the earthquake the parapets of a portion of the historic building fee and was not replaced in full, which the Owner now is requesting be repaired and replaced. The original building heights ranged from 35-45 feet high, per submitted Historic Resources Inventory from the State Registry.

Original DeTurk Winery Building-Owner plans to restore, repair and Rehabilitate the original historic building. Repair of the brick façade has been an ongoing effort by the owner as to repairing damaged brick and mortar to maintain the integrity of the buildings elevation.

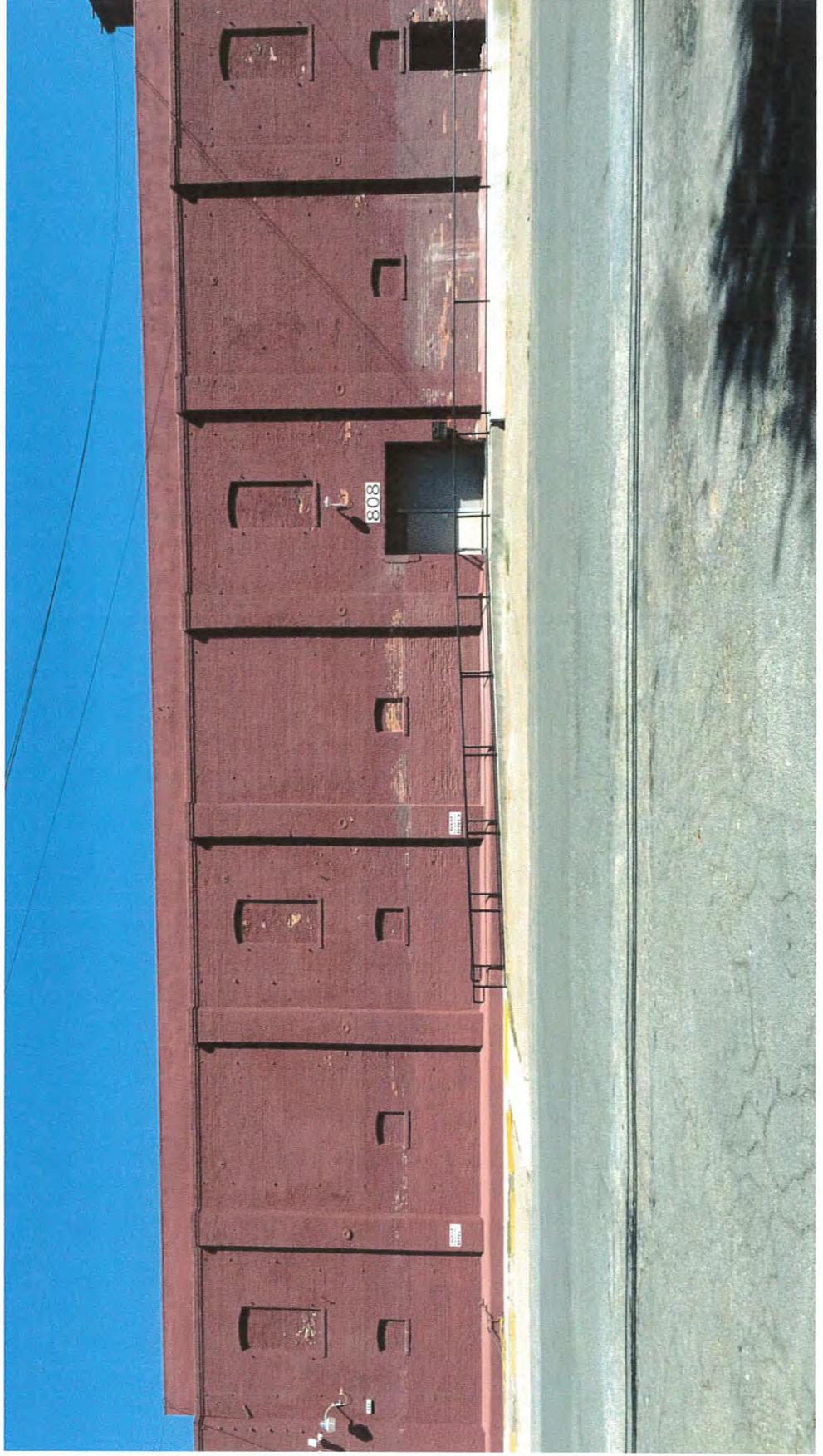


Original Building from 1875 shows roof structure and mechanical room with 45 ft. height. Set back 15 feet from east and west exterior walls. The Tower and some buildings were destroyed in 1906 earthquake.

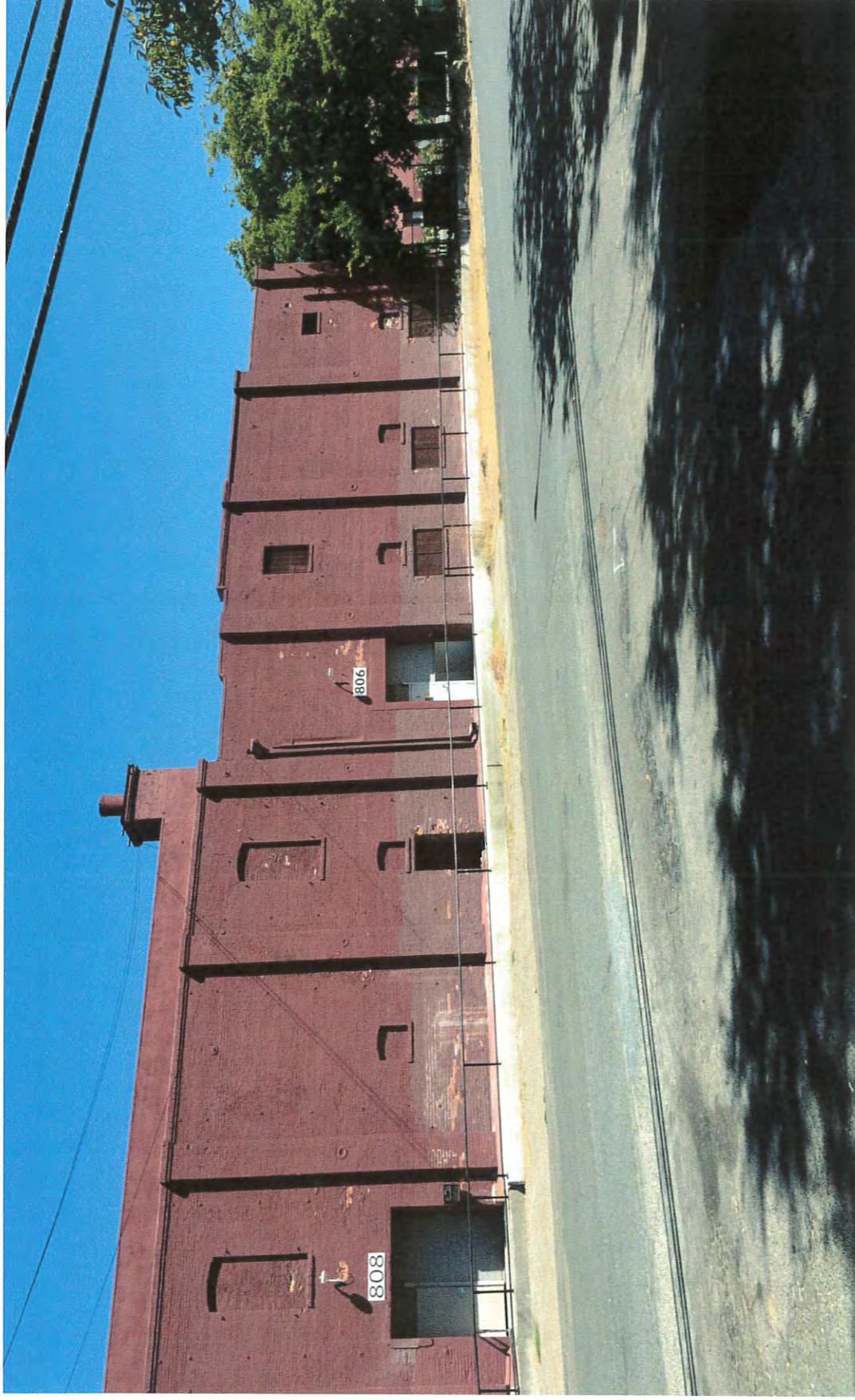


Owner is planning to open all closed windows on the front (Donahue)-Primary wall of historic building. These windows were bricked up during earthquake retrofit on or about 2,000. The height of this building is approximately 35 feet, however about 5 feet of Parapet was destroyed in prior earthquake period. Owner plans to rebuild this parapet to restore to original building period. Part of this parapet remains today.

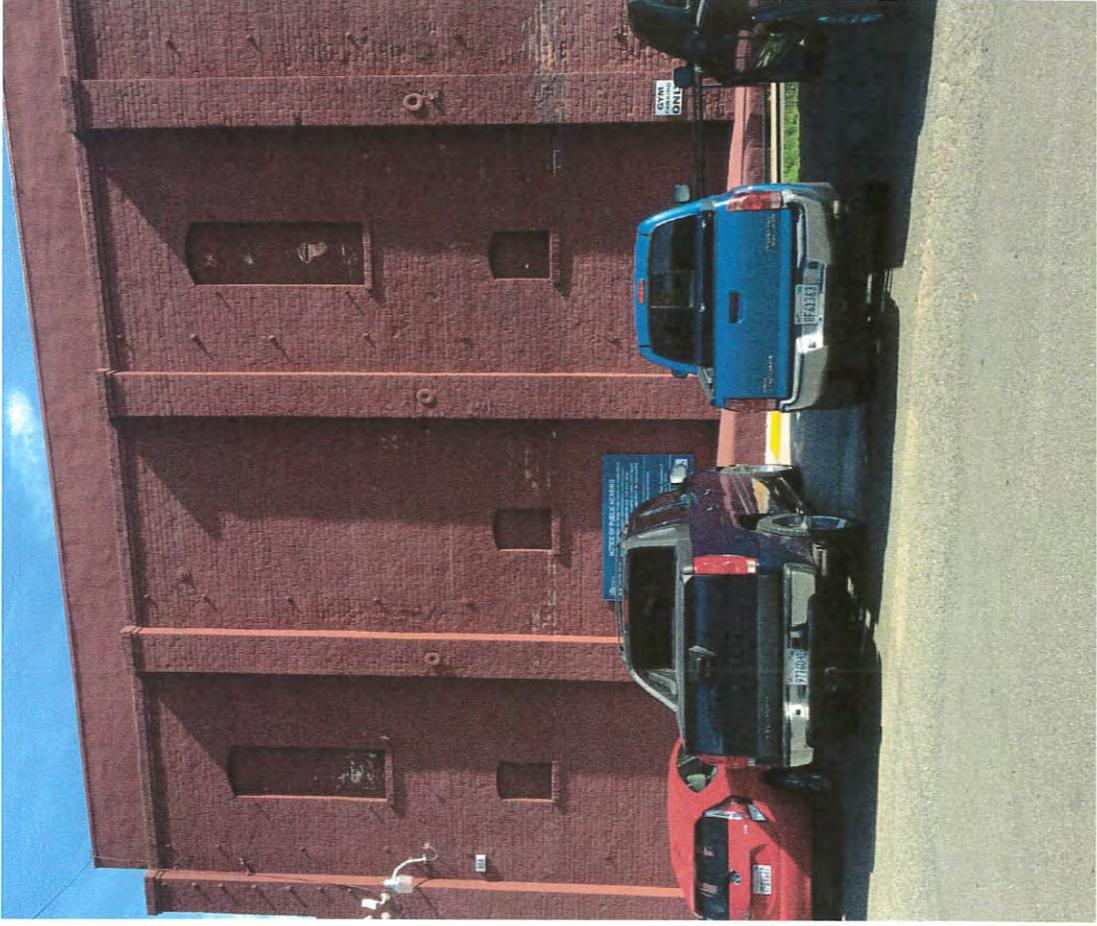
Wood shutters, which were on the building will be added back to conform to the original history of the building. There are 15 rollup doors that were added to this building and they will all be removed and these openings will be restored.



Window and doors will be restored, including removing brick that was added into the windows for structural work, adding back the original shutters and rebuilding the parapet to original. Roll-up doors will be removed and the openings will be restored by adding original wooden doors with brick insertion. The three bottom windows, which originally were doors, will be restored.



Up-close view of Donahue Primary wall.



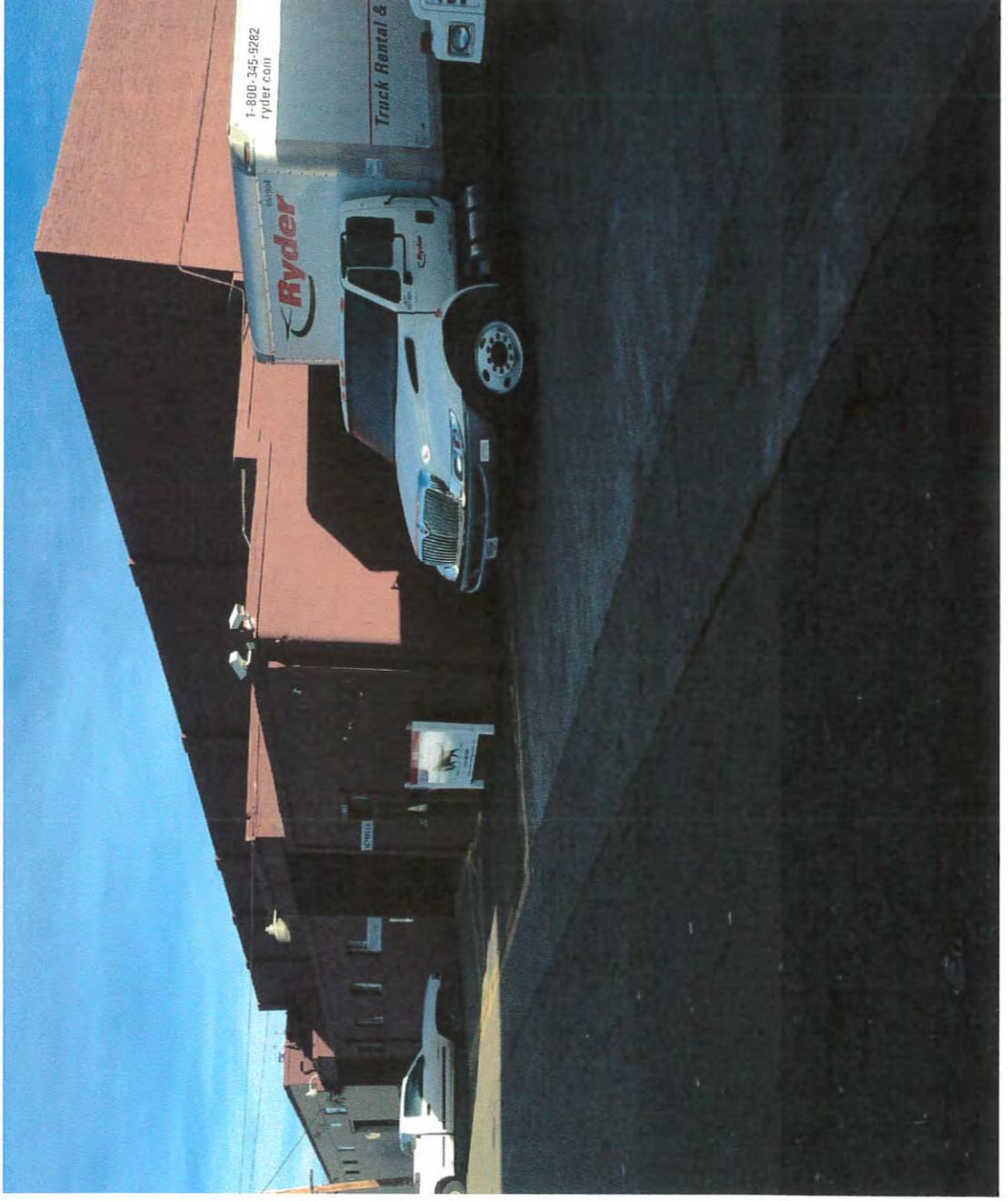
Owner has implemented a maintenance of the existing brick wall by removing paint, replacing damaged brick and repairing grout joint (re-pointing) before repainting the repaired brick.



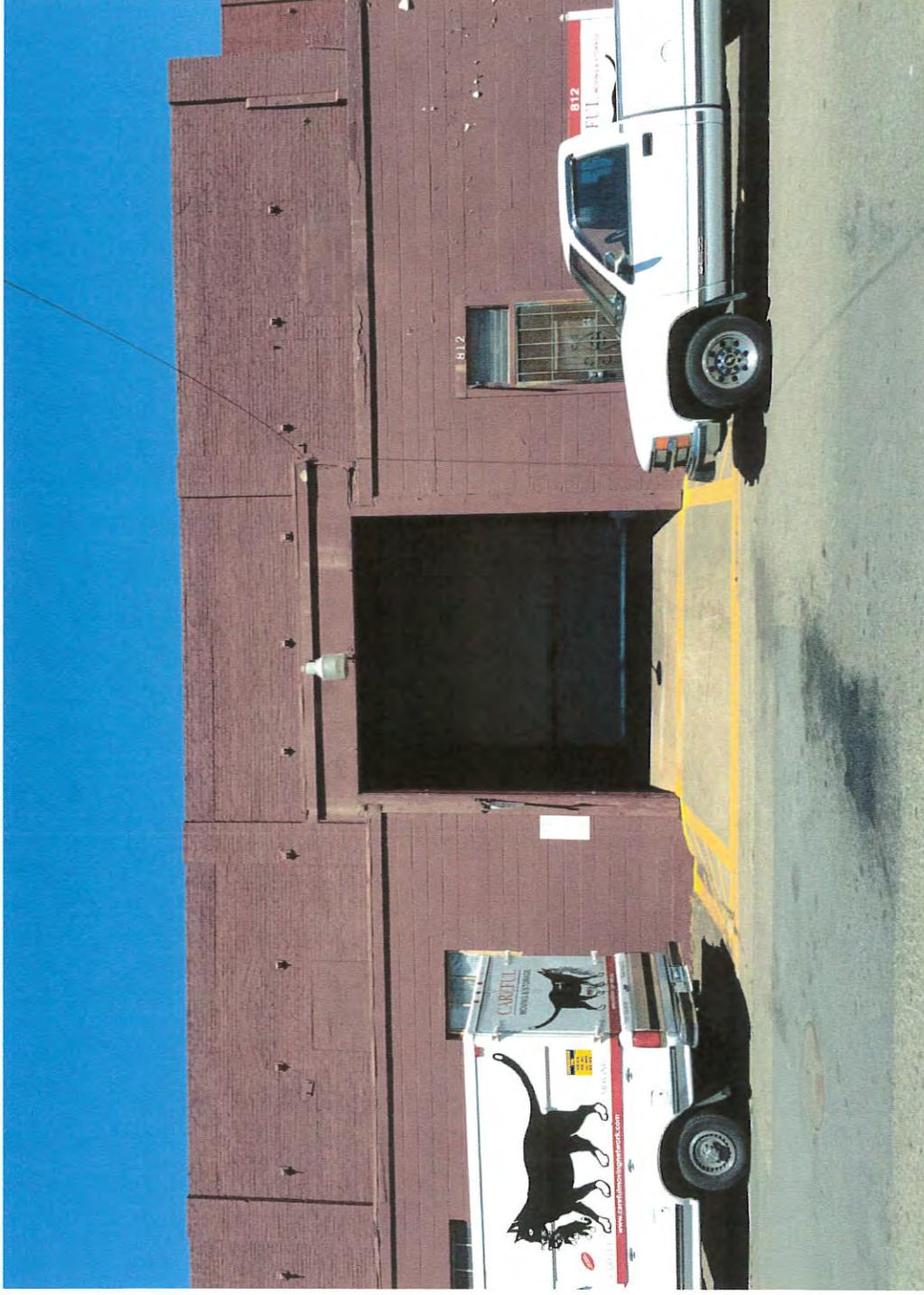
MAINTENANCE WORK

- Brick maintenance WILL BE HANDLED AS FOLLOWS:
(Ongoing process for the last ten years and will continue forward, which required daily review.
 1. Remove the existing paint on the building either by water blasting and from scraping with equipment that will minimize any damage to the brick.
 2. Remove damaged grout (re-pointing) due to weathering damage. Replace with new grout.
 3. Replace damaged brick, as needed with new brick of similar shape and design to be consistent with the existing brick currently on the building.
 4. Before re-painting the repaired area's clear bonding liquid will be placed on the repaired brick to help seal the brick and allow the new paint to bond properly to the brick area.
 5. Paint the repaired brick area (Red paint) to match the color and quality of the existing brick area.

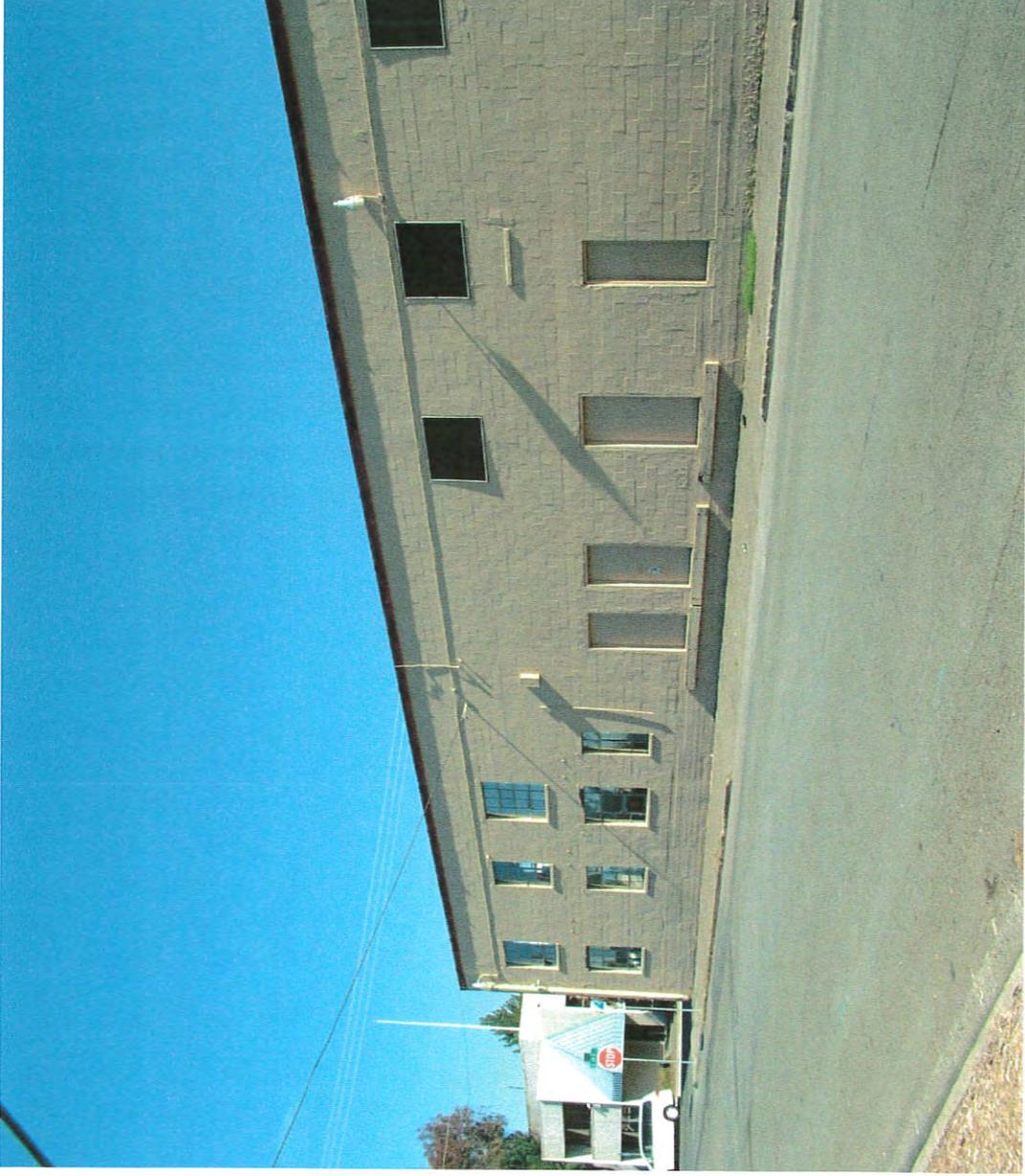
The area where a block wall was added in the 1960 period will be removed to expose the original historic building. Original windows and doors behind this block extension will be restored including adding back the original wood shutters. 9th Street Block Building will be removed and replaced with a new building 40 foot high.



Block addition to be removed and the original building behind this wall will be replaced by opening existing closed window and door openings. Wood shutters which were a defining element of the original building will be added back.



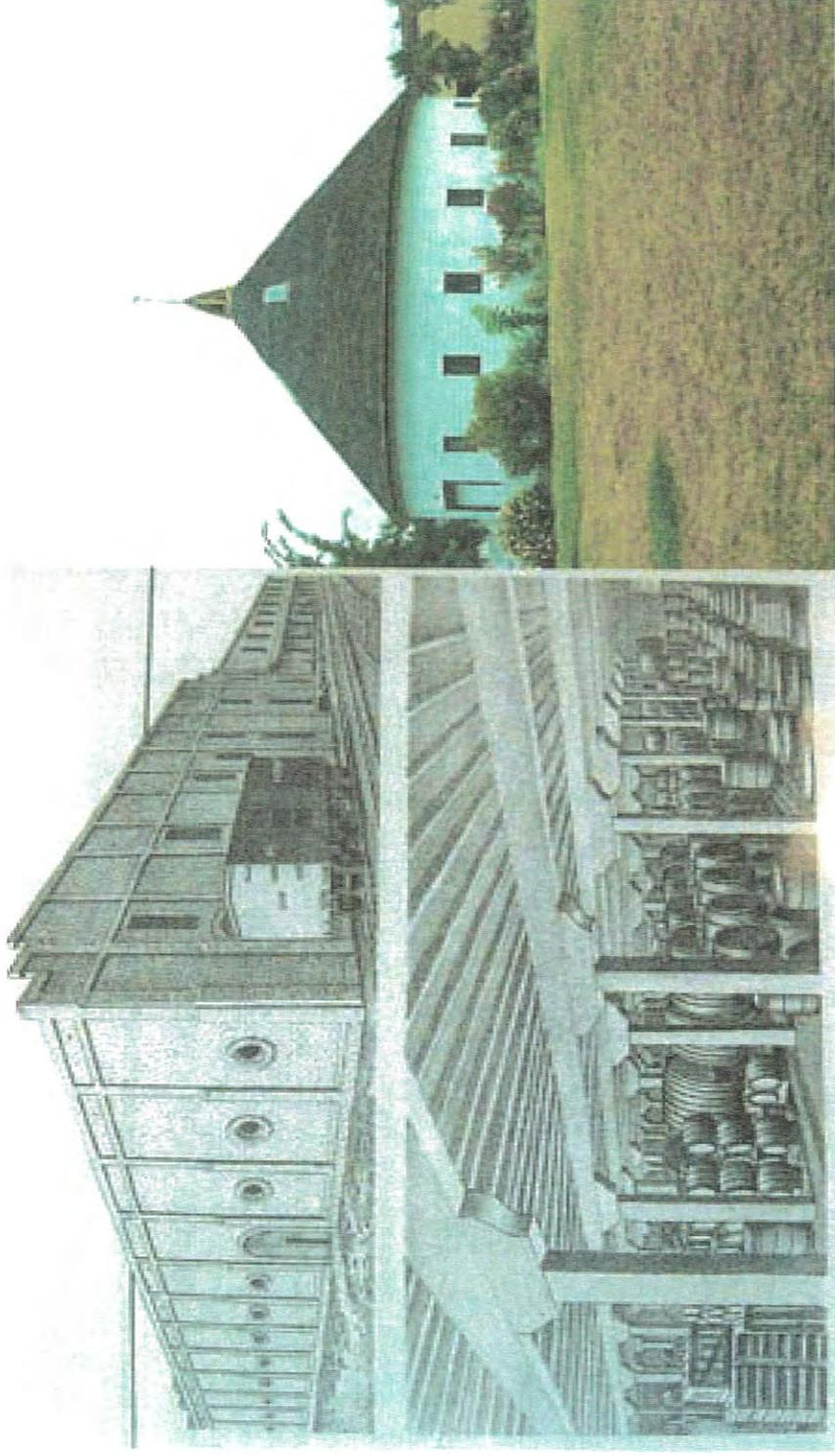
The 9th Street Block Building will be removed and replaced with a new Building.



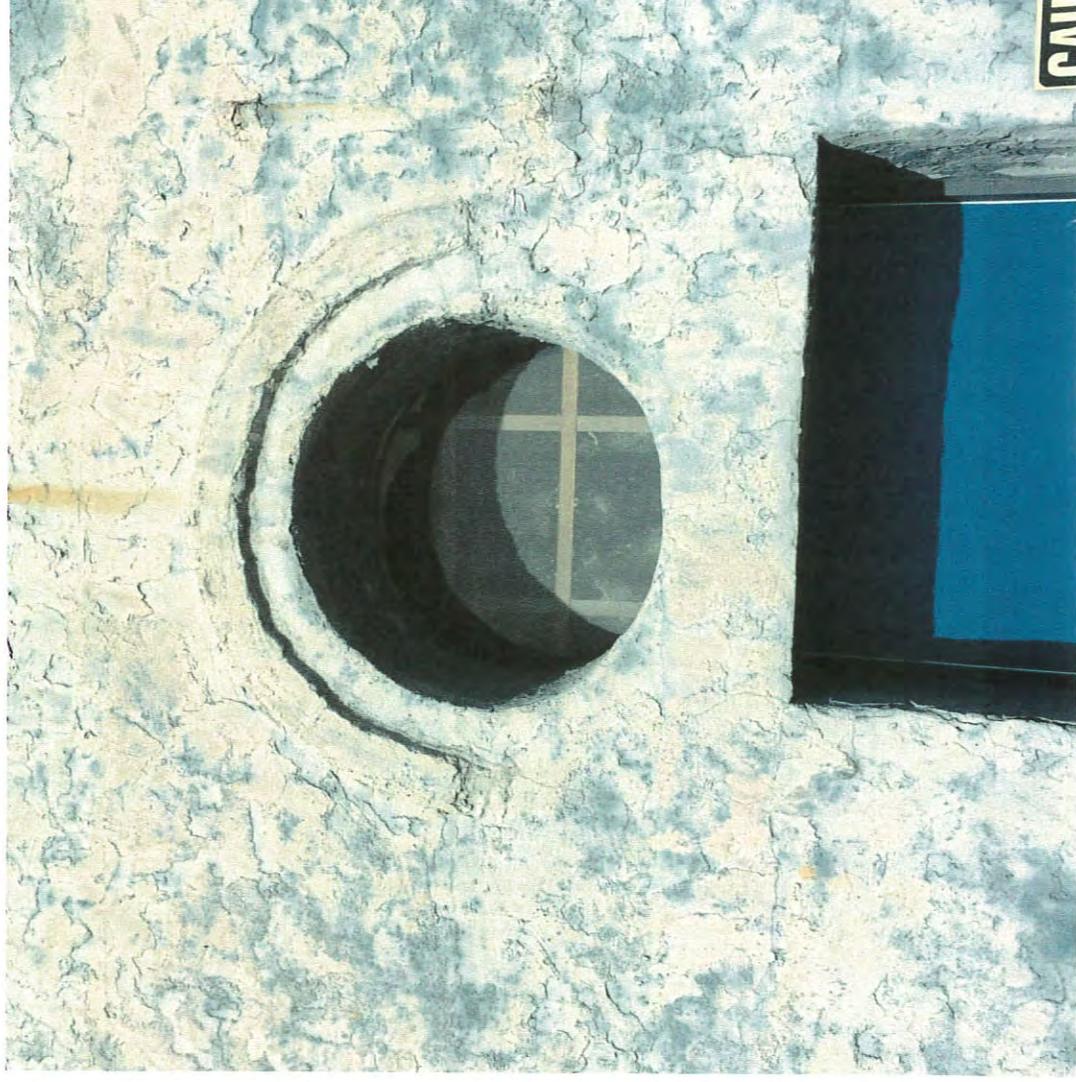
The Norther Wall, the Secondary wall as outlined in the Secretary of Interior guidelines, will be restored by removing all but one rollup door and filling in with brick and then replacing the original round windows (6 replaced missing window) as original shown on the historic picture of the building. The Blue stucco will be removed. Owner plans to raise the round windows about 2 feet from existing height to allow for better visibility.



Original North side of the historic Building. Replacing round window and removing all but one rollup door. Filling in these doors with brick and a wooden door similar to the original doors.



North wall round windows. These are openings with plastic behind the opening, which was not original. These will be restored and replaced by round window glass treatment.



Building "B" Primary wall-Roll up doors, which is an add-on will be removed and replaced with new opening and addition of brick to bring this wall back to its original look.



Building "B" currently has doors around the existing building that has been filled in with block and or brick. These doors will be restored by removing this block or brick in the openings. The North and South walls of this Building "B" are secondary and not visible from Donahue. The doors and windows shown on the architectural designs for the building will be added, consistent with the prior approved project.



Building "B" walls in the interior that will be opened and replaced with matching brick and doors as shown on architectural drawings.



Opening of Building "B" showing the area that was original. These area's were filled in with block and brick and will be restored per drawings.



There are two homes located across from Building "A" and one home across from Building "D", which home faces the side street, not Donahue Street. There is a Park and the Round-Barn across from the existing historic building but most of these homes are about 300 feet from the historic building. The Park creates a buffer. These homes were built in the 1990 period.



One of two homes on 8th Street facing the historic Building.



Second home on 8th Street facing the historic building and Building “A”. This building is being used as a commercial use.



Roof Parapet and Mechanical Room-45 ft. tall-Runs the entire roof area w/multiple mechanical rooms, East to West, and sets back from front parapet by about 15 feet.



Santa Rosa 1875 Year DeTurk Built-Shows project location and neighborhood

