

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: ADAM ROSS, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT
SUBJECT: APPEAL OF PLANNING COMMISSION DECISION FOR A
TENTATIVE MAP FOR THE BURBANK AVENUE SUBDIVISION,
LOCATED WITHIN THE ROSELAND PRIORITY DEVELOPMENT
AREA, TO SUBDIVIDE 14.25 ACRES OVER FOUR (4) LOTS
INTO 75 LOTS THAT WOULD ALLOW DEVELOPMENT OF 62
SINGLE-FAMILY LOTS, 12 DUETS, AND 64 MULTI-FAMILY
APARTMENTS LOCATED AT 1400 BURBANK AVENUE, SANTA
ROSA, CA 95407; ASSESSOR'S PARCEL NUMBERS 125-331-
003, 125-361-003, 125-361-006, 125-361-007; FILE NO. MAJ19-
003

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department and the Planning Commission that Council, by resolution, deny the appeal and approve the Tentative Map for the Burbank Avenue Subdivision, located within the Roseland Priority Development Area, to subdivide 14.25 acres over four (4) lots into 75 lots that would allow development of 62 single-family lots, 12 duets, and 64 multi-family apartments.

EXECUTIVE SUMMARY

The proposed development includes the subdivision of 14.25 acres over four (4) lots into 75 lots that would allow development of 62 single-family lots, 12 duets, and 64 multi-family apartments totaling 138 new housing units. The single-family homes and duets will be on individual lots and the multi-family apartments will be on one lot.

On February 13, 2020, the Planning Commission held a duly noticed public hearing where the Commission reviewed the Tentative Map (MAJ19-003) and received a presentation from Staff, a presentation from the applicant team, heard public comments, and made findings for the approval of the Major Subdivision Tentative Map. An appeal to the Commission's decision was filed by Mark Henry Parrish with the City Clerk's Office on February 24, 2020.

Staff is recommending that Council deny the appeal to allow approval of the Tentative Map for the Project based on the Planning Commission's approval on February 13, 2020, as well as the Project's compliance with Zoning Code requirements and consistency with the General Plan and Roseland Area/Sebastopol Road Specific Plan policies associated with land use compatibility, range of housing types, and proximity to services and amenities.

BACKGROUND

1. Project Description

The proposed development includes the subdivision of 14.25 acres over four (4) existing lots into 75 new lots. The single-family detached homes will be on lots 1 through 62 that are centrally and easterly located throughout the development. Lots 1 through 16 will abut the small lot subdivision to the east. The duplexes will be located on lots 63 through 74 on the northwest corner of the site-oriented north toward a new public road and served by two new auto courts. The multi-family apartment complex will be located on a 90,198 square-foot lot identified on the Tentative Map as Parcel 1, at the southwest corner of the subdivision. The single-family lots range in size with the smallest at 2,729 square feet, 8,517 square feet for the largest lot, and the average lot size of 4,687 square feet.

The site will take access from Burbank Avenue, via two new public roads. The roads will then connect to four internal public roads serving the single-family detached units and three private roads serving the multi-family apartment building.

The site is located within the Roseland Area/Sebastopol Road Specific Plan which outlines the need for a variety of housing types. Refer to the General Plan Analysis Section in this report for more information.

The original Project submittal dedicated the 64 multi-family units to very low-income residents and a State Density Bonus for potential Concessions. On January 21, 2020, prior to the first ZA public hearing, the affordable component was removed by the applicant. However, the Applicant has expressed their intent to still develop the multi-family component as fully affordable to low-income residents (See Attachment 23) and on February 11, 2020, Council approved, by Resolution, for the submittal of a joint application to the State of California Department of Housing and Community Development's Infill Infrastructure Grant Program with the Burbank Avenue Apartments.

The site is subject to the Resilient City Development Measures which allows a reduced review authority for small lot subdivisions within Priority Development Areas (PDA). Zoning Code Section 20-42.140(A)(D) requires the Minor Conditional Use Permit for a small lot subdivision be approved prior to approval of a Tentative Map. As such, the Zoning Administrator held a special meeting on

February 5, 2020, and considered and approved the Minor Conditional Use Permit (File No. CUP19-095) and Minor Design Review (DR19-054) for the Project.

An Appeal was filed for the Minor Conditional Use Permit and the Minor Design Review on February 18, 2020. The Minor Use Permit appeal hearing is will be reviewed by the Planning Commission and is scheduled for June 11, 2020, while the Minor Design Review Permit appeal hearing will be reviewed by the Design Review Board and is scheduled for June 4, 2020.

2. Surrounding Land Uses

North: (R-1-6-SR) Single-family residential/personal storage

South: (R-1-6-SR) Single-family residential/vacant

East: (PD 96-002/R-1-6/PI) Single-family residential/public school

West: (PI-SR/R-1-6-SR) Roseland School District/single-family residential/assisted living facility

The project is located at 1400, 1690, and 1780 Burbank Avenue, across four (4) parcels totaling 14.25 acres in Southwest Santa Rosa between Hughes Avenue and Liana Drive, which is within the Roseland Area/Sebastopol Road Specific Plan and Roseland Priority Development Area. Single-family detached homes and a personal storage facility about the north side of the site; West of the site includes Roseland School District with Roseland Creek running through their parcel site, single-family homes, and an assisted living facility; Vacant lots and single-family homes are immediately south of the site; Single-family homes and Sheppard Accelerated Elementary School is to the east of the site.



3. Existing Land Use – Project Site

The 14.25-acre project site has frontage on Burbank Avenue. The site has one (1) existing home and five barn storage buildings. There is no permanent pedestrian path on Burbank Avenue.

The site is located within the California Tiger Salamander habitat (CTS habitat). The Biological Resource Assessment prepared by WRA, Inc., dated June 2019, indicates that the, “Study Area does not provide any wetlands or seasonal aquatic features suitable for CTS breeding, and as such the persistence of a population there and on adjacent properties north of Hearn Avenue is highly unlikely.” Additionally, future CTS movement onto the site is unlikely because the

surrounding land uses and infrastructure acts as a barrier. However, the project is subject to Conditions of Approval 8 and 9 in the Development Advisory Committee Report dated January 13, 2020, which require consultation with the Department of Fish and Wildlife and compliance with their requirements.

4. Project History

July 31, 2018	Pre-Application Neighborhood Meeting was held (PRAP18-090)
Aug 13, 2019	Application was submitted to the Planning and Economic Development Department
Aug 21, 2019	The Project was referred to City departments, applicable jurisdictions, and Tribal review
Nov 7, 2019	Concept Design Review Board Meeting was held
Dec 11, 2019	A second referral was sent out to City departments
Jan 9, 2020	Application was deemed complete
Feb 5, 2020	The Zoning Administrator held a Public Hearing and approved the Minor Conditional Use Permit and Minor Design Review Permit Applications for the Project
Feb 11, 2020	Council approved, by Resolution, for the submittal of a joint application to the State of California Department of Housing and Community Development's Infill Infrastructure Grant Program with the Burbank Avenue Apartments
Feb 13, 2020	The Planning Commission held a Public Hearing and approved the Tentative Map
Feb 18, 2020	An Appeal was filed by a Mark Henry Parrish for the Minor Conditional Use Permit and the Minor Design Review Permit
Feb 24, 2020	An Appeal was filed by a Mark Henry Parrish for the Tentative Map approved by the Planning Commission

PRIOR REVIEW

1. Appeal Statement, Staff Response and Council Options

Pursuant to Zoning Code Chapter 20-62, appeals of decisions made by the Planning Commission shall be evaluated by the Council. The Council may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for appeal.

With respect to the Major Subdivision Permit, 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 different evidence is presented on appeal, the Council may refer the matter back to the Commission for further consideration.

The appellant has provided the following nine grounds for the appeal. The full appeal Statement is provided as an attachment. Staff and Planning Commission responses follow each item.

- 1) *A lack of fairness shown the Roseland/Burbank Avenue residents on February 13th by fast-tracking the Tentative Map decision prior to the appeal deadline of the February 5th Zoning Administrator Public Hearing, and a refusal to continue the Planning Commission Tentative Map decision.*

Staff Response:

Pursuant to Zoning Code Section 20-42.140(D) and Resilient City Development Measures, a Tentative Map for a small lot subdivision is only valid with an approved Minor Conditional Use Permit in a PDA. At the time of the Planning Commission hearing, the Zoning Administrator had reviewed and approved the Minor Conditional Use Permit and no appeal had been filed.

Because this Project is within a PDA and receives reduced review authorities there are two approval bodies (ZA and Planning Commission) and three appeal bodies for this project (Planning Commission, Design Review Board, and City Council). The Planning Commission is the appeal body for Minor Use Permit; the Design Review Board is the appeal body for the Minor Design Review Permit Application; the Council is the appeal body for the Major Subdivision Tentative Map.

To address neighbors' concerns regarding the appeal process and after hearing public comments, the Planning Commission added the following Condition to the Tentative Map Resolution: Contingent on the Approved Minor Use Permit (CUP19-095). By adding this Condition, the Planning Commission eliminated the need for project opponents to file multiple appeals; a successful appeal of the Minor Conditional Use Permit would render the Tentative Map invalid and would negate the need for an appeal of the Tentative Map before the Council.

Government Code Section 54954.3(a) requires that a legislative body allow members of the public to speak and be heard on an agenda item while Government Code Section 54954.3(b) allows the local agency to adopt reasonable regulations that may limit the total amount of time allocated to public testimony. During the Planning Commission Public Hearing, each member of the Public was given three minutes to speak, as well provide written comments

prior to the hearing, which can be found in Attachment 16 -Public Correspondence.

- 2) *Misrepresentation of the affordable housing component because the Schellinger Brothers, LP is selling the multi-family housing project to Waterstone Residential, LLC, which is managed by Peter Schellinger. Further, the location of the multi-family component of the project was described as a more opportunistic location for a future buyer, shows profits come before the neighborhood concerns and input.*

Staff Response: The original Project submittal dedicated the 64 multi-family units to very low-income residents and a State Density Bonus for potential Concessions. On January 21, 2020, prior to the first ZA public hearing, the affordable component was removed by the applicant. However, the Applicant has expressed their intent to still develop the multi-family component as fully affordable to low-income residents.

As proposed, the Project complies with all zoning district development standards, the General Plan Land Use Designation, including Density, and the Roseland Area/Sebastopol Road Specific Plan without the affordable housing component.

On February 11, 2020, the Council approved, by Resolution, the submittal of a joint application to the State of California Department of Housing and Community Development's Infill Infrastructure Grant Program for the Burbank Avenue Apartments.

- 3) *Misrepresentation of Public Access to Plans at the Zoning Administrator Public Hearing by Staff.*

Staff Response: The Resilient City Development Measures provides a streamlined path to a reduced review authority and modifications to the Design Review process for certain projects in Priority Development Areas. In this case, a Minor Conditional Use Permit instead of a Major Conditional Use Permit (ZC Section 20-16.060(B)(14)) and a Minor Design Review Permit in lieu of a Major Design Review Permit, after the project receives comments and considerations from the Design Review Board as a Concept Item (ZC Section 20-16.070). Zoning Code Sections 20-52.030(C)(Table 5-2) and 20-52.050(C)(2) identifies the ZA as the review authority for Minor Design Review and Minor Conditional Use Permits. In relation to the Tentative Map, City Code Section 19-24.070 identifies the Planning Commission as the review authority.

Both the Planning Commission and ZA Public Hearings for the Project were noticed in accordance with Section 20-66.020 of the Zoning Code. Notices of the ZA meeting were mailed on January 24, 2020, before the Special ZA meeting on February 5, 2020. The public had access to the file, plans, and attachments at City hall, as stated in the notice. During the ZA Meeting, the plans were in the Project folder and a presentation showing the plans and

recommendations were presented.

- 4) *Developer Refusal to Work with the Community/Planning Commissioner to hear Concerns of Residents:*

Staff Response:

The Planning Commission was given a Public Correspondence Attachment, which provided the neighborhood's concerns, including the location of the three-story apartment building. The Planning Commission asked the Applicant team and Staff questions regarding the project including the location of the multi-family units. After hearing Staff's response, the applicant's response, public comments, and taking careful consideration to all aspects of the project, the Planning Commission was able to make the findings for approval.

The Roseland Area/Sebastopol Road Specific Plan is a comprehensive planning document that included several public meetings and input. The Plan identifies a need for diverse housing while incorporating a need to preserve the Roseland Area's rural heritage. This Project incorporates several elements of the Roseland Area/Sebastopol Road Specific Plan as outlined in the General Plan Analysis of this report. This project adds public right-of-way infrastructure that contributes to traffic control measures and new city streets specifically identified in the Specific Plan that provide future connections to the existing Roseland roadway network. Furthermore, this site is located approximately 300 feet south of the Roseland Creek Community Park that incorporates natural open space, trails, and pedestrian connections to the neighborhood, which implements the Specific Plan's open space preservation.

- 5) *Heritage Tree Protection. A heritage tree review has not been shared at any of the Planning Commission meetings despite public comment requesting further review and information. The site to be developed will remove heritage valley oaks, live oaks, and redwoods, This not only destroys the local frontage landscape, part of the Burbank Avenue Specific Plan, but also takes away trees that are a historical part of Roseland.*

Staff Response: City Code Section 17-24.050(A) requires that:

All development proposals and subdivision applications shall clearly designate all trees on the property by trunk location and drip line and shall indicate those trees which are proposed to be altered, removed, or relocated and those trees proposed to be designated protected trees. The reasons for the proposed removal of any tree shall be stated in writing. The development plan or tentative subdivision map shall indicate the genus and species, the shape, the drip line and the trunk circumference of each tree and heritage tree. These tree delineations must also be shown on every page of the development and improvement plans where any work is

proposed within the root zone of any tree. The owner of the property and the person in control of the proposed development shall protect and preserve each tree and heritage tree situated within the site of the proposed development during the period the application(s) for the proposed development is being considered by the City.

Sheet No. 2 of 6 of the Tentative Map (Attachment 3) identifies trees and heritage trees to be removed from the site. Zoning Code Section 20-28.050(F)(2) reads:

Special care shall be taken to preserve the maximum number of trees possible, including exempt trees. Prior to the approval of a project the applicant shall demonstrate that each tree proposed for removal shall not have a negative impact on the scenic quality of the corridor, or that the tree is a hazard or unhealthy, as determined by a certified arborist.

In this case, the trees being removed are necessary to build the required public right-of-way improvements. These improvements include new sidewalk, street trees, bike lane, and curb and gutter. See Attachment 2 – Project Narrative for further explanation. In addition to this, the Development Advisory Committee (DAC) Report has several Conditions of Approval for additional Tree Protections as required by the Mitigation Monitoring and Reporting Program (MMRP) associated with the Roseland Area/Sebastopol Road Specific Plan Environmental Impact Report (EIR). Please refer to Condition 10 of the DAC Report dated January 13, 2020, for further review.

6) *Endangered Species Disregard/Insufficient Study.*

Staff Response: Attachments 9 through 15 include a Roseland Area/Sebastopol Road Specific Plan Consistency Determination Letter and Memo, a Traffic Impact Analysis, a Biological Resources Assessment, Wetland Delineation Report, Noise Impact Analysis, and an Air Quality and Greenhouse Gas Emissions Analysis. These surveys and reports were all generated by qualified environmental consulting firms and have been reviewed and accepted by City Staff. In addition to these reports, the Roseland Area/Sebastopol Road Specific Plan MMRPs are found in the DAC Report as Conditions of Approval, which require specific actions be taken including but not limited to a Phase I Archeological Survey prior to ground disturbing activities and consultation with the Fish and Wildlife Service (FWS).

The project is statutorily exempt from CEQA pursuant to Government Code Section 65457 and CEQA Guidelines Section 15182(a)(c) in that the project would develop a residential land use that is undertaken to implement, and is consistent with, the Roseland Area/Sebastopol Road Specific Plan. Please refer to the Environmental Impact section of this report as well as the documents attached to this report for further review.

- 7) *City Lawyer Impropriety/Conflict of Interest with Developer: the Assistant City Attorney appeared to be providing legal advice to the Schellinger Brothers and their associates during the meeting. This appears to be a direct conflict of interest on the part of the City as they are to be a neutral party. Furthermore, the Assistant City Attorney was doing research during the meeting to circumvent the Commission's initial preliminary decision to the continue the item until the appeal for the February 5, 2020, Zoning Administrator Public Hearing was decided.*

Staff Response: At the time of the Planning Commission public hearing for the Tentative Map, an appeal of the ZA's action had not been submitted. Planning staff, in consultation with the City Attorney's Office staff, provided an option for the Planning Commission, at the meeting, to either continue the hearing to a date following the close of the ZA appeal period or to act on the item with the understanding that an appeal of the ZA's determination, if filed, could still proceed. To address the neighbors' concerns regarding the appeal process, the Planning Commission added a Condition of Approval, as described above in Response 1, prior to approving the Tentative Map. Furthermore, City Staff clarified the appeal process for members of the public during the Special ZA public hearing as well and the Planning Commission public hearing.

- 8) *Lack of Roseland Representation: What is clear from these planning meetings and discussion of projects in Roseland is that Roseland residents do not truly have a voice in what is happening to our community. Since annexation, there has been no vote or appointment of City representatives from Roseland.*

City Staff has received public comments from the community during each public meeting and public hearing. Public comments were submitted and considered at each of the public meetings, including the Planning Commission. All public comments are thoroughly reviewed and considered by the appropriate City staff members, and forwarded for consideration to the pertinent review authorities such as the ZA, Planning Commission, and Design Review Board.

- 9) *Extended Time for Public Records Request Receipt: Residents of Burbank Avenue and McMinn Avenue have requested public records regarding this project. The standard turnaround is 10 business days for the City to respond, which can be extended by an additional 15 business days should the documents requested take that much time. Thus, the appeals should not be heard prior to the week of March 30, 2020.*

Staff Response: On June 4, 2020, the Design Review Board is scheduled to hear the appeal of the Zoning Administrator's approval of the Design Review.

ANALYSIS

2. General Plan

The General Plan designation for the site is Medium-Low Density Residential, which allows residential development at a density of 8 to 13 units per acre. The parcels in the surrounding area vary between the same or similar land use designation with the exception of Public Institutional for the adjacent Roseland School District facilities. The project's proposed density is 9 units per acre and is within the allowed density range. The following General Plan goals and policies are most relevant to the proposed project:

Land Use

- 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-S Develop an attractive, safe, and extensive network for pedestrian and bicyclist movements.
- LUL-S-3 Link pedestrian and bicycle paths to community destinations (parks, etc.), the surrounding rural countryside trail system, and the downtown area.

Urban Design

- UD-F-3 Encourage creative subdivision design that avoids walling to neighborhoods abutting regional/arterial streets with long monotonous stretches of fencing or walls.

Transportation

- T-D Maintain acceptable motor vehicle traffic flows.
- T-D-3 Require traffic studies for development projects that may have a substantial impact on the circulation system.
- T-J Provide attractive and safe streets for pedestrians and bicyclists.

Roseland/Sebastopol Road Specific Plan

- AH-1 Provide a variety of housing types and densities to support a diverse

population.

- AH-1.2 Encourage new residential development to include a mix of housing types, such as single-family residences with duplexes and triplexes, townhomes, and apartment units, for all income levels.
- AH-1.3 Encourage the development of quality, well-built, attractive market-rate and below- market-rate housing units that contribute to neighborhood character and quality of life.
- AH-1.5 Encourage residential development that meets the special needs of population groups including seniors, large and small families, low- and middle-income households, and people of all abilities.
- RN-1.2 Require dedication of right-of-way and related street improvements or new streets as identified in the Circulation Plan when properties develop.
- PBN-1.5 Require dedication of right-of-way for improvements and/or expansion of pedestrian and bicycle facilities where insufficient right-of-way currently exists.
- PBN-2.2 Implement streetscape improvements resulting in attractive, functional streets with overall enhanced access, lighting, and safety for pedestrians, bicyclists, transit users, and motorists.

Staff Response:

The project furthers a number of goals and policies of the General Plan and the Roseland Area/Sebastopol Road Specific Plan. The subdivision fosters livability by designing the lots to accommodate single-family attached and detached housing and provides diversity within the residential neighborhood. The project is within the allowable density range and does not require any special accommodation for density.

The project design orients units facing inward toward the development. Overall the project site incorporates small lots that include single-family detached and single-family attached units, while the 64 multi-family units furthers the General Plan and Roseland Area/Sebastopol Road Specific Plan's goals and policies with a variety of housing types.

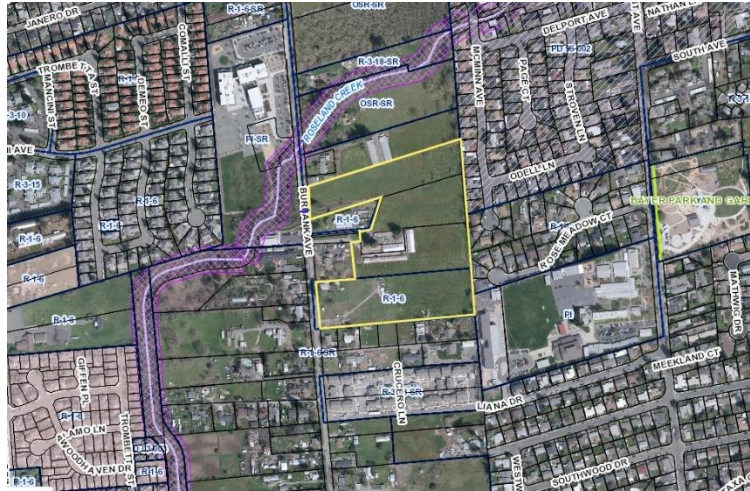
The project provides safe and attractive streets including right-of-way dedications, street improvements, and new public and private roads. Further, new Class II bicycle lanes and sidewalk will be provided on Burbank Avenue fronting the site and is incorporated throughout the new internal public roads.

3. Zoning

BURBANK AVENUE SUBDIVISION TENTATIVE MAP APPEAL
 PAGE 12 OF 18

North: (R-1-6-SR) Single-family residential/personal storage
 South: (R-1-6-SR) Single-family residential/vacant
 East: (PD 96-002/R-1-6/PI) Single-family residential/public school
 West: (PI-SR/R-1-6-SR) Roseland School District/single-family residential/assisted living facility

The subject site is within the R-1-6-SR (Single Family Residential-Scenic Road Burbank Avenue) zoning district. The Burbank Avenue Scenic Road requires a 25-foot setback measured from edge of pavement to a two-story or greater structure or element, or one-story structure or element with height over 25 feet. This project proposes a setback greater than 25 feet. Further, the project is in compliance with all applicable zoning standards.



Parking and Traffic

The project proposes 450 parking spaces where 421 parking spaces are required, pursuant to Zoning Code section 20-36.040, Table 3-4. The table below outlines the specific parking requirements relative to the particular land use.

Table 10 – Parking Analysis Summary				
Land Use	Units	Supply (spaces)	City Requirements	
			Rate	Spaces Required
1 bdr Apartment	17 du	64 covered sp 32 tandem sp	1.0 covered sp/unit 0.5 visitor sp/unit	17 covered sp 9 visitor sp
2+ bdr Apartment	47 du	58 open sp	1.0 covered sp/unit 1.5 visitor sp/unit	47 covered sp 70 visitor sp
Duplex	12 du	24 covered sp 24 tandem sp	1.0 covered sp/unit 1.5 visitor sp/unit	12 covered sp 18 visitor sp
Detached Single-Family Dwelling	62 du	124 covered sp 124 tandem sp	1 covered sp/unit 3 additional sp/unit	62 covered sp 186 other sp
Total		450		421

Notes: du = dwelling unit; bdr = bedrooms; sp = space

Finding – The proposed parking supply for the project would be adequate to meet the City’s parking requirements.

The Project includes a Traffic Impact Study (Traffic Study) prepared by W-Trans, dated December 11, 2019. The Study indicates that, "Two of the study intersections are expected to continue operating acceptable overall during both peak hours upon the addition of project-related traffic to Baseline volumes. However, the operation at Hearn Avenue and Burbank Avenue would drop from Level of Service (LOS) D to E during the a.m. peak hour." As identified in the City of Santa Rosa's Traffic Impact Study Guidelines interpretation of General Plan Section 5.8, Policy T-D-2, when an intersection LOS changes from a D to an E or F, and has a larger than five second delay, a traffic signal is required. Because of the impact to the LOS at Hearn Avenue and Burbank Avenue, the project includes a Condition of Approval that requires the applicant pay a *fair share contribution* of \$96,000 towards a traffic signal at the affected intersection.

FINDINGS REQUIRED FOR TENTATIVE MAP

Decisions on Tentative Maps are based on the four discretionary standards found in City Code Section 19-24.080(A-D). Applicable Tentative Map standards followed by a staff analysis of the project's compliance with the standards is as follows:

- A. That the proposed map is consistent with the general plan and any applicable specific plans as specified in Government Code Sections 65451 and 66474.5.

Staff Response: The project site is located in an area designated by the General Plan Land Use Diagram as Medium-Low Density Residential, which allows residential development at a density of 8-13 units per acre. The project is proposed at a density of 9 units per acre. The project is within the Roseland/Sebastopol Road Specific Plan, which allows the same residential density as the applicable General Plan designation and allows small lots as an alternative to attain more levels of affordability within the City of Santa Rosa;

- B. That the proposed subdivision meets the housing needs of the City and that the public service needs of the subdivision's residents are within the available fiscal and environmental resources of the City.

Staff Response: The project provides a mix of housing options including attached and detached single-family market rate units within the Roseland/Sebastopol Road Priority Development Area. City Staff members have reviewed the project plans and determined that there is adequate water and sewer capacity. The site will be developed in compliance with the City's Standard Urban Stormwater Mitigation Plan (SUSMP);

- C. That the design of the proposed subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities.

Staff Response: All structures have been designed with sufficient windows to allow sunlight for natural heating, and trees have been thoughtfully placed throughout the subdivision providing shade for cooling opportunities. The single-family attached and detached units provide adequate yard space to allow future residents to build shade structures or additional trees in the rear yards, while also providing overhangs over doors to ease the amount heat entering each unit. The multi-family apartments incorporate semi-private open space with a roof covering the area located on the units. The multi-family units include a courtyard with natural shading from vegetation while also providing open outdoor space to provide an area with direct sunlight in the cooler months. The site will also comply with all Building Code Standards, including CalGreen, which requires energy efficient construction materials; and

- D. That 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. (Ord. 3396 § 1, 1998; Ord. 2622 § 1, 1987)

Staff Response: The project has been reviewed by requisite City staff and has been conditioned accordingly for compliance with applicable wastewater standards.

4. Design Guidelines

Because the Minor Design Review Permit was appealed, the Design Review Board (DRB) will review the appeal body for the Minor Design Review Permit pursuant to Zoning Code Section 20-62. A Public Hearing with the DRB has been scheduled for June 4, 2020.

5. Neighborhood Comments

Staff has received Public Comments, both at the Neighborhood Meeting and in writing, from several interested parties. The following public comments and concerns were received by Staff:

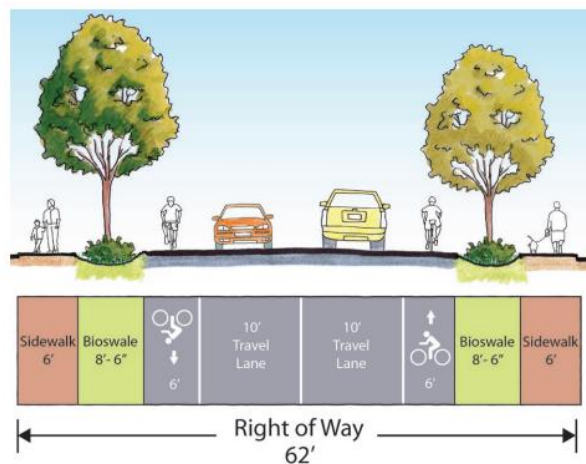
- The height of the three-story apartment is not cohesive with the existing single-family homes throughout the neighborhood.
- There will be an increase in traffic associated with the new residential units.
- Concerns about the proposed streets and how they would connect to Crucero Lane in the future.
- The future connection between the new City streets and the existing Crucero Lane appear to run straight through existing private properties.
- The density of the subdivision, particularly the multi-family units, does not fit into the context of the surrounding single-family residential neighborhoods.
- The duets on the north side of the Project site does not fit into the context of the surrounding single-family residential neighborhoods.

- The lack of parking throughout the existing neighborhood will be negatively impacted by the new subdivision.
- What are the street improvements along Burbank Avenue going to be?
- Concerns over the location of the multi-family units; they should be located centrally instead of fronting Burbank Avenue and abutting existing single-family residential units.
- Concern over phasing the project.
- No solid wall separating the multi-family parking area from the existing residential homes to the south.
- Lack of traffic enforcement from police.
- Impacts to California Tiger Salamanders.

6. Public Improvements/On-Site Improvements

The project will include development of 3.86 acres of Public Right-of-Way. Burbank Avenue will be widened from approximately 50 feet to 62 feet that includes two 10-foot vehicle travel lanes, six-foot wide Class II bicycle lanes, an 8.5-foot bioswale, and a six-foot sidewalk. Additional public improvements include five new public streets providing circulation throughout the site, two of which will take access off of Burbank Avenue. One public street will provide a future stub to connect to Crucero Lane, while the north side would provide a Class II Bicycle Lane that would provide a future connection for bicycles to a planned Bike Route to the SMART Path entrance off of Burbank Avenue.

Southern Section Street Design



FISCAL IMPACT

Approval or denial of this appeal action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

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 the project would develop a residential land use that is undertaken to implement, and is consistent with, the Roseland Area/Sebastopol Road Specific Plan. The EIR prepared for the Specific Plan was certified by the City Council in 2016 and no events subsequent to certification have required a supplemental EIR pursuant to Public Resources Code section 21166.

The Project also qualifies for an exemption pursuant to CEQA Guidelines section 15183 in that the project is consistent with the City's General Plan for which an EIR was prepared and certified by the Council on November 3, 2009, as evidenced by the Burbank Avenue Subdivision Consistency Determination Memorandum prepared for the project by FirstCarbon Solutions, dated December 18, 2019, which determines that the project does not contain conditions, nor would it result in effects that:

- Are peculiar to the project or the parcel on which the project would be located,
- Were not analyzed as significant effects in the General Plan EIR
- Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan or
- 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.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On November 7, 2019, the project was reviewed as a Concept Item by the Design Review Board (DRB). The DRB had the following comments/recommendations:

- Consider redesigning the + pattern on the multi-family apartment complex.
- The multi-family residential building's color is dark. Consider using a color scheme more similar to the proposed single-family units.
- Maximize the gathering areas and further develop the courtyard renderings to utilize a diverse array of amenities.
- Consider different street trees more in tune with the surrounding neighborhood and native to Santa Rosa.
- Consider lowering the apartment building to two stories.
- Provide greater screening between the north and south property lines to screen the existing single-family residential units.
- Consider horizontal massing.
- Consider alternatives to the site's perimeter fencing.
- Consider incorporating sound dampening technologies.

On February 5, 2020, a Special Zoning Administrator Meeting was conducted pursuant to Resilient City Development Measures (20-16.090). During that meeting, a Public Hearing was held, and approval was granted for the Minor Design Review and Minor Conditional Use Permit (CUP19-095 and DR19-054) for the Project. An Appeal was filed by Mark Henry Parrish for the Minor Conditional Use Permit and the Minor Design Review Permit on February 18, 2020. The Minor Design Review Permit appeal hearing is scheduled for June 4, 2020, with the Design Review Board and the Minor Conditional Use Permit appeal hearing is scheduled for June 11, 2020, with the Planning Commission.

BURBANK AVENUE SUBDIVISION TENTATIVE MAP APPEAL
PAGE 17 OF 18

On February 13, 2020, the Planning Commission approved a corresponding Tentative Map. On February 24, 2020, an appeal was filed by Mark Henry Parrish for the Tentative Map approved by the Planning Commission.

NOTIFICATION

The project was noticed as a public hearing 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. Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

ATTACHMENTS

- Attachment 1 – Disclosure Form
- Attachment 2 – Amended Project Narrative received on January 30, 2020
- Attachment 3 – Tentative Map received January 9, 2020
- Attachment 4 – School Access Exhibit received December 24, 2019
- Attachment 5 – Setback Exhibit, received January 6, 2020
- Attachment 6 – Landscape Plans received February 4, 2020
- Attachment 7 – Architectural Plans received February 4, 2020 (For Reference Only)
- Attachment 8 – Architectural Plans received April 17, 2020 (For Reference Only)
- Attachment 9 – Multifamily Architectural Plans received February 4, 2020
- Attachment 10 – Multi-Family Architectural Plans received April 17, 2020
- Attachment 11 – Burbank Ave Subdivision Consistency Memo with EIR
- Attachment 12 – Roseland Area Sebastopol Road Specific Plan Consistency Determination
- Attachment 13 – Final Traffic Impact Study dated December 11, 2019
- Attachment 14 – Biological Resources Assessment dated December 2019
- Attachment 15 – Wetland Delineation Report dated August 6, 2018
- Attachment 16 – Air Quality and Greenhouse Gas Emissions Analysis Report dated December 18, 2019
- Attachment 16a – Air Quality and Greenhouse Gas Emissions Analysis Appendix A
- Attachment 16b – Air Quality and Greenhouse Gas Emissions Analysis Appendix B
- Attachment 16c – Air Quality and Greenhouse Gas Emissions Analysis Appendix C
- Attachment 17 – Noise Impact Analysis Report dated December 18, 2019

BURBANK AVENUE SUBDIVISION TENTATIVE MAP APPEAL
PAGE 18 OF 18

- Attachment 18 – Planning Commission Amended Resolution No. 12005
- Attachment 19 – Public Correspondence
- Attachment 20 – Signed Resolution CUP19-095 and DR19-054
- Attachment 21 – Appeal received February 24, 2020
- Attachment 22 – Applicant Response to Appeal Letter dated March 30, 2020
- Attachment 23 – Waterstone confirming purchase of multi-family units dated May 21, 2020
- Resolution – Denying the appeal and approving the Major Conditional Use Permit Presentation
- Exhibit A - Development Advisory Committee Report dated January 13, 2020

CONTACT

Adam Ross, City Planner
Planning and Economic Development
100 Santa Rosa Avenue, Room 3
(707) 543-4705
ARoss@SRCity.org