

CITY OF SANTA ROSA  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR PLANNING COMMISSION

**NOVEMBER 18, 2021**

**PROJECT TITLE**

Brush Creek Minor Subdivision

**APPLICANT**

Nils Welin

**ADDRESS/LOCATION**

2210 Brush Creek Dr

**PROPERTY OWNER**

Nils Welin & Klas Berghede

**ASSESSOR'S PARCEL NUMBER**

182-050-004

**FILE NUMBER**

PRJ20-008 (consisting of ANX20-001,  
GPAM20-003, & MIN20-002)

**APPLICATION DATE**

May 28, 2020

**APPLICATION COMPLETION DATE**

June 19, 2020

**REQUESTED ENTITLEMENTS**

Mitigated Negative Declaration  
General Plan Amendment  
Rezoning  
Tentative Map

**FURTHER ACTIONS REQUIRED**

City Council action on General Plan  
Amendment resolution and Rezoning  
ordinances  
  
Subdivision Committee action on Tentative  
Parcel Map

**PROJECT SITE ZONING**

Existing: County

Proposed: R-1-6

**GENERAL PLAN DESIGNATION**

Existing: Very Low Density Residential

Proposed: Low Density Residential

**PROJECT PLANNER**

Kristinae Toomians

**RECOMMENDATION**

Adopt Mitigated Negative Declaration and  
Mitigation Monitoring and Reporting  
Program

Recommend approval of General Plan  
Amendment and Rezoning to City Council

For Planning Commission Special Meeting of: November 18, 2021

CITY OF SANTA ROSA

PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE COMMISSION  
FROM: KRISTINAE TOOMIANS, SENIOR PLANNER  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
SUBJECT: BRUSH CREEK MINOR SUBDIVISION  
AGENDA ACTION: THREE RESOLUTIONS RECOMMENDING THAT CITY COUNCIL APPROVE A MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT AND PREZONING FOR THE BRUSH CREEK MINOR SUBDIVISION

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RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the that the Planning Commission, by three resolutions:

1. Recommend that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Brush Creek Minor Subdivision located at 2210 Brush Creek Road;
2. Recommend that City Council approve a General Plan Amendment to change subject parcel's land use designations from Very Low Density Residential to Low Density Residential;
3. Recommend that the City Council adopt a Prezoning to amend the Zoning Map for the subject parcel to R-1-6; and

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EXECUTIVE SUMMARY

Brush Creek Minor Subdivision is a proposed project that includes requests for a General Plan Amendment from Very Low Density Residential to Low Density Residential and a Prezoning to R-1-6 – Single-Family Residential to allow a four-lot subdivision with a remainder parcel. Any action taken by the Subdivision Committee regarding the proposed Tentative Parcel Map for the Project will be subject to City Council approval of the proposed General Plan Amendment and Prezoning.

## BACKGROUND

The Brush Creek Minor Subdivision project application has been submitted in accordance with the following policies and regulations of the City of Santa Rosa:

- City of Santa Rosa [General Plan 2035](#), Section 1-7 Changing the General Plan, allows amendment of the General Plan Land Use Diagram three times per year (p. 1-11). City Council shall conduct hearings after consideration by Planning Commission. Brush Creek Minor Subdivision is being brought forward for review as part of the Fall 2021 General Plan Amendment package.
- Zoning Code [Chapter 20-64 Amendments](#) allows and regulates application, processing, noticing, and review of proposed the General Plan Amendment and Prezoning.
- Zoning Code [Section 19-04.100 Subdivision of land outside the City boundaries](#) allows for approval of Tentative Maps for land outside of the City boundaries, subject to annexation prior to filing the final map. The project involves a Prezoning application, which is the first step to annexation. Once prezoned, the Sonoma Local Agency Formation Commission (LAFCO) will consider annexation of the parcel into the City. Pursuant to City Code Section 19-04.100, the tentative parcel map for the project cannot be recorded, nor may any project-related improvements be constructed, prior to completion of the annexation. The Subdivision Committee will review the proposed Tentative Map at a future date.

### 1. Project Description

The project requests a General Plan Amendment from Very Low Density Residential to Low Density Residential, and a Prezoning to R-1-6 – Single-Family Residential to allow a four-lot tentative parcel map with a remainder parcel, which would allow the existing residence to remain on a remainder lot, and the future development of four new single-family residential lots. The Subdivision Committee would review the Tentative Parcel Map after final City Council action on proposed General Plan Amendment and Prezoning entitlements. The final map cannot be recorded until annexation is completed.

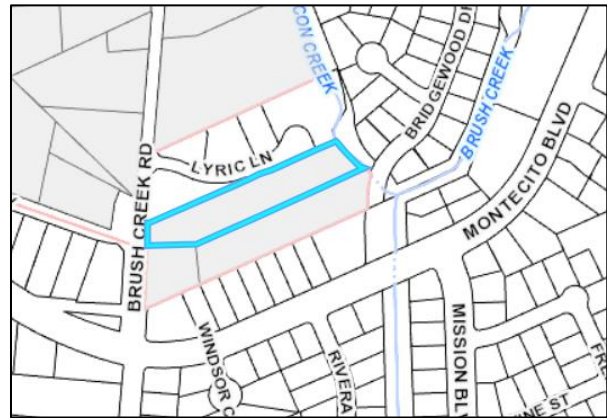


Figure 1: Grey lots indicate properties within Sonoma County jurisdiction.

### 2. Surrounding Land Uses

The project site is within unincorporated Sonoma County, and the parcel is surrounded by lots within County and City jurisdictions. Adjacent parcels to the south (APNs 182-050-014 and 182-050-005) are within Sonoma County jurisdiction and zoned RR – Rural Residential. The parcels to the north (APNs 182-050-018, -019, -020, -021, -022) are within the City’s Jurisdiction and zoned Planned Development (PD), developed in a configuration that is similar to the current proposal. A suburban-style residential neighborhood is located within City limits to the east across from Rincon Creek.

3. Existing Land Use – Project Site

The project site is located at 2210 Brush Creek Road, near the intersection of Brush Creek Road and Lyric Lane, approximately 350 feet north of Fountaingrove Parkway/Montecito Boulevard.



Figure 2: Aerial of surrounding properties.

There is an existing 1,470-square-foot single-family residence, and a 320-square-foot

accessory structure. The project site is adjacent to, “Rincon Creek Reach 1: Urban Growth Boundary to Brush Creek,” in the Citywide Creek Master Plan. Rincon Creek Reach 1 is designated as a natural creek consisting of approximately 9,226 linear feet. The property is located west of Rincon Creek, adjacent to the eastern boundary of the parcel. Rincon Creek is a narrow drainage that bisects housing parcels on either side of the banks. The Citywide Creek Master Plan describes this portion of the creek as, “recommended for preservation, due to the habitat value for fish and wildlife. Habitat enhancement is also recommended, including removal of invasive species and replanting with native vegetation.”

4. Project History

November 26, 2018	Neighborhood Meeting held at 6pm at 637 1 <sup>st</sup> Street, Large Conference Room, 1 <sup>st</sup> Floor
May 28, 2020	Project applications – General Plan, Rezoning and Tentative Map Permits – submitted

June 11, 2020	Native American tribes with known interest in the area were notified of the proposed project in accordance with SB 18 requirements for General Plan amendments
September 22, 2020	Native American tribes were notified as required by AB 52
May 27, 2021	The Planning and Economic Development Department requested that the Waterways Advisory Committee advise the City Council and the Subdivision Committee as to whether the proposed Lyric Lane Subdivision project is consistent with the applicable Citywide Creek Master Plan, General Plan goals and policies, and Design Guidelines for development near waterways.
July 2, 2021	The Brush Creek Minor Subdivision, 2210 Brush Creek Drive, Initial Study/Mitigated Negative Declaration was published for 30-day public review in accordance with CEQA regulations. Planning staff mailed a Notice of Intent to Adopt a Mitigated Negative Declaration to neighboring property owners and interested parties. A copy of the proposed mitigated negative declaration was made available for review at <a href="https://srcity.org/425/Plans-Studies-EIRs">https://srcity.org/425/Plans-Studies-EIRs</a> . The review period ended August 1, 2021.
July 2, 2021	Notice of application was mailed to surrounding property owners and occupants.

- City staff received one response to distributed SB18 letters from Lytton Rancheria, who indicated that it would not be requesting further consultation.
- The Lytton Rancheria responded to AB 52 notification and requested consultation. After they reviewed of the cultural survey, they were agreeable to the proposed conditions in the archeological survey report.
- The City is currently engaged in consultation with the Federated Indians of Graton Rancheria, per SB18.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

1. Request for General Plan Amendment

The project site is designated as Very Low Density Residential on the General Plan Land Use Diagram. This designation allows residential development from 0.2 to 2.0 units per gross acre. This density range accommodates rural and hillside developments within the Urban Growth Boundary (UGB) and is intended

for single family detached units, but clustered single family attached and multifamily may be permitted.

RR – Rural Residential is the implementing zoning district for Very Low Density Residential. While this zoning district allows for a minimum parcel size of 20,000-square-feet, the Very Low Density Residential General Plan designation restricts the maximum density to 2 dwelling units per acre. The RR – Rural Residential Zoning District as restricts development to one dwelling unit and an accessory dwelling unit per lot.

The requested Low Density Residential is intended for single family residential development at density of 2.0 to 8.0 units per gross acre. This classification is mainly intended for detached single family dwellings but attached single family and multiple family units may be permitted. The applicant requests the R-1-6 implementing zoning designation, which permits 6,000-square-foot minimum lots. The proposed Tentative Parcel Map will result in parcel sizes that would range in size from 9,665 to 16,702 square feet. The average lot size is 13,260 square feet. The resulting density from the four-lot subdivision, with one remainder lot, is 3 dwelling units per acre. The parcel backs up to Rincon Creek, which creates a physical development constraint toward the rear of the project site.

*The applicant states:*

- 1. As this project proposes annexing and pre-zoning/re-zoning of the subject territory and subdividing it into four lots with a designated remainder, the owner of the property is requesting the General Plan Amendment to support a higher density and change the zoning to R-1-6, to allow for the subdivision.*
- 2. Since the General Plan was adopted, housing has become increasingly limited and there is a higher demand for the creation of new housing. Additionally, the recent fires have exacerbated the situation, resulting in the need for this change.*
- 3. The subject parcel is surrounded by Low-Density Residential designated areas, making this change in density consistent with the surrounding land uses.*

### **General Plan Amendment Required Findings**

#### **A. The proposed amendment ensures and maintains internal consistency with the goals and policies of all elements of the General Plan.**

The following General Plan goals are applicable to the project:

<b>LAND USE AND LIVABILITY</b>	
<b>LUL-A</b>	Foster a compact rather than a scattered development pattern in order to reduce travel, energy, land, and materials consumption

	while promoting greenhouse gas emission reductions citywide.
<b>LUL-A-2</b>	Annex unincorporated land adjacent to city limits within the Urban Growth Boundary, when the proposal is timely and only if adequate services are available. Ensure that lands proposed for annexation provide a rational expansion and are contiguous to existing urban development.
<b>LUL-A-3</b>	Require development in county areas within the Santa Rosa Urban Growth Boundary to be built to City of Santa Rosa standards to ensure consistency upon annexation.
<b>LUL-F</b>	Maintain a diversity of neighborhoods and varied housing stock to satisfy a wide range of needs.
<b>OPEN SPACE AND CONSERVATION</b>	
<b>OSC-D-9</b>	Ensure that construction adjacent to creek channels is sensitive to the natural environment. Ensure that natural topography and vegetation is preserved along the creek, and that construction activities do not disrupt or pollute the waterway.
<b>OSC-D-10</b>	Orient development and buildings toward creeks, while providing privacy, security, and an open transition between public and private open spaces.

The following Citywide Creek Master Plan policies are applicable to the project:

<b>HABITAT</b>	
<b>HA-1-2</b>	Meet or exceed the required creek setback distance to provide ecological buffers, recognize the 100-year floodplain, and allow for stream corridor restoration. Development shall locate outside the creek setback, as defined within the Santa Rosa Zoning Code.
<b>ECONOMIC</b>	
<b>EC-1-1</b>	Where discretionary approval for new development is sought adjacent to a creek, that development shall, to the extent possible, be consistent with and support the Master Plan. Planners and decision-makers will look for consistency between proposed projects and the Master Plan. The overall intent of this policy is to incorporate the creek into the project design

The project site is within the City Urban Growth Boundary (UGB) and is directly adjacent to parcels within the City boundary to the north and east. The property to the north is a Planned Development that is developed in a similar configuration with a five-lot subdivision. The properties on the other side of Rincon Creek have a General Plan land use designation of Low Density Residential and are developed per R-1-6 standards. The parcels 115-feet south from the project site front onto Montecito Blvd and have a General Plan land use designation of Medium Density Residential.

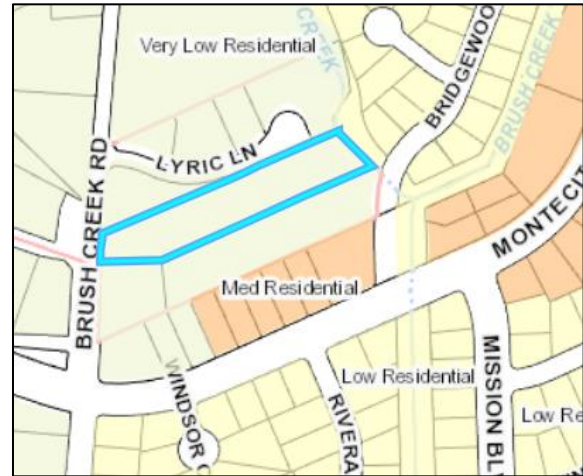


Figure 3: General Plan designations.

The project site is directly adjacent to Rincon Creek Reach 1 to the east, along the rear property line. There is an existing residence towards the front of the property, adjacent to Brush Creek Road. The applicant proposes to subdivide the property into four new lots with the existing residence on a remainder lot. Proposed Lot 5 is directly adjacent to the creek along the rear property line and is more than 30-feet from the creek setback. The lot would be developed with a single-family residence. The General Plan emphasizes the preservation and enhancement of creeks, while allowing for implementation of the envisioned land uses.

**B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.**

The project site is nearly surrounded by properties that are currently within the City limits. The adjacent lots to the east are designated Low Density Residential. While the adjacent lots to the north are designated Very Low Density Residential, the lots are developed in a similar configuration as the proposed project, with similar lot sizes as the proposed project. The proposed project would not be out of character with the surrounding lots and lot configurations. The proposed General Plan and implementing Zoning designations would permit the project to develop in a similar manner to the adjacent parcels to the north, without a Planned Development. The project is designed with adequate turnaround for emergency vehicles, there are adequate fire hydrants in place, and this project is not within the Wildfire-Urban Interface (WUI).



**C. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land use developments.**

The existing residence on the remainder lot will continue to take access from Brush Creek Road. The four newly created lots will take access from Lyric Lane. The proposed lot that is adjacent to Rincon Creek will have adequately sized building pad outside of the required creek setback. As stated above, the proposed project will have a similar configuration to the properties developed to the north that are part of a Planned Development. The proposed project will not be out of character with the surrounding lots and lot configurations.

**D. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**

An Initial Study was prepared in compliance with the California Environmental Quality Act (CEQA). The proposed project would result in potentially significant impacts in: Air Quality, Biological Resources, Cultural Resources, and Geology & Soils. The project impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures contained the Mitigation Monitoring and Reporting Program prepared for the project, which identifies the timing of, and the agency or agencies responsible for, enforcement and monitoring of each mitigation measure to be implemented to reduce potentially significant impacts to less than significant levels, or through compliance with existing Municipal Code requirements or City standards.

2. Zoning

The applicant requests to prezone the subject parcel to R-1-6 – Single-Family Residential, and has submitted a Prezoning application in accordance with Zoning Code [Section 20-64.060](#). R-1-6 is an implementing zoning district of the Low Density Residential General Plan land use designation (see [Section 20-20.020 Zoning Map and zoning districts](#)) and would allow the proposed lot sizes and lot configuration, subject to a Tentative Parcel Map, approved by the Subdivision Committee.

**Zoning Map Amendment Required Findings**

**A. The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan.**

In accordance with [Section 20-22.020\(B\)](#), the R-1-6 zoning district is applied to areas of the City intended to be maintained as residential neighborhoods comprised of detached and attached single-family houses, clustered

residential hillside projects, and small multi-family projects, together with compatible accessory uses. The maximum allowable density ranges from two to 13 dwellings per acre, with the specific allowable density for each parcel shown on the zoning map by a numerical suffix to the R-1 map symbol (see Section [20-22.040](#)). The R-1 zoning district implements and is consistent with the Residential—Very Low Density (where residential clustered on hillsides is desirable), Low Density/Open Space, Low Density, and Medium Low Density land use classifications of the General Plan. The R-1-6 Zoning District permits 6,000-square-foot lot sizes. General Plan Section 1-2 requires that the General Plan be internally consistent; therefore, a proposed amendment to a zoning district that is consistent with a General Plan land use designation and implements that land use designation would be consistent with the goals and policies of all elements of the General Plan.

The proposed project site is not subject to a specific plan.

**B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.**

The proposed zoning would be consistent with the Low Density Residential General Plan land use designation. The R-1-6 Zoning District would permit 6,000-square-foot parcels. The applicant proposes to develop the property in a similar configuration as the Planned Development to the north. The proposed Tentative Parcel Map will result in parcel sizes that would range in size from 9,665 to 16,702 square feet. The average lot size is 13,260 square feet. The resulting density from the four-lot subdivision, with one remainder lot, is 3 dwelling units per acre. The parcel backs up to Rincon Creek, which creates a physical development constraint toward the rear of the project site. Rezoning and amending the General Plan for four additional single-family residential units will not have any foreseeable effect on the public's health, safety, convenience, or welfare.

**C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**

An Initial Study was prepared in compliance with the California Environmental Quality Act (CEQA) and resulted in preparation of a Mitigated Negative Declaration. The proposed project would result in potentially significant impacts in: Air Quality, Biological Resources, Cultural Resources, and Geology & Soils. The project impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures contained the Mitigation Monitoring and Reporting Program prepared for the project, which identifies the timing of, and the agency or agencies responsible for, enforcement and monitoring of each mitigation measure to be implemented to reduce potentially significant impacts to less

than significant levels, or through compliance with existing Municipal Code requirements or City standards.

**D. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.**

The Project, as proposed and conditioned, meets all required development standards for the R-1-6 Zoning District. Each newly created lot will be able to meet setback and parking requirements.

**E. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/developments.**

The existing residence on the remainder lot will continue to take access off of Brush Creek Road. The four newly created lots will take access off of Lyric Lane. The proposed lot that is adjacent to Rincon Creek will have adequately sized building pad outside of the required creek setback. As stated above, the proposed project will have a similar configuration to the properties developed to the north that are part of a Planned Development. The proposed project will not be out of character with the surrounding lots and lot configurations.

3. Design Guidelines

Future development of single-family residences and accessory dwelling units would be exempt from Design Review.

4. Neighborhood Comments

One comment was received in response to the Notice of Intent to Adopt a Mitigated Negative Declaration for the project. The respondent voiced concerns regarding traffic impacts to Brush Creek and the Fountaingrove/Brush Creek intersection, as a result of poor visibility. The City Traffic Division concluded that the proposed subdivision does not generate an amount of traffic that would be a concern in terms of Level of Service (LOS). Additionally, it is below the 110 vehicle trips per day that would trigger a VMT analysis.

No additional public comments have been received at the time that this Staff Report was prepared.

5. Public Improvements/On-Site Improvements

Necessary public and onsite improvements will be determined at the time of the Tentative Parcel Map.

FISCAL IMPACT

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

### ENVIRONMENTAL IMPACT

An Initial Study was prepared in compliance with the California Environmental Quality Act (CEQA) and resulted in preparation of a Mitigated Negative Declaration. The proposed project would result in potentially significant impacts in: Air Quality, Biological Resources, Cultural Resources, and Geology & Soils. The project impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures contained the Mitigation Monitoring and Reporting Program prepared for the project, which identifies the timing of, and the agency or agencies responsible for, enforcement and monitoring of each mitigation measure to be implemented to reduce potentially significant impacts to less than significant levels, or through compliance with existing Municipal Code requirements or City standards. A Notice of Intent to adopt a Mitigated Negative Declaration was posted with the California State Clearinghouse (SCH Number 2021070134) and the Sonoma County Clerk's Office, initiating a thirty-day public comment period beginning July 2, 2021, and ending August 1, 2021.

### BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On May 27, 2021, the Planning and Economic Development Department requested that the Waterways Advisory Committee advise the City Council and other reviewing bodies as to whether the proposed Brush Creek Minor Subdivision project is consistent with the applicable Citywide Creek Master Plan, General Plan goals and policies, and Design Guidelines for development near waterways. They concluded that the proposed setbacks for the proposed lot adjacent to the creek is consistent with the Citywide Creek Master Plan.

### 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 and occupants, 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.

### ISSUES

There are no unresolved issues. The Tentative Parcel Map will go before the Subdivision Committee for review at a future date.

ATTACHMENTS

Attachment 1	Disclosure Form
Attachment 2	Neighborhood Context
Attachment 3	Location Map
Attachment 4	Annexation Map
Attachment 5	General Plan Criteria Narrative
Attachment 6	Tentative Parcel Map Exhibit
Attachment 7	IS-MND
Attachment 8	MMRP
Attachment 9	Brush Creek Watershed Map
Attachment 10	Public Correspondence
Resolution 1	Mitigated Negative Declaration
Resolution 2	General Plan Amendment
Resolution 3	Rezoning
Exhibit A to Resolution 1	Mitigated Negative Declaration with MMRP

CONTACT

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