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APPEAL

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GENERAL	LOCATION OF PROJECT (ADDRESS) 806 DONAHUE ST. / 8 W 9th ST. Santa Rosa	Note: This form is for appeals of Department actions only. Appeals of Commission and Board actions are filed in the City Manager's Office.	
	NAME OF PROJECT DETURK WINERY Village	DAYTIME PHONE (707) 310 - 2291	HOME PHONE () -
	APPELLANT NAME Richard Deringer	CITY Santa Rosa	STATE CA.
	APPELLANT ADDRESS 808 DONAHUE ST.	ZIP 95401	

To the Chairman and Members of the Planning Commission / Design Review Board: **COUNCIL**

The undersigned: Richard DERINGER does hereby appeal to the Planning Commission /
 (Please print or type your name)

Design Review Board the decision of the Department of Community Development made on 11/3/2016
 (Date)

which DENIED the application of RAILROAD SQUARE Village, LLC
 (approved, denied, other) (Name of property owner or developer)

for a DRB + CRB APPROVAL FOR DETURK WINERY Village project
 (State nature of request made to the Community Development Department)

on property situated at 806 DONAHUE ST / 8 W 9th ST. Santa Rosa, CA
 (Street address of subject property) APN# 010-091-001+007

A. The grounds upon which this appeal is filed are: (list all grounds relied upon in making this appeal. Please attach additional sheets if more space is needed.)

1. SEE ATTACHED LIST OF APPEAL ISSUES
(No FINDINGS, which are Required, have been PROVIDED By CRB which in itself is A SIGNIFICANT FACT THAT supports ARE Appeal. STAFF instructed CRB to Make FINDINGS, especially since Required under state Law, especially relating to height, But CRB did not provide with this Rejection. CITY COUNCIL

B. The specific action which the undersigned wants the City Planning Commission / Design Review Board to take is:
APPROVE PROJECT FOR DRB & CRB DESIGN & LANDMARK ALTERATION PERMIT. Applicant is Requesting Council To Consider APPROVING FINAL DRB + CRB Approval at the Appeal Hearing.

[Signature]
 Appellant's signature

11/7/2016
 Date

DEPT	APPLICATION	RECEIVED BY	DATE	FEE RECEIVED	RECEIPT NUMBER
				\$	

APPEAL OF REJECTION OF APPROVAL FOR DETURK VILLAGE PROJECT 11/7/16

On October 3, 2016, the Design Review Board (DRB) and the Cultural Heritage Board (CHB) met and rejected approval of the Preliminary Design Approval for DeTurk Winery Village development. DRB did unanimously vote approval for Preliminary Design Review for this development, with certain recommended conditions. However, the CHB unanimously voted against this project.

Grounds for rejection:

"Deny as proposed due to the CHB not being able to make findings as to items A, C, D, E and F, based on "Basis of processing Review Procedure Part II" and based on City Goals 4.7 & 3g, and due to "Secretary of State Standards" site as to standards for "New Buildings and Neighborhood standards".

Item A. The proposed DeTurk Winery Village is consistent with the original architecture style and details of the existing building including colors, textures, materials, fenestration, decorative features and details with the time-period of the building's construction and/or adjacent structures. An historic evaluation, prepared by Susan Clark, M.A., Architectural Historian, found that the industrial design and materials proposed for the DeTurk Winery Village development are consistent with the historic winery complex.

Item C. The proposed DeTurk Winery Village is compatible with adjacent or nearby landmark structures or preservation district structures. In an Historic Evaluation, prepared by Susan Clark, dated September 2016, the industrial design and materials proposed for the proposed are consistent with the historic winery. The DeTurk Park and DeTurk Round-barn provide a transition between the small single family residential West End neighborhood and DeTurk Winery Village. The proposed project does not detract from the residential streetscapes.

Item D. The proposed project is consistent with applicable standards from the Secretary of the Interior's Standards for Rehabilitation. As stated in

the historic evaluation, prepared by Susan Clark, M.A., Architectural Historian: • Preservation of the historic buildings is enhanced by avoiding all but minor changes to primary or public elevations. The new additions to the historic buildings shall be constructed where loss of significant features is minimized, along the side and rear elevations. • The historic character of a building is embodied in its shape, materials, features, setting and interiors. New construction must be compatible in terms of size, scale, color, material, and character. The character of the building will be maintained by the use of heavy, industrial type materials in the new construction. • New construction should be harmonious with the historic resource in terms of scale, proportion, materials and color. It should also be distinguishable from the older building in order to protect the visual qualities of the historic resource. DeTurk Winery Village elevations do not include any changes that create a false sense of historical development.

Item E. The proposed project is consistent with the applicable guidelines from the Processing Review Procedures for Owners of Historic Properties in that, in the findings of the aforementioned historic evaluation, the height, massing, materials and color were all found to be compatible. F. Granting the Landmark Alteration Permit for DeTurk Winery Village would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

Item F. Granting the Landmark Alteration Permit for DeTurk Winery Village would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

Section 4-7 Historic Districts. G. New Construction.

Guideline 1. Design new construction so that the architectural character of the neighborhood is maintained.

Guideline 2. Design new construction to be compatible in height and proportion with adjacent structures.

Guideline 3 Use materials and designs similar to that found throughout the neighborhood.

Response to the CHB rejection of this project for above reasons.

1. This rejection fails on its own merits since the CHB, even after being told by staff that they were required to make "Findings" on each reason for rejection, failed to do this. The reasons for their rejections give no specific issues, reasons or findings as to what items rise to the level of rejection, even though they give a broad rejection comments basically stating, under the Landmark Resolution, they can't approve the project. No specific items were raised in the rejection, no findings in any manner were presented in this rejection and not one comment on why they felt these items were unable to raise to a level of approval. This rejection comes after a January 2007 CHB unanimous approval on an approved Tentative map active project that was both taller by about 2-3 feet and is 10% less in front elevation massing than the current property.
2. This rejection is seriously defective on the basis that under State Law, especially as to the concessions being taken, requires an extensive and pervasive and factual arguments to prove that these concessions cannot be claimed by the applicant. No such arguments or finding were brought forward thereby violating not only local regulations but more importantly State Law, that has final jurisdiction over this matter.

State Density Bonus Law discussion:

The density bonus law originated in 1979 as a tool to encourage developers to provide affordable housing. The concept is that a developer of a residential development receives concessions or incentives and the ability to construct additional market rate housing units through a density bonus, thereby making it more financially feasible to develop affordable units.

The state density bonus law directs local jurisdictions to implement its provisions through local codes. The law is complex and includes numerous components as described generally below.

The density bonus law requires local jurisdictions grant a density bonus and incentives and concessions to residential development projects which contain affordable units. This project provides 15 very low income housing units, which is the maximum level to obtain these two concessions as well as increase density by 35%.

The specific density bonus allowed is detailed in the law, and the bonus increases as the number of affordable units increase. Affordable rental units provided must remain affordable for at least 55 years.

A concession or incentive includes a reduction in site development standards or zoning code requirements, approval of mixed use development as part of the housing development, or other proposals made by a developer which would result in cost reductions. A developer is eligible for at least one concession or incentive, with additional concessions or incentives allowed as the percentage of affordable units increases. The state law also includes provisions which allow for a density bonus in return for land dedication, condominium conversions, and development of child care facilities.

Local jurisdictions are required to provide a density bonus and a concession or incentive to eligible housing developments as outlined above. Most of a locality's areas of discretion in a density bonus code lie in the process for granting of a density bonus/concession or incentive and in mechanisms to assure continued affordability of affordable units developed.

It is incumbent upon the city to approve a request for a density bonus and concessions or incentives. The City shall grant a concession or incentive unless findings can be made that they: 1) are not needed to provide affordable housing; 2) would have a specific adverse impact upon health or safety, the environment, or a historic resource; or 3) are contrary to state or federal law.

Concessions or Incentives An applicant for a density bonus may also request concessions or incentives. The City shall grant the requested concession or incentive unless they are: not needed to provide for affordable housing costs, would have a severe adverse impact upon health and safety or the environment or on a historic resource, or are contrary to state or federal law. The number of concessions or incentives increases as the percentage of affordable housing increases.

The state law spells out the following concessions or incentives: reduction in site development standards, building height and parking standards or modification of zoning code requirements including reduced lot sizes and setbacks, allowance of mixed use development as part of the housing development if it will reduce costs and be compatible, and others proposed by the applicant which the City finds will result in actual cost reductions.

Additionally, the proposed ordinance includes priority processing as an incentive for a fully affordable housing development. Priority processing means a timeline for review which is mutually agreed to by the City and the developer.

3. The City of Santa Rosa staff instructed and mandated the CHB not to deal with any item related to density Bonus, and defer this to the Planning Commission. The CHB ignored this instruction and three of the five CHB Board Members in discussion of this project merits stated they could not approve this project with the height being proposed, which is 3 feet lower than a previous approved project and five feet lower than the highest point on this project. Staff gave direction to the CHB to make "findings" if they wanted to present this to the Planning Commission. No such findings were provided; thus, the rejection of this project violates State Law mandated concession requirements.
4. The applicant finds it a serious violation and burden to outline all the reasons for this appeal since the CHB has provided no "Findings" with associated elements outlining the reason that the CHB rejected this project. The DRB unanimously approved Preliminary approval of this project, with only a few items to bring back for final approval. This makes our response to the CHB rejection even more puzzling,

especially when you consider this would be the first downtown housing project in the last 13 years, since we owned this property, and especially distracting that it further comes with 15 very affordable units.

5. The CHB, in the hearing, applauded our design and all the work we did on redesigning this project to meet or exceed DRB and CHB desires. The only issue of significance by the CHB was relating to height, an issue not in their purview, as staff stated. This revised development is 40 feet tall 2-3 feet lower than the prior active tentative map project. The existing historic building is adjacent to the new construction. The original historic building is between 33 to 45 feet tall. There is a section in which a portion of the original building was damaged and we are asking to rebuild that portion to bring the building design integrity and historical integrity back to when the building was first built in 1872. This building, per the Sanborn maps dating back to 1875 show this building was the first building built in this area and predates any home construction by many years. Any new housing in the area should have recognized the historic significance of the DeTurk Winery, yet this clearly was not considered when you look at the fact that across the street from this project are low rise due-plex units.
6. Finally, an extensive historic review has prepared and presented at hearing by our historian Susan Clark, a registered historian with 30 years' experience. The CHB ignored this report and instead questioned why this report was not peer reviewed. The City staff previously rejected this peer review as being not needed. Her report mimics the environmental reviews by SCS Engineers and Historians and Winzler Kelly Engineers and Historians. The CHB ignored the extensive environmental review and recommendations found in our 2009 Re-Zoning of this property to Residential and ignored the same conditions and recommendations in the conditions provided to staff for our "Consistency Report". The Clark report was extensive and encompassing and very supportive of the conditions we needed to meet as to Items A, C, D, E and F. CHB raised no specific finding or

element in violation of this section. The fact that the CHB failed to review all these reports and studies is not a ground for rejection.

We therefore request that the City Council approve this project for Final Design Review approval so we can next go before the Planning Commission so we can move this project to construction early next year.

Richard Deringer Applicant 11/10/2016

SUPPORT DOCUMENTS

1. Conditions of approval for Historic review from 2007 Negative Declaration on re-zoning to Residential and part of submittal package on "Consistency" report to submitted to staff on this current project.
2. Review of Proposed Project for Consistency and Preservation Ordinances. By Historian Susan Clark.
3. Sanborn Map of 1893 showing the status of the neighborhood at that time.
4. Drawing showing existing conditions in 1875 the year the DeTurk Winery construction started.
5. Response from Susan Clark as to the 10 guideline issues from the Secretary of the Interior, which was also outlined in No. 2 above.
6. Picture of original building.
7. PowerPoint historical review.

MITIGATION MONITORING AND REPORTING PROGRAM
DeTurk Winery Village Project

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>responsible for ensuring that mitigation measures to reduce air quality impacts from construction are properly implemented.</p>					
<p>V. CULTURAL RESOURCES <u>Mitigation Measure CUL-1: Preserve Historic Qualities of DeTurk Winery and U.S. Bonded Warehouse Buildings</u> The applicant shall comply with the Secretary of Interior's Standards for the Treatment of Historic Properties regarding all changes to be made. The applicant shall incorporate the following improvements, which are based on the Secretary of Interior's Standards for the Treatment of Historic Properties, into the design plans:</p> <ul style="list-style-type: none"> • The segmental arched windows along the west elevation and the string of round windows along the south elevation of the DeTurk Winery shall remain visible from the street. • The segmental arched windows added along the western elevation of the southern section of the DeTurk Winery shall be retained, even though historical photographs indicate they were originally circular windows. • The new buildings shall be harmonious with the old in scale, proportion, materials and color. At The new buildings shall be readily distinguishable from the older buildings to protect the visual qualities that made the older buildings eligible for listing as a historic resource. 	<p>Review of Final Plans by qualified Architectural Historian</p>	<p>Planning Division</p>	<p>Receive written confirmation that the Plans meet Secretary of Interior's Standards from Architectural Historian prior to issuance of building permit.</p>	<p>Deny issuance of building permit.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM
DeTurk Winery Village Project

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<ul style="list-style-type: none"> The new buildings shall be constructed in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. Changes to the existing DeTurk Winery or U.S. Bonded Warehouse buildings that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings shall not be undertaken. The blue stucco along the south elevation of the DeTurk Winery building shall be removed. Where applicable, the bricks covering the arched windows and doors of the DeTurk Winery and U.S. Bonded buildings shall be removed. <p>A qualified Architectural Historian, as approved by the City, shall review the final set of plans to ensure that these provisions have been incorporated into the final plans. If the Architectural Historian finds that the improvements have not been included in the plans, the applicant shall revise the plans.</p> <p><u>Mitigation Measure CUL-2: Inspection and Repair of Masonry Walls</u> The applicant shall have a licensed contractor inspect the masonry walls for deterioration. If such deterioration is found, the contractor shall prepare written recommendations for repair of the walls, which shall be incorporated into the building plans. If it is determined that replacement of a portion or a complete wall is</p>	On-site inspection	Building Division	Receive written recommendations prior to issuance of building permit.	Deny issuance of building permit	

MITIGATION MONITORING AND REPORTING PROGRAM
DeTurk Winery Village Project

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
necessary for structure safety, the wall shall be repaired in kind.					
<u>Mitigation Measure CUL-3: Perform Photographic Documentation</u> Prior to any work being performed on the DeTurk Winery or U.S. Bonded Warehouse the applicant shall hire a qualified Architectural Historian, as approved by the City, to perform a photo documentation of the buildings. The level and quality of the photo documentation shall be identified in a plan and submitted to the City for review and approval prior to conducting the documentation. Selections from the photo documentation shall be used to create a public historical display within the DeTurk Winery Village, such as a kiosk or other means as determined appropriate by the City.	Plan for Photo Documentation	Planning Division	Receive and approve photo documentation plan Prior to issuance of a demolition permit.	Deny issuance of demolition permit	
	Photo Documentation	Planning Division	Receive photo documentation prior to issuance of demolition permit.	Deny issuance of demolition permit	
	Public Kiosk	Planning Division	Verify incorporation of kiosk into construction plans	Deny issuance of building permit	
<u>Mitigation Measure CUL-4: Construction Monitoring</u> The applicant shall retain a qualified professional archeologist, approved by the City, to be present during ground-disturbing activities to inspect exposed ground surfaces, identify State Historic Resources Commission-eligible resources, and provide written recommendations for their disposition. The applicant shall halt all ground-disturbing work in any area where concentrations of archaeological materials are encountered during construction. Work near the archaeological finds shall not resume until a qualified archeologist has evaluated the materials and offered recommendations for further action. Project personnel shall not collect cultural resources.	On-site observation.	Contractor	During construction	Stop work.	

MITIGATION MONITORING AND REPORTING PROGRAM
DeTurk Winery Village Project

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p><u>Mitigation Measure CUL-5: Encountering Human Remains</u> The contractor shall ensure a project manager is on-site at all times who shall stop all work in the immediate vicinity if human remains or evidence of remains are encountered during excavation, notify the City to issue a stop work order, and notify the County Coroner immediately. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of the identification. All work shall be halted until thorough evaluation of the discovery is made and determination from a qualified professional is provided to the City documenting the significance of the find and identifying the appropriate measures for their proper treatment and removal in compliance with CEQA guidelines Section 15126.4(b)(3).</p>	On-site observation.	Contractor	During Construction.	Stop work.	
<p>VI. GEOLOGY <u>Mitigation Measure GEO-1: Seismic Calculations and Re-compaction of Soil Slated to Load Bearing.</u> The structural design shall include seismic calculations to determine the correct construction practices to insure that the proposed buildings are able to withstand expected seismic forces. Pre-existing artificial fill materials shall be excavated and re-compacted prior to placing structures upon them. Additionally, upper soils deemed compressible in the geotechnical report (Giblin 2006) shall be removed and re-compacted or replaced.</p>	Prepare seismic calculations and excavate artificial fill	Building Division	Verify construction documents incorporate recommendations.	Deny issuance of building permit.	

DeTurk Winery Village
Donahue Street between 8th St and 9th St
Santa Rosa, CA 95401

Review of Proposed Project for Consistency with Preservation Ordinances

Federal: Secretary of the Interior's Standards and Guidelines
California: California Environmental Quality Act
California: California Code of Regulations, Section 15331, Article 19,
Chapter 3
Santa Rosa: Design Review Guidelines, Section 4-7–Historic Districts, G.
New Construction

Prepared for
Mr. Richard Deringer
Railroad Square Village, LLC
808 Donahue Street
Santa Rosa, CA 95401

Prepared by
Susan M. Clark, M.A., Architectural Historian
Nicholas Radtkey, Assistant Historian
P.O. Box 198
111 Hares Tail Close,
Sea Ranch, CA 95497
707-785-2725

September 2016

EXECUTIVE SUMMARY

Mr. Richard Deringer of Railroad Square, LLC. Is undertaking an adaptive reuse project which will convert the historically significant DeTurk Winery into residential dwellings. DeTurk Winery Village will consist of 185 units of attached apartments, 15 of which are affordable housing, and limited commercial development. According to the California Environmental Quality Act (CEQA), Section 15064.5 (b) (1) (2) (3) the project must be reviewed for its consistency with the *Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (1995), Weeks and Grimmer. After analysis the proposed project does not reduce the level of significance of the DeTurk Winery, the DeTurk Round Barn or the West End Preservation District.

The industrial design and materials proposed for the new development are consistent with the historic winery. A previously approved project for the site was three stories, but the current proposal contains a fourth story over part of the project. The current design is no taller than the earlier approved plan. Additionally the roof line over the historic winery itself has been dropped to further differentiate the original building from the new construction. The building materials are consistent with the Secretary of the Interior's Guidelines. The DeTurk Round Barn provides a transition between the small residential dwellings of the West End Preservation District and the DeTurk Winery. The proposed project does not detract from the residential street scrapes.

Upon review of the plans by Kevin O'Malley of O'Malley, Wilson and Westphal, dated May 19, 2016, sheets A-1, A-2, A-3, A-4 and A-5, as well as subsequent updates, the project appears to be consistent with federal, state and local preservation ordinances

REVIEW OF PROPOSED PROJECT FOR COMPATIBILITY WITH PRESERVATION ORDINANCES

Clark Historic Resources has prepared this report at the request of the Mr. Richard Deringer of Railroad Square Village, LLC., 808 Donahue Street, Santa Rosa, 95401, to assist with the planning of an adaptive reuse project proposed for the DeTurk Winery located in Santa Rosa. The winery complex is bounded by the Northwestern Pacific Railroad tracks on the east, Donahue Street on the west, West 9th Street on the north, and West 8th Street on the south (AN 010-091-001 and 010-091-007). Currently there are two historically significant buildings which are located in the project area and which make up the winery complex: the ca. 1879 DeTurk Winery and the U.S. Bonded Warehouse which was constructed between 1888 and 1992. Railroad Square Village, LLC. holds title to both of these buildings.

Railroad Square Village, LLC. is proposing the development of 185 units of attached dwelling units within and around the DeTurk Winery. Of these 15 will provide affordable housing. This development will consist of high density apartment units approximately 41' tall within the winery and 41' surrounding the winery on both ends. In order to accommodate new construction, it is necessary to remove the interior walls within the winery; however the original exterior walls will be preserved. In order to construct housing to the north of the winery, the current cement block building at 918 Donahue Street (APN 010-091-001) will also be removed. Railroad Square Village, LLC. is proposing an adaptive reuse project which will preserve the exterior of the DeTurk Winery complex (Winery and U.S. Bonded Warehouse) while developing residential units within the interior. The DeTurk Winery and U.S. Bonded Warehouse were documented in 2006 and were determined to be eligible for the California Register both individually and as a contributor to a designated local preservation district. This report addresses only the proposed exterior design of the building and does not address interior alterations.

The purpose of this report is to determine how the current (September 2016) proposed design addresses the following:

1. What are the character-defining elements that are specific to the historically significant winery building?
2. Will the proposed development adversely impact the level of significance of nearby historically significant buildings or the local preservation district structures?
3. Is the proposed design compatible with the Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitating Historic Buildings as mandated by the California Environmental Quality Act (CEQA)?

4. Table 1. Character-defining Elements of the DeTurk Winery Building

ELEMENT	DETAIL	CURRENT ALTERATIONS
<p>Shape:</p> <p>Series of three horizontal box-like buildings</p>	<p>Two stories (approx 41') Each building is separate and unique</p>	
<p>Projections:</p> <p>Brick pilasters</p> <p>String of headers (east, north and west elevations of southern section)</p>	<p>Located along all elevations; Uniformly spaced; Ground to roof</p> <p>Three courses which project out across the top of wall and pilasters</p>	
<p>Materials:</p> <p>Fired brick</p> <p>Mortar</p>	<p>Uniform in color; Smoothed faced; Common bond pattern (6th course composed of headers)</p>	<p>Painted red; Blue stucco along bottom half of south elevation</p>
<p>Openings:</p> <p>Doors #1: Wide and Arched</p> <p>Doors #2: Narrow and Arched</p> <p>Windows #1: Tall, Narrow and Arched</p> <p>Windows #2: Small and Arched</p>	<p>Segmented arch; approx 8' wide; Single, Double and Triple course arch</p> <p>Pedestrian entrance; approx 4' wide. Two course segmental arch</p> <p>Double course segmental arch; approx 3' x 6"; lintel with lug sill</p> <p>Double course segmental arch; approx 2' x 3"; lintel with lug sill</p>	<p>Bricked in</p> <p>East elevation shutters removed</p> <p>Bricked in</p>

Window #3: Porthole	32" in circumference	Glass and bars
Window #4: Square	Western elevation of south building	
Roof and Related Features:		Alterations to all roofs
Southern Bldg: Corrugated iron roof	Stepped parapet roof destroyed in 1906 earthquake	
Central Bldg: Wooden hip roof		
Northern Bldg: Two wooden hip roofs		
Ties		
Downspouts		
Lighting	Even spaced along western elevation	
Vegetation:		
Trees and Shrubbery	Located to the south of the winery along Donahue Street	

Table 2. Character-defining Elements of the U.S. Bonded Warehouse

Shape:	
Two horizontal box-like buildings	Single story; Approx 18' tall
Projections:	
Brick Pilasters	Line east, north and south elevations; approx 2' apart
Materials:	
Fired Brick	Uniform in color; Painted red Smooth faced; Common bond pattern, 6 th course composed of headers.
Mortar	
Openings:	
Door: Wide and Arched	Three course segmental arch Bricked in
Roof and Related Features:	
Stepped parapet	
Details:	
Lighting	
Ties	
Downspouts	
Vegetation:	
Shrubbery	Located along the west and south elevations

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As an eligible historic resource the winery complex is protected by law as an important aspect of the environment. According to CEQA a project with an effect that may cause a substantial adverse change to the significance of an historical resource is a project that may have a significant effect on the environment. Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. The significance of an historical resource is materially impaired when a project:

- A. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- B. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- C. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA. [CEQA 15064.5(b)(2)A,B,C]

The proposed project does not call for any of the above three conditions either as they affect the winery or the preservation district.

The California Code of Regulations, Chapter 3, Article 19, addresses projects that are categorically exempt from the preparation of environmental documents because the Secretary for Resources has determined that they do not have a significant effect on the environment. Section 15331 of the Article provides a Class 31 exemption for projects limited to maintenance, rehabilitation, restoration, preservation, or reconstruction of historic properties which meets the federal standards for the treatment of historic properties, i.e. the Secretary of the Interior's Standards and Guidelines.

SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF
HISTORIC PROPERTIES WITH GUIDELINES FOR PRESERVING, REHABILITATING,
RESTORING AND RECONSTRUCTING HISTORIC BUILDINGS (Weeks and Grimmer,
1995)

The Secretary of the Interior's Standards presents the accepted guidelines for adaptive reuse projects. A project involving a new addition to a historic building is considered acceptable within the framework of the Secretary of the Interior's Standards if it: preserves significant historic materials and features; preserves the historic character of the building; and protects the historic significance by making a visual distinction between old and new. Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties shall be considered as mitigated to an appropriate level, so that the impact on the historical resource is considered less than significant. *CEQA 15064.5 (b)(3)*

1: Historic Materials and Features are Preserved

Preservation of historic buildings is enhanced by avoiding all but minor changes to primary or public elevations. Features that distinguish the building and can be seen from the streets or sidewalks are significant ones. Significant features can include window patterns, window hoods, or shutters; porticoes, entrances, and doorways; roof shapes, cornices, and decorative moldings. Refer to Table 1 and 2 for a listing of character defining elements, which detail the shape, materials, openings, roof, projections, and details of the DeTurk Winery and the U.S. Bonded Warehouse. New additions to the historic building are to be constructed where loss of significant features is minimized, along the side and rear elevations.

In the case of the DeTurk Winery, the most significant elevations are located on the west (front) and south of the building. The segmental arched windows along the west elevation and the string of round windows along the south elevation are important character defining features and will remain visible from the street.

2: Historic Character of the Building is Preserved

The historic character of a building is embodied in its shape, its materials, its features, its setting and its interiors. Any new construction must be compatible with the size, scale, color, material, and character of the building to which it is attached or its particular neighborhood or district. The original materials will be maintained on the existing buildings. The character of the historic winery is further maintained by the use of heavy, industrial type materials in the new construction as opposed to the smaller, softer materials found throughout the historic residential neighborhood.

3: Distinguishes between Old and New

While the new construction should be harmonious with the old in scale, proportion, materials and color, the proposed addition should be readily distinguishable from the older building in order to protect the visual qualities that made the building eligible for listing as an historic resource. This project does not include any changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings.

New additions and adjacent or related new construction shall be undertaken in such a manner

that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

4: Preservation/Restoration of Historic Buildings

A number of alterations have been made to the DeTurk Winery, which are not consistent with its historic integrity: the bottom half of the south elevation has been covered with blue stucco, and the arched windows and doors have been bricked in. To preserve the character of the building, it is recommended that the stucco be removed from the exterior brick walls, and that, where applicable, the arched windows and doors be reopened.

In addition, research has been undertaken to determine if there is any deterioration to the masonry walls. Appropriate repairs should then be made to eliminate the source of any problems, such as cracking in the brick. Replacement in kind of extensively deteriorated or missing parts of features will be undertaken, especially along the west (front) and south elevations.

Roll up metal doors have been added to the south side of the winery building. Most of the doors will be removed and bricked in. Original round windows on the south elevation will be rebuilt.

SANTA ROSA'S DESIGN GUIDELINES
Section 4-7 – Historic Districts, G. New Construction

This section focuses on new construction which takes place in historic areas. There are three guidelines:

1. Design new construction so that the architectural character of the neighborhood is maintained,
2. Design new construction to be compatible in height and proportion with adjacent structures,
3. Use materials and designs similar to that found throughout the neighborhood.

1. The winery project maintains the industrial/commercial character of the original street scape. The rear (east) of the development faces the rail-right-of-way just as the once operating winery opened to the east to facilitate loading barrels of wine on rail cars for shipping.

2. The proposed development is compatible with height and proportion with adjacent structures. The closest building is the historic DeTurk Round Barn. The barn stands approximately 6' lower than the proposed fourth floor of the new construction. The Pullman Loft project 80 feet to the east of the DeTurk Winery is several feet higher than the proposed fourth story.

3. The hard materials and design proposed for the project reflect the industrial character of historic Donahue Street

DETURK WINERY VILLAGE APARTMENTS

Review of the May 19, 2016, DeTurk Winery Village plans prepared by Kevin O'Malley of O'Malley, Wilson, Westphal Architects, finds that the proposed adaptive reuse of the DeTurk Winery is consistent with Secretary of the Interior's Standards for Rehabilitation. The plans for the DeTurk Winery Village reflect the guidelines recommended on the federal level in the Secretary of the Interior's Standards, on the California State level as outlined in CEQA and on the city level as written in the Santa Rosa Design Guidelines.

The most dramatic changes to the property will occur within the interior of the winery and to the ancillary building located to the north of the winery complex. In order to construct apartments within the walls of the winery, internal portions of the winery will be removed. In order to construct dwelling units to the north of the winery, the current cement block building at 918 Donahue Street (APN 010-091-001) will be demolished.

The DeTurk Winery Village will preserve the significant historic materials and features, and the historic industrial character of the winery. The simple red brick walls, without ornamentation or the intrusion of other materials, define the industrial character of the winery building. A few of the upper level openings have remnants of wooden shutters. It was determined that wood shutters were not a character-defining aspect and that they detract from the over-all historic appearance of the building, so they are not being reintroduced.

The rehabilitation plans call for appropriate exterior alterations to the winery in order to permit reuse of the building. New elements, such as the doors and windows which will be added along the west elevation, will be similar in style to the original arched windows and doors. These alterations have been justified in terms of their functionality for the proposed residential space. Newly added elements are compatible with but recognizably different from historic features. Such is the case with the new openings on the upper level. Each of the original upper openings has a two-course segmental arch. The proposed new openings will be the same size but will have a segmental arch of only one course.

Building D.

The new construction to the north of the winery is visually distinct from the historic buildings so that the historical significance of the DeTurk Winery is protected. There are several aspects of design which determine whether new construction is compatible with the design of the historic building. These include: scale, orientation, materials, roof lines, height, set-backs, and window patterns.

The proposed apartment buildings are compatible with the historic winery in terms of scale, materials, height, and set-backs. Their use of hard materials such as brick and stucco is compatible with the red brick of the winery. The scale, height and set-backs of the proposed high density apartments are similar to the winery. Space has been left between the old and new buildings so that key features, such as the round windows, are clearly visible from the street. The design of the proposed project was influenced by historic photographs of Santa Rosa. These dwellings are compatible with the size, scale, color, material, and character of the DeTurk Winery.

Residential development in the nearby West End Preservation District mostly consists of small single-family houses. They are generally one or one-and-a-half stories, wood-frame, and have either a gable or hip roof. Exterior siding is shingled or lapped wood and is painted. Basically they share no common design features with the winery building. Fortunately the neighborhood park and the DeTurk Round Barn provide a buffer between residential development and the winery and make it possible for there to be residential development which is compatible with the prominent winery.

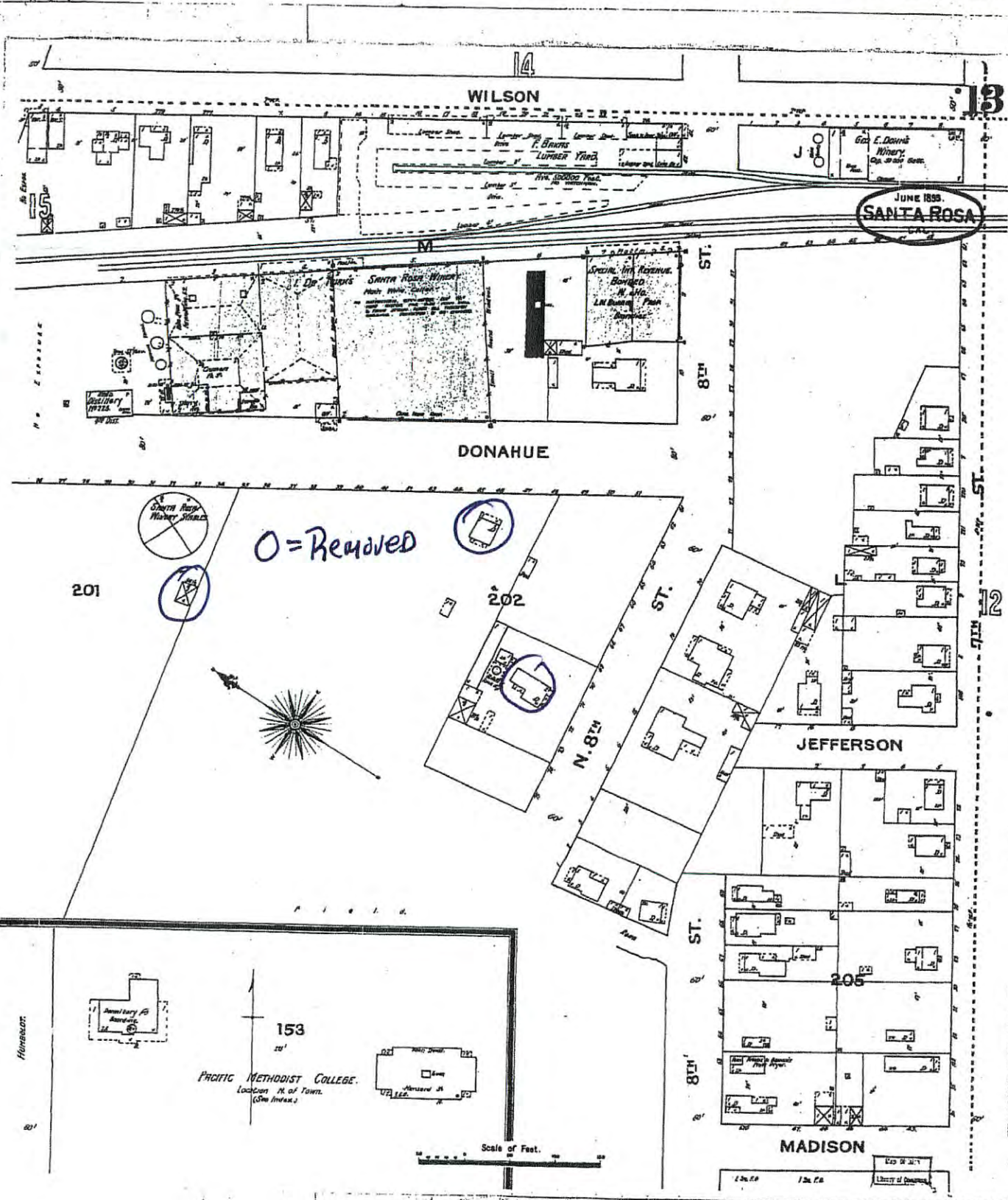
Selected sources:

Mack, Robert C. and John P. Speweik. *Repointing Mortar Joints in Historic Masonry Buildings*. Preservation Brief 2. Washington, D.C.: Preservation Assistance Division, National Park Service U.S. Department of the Interior, 1998.

Railroad Square Village, LLC. Meeting Notes: Conceptual Design Review of Railroad Square/DeTurk Village Proposal. Joint Meeting of the Cultural Heritage Board and Design Review Board. Santa Rosa, March 2006

Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. Washington, D.C.: Preservation Assistance Division, National Park Service U.S. Department of the Interior, 1995.

Weeks, Kay D. *New Exterior Additions to Historic Buildings: Preservation Concerns*. Preservation Brief 14. Washington, D.C.: Preservation Assistance Division, National Park Service U.S. Department of the Interior, 1986.



The Sanborn Library, LLC

1875 - The year The Winery was Built.



The Secretary of Interior's Standards for Rehabilitation: (redline items directly from Susan Clark)

1. A property shall be used for its intended historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
Response-The building was traditionally industrial/commercial but in 2009 the buildings were rezoned by the City of Santa Rosa to Residential. The property may be entitled to be on the California Register but as of this date this project has not been studied or approved. However, the little modifications of the building is being proposed other than mainly to repair or bring parts of the building back to its original look. Rick, I don't know anything about a 2009 rezoning to residential. It's unrealistic to returning the building to its historic purpose. The building would disintegrate if we waited for a winery project to be proposed
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided. *Response-Except for repairs and work being done to bring the original character and elements of the original building back; no other changes will occur to the subject historic properties. The historic character of the building is being preserved. Alterations to accommodate a new use are not being proposed for the primary façade. Alterations to the side and rear elevations are acceptable..*
3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken. *Response-It is the intent of the project to retain the existing buildings in its original state, which will require removing and replacing about 11 roll-up doors and replacing with replacement brick and other original materials. There is no part of the proposed rehabilitation that creates*

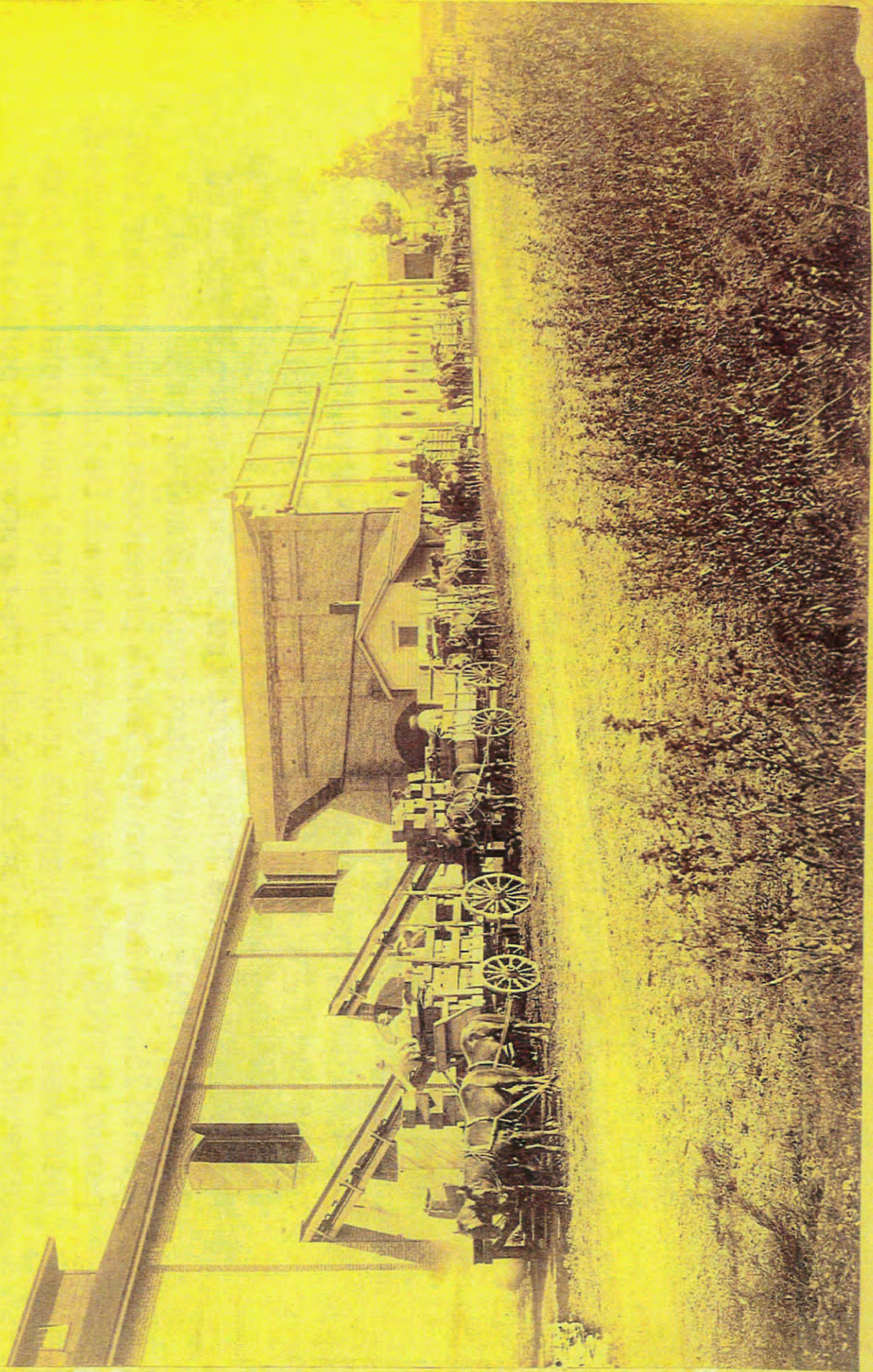
a false sense of historic character or that included elements to make the building "more historic" than it is.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved. *Response-If applicable this will be done. There was a change from round-windows to square windows on the Western side of the main building. That change was made, as we understand this in 1906, and this will be retained. There have been several changes to the openings to accommodate evolving uses. Most if not all the changes date from the historic period. The changes permit a return to several earlier window patterns.*
5. Distinctive features, finishes and construction techniques or example of craftsmanship that characterizes a historic property shall be preserved. *Response-If applicable this will be done. Detail was considered in keeping these elements intact and preserved. Several of the elements that characterize the building have already been compromised. To the greatest extent possible, the original features will be restored.*
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement or distinctive feature, the new feature shall match the old in design, color texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence. *Response-There will be repair of brick and other elements but any replacement will be directed to maintain the design integrity of the original property. Any features or original building materials that can be repaired will. Other original features which have been lost will be reproduced as closely a possible to the original.*
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. *Response-No sandblasting of the bricks or corrosive materials will be used. Any cleaning or removal of bricks or wooden elements will be done with recognizable and recommended cleaning*

materials. We recognize that any sandblasting or inappropriate cleaning methods will further damage the materials that the project intends to protect.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken. *Response-This will be done and honored during the process. It is unlikely that archaeological resources will be discovered under the winery itself . Anything of archaeological significance is more likely to be uncovered under the areas where new construction is proposed. In any case the discovery of anything that might have archaeological significance will result in an archaeological professional to determine significance and propose mitigation.*
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size and scale and architectural features to protect the historic integrity of the property and its environment. *Response-All new building adjacent to the subject historic property has been designed to recognize and conform to size, bulk and massing and is not mimicking the historic character of the original building. It is being differentiated in a sensitive manner. The new building are both compatible and consistent as to design elements so to meet this provision. New construction is being proposed consistent with the Secretary of the Interiors Guidelines.*
10. New additions and adjacent or related new construction shall be undertaken in such manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. *Response-The new addition was designed with the condition that if the improvements are removed in the future these improvements will not impact the status of the existing building. If Buildings A and D were removed, the winery and bonded warehouse could be returned to their original appearance.*

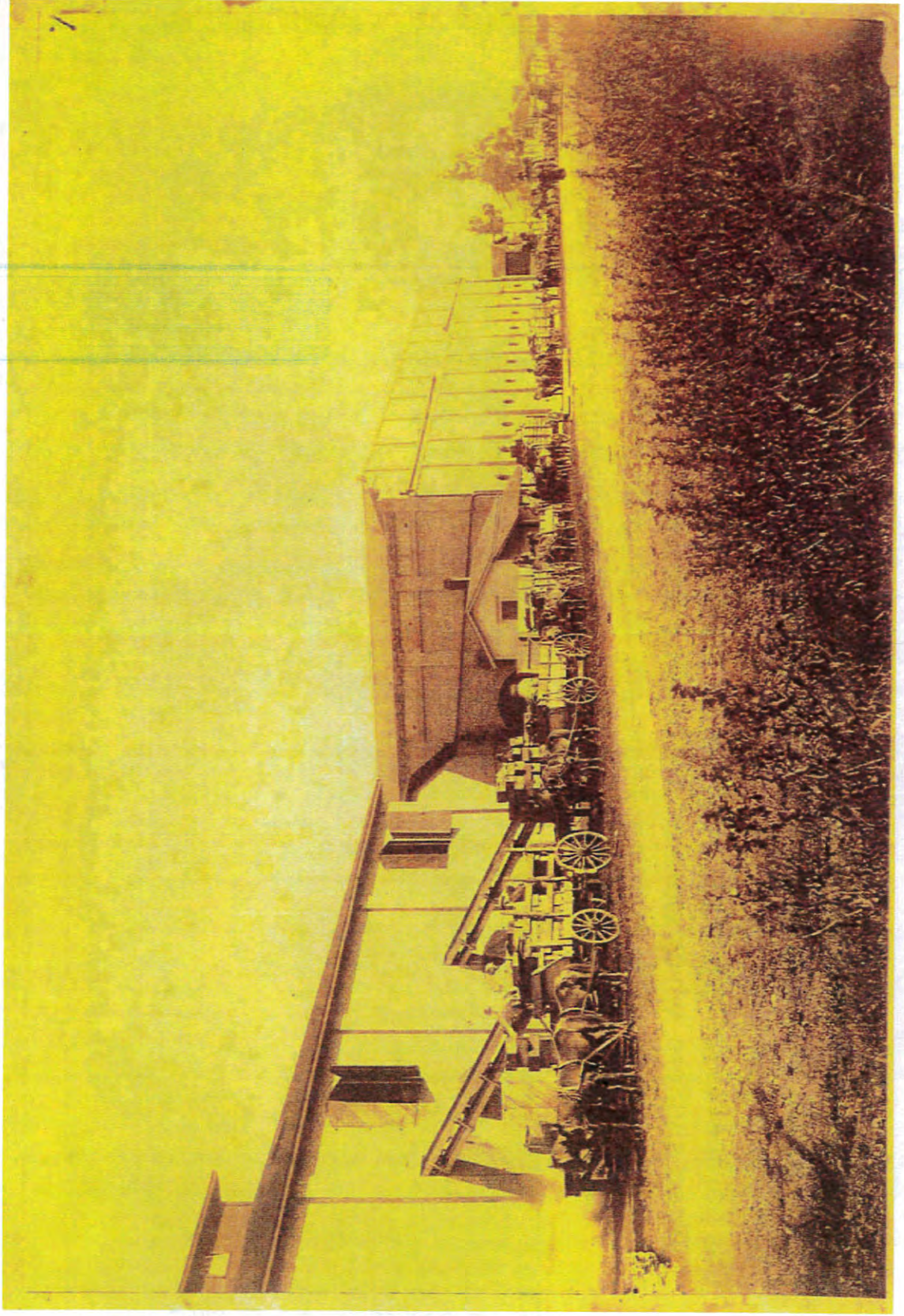
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Historic Review

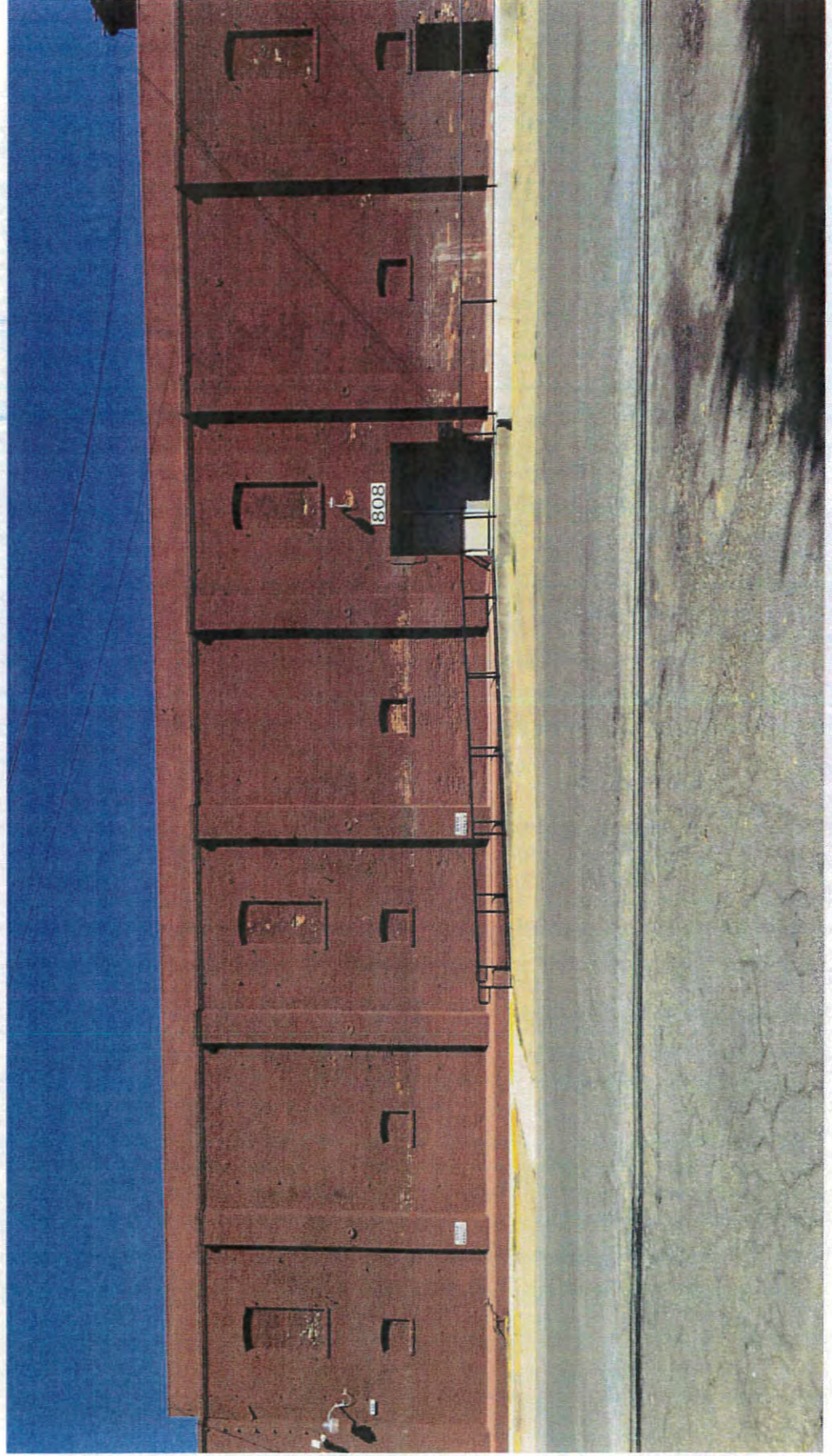
- About 1870 the DeTurk family acquired the DeTurk Winery and Round-Barn property. Years later these buildings were sold to the Grace Brother Company. From 1872 forward the various DeTurk Winery Buildings were built, including some buildings that were removed back in 1906. These buildings predated all 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.

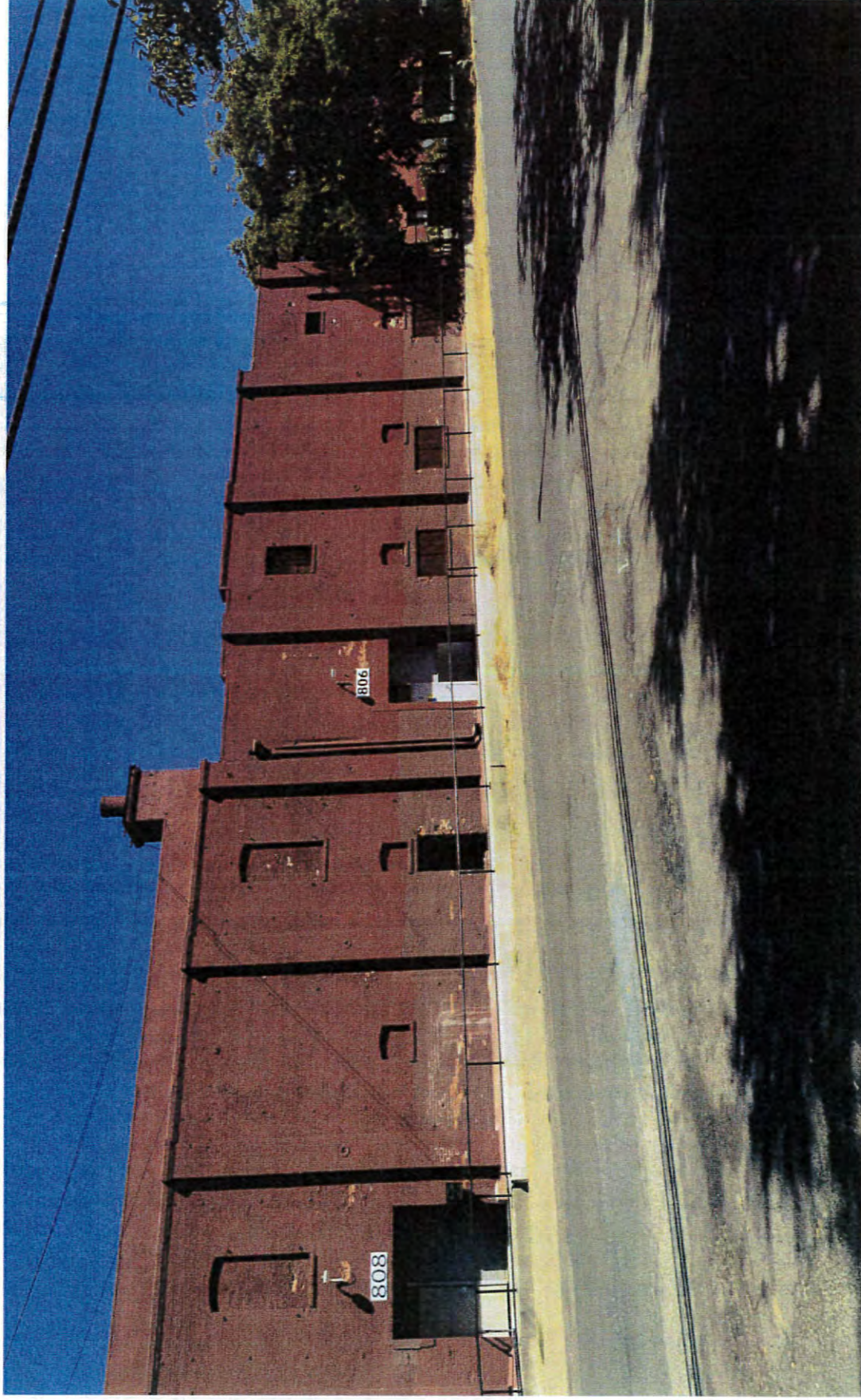


Owner is planning to open all closed windows on the front (Donahue)-Primary wall of historic building. These windows were bricked up during earthquake retrofit on or about 2,000. The height of this building is approximately 35 foot, however about 3 feet of Parapet was destroyed in prior earthquake period. Owner plans to rebuild this parapet to restore to original building period. Part of this parapet remains today.

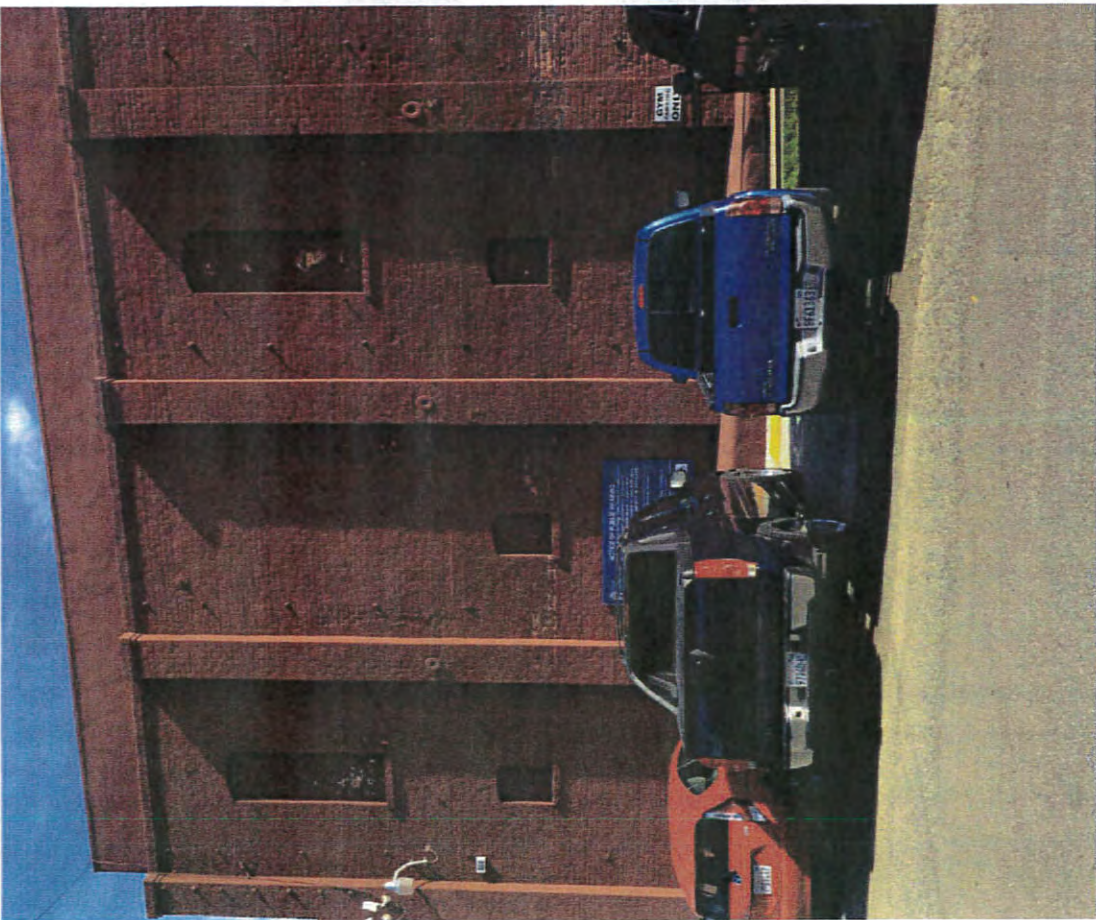
Wood shutters, which were on the building will be added back to conform to the original history of the building. There are 15 rollup doors that were added to this building and they will all be removed and these openings will be restored.



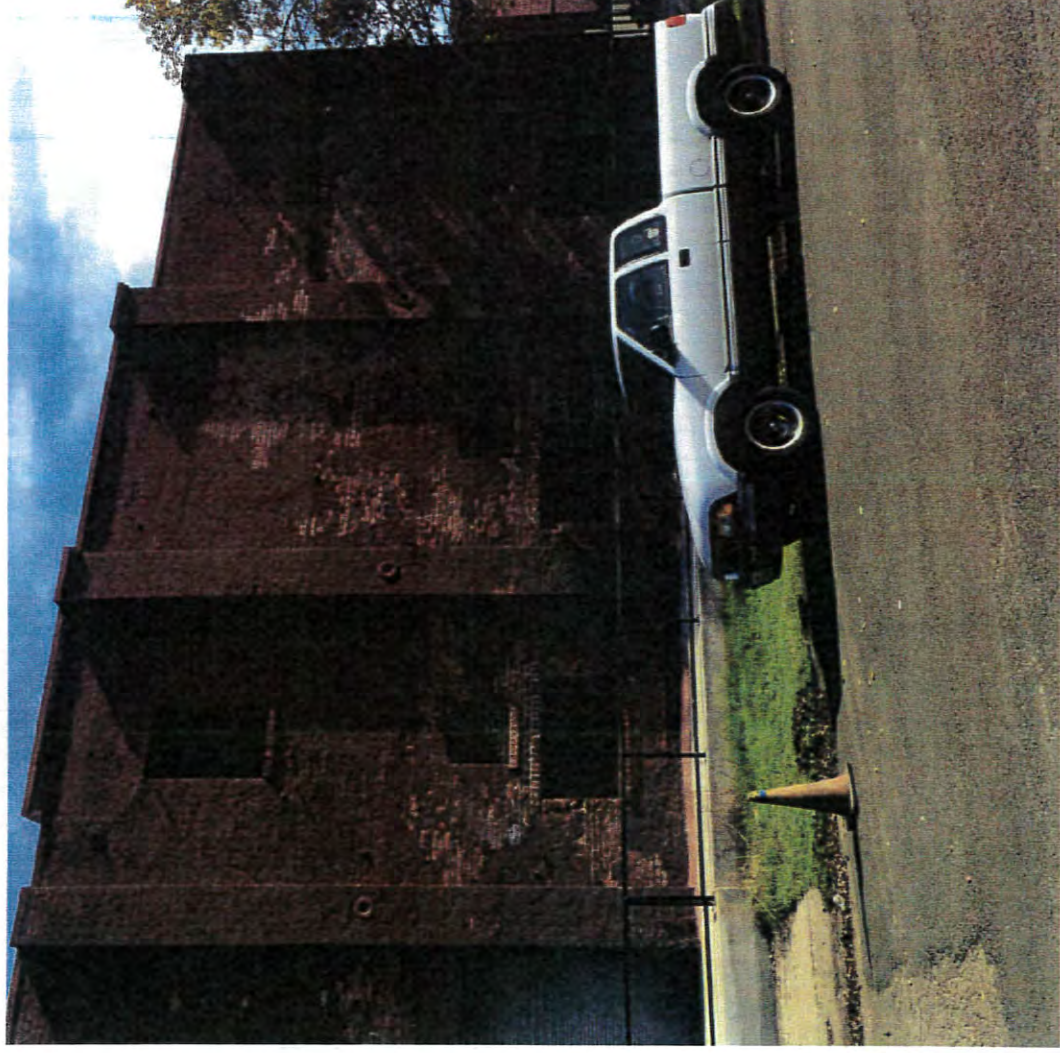
Window and doors will be restored, including removing brick that was added into the windows for structural work, adding back the original shutters and rebuilding the parapet to original. Roll-up doors will be removed and the openings will be restored by adding original wooden doors with brick insertion.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



Up-close view of Donahue Primary wall.



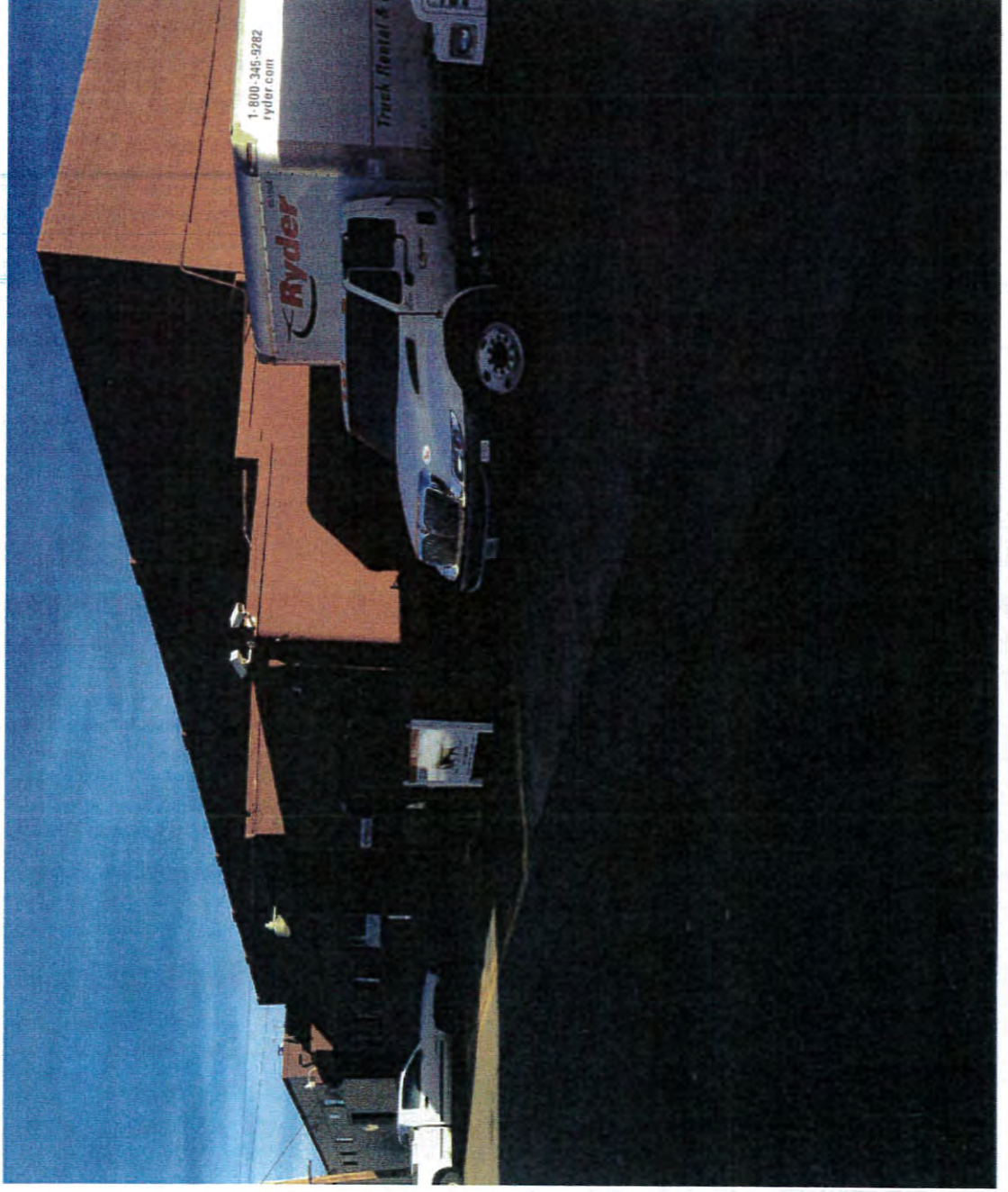
Owner has implemented a maintenance of the existing brick wall by removing paint, replacing damaged brick and repairing grout joint (re-pointing) before repainting the repaired brick.



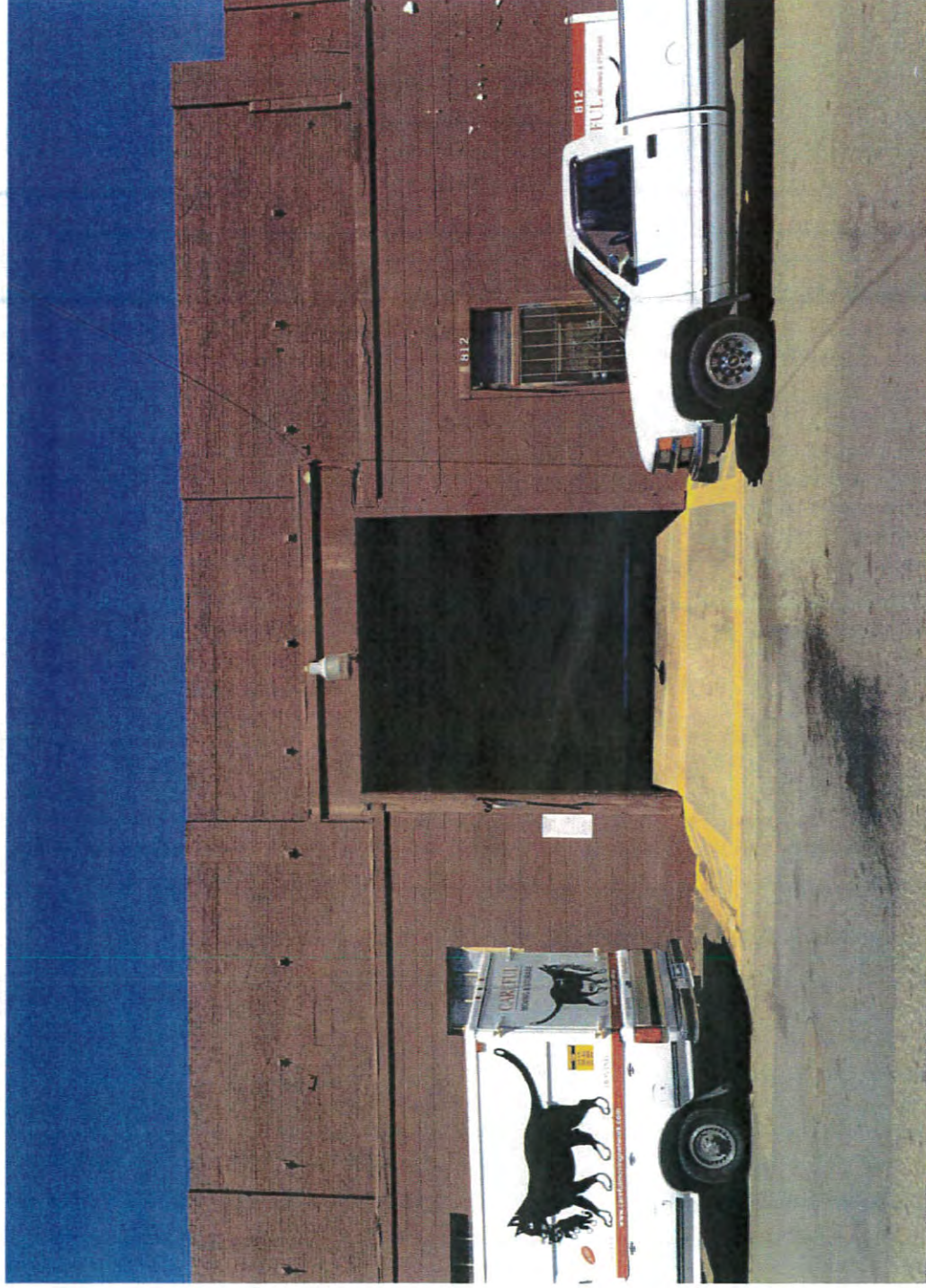
MAINTENANCE WORK

- 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.

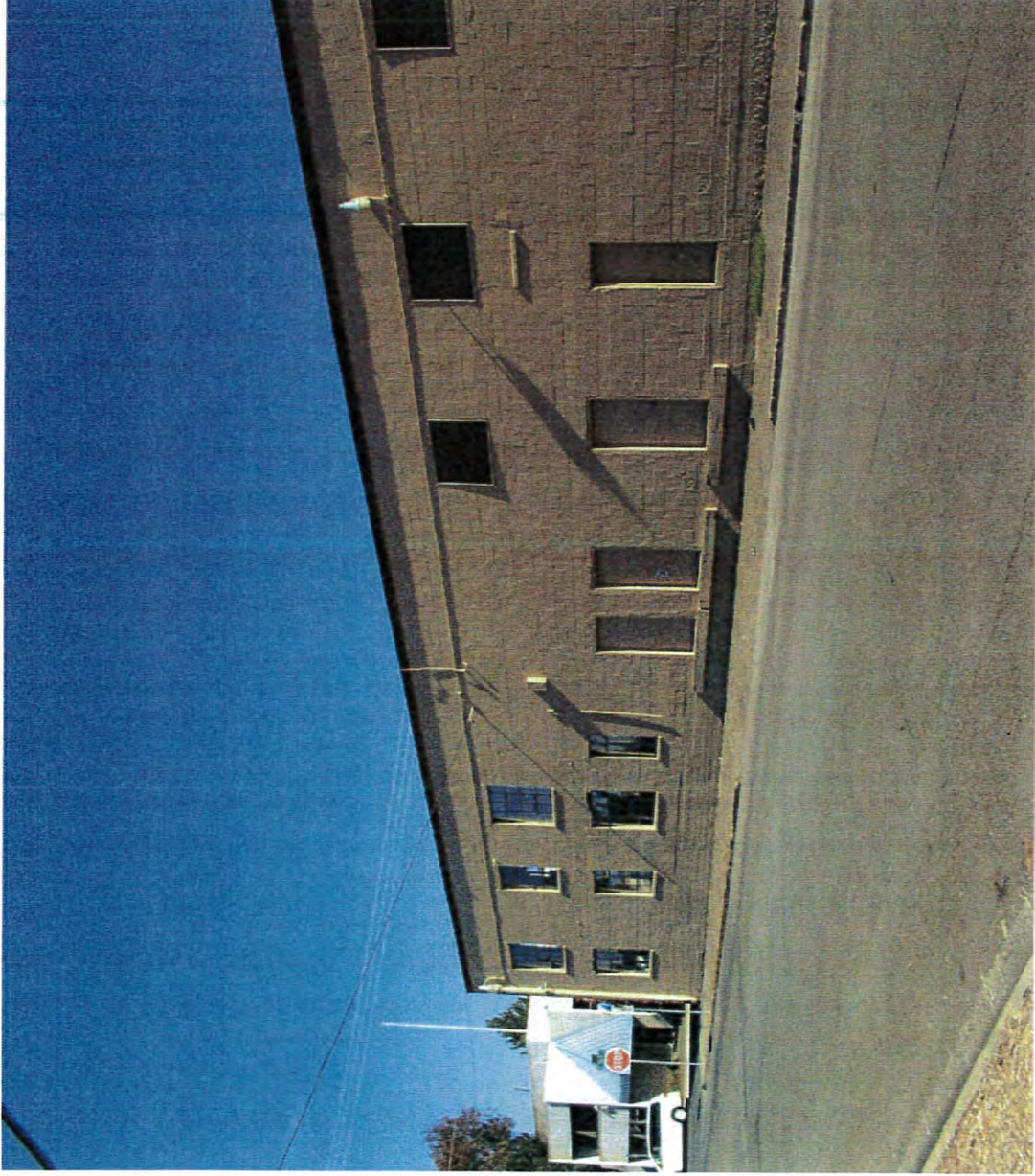
The area where a block wall was added in the 1960 period will be removed to expose the original historic building. Original windows and doors behind this block extension will be restored including adding back the original wood shutters. 9th Street Block Building will be removed and replaced with a new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



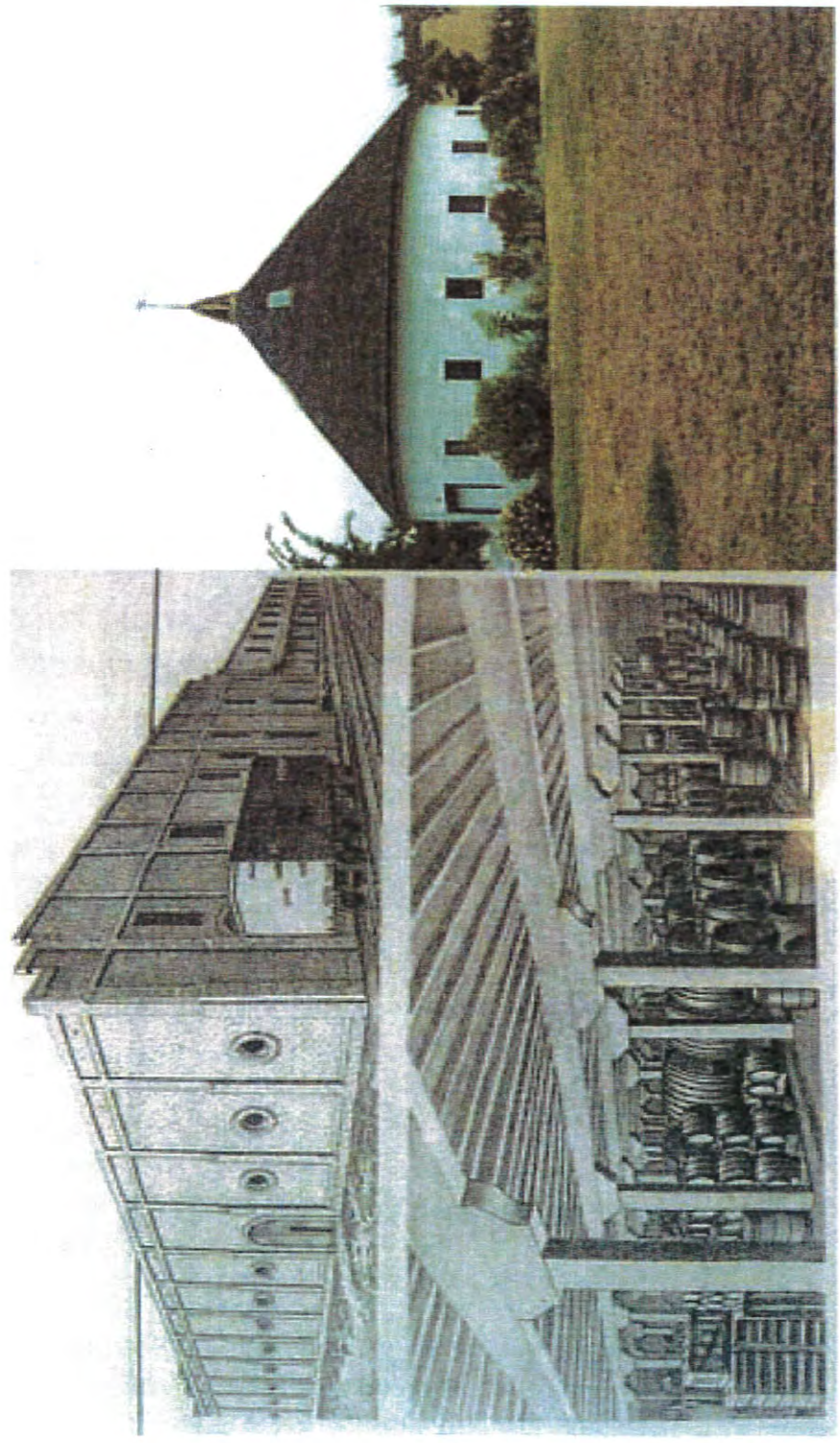
The 9th Street Block Building will be removed and replaced with a new Building.



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 (5 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.



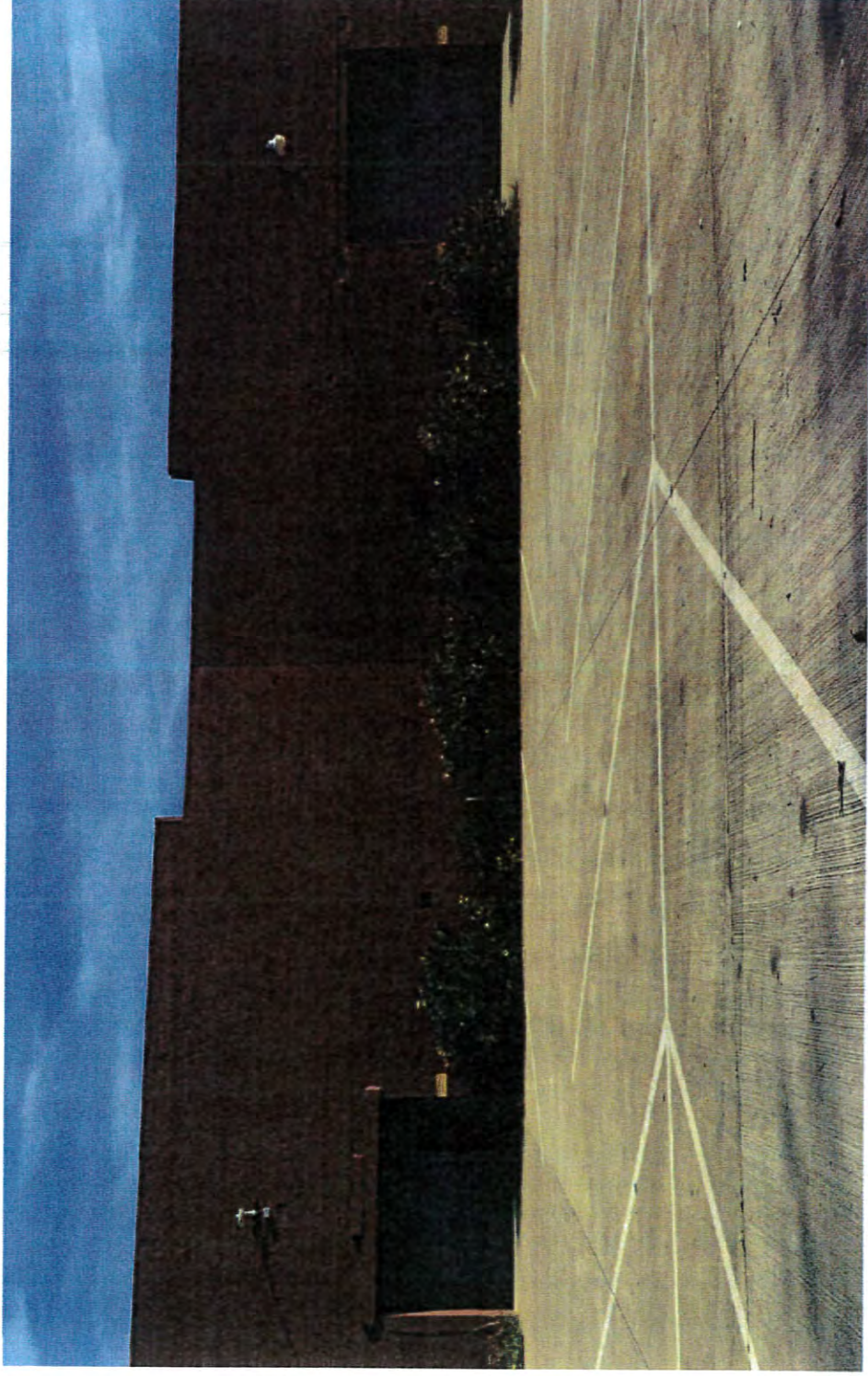
Original North side of the historic Building. Replacing round window and removing all but one rollup door. Filling in these doors with brick and a wooden door similar to the original doors.



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.



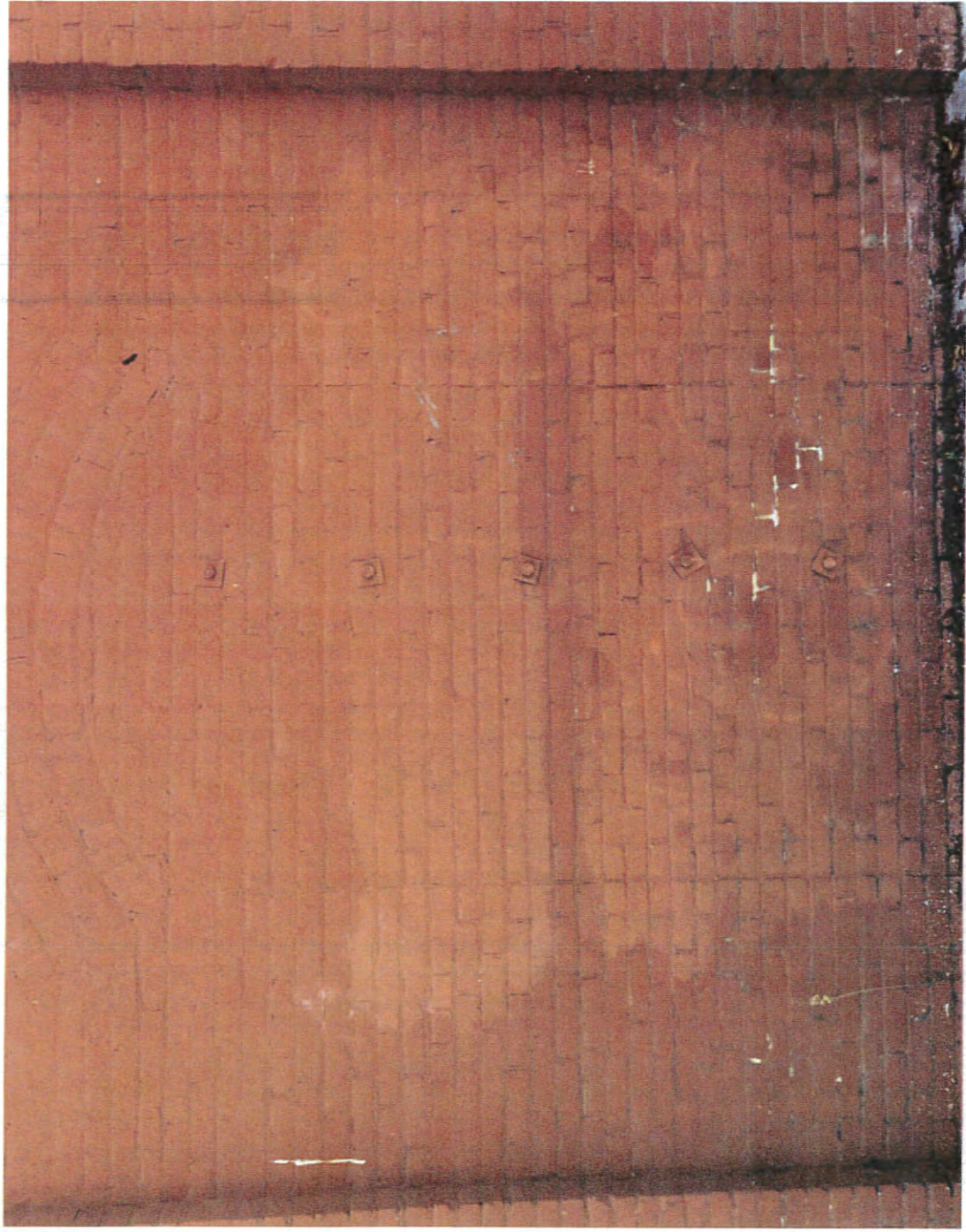
Building "B" currently has doors around the existing building that has been filled in with block and or brick. These doors will be restored by removing this block or brick in the openings. The North and South walls of this Building "B" are secondary and not visible from Donahue. The doors and windows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



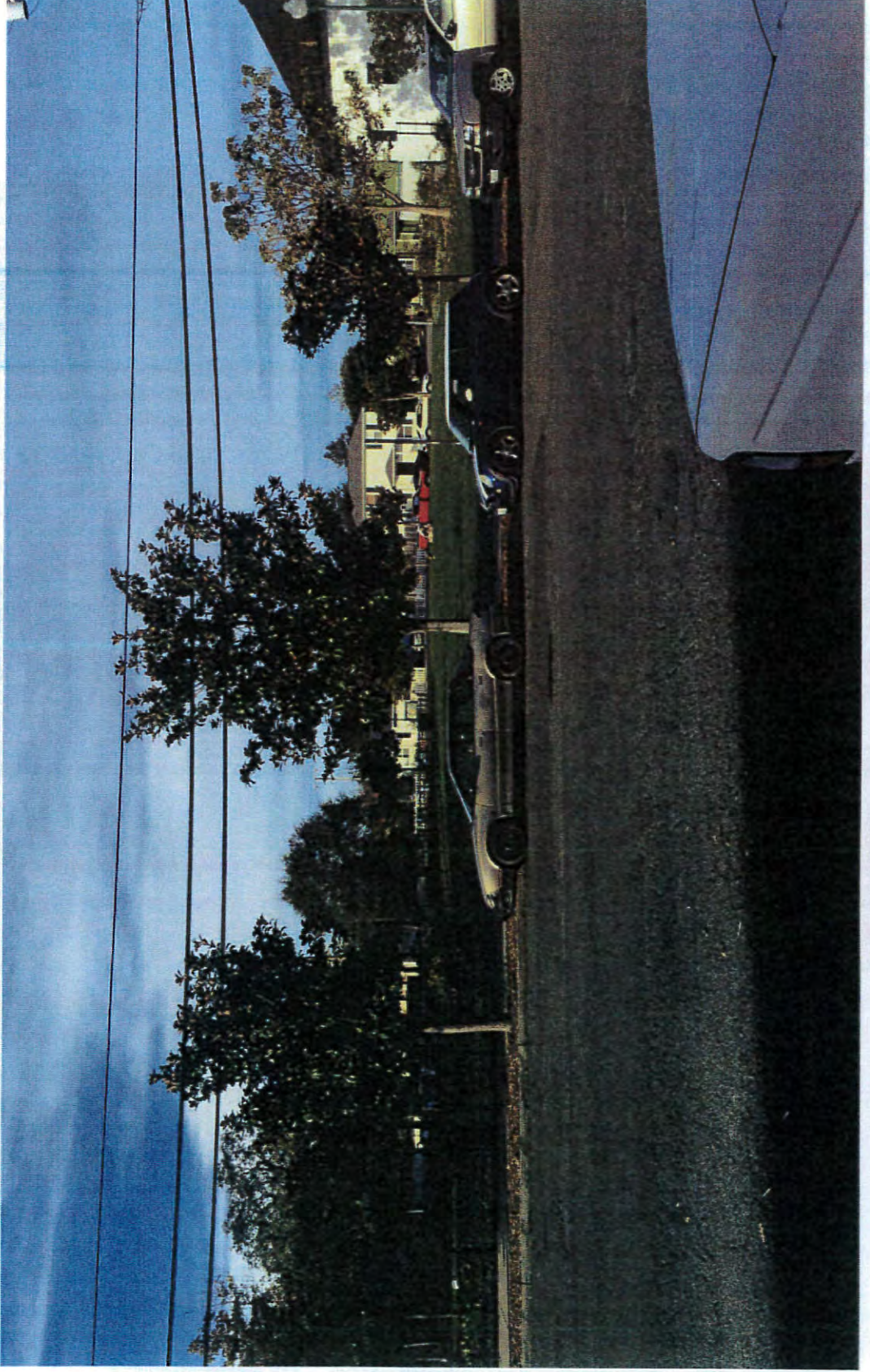
Building "B" walls in the interior that will be opened and replaced with matching brick and doors as shown on architectural drawings.



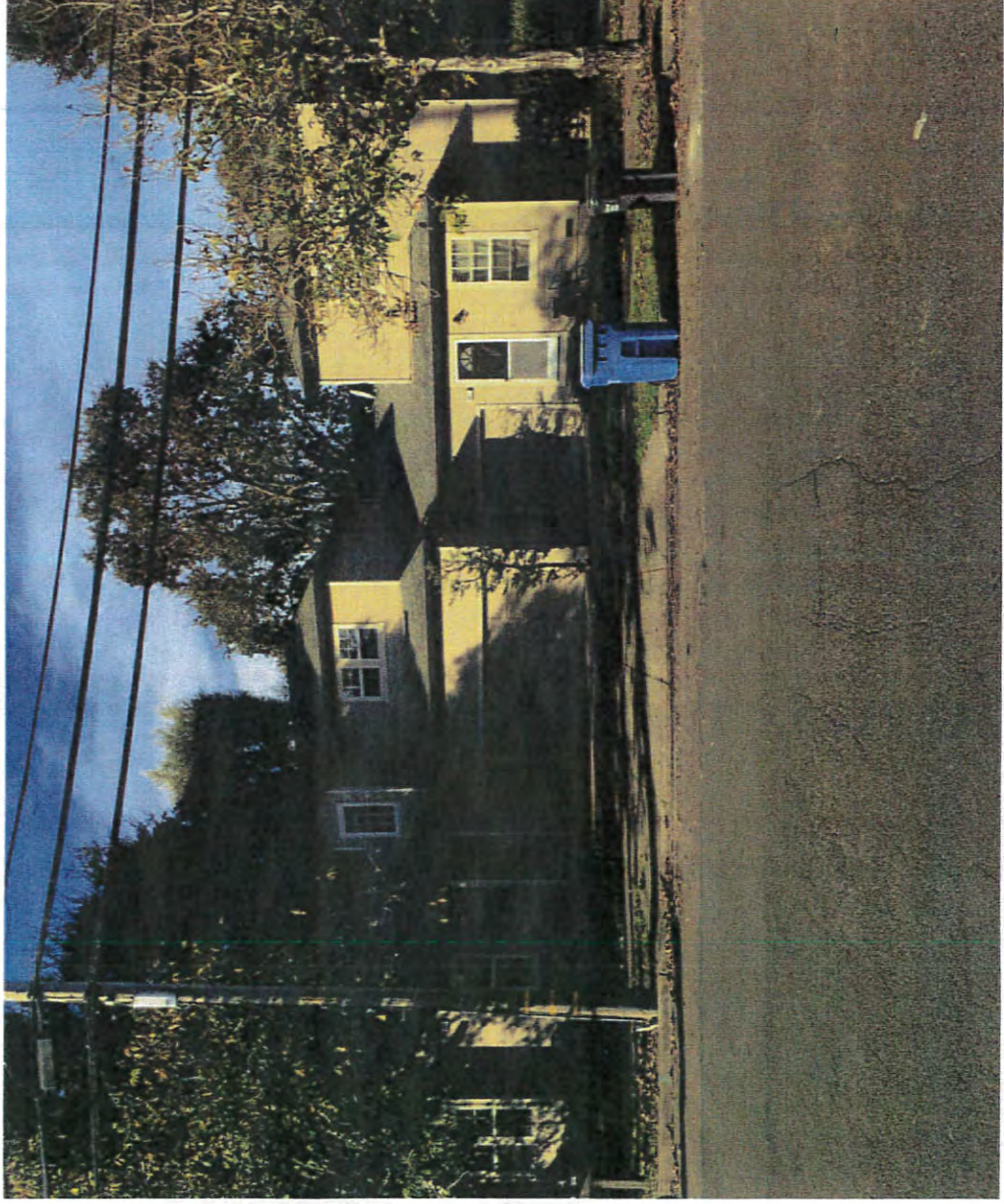
Opening of Building "B" showing the area that was original. These area's were filled in with block and brick and will be restored per drawings.



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.



PAY TO THE ORDER OF

RAILROAD SQUARE VILLAGE, LLC
P.O. BOX 1316
SONOMA, CA 95476-1316

4531

Five thousand one hundred & five

DATE

11/2/16

90-7162 41401
3222

\$ *5,105.⁰⁰*

DOLLARS

 Security Features
Check on the back

FOR

Appeal fee

⑆00453⑆

⑆32227⑆

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[Signature]

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APPLICATION
APPEAL
Please Type or Print

File No.	Quad.
Related Files	
DEPARTMENT USE ONLY	

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GENERAL	LOCATION OF PROJECT (ADDRESS) <u>806 DONAHUE ST. / 8 W 9th ST. Santa Rosa</u>	Note: This form is for appeals of Department actions only. Appeals of Commission and Board actions are filed in the City Manager's Office.	
	NAME OF PROJECT <u>DETURK WINERY Village</u>	DAYTIME PHONE <u>(707) 370 - 2291</u>	HOME PHONE <u>() - ()</u>
	APPELLANT NAME <u>Richard Deinger</u>	CITY <u>Santa Rosa</u>	STATE <u>CA</u>
	APPELLANT ADDRESS <u>808 DONAHUE ST.</u>	ZIP <u>95401</u>	

To the Chairman and Members of the Planning Commission / Design Review Board: COUNCIL

The undersigned: Richard Deinger does hereby appeal to the Planning Commission / Design Review Board the decision of the Department of Community Development made on 11/3/2016 (Date)

which DENIED the application of RAILROAD SQUARE Village, LLC (Name of property owner or developer)

for a DRB + CRB APPROVAL FOR DETURK WINERY Village project (State nature of request made to the Community Development Department)

on property situated at 806 DONAHUE ST / 8 W 9th ST. Santa Rosa, CA (Street address of subject property) APN# 010-091-001 + 007

A. The grounds upon which this appeal is filed are: (list all grounds relied upon in making this appeal. Please attach additional sheets if more space is needed.)

1. SEE ATTACHED LIST OF APPEAL ISSUES
(No FINDINGS which are Required, have been PROVIDED By CRB + DRB which in itself is A SIGNIFICANT FACT that supports ARE APPEAL STAFF

2. instructed CRB + DRB to make FINDINGS, especially since Required under state law, especially relating to height, but CRB did not provide with this respecton.
CITY COUNCIL

B. The specific action which the undersigned wants the City Planning Commission / Design Review Board to take is:
APPROVE PROJECT FOR DRB + CRB DESIGN + LANDMARK ALTERATION PERMIT. Applicant is Requesting Council To Consider APPROVING FINAL DRB + CRB Approval at the Appeal hearing.

[Signature]
Appellant's signature

11/7/2016
Date

DEPT	APPLICATION	RECEIVED BY	DATE	FEE RECEIVED	RECEIPT NUMBER
				\$	

APPEAL

12/10

APPEAL OF REJECTION OF APPROVAL FOR DETURK VILLAGE PROJECT 11/7/16

On October 3, 2016, the Design Review Board (DRB) and the Cultural Heritage Board (CHB) met and rejected approval of the Preliminary Design Approval for DeTurk Winery Village development. Initially the DRB did unanimously vote approval for the development with certain recommended conditions. However, the CHB unanimously voted against this project.

Grounds for rejection:

"Deny as proposed due to the CHB not being able to make findings as to items A, C, D, E and F, based on "Basis of processing Review Procedure Part II" and based on City Goals 4.7 & 3g, and due to "Secretary of State Standards" site as to standards for "New Buildings and Neighborhood standards". And Section 4 an5 (Architectural & Conformity issues) of the Joint Preliminary and Final Design Review for DeTurk.

Item A. The proposed DeTurk Winery Village is consistent with the original architecture style and details of the existing building including colors, textures, materials, fenestration, decorative features and details with the time-period of the building's construction and/or adjacent structures. An historic evaluation, prepared by Susan Clark, M.A., Architectural Historian, found that the industrial design and materials proposed for the DeTurk Winery Village development are consistent with the historic winery complex.

Item C. The proposed DeTurk Winery Village is compatible with adjacent or nearby landmark structures or preservation district structures. In an Historic Evaluation, prepared by Susan Clark, dated September 2016, the industrial design and materials proposed for the proposed are consistent with the historic winery. The DeTurk Park and DeTurk Round-barn provide a transition between the small single family residential West End neighborhood and DeTurk Winery Village. The proposed project does not detract from the residential streetscapes.

Item D. The proposed project is consistent with applicable standards from the Secretary of the Interior's Standards for Rehabilitation. As stated in the historic evaluation, prepared by Susan Clark, M.A., Architectural Historian:

- Preservation of the historic buildings is enhanced by avoiding all but minor changes to primary or public elevations. The new additions to the historic buildings shall be constructed where loss of significant features is minimized, along the side and rear elevations.
- The historic character of a building is embodied in its shape, materials, features, setting and interiors. New construction must be compatible in terms of size, scale, color, material, and character. The character of the building will be maintained by the use of heavy, industrial type materials in the new construction.
- New construction should be harmonious with the historic resource in terms of scale, proportion, materials and color. It should also be distinguishable from the older building in order to protect the visual qualities of the historic resource. DeTurk Winery Village elevations do not include any changes that create a false sense of historical development.

Item E. The proposed project is consistent with the applicable guidelines from the Processing Review Procedures for Owners of Historic Properties in that, in the findings of the aforementioned historic evaluation, the height, massing, materials and color were all found to be compatible.

F. Granting the Landmark Alteration Permit for DeTurk Winery Village would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

Item F. Granting the Landmark Alteration Permit for DeTurk Winery Village would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

Section 4-7 Historic Districts. G. New Construction.

Guideline 1. Design new construction so that the architectural character of the neighborhood is maintained.

Guideline 2. Design new construction to be compatible in height and proportion with adjacent structures.

Guideline 3 Use materials and designs similar to that found throughout the neighborhood.

Response to the CHB and DRB rejection of this project for above reasons.

1. This rejection fails on its own merits since the Boards, even after being told by staff that they were required to make "Findings" on each reason for rejection, failed to do this. The reasons for their rejections give no specific issues, reasons or findings as to what items rise to the level of rejection, even though they give a broad rejection comments basically stating, under the Landmark Resolution, they can't approve the project. No specific items were raised in the rejection, no findings in any manner where presented in this rejection and not one comment on why they felt these items were unable to raise to a level of approval.
2. This rejection is seriously defective on the basis that under State Law, as to the concessions being taken, requires an extensive and pervasive and factual arguments to prove that these concessions can not be claimed by the applicant. No such arguments or finding were brought forward thereby violating not only local regulations but more importantly State Law that has jurisdiction over this issue.

State Density Bonus Law discussion:

The density bonus law originated in 1979 as a tool to encourage developers to provide affordable housing. The concept is that a developer of a residential development receives concessions or incentives and the ability to construct additional market rate housing units through a density bonus, thereby making it more financially feasible to develop affordable units.

The state density bonus law directs local jurisdictions to implement its provisions through local codes. The law is complex and includes numerous components as described generally below.

The density bonus law requires local jurisdictions grant a density bonus and incentives and concessions to residential development projects which contain affordable units. This project provides 15 very low income housing units, which is the maximum level to obtain these two concessions as well as increase density by 35%.

The specific density bonus allowed is detailed in the law, and the bonus increases as the number of affordable units increase. Affordable rental units provided must remain affordable for at least 55 years.

A concession or incentive includes a reduction in site development standards or zoning code requirements, approval of mixed use development as part of the housing development, or other proposals made by a developer which would result in cost reductions. A developer is eligible for at least one concession or incentive, with additional concessions or incentives allowed as the percentage of affordable units increases. The state law also includes provisions which allow for a density bonus in return for land dedication, condominium conversions, and development of child care facilities.

Local jurisdictions are required to provide a density bonus and a concession or incentive to eligible housing developments as outlined above. Most of a locality's areas of discretion in a density bonus code lie in the process for granting of a density bonus/concession or incentive and in mechanisms to assure continued affordability of affordable units developed.

It is incumbent upon the city to approve a request for a density bonus and concessions or incentives. The City shall grant a concession or incentive unless findings can be made that they: 1) are not needed to provide affordable housing; 2) would have a specific adverse impact upon health or safety, the environment, or a historic resource; or 3) are contrary to state or federal law.

Concessions or Incentives An applicant for a density bonus may also request concessions or incentives. The City shall grant the requested concession or incentive unless they are: not needed to provide for affordable housing costs, would have a severe adverse impact upon health and safety or the environment or on a historic resource, or are contrary to

state or federal law. The number of concessions or incentives increases as the percentage of affordable housing increases.

The state law spells out the following concessions or incentives: reduction in site development standards, building height and parking standards or modification of zoning code requirements including reduced lot sizes and setbacks, allowance of mixed use development as part of the housing development if it will reduce costs and be compatible, and others proposed by the applicant which the City finds will result in actual cost reductions.

Additionally, the proposed ordinance includes priority processing as an incentive for a fully affordable housing development. Priority processing means a timeline for review which is mutually agreed to by the City and the developer.

3. The City of Santa Rosa instructed and mandated the CHB not to deal with any item related to density Bonus, and defer this to the Planning Commission. The CRB and DRB ignored this instruction and three of the five CRB and DRB Board Members in discussion of this project merits stated they could not approve this project with the height being proposed, which is 3 feet lower than a previous approved project. Staff gave direction to the CHB and DRB to make "findings" if they wanted to present to the Planning Commission. No such findings were provided, thus the rejection of this project violates State Law mandated concession requirements.
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CHB and DRB desires. The only issue of significance by the CHB and DRB was relating to height, an issue not in their purview, as staff stated. This revised development is 40 feet tall 3 feet lower than the prior active tentative map project. The existing historic building is adjacent to the new construction. The original historic building is between 33 to 45 feet tall. There is a section in which a portion of the original building was damaged and we are asking to rebuild that portion to bring the building design integrity and historical integrity back to when the building was first built in 1872. This building, per the Sanborn maps dating back to 1875 show this building was the first building built in this area and predates any home construction by many years. Any new housing in the area should have recognized the historic significance of the DeTurk Winery, yet this clearly was not considered when you look at the fact that across the street from this project are low rise due-plex units.

6. Finally, an extensive historic review has prepared and presented at hearing by our historian Susan Clark, a registered historian with 30 years' experience. The CRB and DRB ignored this report and instead questioned why this report was not peer reviewed. The City staff previously rejected this peer review as being not needed. Her report mimics the environmental reviews by SCS Engineers and Historians and Winzler Kelly Engineers and Historians. The CRB and DRB ignored the extensive environmental review and recommendations found in our 2009 Re-Zoning of this property to Residential and ignored the same conditions and recommendations in the conditions provided to staff for our "Consistency Report". The Clark report was extensive and encompassing and very supportive of the conditions we needed to meet as to Items A, C, D, E and F. CRB and DRB raised no specific finding or element in violation of this section. The fact that the CRB failed to review all these reports and studies is not a ground for rejection.

We therefore request that the City Council reverse these Boards rejection and have the City Council approve this project for Final Design Review approval so we can next go before the Planning Commission so we can move this project to construction early next year.

Richard Deringer Applicant 11/10/2016

A handwritten signature in black ink, appearing to be 'RD', located in the bottom right corner of the page.

CITY OF SANTA ROSA

NOV 14 2016



DEPT. OF COMMUNITY DEVELOPMENT

APPLICATION
APPEAL

Please Type or Print

File No.	Quad.
Related Files	
DEPARTMENT USE ONLY	

www.srccity.org

GENERAL	LOCATION OF PROJECT (ADDRESS) <u>806 DONAHUE ST. / 8 W 9th ST. Santa Rosa</u>	Note: This form is for appeals of Department actions only. Appeals of Commission and Board actions are filed in the City Manager's Office.	
	NAME OF PROJECT <u>DETURK WINERY Village</u>	DAYTIME PHONE <u>(707) 310 - 2291</u>	HOME PHONE <u>() - ()</u>
	APPELLANT NAME <u>Richard Deeringer</u>	CITY <u>Santa Rosa</u>	STATE <u>CA</u>
	APPELLANT ADDRESS <u>806 DONAHUE ST.</u>	ZIP <u>95401</u>	

To the Chairman and Members of the Planning Commission / Design Review Board: COUNCIL

The undersigned: Richard Deeringer does hereby appeal to the Planning Commission /
(Please print or type your name)

Design Review Board the decision of the Department of Community Development made on 11/3/2016
(Date)

which DENIED the application of RAILROAD SQUARE Village, LLC
(approved, denied, other) (Name of property owner or developer)

for a DRB + CRB APPROVAL FOR DETURK WINERY Village project
(State nature of request made to the Community Development Department)

on property situated at 806 DONAHUE ST / 8 W 9th ST. Santa Rosa, CA
(Street address of subject property) APN# 010-091-001+007

A. The grounds upon which this appeal is filed are: (list all grounds relied upon in making this appeal. Please attach additional sheets if more space is needed.)

1. SEE ATTACHED LIST OF APPEAL ISSUES
(No FINDINGS, which are Required, have been
PROVIDED BY CRB + DRB which in itself is A
SIGNIFICANT FACT THAT SUPPORTS AN APPEAL. STAFF

2. INSTRUCTED CRB + DRB TO MAKE FINDINGS, ESPECIALLY
SINCE REQUIRED UNDER STATE LAW, ESPECIALLY RELATING
TO HEIGHT, BUT CRB DID NOT PROVIDE WITH THIS RESPECTION.

B. The specific action which the undersigned wants the City Planning Commission / Design Review Board to take is:

APPROVE PROJECT FOR DRB + CRB DESIGN & LANDMARK
ALTERATION PERMIT. Applicant is
Requesting Council To Consider APPROVING FINAL
DRB + CRB Approval at the Appeal Hearing.

[Signature]
Appellant's signature

11/7/2016
Date

DEPT	APPLICATION	RECEIVED BY	DATE	FEE RECEIVED	RECEIPT NUMBER
				\$	

APPEAL

12/10

APPEAL OF REJECTION OF APPROVAL FOR DETURK VILLAGE PROJECT 11/7/16

On October 3, 2016, the Design Review Board (DRB) and the Cultural Heritage Board (CHB) met and rejected approval of the Preliminary Design Approval for DeTurk Winery Village development. Initially the DRB did unanimously vote approval for the development with certain recommended conditions. However, the CHB unanimously voted against this project.

Grounds for rejection:

"Deny as proposed due to the CHB not being able to make findings as to items A, C, D, E and F, based on "Basis of processing Review Procedure Part II" and based on City Goals 4.7 & 3g, and due to "Secretary of State Standards" site as to standards for "New Buildings and Neighborhood standards". And Section 4 an5 (Architectural & Conformity issues) of the Joint Preliminary and Final Design Review for DeTurk.

Item A. The proposed DeTurk Winery Village is consistent with the original architecture style and details of the existing building including colors, textures, materials, fenestration, decorative features and details with the time-period of the building's construction and/or adjacent structures. An historic evaluation, prepared by Susan Clark, M.A., Architectural Historian, found that the industrial design and materials proposed for the DeTurk Winery Village development are consistent with the historic winery complex.

Item C. The proposed DeTurk Winey Village is compatible with adjacent or nearby landmark structures or preservation district structures. In an Historic Evaluation, prepared by Susan Clark, dated September 2016, the industrial design and materials proposed for the proposed are consistent with the historic winery. The DeTurk Park and DeTurk Round-barn provide a transition between the small single family residential West End neighborhood and DeTurk Winery Village. The proposed project does not detract from the residential streetscapes.

Item D. The proposed project is consistent with applicable standards from the Secretary of the Interior's Standards for Rehabilitation. As stated in the historic evaluation, prepared by Susan Clark, M.A., Architectural Historian: • Preservation of the historic buildings is enhanced by avoiding all but minor changes to primary or public elevations. The new additions to the historic buildings shall be constructed where loss of significant features is minimized, along the side and rear elevations. • The historic character of a building is embodied in its shape, materials, features, setting and interiors. New construction must be compatible in terms of size, scale, color, material, and character. The character of the building will be maintained by the use of heavy, industrial type materials in the new construction. • New construction should be harmonious with the historic resource in terms of scale, proportion, materials and color. It should also be distinguishable from the older building in order to protect the visual qualities of the historic resource. DeTurk Winery Village elevations do not include any changes that create a false sense of historical development.

Item E. The proposed project is consistent with the applicable guidelines from the Processing Review Procedures for Owners of Historic Properties in that, in the findings of the aforementioned historic evaluation, the height, massing, materials and color were all found to be compatible. F. Granting the Landmark Alteration Permit for DeTurk Winery Village would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

Item F. Granting the Landmark Alteration Permit for DeTurk Winery Village would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

Section 4-7 Historic Districts. G. New Construction.

Guideline 1. Design new construction so that the architectural character of the neighborhood is maintained.

Guideline 2. Design new construction to be compatible in height and proportion with adjacent structures.

Guideline 3 Use materials and designs similar to that found throughout the neighborhood.

Response to the CHB and DRB rejection of this project for above reasons.

1. This rejection fails on its own merits since the Boards, even after being told by staff that they were required to make "Findings" on each reason for rejection, failed to do this. The reasons for their rejections give no specific issues, reasons or findings as to what items rise to the level of rejection, even though they give a broad rejection comments basically stating, under the Landmark Resolution, they can't approve the project. No specific items were raised in the rejection, no findings in any manner were presented in this rejection and not one comment on why they felt these items were unable to raise to a level of approval.
2. This rejection is seriously defective on the basis that under State Law, as to the concessions being taken, requires an extensive and pervasive and factual arguments to prove that these concessions can not be claimed by the applicant. No such arguments or finding were brought forward thereby violating not only local regulations but more importantly State Law that has jurisdiction over this issue.

State Density Bonus Law discussion:

The density bonus law originated in 1979 as a tool to encourage developers to provide affordable housing. The concept is that a developer of a residential development receives concessions or incentives and the ability to construct additional market rate housing units through a density bonus, thereby making it more financially feasible to develop affordable units.

The state density bonus law directs local jurisdictions to implement its provisions through local codes. The law is complex and includes numerous components as described generally below.

The density bonus law requires local jurisdictions grant a density bonus and incentives and concessions to residential development projects which contain affordable units. This project provides 15 very low income housing units, which is the maximum level to obtain these two concessions as well as increase density by 35%.

The specific density bonus allowed is detailed in the law, and the bonus increases as the number of affordable units increase. Affordable rental units provided must remain affordable for at least 55 years.

A concession or incentive includes a reduction in site development standards or zoning code requirements, approval of mixed use development as part of the housing development, or other proposals made by a developer which would result in cost reductions. A developer is eligible for at least one concession or incentive, with additional concessions or incentives allowed as the percentage of affordable units increases. The state law also includes provisions which allow for a density bonus in return for land dedication, condominium conversions, and development of child care facilities.

Local jurisdictions are required to provide a density bonus and a concession or incentive to eligible housing developments as outlined above. Most of a locality's areas of discretion in a density bonus code lie in the process for granting of a density bonus/concession or incentive and in mechanisms to assure continued affordability of affordable units developed.

It is incumbent upon the city to approve a request for a density bonus and concessions or incentives. The City shall grant a concession or incentive unless findings can be made that they: 1) are not needed to provide affordable housing; 2) would have a specific adverse impact upon health or safety, the environment, or a historic resource; or 3) are contrary to state or federal law.

Concessions or Incentives An applicant for a density bonus may also request concessions or incentives. The City shall grant the requested concession or incentive unless they are: not needed to provide for affordable housing costs, would have a severe adverse impact upon health and safety or the environment or on a historic resource, or are contrary to

state or federal law. The number of concessions or incentives increases as the percentage of affordable housing increases.

The state law spells out the following concessions or incentives: reduction in site development standards, building height and parking standards or modification of zoning code requirements including reduced lot sizes and setbacks, allowance of mixed use development as part of the housing development if it will reduce costs and be compatible, and others proposed by the applicant which the City finds will result in actual cost reductions.

Additionally, the proposed ordinance includes priority processing as an incentive for a fully affordable housing development. Priority processing means a timeline for review which is mutually agreed to by the City and the developer.

3. The City of Santa Rosa instructed and mandated the CHB not to deal with any item related to density Bonus, and defer this to the Planning Commission. The CRB and DRB ignored this instruction and three of the five CRB and DRB Board Members in discussion of this project merits stated they could not approve this project with the height being proposed, which is 3 feet lower than a previous approved project. Staff gave direction to the CHB and DRB to make "findings" if they wanted to present to the Planning Commission. No such findings were provided, thus the rejection of this project violates State Law mandated concession requirements.
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