

RESOLUTION NO. 28391

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA UPHOLDING THE APPEAL AND DIRECTING THE COMMUNITY DEVELOPMENT DEPARTMENT TO APPROVE A UTILITY CERTIFICATE FOR WATER SERVICE FOR THE PASEO VISTA RESIDENTIAL PROJECT WITH A WAIVER OF THE LANDSCAPE PLANTER STRIP REQUIREMENT FOR ALL OF THE PUBLIC STREETS FOR THE PROJECT LOCATED AT 1960, 2000, AND 2290 DUTTON AVENUE, SANTA ROSA; ASSESSOR'S PARCEL NOS. 125-501-015, 125-501-007, 043-041-001, AND 043-041-046

WHEREAS, on May 14, 2013, Michael Gasparini and Allan Henderson (developer) submitted an application for a Utility Certificate to provide water service to a proposed new 167 unit development located on a 12.46 acre site in unincorporated Sonoma County on the east side of Dutton Avenue approximately 640 feet north of Hearn Avenue (1960, 2000, and 2290 Dutton Avenue); and

WHEREAS, the Community Development Department reviewed the proposed Utility Certificate for Paseo Vista and Council Policy 300-02, Utility Certificates for the Extension of Water or Sewer Service to Unincorporated Areas, to determine if a Utility Certificate for City water service could be extended to the site to serve the proposed new development; and

WHEREAS, on September 19, 2013, the Community Development Department, after due consideration, investigation and study made findings and determinations denying the requested Utility Certificate based on plans dated August 2013 and date stamped November 14, 2013 because the project design was found to be inconsistent with City design standards, specifically:

- a. The sidewalks do not meet minimum width public improvement standards. Sidewalks are expected to be at least six feet wide. The project proposes sidewalks that are five feet wide.
- b. The project proposes 10 new public streets that do not include planter strips as required by City public improvement standards. The project also does not incorporate planter strips on Dutton Avenue. The lack of planter strips is inconsistent with the Design Guidelines and with the City's public improvement standards.
- c. Parking is proposed in front of fire hydrants and blocking sight distance.
- d. The unusual "bulb out planters" interspersed on various streets reduce the width of the travel lanes below 20 feet, which is unacceptable to the Fire Department. In certain locations, the project proposes 18 feet between curbs; in other locations, the reduction below 20 feet in width is due to proposed on-street parking in front of homes.
- e. The project cannot be conditioned to meet City design standards because the

discrepancy between the project and the City's standards is too great. Redesign of the project is required in order to bring it into conformance with the City's design standards.

WHEREAS, on September 30, 2013, the applicant filed an appeal of the Director's decision stating that all elements for the basis of denial can be resolved with minor design adjustments, with the exception of providing landscape planter strips; and

WHEREAS, on December 3, 2013, the Council held a public hearing and considered the appeal of the Director's decision to deny a Utility Certificate for Paseo Vista, including the staff report and its attachments, the applicant's appeal grounds, and City Council Policy 300-02, Utility Certificates for the Extension of Water or Sewer Service to Unincorporated Areas; and

WHEREAS, Sonoma County Permit and Resource Management staff indicated that 32 of the new residential units would be restricted for use as affordable housing by way of a regulatory agreement with the County of Sonoma, and the remaining units would be unrestricted; and

WHEREAS, said Council, after due consideration, investigation and study, and after due consideration of all evidence and reports offered at said meeting, does find and determine the following:

- A. While the project design is inconsistent with City design standards including the Design Guidelines and public improvement standards, it will provide affordable housing units for low income individuals.
- B. The Council grants a waiver of the public improvement standards and design guidelines that require planter strips along public streets for the development.
- C. Developer agreed to make changes to the project to eliminate all other design issues with minor changes to the plans dated August 2013.
- D. The project complies with the provisions of the California Environmental Quality Act in that the County of Sonoma adopted a Mitigated Negative Declaration for a similar version of the project on February 21, 2012. The City of Santa Rosa will rely on this CEQA document as part of taking final action on the Utility Certificate.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa based on and subject to the findings and determinations above hereby grants the appeal, overturning the Community Development Department's denial of a Utility Certificate for water service to Paseo Vista, a proposed new 167 unit development located on a 12.46 acre site in unincorporated Sonoma County on the east side of Dutton Avenue approximately 640 feet north of Hearn Avenue (1960, 2000, and 2290 Dutton Avenue), and directs the Community Development Department to approve a Utility Certificate with conditions of approval that reflect the Council's waiver of the landscape planter strips and design changes to address the denial

letter dated September 19, 2013 and such other conditions as appropriate.

IN COUNCIL DULY PASSED this 10th day of December, 2013.

AYES: (4) Council Members Carlstrom, Olivares, Ours, Wysocky

NOES: (3) Mayor Bartley, Vice Mayor Swinth, Council Member Combs

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney