

LAW OFFICES OF
**PERRY, JOHNSON, ANDERSON,
MILLER & MOSKOWITZ LLP**

438 First Street, 4th Floor, Santa Rosa, CA 95401

November 12, 2014

VIA ELECTRONIC MAIL

Scott P. Bartley
100 Santa Rosa Avenue, Rm 10
Santa Rosa, California 95404
sbartley@srcity.org

Re: **Calistoga Cottages Project**
GPAM 12-003
November 18, 2014

Dear Councilmember Bartley:

Our office is currently representing applicants for the Calistoga Cottages Project. We understand that issues were presented at the earlier City Council hearing regarding the existence of CC&R provisions. The purpose of this letter is to express our conclusion that the CC&Rs referred to are not enforceable and no longer applicable to the property.

Our position was in fact adopted by the Judge in the pending litigation. His honor ruled, in part, as follows:

Here, Plaintiffs are seeking to enforce CC&Rs that were recorded in 1948, before any subdivision was in place and that have never been honored by the owners of the lots. Plaintiffs continue to have a mobile home on their property as a second dwelling, both of which are prohibited by the alleged CC&Rs. (Dec. of Jeff Komar, ¶ 3.) In 2006, the property located at 5521 Monte Verde was processed through the City of Santa Rosa and obtained approval for second dwelling units (See Dec. of Jeff Komar). The owners of 5227 Monte Verde are operating a business on the property, which is prohibited by the CC&Rs. The Official Assessor's Parcel Map attached to the Declaration of Jeff Komar reflects that out of the approximately 27 original lots in the subdivision, 8 have been divided into lots smaller than one acre. (Komar Dec., ¶ 7.) There are currently 19 lots in this subdivision that are less than one acre, which is purportedly prohibited.

Plaintiff's own declaration submitted in support of injunctive relief establishes that the CC&Rs have never been enforced. The notion that neighbors can selectively pick and choose when and if restrictions are to be honored is not only inconsistent with the document, it demonstrates that a division will not cause great and irreparable harm.

William D. Anderson
David F. Beach
John E. Johnson*
Marla D. Keenan*
Scott A. Lewis
Malcolm T. Manwell
Michael G. Miller
Lawrence A. Moskowitz*

Jeremy L. Olsan
Leslie R. Perry
Burton H. Fohrman
Roger J. Illsley
Daphne A. Beletsis
Raleigh S. Fohrman
Mary Jane Schneider
Anne C. D'Arcy, R.N.
Sheila S. Craig
Deborah S. Bull
Oscar A. Pardo
Aubrey A. Mauritson
Michael E. Liotta
Isaac M. Gradman
Martin L. Hirsh

*Certified Specialist
Family Law,
The State Bar of California
Board of Legal Specialization

TELEPHONE
(707) 525-8800

FACSIMILE
(707) 545-8242

E-MAIL
perry@
perrylaw.net

WEBSITE
www.perrylaw.net

Calistoga Cottages Project
GPAM 12-003
November 18, 2014
Scott P. Bartley
November 12, 2014
Page 2

P
J
A
M
&
M

We also note that the attorney for the opponents has submitted a lengthy presentation regarding general plan consistency. It is not our intention to specifically reply since all of those issues have been more than adequately addressed by your staff and we concur in their analysis. The applicant will be available to address any of those issues at the hearing if requested.

Thank you for your attention to this matter and hopefully this will clarify any issue regarding the CC&Rs.

Very truly yours,



Leslie R. Perry

cc: Other council members
City Attorney
Clients

XFINITY Connect

Idenley-bussard@comcast.net

+ Font Size -

Fwd: Appeal Reconsideration Hearing -- Appellant supporting evidence

From : Paul Bussard <paulebussard@gmail.com>
Subject : Fwd: Appeal Reconsideration Hearing -- Appellant supporting evidence
To : Lynn_comcast <Idenley-bussard@comcast.net>

Thu, Nov 13, 2014 04:24 PM

RECEIVED 5 attachments**NOV 13 2014****CITY OF SANTA ROSA
CITY CLERK'S OFFICE**

----- Forwarded message -----

From: "Paul Bussard" <paulebussard@gmail.com>
Date: Nov 13, 2014 9:40 AM
Subject: Fwd: Appeal Reconsideration Hearing -- Appellant supporting evidence
To: <sbartley@srcity.org>, <rswinth@srcity.org>, <ecarlstrom@srcity.org>, <jcombs@srcity.org>, <eolivares@srcity.org>, <jours@srcity.org>, <gwysocky@srcity.org>, <tgriffin@srcity.org>
Cc:

This is a reminder of the e-mail and attachments submitted on Oct 7th.

-Paul Bussard

----- Forwarded message -----

From: **Paul Bussard** <paulebussard@gmail.com>
Date: Wed, Oct 8, 2014 at 12:13 AM
Subject: Appeal Reconsideration Hearing -- Appellant supporting evidence
To: sbartley@srcity.org, rswinth@srcity.org, ecarlstrom@srcity.org, jcombs@srcity.org, eolivares@srcity.org, jours@srcity.org, gwysocky@srcity.org, tgriffin@srcity.org, "Murray, Susie" <smurray@srcity.org>

October 7, 2014

Re: Calistoga Cottages – 408 Calistoga Road, Santa Rosa

File No. GPAM13-00/PRAP13-008

Honorable Mayor and City Council members,

The attached documents are in support of our appeal which is scheduled for a reconsideration hearing on November 18, 2014. Sections of these documents have been yellow highlighted to emphasize and support the key points summarized below. The intent is to draw attention to the salient portions of these documents to ease the burden of reading the full document. These documents are referenced by their descriptive file names in this summary.

1. The 1999/2000 City council promised to retain the rural nature of our neighborhood from Calistoga Road to St. Francis. Without that pre-zoning and promises to retain the rural character of the neighborhood, the neighborhood would never have voted for annexation to the City. The reason some properties were allowed to subdivide while others are not is due to the annexation agreement for properties that border Spain Ave.

a. File: PlanningCommissionDEC1998.pdf (Planning Commission Prezoning hearing December 10, 1998, Pg3-5)

b. File: PreZoningOrdinance3405_FEB1999.pdf (Annexation Ordinance No. 3405, February 2, 1999, pg1, Exhibit A (enhanced map)

2. The lot at 470 Calistoga Road was forced to split and annex to the City in 1982 to accommodate an overwhelming public need for a City water pumping station.

3. The applicant has not met the three criteria required for a General Plan Amendment. Adhering to this criteria is required by state law.

4. All portions of the General Plan have equal weight under state law.

5. The proposed development is in direct violation of specific General Plan policy GM-A-2.

c. File: GeneralPlanChange_Hilite.pdf (2035 General Plan pg1-4, pg1-11, pg8-4)

6. The proposed development violates 12 General Plan provisions: LUL-E-2, LUL-E-4, 3-5 Neighborhood Design, UD-A, UD-F, UD-F-2, H-A-2, H-A-3, GM-A-2, UD-G, OSC-H-1, OSC-H-2.

7. The recent General Plan Housing Element Update indicates that no zoning changes are needed and no new sites were designated for higher density. Therefore, there is no need for the proposed development.

d. File: Housing Element Update_JUL2014_Hilite.pdf (Housing Element Update General Plan Amendment Resolution, pg2, para. 6; pg12, para. 2A)

8. The developer cannot show that the 408 Calistoga Road parcel has changed since the 1999 pre-zoning and annexation, when the City Council included it in the rural pocket. Therefore, there is no justification for changing its zoning.

9. The vast majority of the neighborhood supports our appeal and does not want the General Plan changed.

e. File: MVpoll6.pdf (Petition Summary 22SEP2014)

10. The project is not consistent with the General Plan so an amendment would violate state law. (Zoning Code [§20-64.020,B,2](#), [§20-64.050](#), CA Government Code [§65358](#), [§65860](#), [§66473.5](#))

Sincerely,

Paul Bussard

Lynn Denley-Bussard

 **PlanningCommissionDEC1998.pdf**
41 KB

 **PreZoningOrdinance3405_FEB1999.pdf**
636 KB

 **GeneralPlanChange_Hilite.pdf**
452 KB

 **Housing Element Update_JUL2014_Hilite.pdf**
178 KB

 **MVpoll6.pdf**
416 KB

December 10, 1998

The Planning Commission meeting of the City of Santa Rosa was called to order at 3:00 p.m. in the City Council Chamber at Santa Rosa City Hall, 100 Santa Rosa Avenue, Santa Rosa, California, with Chairman Blanchard presiding. Present were Planning Commission Chairman Blanchard and Commissioners Carlile, Cummings, Denietolis, Dias, Edwards, and Johnson. Also present were Assistant City Attorney Bruce Leavitt, Community Development Department Director Wayne Goldberg, Deputy Director Chuck Regalia, and Senior Planner Marie Meredith. Recordings are on file in the office of the Department of Community Development. The Agenda was duly posted for public review at City Hall on Monday, December 7, 1998.

1. CALL TO ORDER

Chairman Blanchard called the meeting to order at 3:00 p.m.

2. ROLL CALL

Present: Commissioners Carlile, Cummings, Dias, Edwards, Johnson, and Chairman Blanchard.

Commissioner Denietolis was absent for the roll call but was seated at 3:32 p.m. as noted below.

3. APPROVAL OF MINUTES

No minutes were submitted for approval.

4. PUBLIC APPEARANCES

The following citizens spoke regarding item 9 of this agenda (Air Center East):

James Hummer, 703 2nd Street, Suite 110, representing the applicant, requested a continuance on this item.

Donna Strom of 2730 Ash Drive spoke in opposition to the project, indicating that the soil on the subject property is contaminated and that the Southwest Area Plan Master Environmental Impact Report (EIR) is insufficient for a project of this size. She requested that the Planning Commission deny this project and order another EIR.

Duane De Witt, P.O. Box 3068 of Santa Rosa spoke in opposition to the residential development of the Southwest Area, indicating that construction in the area is occurring before the infrastructure is in place, resulting in unsafe traffic conditions. Mr. De Witt also noted his concern over the construction of a building in the Apollo Way area, apparently prior to permits being obtained.

Theodore Garcia, 1112 Yuba Drive, stated his opposition to this project because the EIR is incomplete, the site is considered toxic by the Regional Water Quality Control Board, and the infrastructure is insufficient to carry the load of increased traffic resulting from this proposed subdivision.

Jim Paschal of 4350 Price Avenue, President of the Southwest Area Citizen's Group, read a statement expressing concern that the Southwest Area Plan approved residential construction is taking place ahead of infrastructure and amenities such as shopping centers and parks, and that the open space approved in the Plan has been reduced.

Carolyn Dixon of 1027 Leddy Avenue distributed a statement to the Commissioners and indicated her opposition to this project. She stated the need for road improvements, including a connecting bike lane from Sebastopol Road to Fulton Road. Ms. Dixon also indicated that Southwest Area Plan goal NRC-1, Objective 1.1, and Policy 1.1.4 regarding preserving and maintaining open space have not been implemented, and expressed her concern over the City's lack of open space policies as listed in the Southwest Area Plan.

Alan Buchman of the State Department of Fish and Game reviewed the statement he distributed to the Commissioners in which the Department of Fish and Game notes its concern over the impact the proposed project may have on adjacent wetlands and recommends a larger setback along the Roseland Creek corridor.

Denis Crockett, 1200 Yuba Drive, expressed concern about the Roseland Creek channel, and wanted

confirmation that this project, if approved, will be required to widen and improve the channel. Additionally, Mr. Crockett requested that the bike lane proposed in this project be built early in the project, noting that several projects, including OCLI, have been completed without improvements being made to the bike path or channel.

Commissioner Denietolis arrived at 3:32 p.m.

5. PLANNING COMMISSIONER'S REPORT

Commissioner Dias requested that a committee be formed to create a special residential zone for the downtown core area, this special zoning to include waivers of certain costs and assessments in order to encourage builders to develop downtown housing.

Commissioner Denietolis reported that one of the major concerns of the Sub-committee on Downtown Housing is land availability. Alan Strachan, a member of the Sub-committee has recommended, as has R/UDAT, that a joint venture between the City and private developers could provide buildable space above existing parking garages, as providing parking for future residents is an issue of downtown residential development.

Commissioner Dias stated that existing office buildings are a commodity, and suggested that the existing committee be asked to look into the special zoning. The Commissioners concurred.

6. DEPARTMENT REPORT

Deputy Director Chuck Regalia reminded the Commissioners that a regular meeting of the Planning Commission will take place on December 17, 1998, at 6:00 p.m., in the City Council Chamber at City Hall.

7. STATEMENTS OF ABSTENTIONS BY COMMISSIONERS

Commissioner Edwards stated that she will abstain from items twelve, thirteen, fifteen and sixteen, as the entity involved in each of these items is either a client of her firm or clients of her firm are investors in the businesses represented.

Commissioner Carlile stated that he will abstain from items nine, eleven and thirteen, as his firm is working on those projects.

8. CONSENT AGENDA

8.1 CONDITIONAL USE PERMIT - McRae Second Dwelling Unit - 1682 Greeneich Avenue - File Number CUP98-304

Staff noted in response to Commission questions that this project has been conditioned to put in a driveway cut, and that City Ordinance requires owner-occupation of second dwelling units, confirmation of which must be recorded prior to issuance of a building permit.

8.2 FINAL MAP MODIFICATION - Fountain Grove Corporate Center Arterial Vascular Engineering (AVE) Building 'C' - 3596 Round Barn Boulevard - File Number MJMD98-002

Commissioner Carlile noted that the exchange of open space outlined in the conditions of this project has increased the overall open space on this property by 8,000 square feet.

MOTION: Commissioner Carlile moved and Commissioner Denietolis seconded approval of the Consent Agenda and waived reading of the text for:

RESOLUTION NO. 9412: Making Findings And Determinations And Approving a Conditional Use Permit For The McRae Second Dwelling Unit - Located at 1682 Greeneich Avenue - File Number CUP 98-0304

RESOLUTION NO. 9413: Approving a Negative Declaration For The Fountaingrove Corporate Centre Final Map Modification (A. V. E.) Of Property Located at 3593 Round Barn Boulevard - File Number MJMD98-002

RESOLUTION NO. 9414: Approving a Final Map Modification for Fountaingrove Corporate Centre (A.V.E.), 3593 Round Barn Boulevard - File Number MJMD98-002

The motion carried by the following vote:

Ayes: (7) (Carlile, Cummings, Denietolis, Dias, Edwards, Johnson, Blanchard)

Noes: (0)

Abstentions: (0)

Absent: (0)

Commissioner Carlile abstained from discussion and vote on the following item.

9. CONTINUED ITEM - MAJOR SUBDIVISION AND CONDITIONAL USE PERMIT Air Center East, Phase I - to Subdivide 45 Acres of the Old Naval Air Station Property into 207 Single Family Lots, Two Park Parcels, and Two Landscape Parcels - File Number MJP98-019

Deputy Director Chuck Regalia stated that this item is a continuation of a request to subdivide a 45+ acre portion of the former Old Naval Air Station into 207 single family lots, two landscape parcels and two park parcels.

MOTION: Commissioner Denietolis moved and Commissioner Cummings seconded a motion to continue this item to a date certain of January 14, 1998. The motion carried by the following vote:

Ayes: (5) (Cummings, Denietolis, Dias, Edwards, Johnson, Blanchard)

Noes: (0)

Abstentions: (1) Carlile

Absent (0)

Commissioner Carlile resumed participation in the meeting.

10. PUBLIC HEARING - ANNEXATION/PREZONING - MONTE VERDE ISLAND

City Planner Sonia Binnendyk stated that this is a request to annex and prezone 23 lots consisting of approximately 24 acres to the RR-40 (Rural Residential), RR-20 (Rural Residential), and R-1-6 (Single Family Residential) Districts. It is proposed that 17 of the parcels are prezoned to the RR-40 District, with the remaining 6 parcels (5305, 5317, 5329, 5341, 5409, and 5421 Monte Verde Drive) being prezoned to the RR-20 and R-1-6 Districts.

The General Plan designates most of the annexation area for Very Low Density Residential land uses, permitting a maximum of 2 units per acre. The only area in a different land use category is the rear portion of 6 lots along Spain Avenue, which are designated Low Density Residential, with a permitted density range of 2 to 8 units per acre. The proposed prezoning districts have been tailored to be consistent with these General Plan designations.

Residents in the annexation area have expressed a strong desire to preserve the rural character of the portion of Monte Verde Drive currently in the County by retaining the existing large lots and avoiding urban street improvements. The proposed zoning districts address these concerns by precluding future lot splits within the annexation area, except along Spain Avenue. The RR-40 District will not permit any of the 17 lots proposed for this designation to subdivide. The RR-20 and R-1-6 Districts proposed for the six lots with frontage on both Monte Verde Drive and Spain Avenue will allow these lots to subdivide in the future, but still retain a rural character along Monte Verde Drive. The intent is to permit the rear portion of these parcels to eventually develop with single family lots matching the lotting pattern and number of lots on the opposite side of Spain Avenue, but retain acre lots along Monte Verde Drive.

Residents are requesting annexation largely to obtain access to city sewer service. After annexation, residents intend to create an assessment district to pay for installation of a sewer line in Monte Verde Drive. A water line has previously been installed; therefore, city water service is already available.

Paul Bussard, 5232 Monte Verde Drive, representing the neighborhood, explained that the reason that annexation is requested is to install a sewer line to protect the area wells from contamination. Some of the homeowners want to expand and improve their homes, but are prohibited from doing so because of County regulations regarding septic systems. The majority of the neighborhood supports the annexation and is in favor of creating an assessment district to pay for the sewer line as described by Ms. Binnendyk.

Chairman Blanchard opened the Public Hearing.

The following residents spoke in support of this annexation:

Charles Gordon, 920 Jack London Drive, soon to be a resident of 5521 Monte Verde Drive, is requesting rezoning to the RR-20 District to permit a future lot split for a home and granny unit.

James Hummer, representing the Grandalls of 5220 Monte Verde Drive, also requested rezoning to the RR-20 District to permit a future lot split, pointing out that his client's lot is twice as wide as the other lots along Monte Verde Drive and, if split, will be the same width as the other lots.

Charlene Bornstein, 5317 Monte Verde Drive supported the annexation and also indicated her support for the RR-20 District at 5220 Monte Verde Drive only, pointing out an open ditch which currently presents a safety hazard that could be fixed if the lot was subdivided.

David Hoffman, 5318 Monte Verde Drive referred to perk problems associated with the area's septic systems and how these problems complicate making home additions. He thought the proposal was a good compromise and wanted to see the rural character of the area preserved.

Doug Lawrence, 5421 Monte Verde Drive, indicated that the proposal was a good compromise which addressed past concerns about street improvement costs and loss of area character.

Larry Jefferson, 5330 Monte Verde Drive, stated his support of the proposal and indicated that rezoning 5220 Monte Verde Drive to the RR-20 District was acceptable. He opposed any street improvements beyond those currently existing.

Chairman Blanchard asked those members of the audience who supported the proposal to raise their hands. The majority of the Monte Verde Drive residents who were present raised their hands.

There being no one else wishing to speak, Chairman Blanchard closed the public hearing.

Ms. Binnendyk stated that staff would have no concerns about rezoning 5220 and 5521 Monte Verde Drive to the RR-20 District if it is supported by the neighborhood.

Commissioners Denietolis and Carlile indicated their opposition to allowing annexation while limiting the ability to subdivide and without requiring street improvements. Rezoning all of the island to the RR-20 and R-1-6 Districts will permit subdivision if desired, and those owners who subdivide but wish to defer improvements may pay the deferral fee.

Deputy Director Chuck Regalia clarified that the property owners have reached concurrence on the desire to annex to the City at the densities listed in the staff report. The property owners have worked with the City for the past five years to develop an annexation proposal, and two years ago had garnered support

for the annexation and assessment district among themselves, but before the annexation could move forward Proposition 218 was passed, delaying the application while the issues of the Proposition affecting the annexation and assessment district were worked out. The current application has now come before the Planning Commission, and if it is approved, the property owners must hold two elections: one to approve the annexation and a second to create the assessment district to pay for the sewer. The majority of property owners want to be annexed and still maintain the rural character of the neighborhood, however if the Planning Commission approves the annexation at a higher density than requested, the annexation and assessment district will not be supported by the property owners in their elections, and the island will not be annexed into the City.

Commissioner Johnson stated his preference to zone all of the lots in the island to the RR-40 District to maintain the status quo.

Commissioner Dias stated her support for the proposal, noting that it is City policy to eventually annex all of the County islands into the City, and that this Planning Commission makes every effort to comply with the wishes of the applicant(s) if possible. This item as proposed presents an opportunity to achieve these ends.

Commissioners Blanchard and Edwards expressed their concurrence with Commissioner Dias.

Ms. Binnendyk, responding to questions of Commissioner Cummings regarding installation of street improvements stated that, as the tentative maps for the subject area are presented for approval, it is anticipated that staff will require the street improvements to be installed along Spain Avenue at the time of the lot split, and that the improvements for lots fronting Monte Verde Drive will be deferred with a covenant recorded obligating those property owners to install the street improvements in the future.

Commissioner Denietolis expressed his opposition to the item, as the proposed zoning is inequitable and it is imprudent of the City not to require street improvements on Monte Verde Drive. Due to the island's need for sewer connections and the desire of some of its residents to enlarge their homes, the island will eventually annex without the conditions currently proposed.

Commissioners Johnson and Carlile indicated their agreement with Commissioner Denietolis.

Commissioner Cummings ask that the gravel path on the south side of Monte Verde Drive be extended over the Grandall property to Calistoga Road.

RESOLUTION NUMBER 9415: Commissioner Dias moved and Commissioner Edwards seconded a Resolution Recommending That the City Council Approve and Adopt a Negative Declaration for the Proposed Rezoning and Annexation of the Area Recommended to Be Included Within Northeast Santa Rosa 5-98, and Further Recommending That the Area Be **Prezoned to the City's RR-40, RR-20, and R-1-6 Districts -File number ANX98-010** and waived the reading of the text. The motion carried by the following vote:

Ayes: (4) (Cummings, Dias, Edwards, Blanchard)

Noes: (3) (Carlile, Denietolis, Johnson)

Abstentions: (0)

Absent: (0)

Chairman Blanchard called a recess at 4:50 p.m.

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
SUBJECT: SUMMER 2014 GENERAL PLAN AMENDMENT PACKAGE:
HOUSING ELEMENT UPDATE
STAFF PRESENTER: ERIN MORRIS, SENIOR PLANNER
COMMUNITY DEVELOPMENT

AGENDA ACTION: RESOLUTION

ISSUE

Should the Council approve the Housing Element Update General Plan Amendment?

BACKGROUND

1. Santa Rosa General Plan 2035, including the Housing Element, was adopted on November 3, 2009 and the Housing Element was certified by the State Department of Housing and Community Development (HCD) on March 4, 2010. Certification means that the State found the 2009 Housing Element to be in compliance with State law. The Housing Element was revised with adoption of the North Station Area Specific Plan on September 18, 2012 and recertified on October 25, 2012.
2. The proposed General Plan amendment would update the Housing Element of the General Plan to address housing needs in Santa Rosa from 2015 to 2023. The Housing Element focuses on achieving the goal of safe and affordable housing for all segments of the city's population. It contains a comprehensive assessment of current and projected housing needs and identifies programs and strategies for meeting those needs. It also contains an evaluation of the effectiveness of Santa Rosa's current housing programs, and sets quantified objectives for new housing development (based on regional housing need) by income category and rehabilitation and preservation of existing housing.
3. State law requires every jurisdiction in California to adopt a comprehensive, long-term General Plan to guide its physical development. The Housing Element is one of seven mandated elements of the General Plan. California housing element law requires that each city and county develop local housing programs to meet its "fair share" of existing and future housing needs for all income groups.

4. The Association of Bay Area Governments (ABAG) is responsible for developing and assigning these regional needs, or Regional Housing Needs Allocations (RHNA), to the jurisdictions in the nine county Bay Area region. Santa Rosa's RHNA is 4,662 residential units of which 1,528 must address housing needs for low, very low, and extremely low income households, 759 must address housing needs for moderate income households, and 2,375 must address housing needs for above moderate income households. Consistent with the current RHNA planning period, the proposed Santa Rosa Housing Element is an eight-year plan extending from 2015 to 2023.
5. California Government Code Section 65583(a)(7) requires "an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs." A housing element does not propose development of any residential uses, but serves as a planning document that establishes goals, policies, and objectives relative to the provision of housing needs for all income levels and identifies sites where existing zoning allows residential development.
6. In some jurisdictions, additional land could need to be designated or zoned for residential development to accommodate that jurisdiction's fair share of housing. The City has adequate land zoned for residential development to accommodate the City's RHNA, **so no change is needed to the designation or zoning of any land to accommodate Santa Rosa's RHNA.**
7. Work on the Housing Element update began in August 2013. Three Community Workshops were held in October 2013, December 2013, and January 2014. The Draft Housing Element has been available for public review and comment since March 5, 2014.
8. For the first time, State HCD has offered a streamlined review process for cities with certified housing elements. The streamlined review process allows cities to utilize the existing housing element as the starting point, recognizing that much of the information in housing elements found to be in compliance with the statute for the previous planning period is still current and/or particular conditions and circumstances have not significantly changed since the last update.
9. The City of Santa Rosa was found eligible for the streamlined process and has utilized it. The current revision process includes new public outreach to ensure public participation in the update. The State's review of the Housing Element was focused on the changes to the certified element and issues raised by members of the public. Santa Rosa has received pre-approval of the Draft Housing Element with a condition that the changes identified in Attachment 2 be made to the final document.
10. The Draft Housing Element document shows changes through a combination of highlighting and tracked changes (underline and strikeout). Section headers for sections in which there was significant change, including the needs assessment

and public outreach discussion, are highlighted in yellow to indicate that much of the data and analysis is new or updated. In sections showing tracked changes, the table heading for updated tables is highlighted. Tables do not show tracked changes.

11. Overview of Draft Housing Element

The Draft Housing Element is divided into seven substantive sections and includes detailed tables in the appendix. Since the Draft Housing Element was released for public review on March 5, 2014, City staff has discussed changes to the Draft with HCD staff that would ensure compliance with State law. In response to these discussions, City staff developed a list of proposed changes to the Draft (Attachment 2) that would ensure that the Housing Element is certified by HCD.

Each of the main sections of the Housing Element is described below with the recommended changes highlighted in each section description.

Housing Needs Analysis (pages 4-2 to 4-27)

This section was fully updated with new, current data about population and housing characteristics, employment and incomes, and housing costs. Most of the data came from the Association of Bay Area Governments (ABAG), which provided every city with a packet of data pre-approved by State HCD. Original main data sources include the 2000 and 2010 US Census and data from the 2007-2011 American Community Survey.

This section includes updated housing affordability and local housing supply analyses, updated information about persons with disabilities, special types of households such as female-headed, large families, and the elderly, and updated data about the local homeless population and analysis of housing needs for homeless people. Information is also provided about farmworker housing needs, and in response to recent state law changes, the Needs analysis includes data and discussion about the housing needs of persons with developmental disabilities.

Proposed Changes

Housing Conditions. HCD requested that the City provide additional information about the age and condition of housing in Santa Rosa. Neighborhood Revitalization Program (NRP) staff provided information about housing conditions in the eight NRP areas, which include Apple Valley, Aston Avenue, Corby/Beechwood, Heidi Place, Olive Corby, South Park, Sunset McMinn, and West Ninth. The City inspects approximately 2,000 units per year as part of NRP. Among units inspected, approximately 20 percent are in need of rehabilitation and, among those, 1 to 2 percent are severely deteriorated.

Proposed text changes to the Draft Housing Element are identified in Attachment 2.

Farmworker Housing Needs. HCD and a local interest group called Sonoma County Housing Advocacy Group requested that the housing element include additional information about farmworkers. It is difficult to obtain data about farmworkers in Santa Rosa because there is no definitive source to determine how many of Sonoma County's farmworkers live or seek housing in Santa Rosa. Staff contacted the Migrant Education program for Santa Rosa, housed in Butte County, and received data on the number of students from migrant families attending school in Santa Rosa which supplements the analysis by providing data about students from migrant families in Santa Rosa schools and related housing needs. Additional information is included in Attachment 2.

Constraints and Resources (pages 4-28 to 4-55)

The major constraints to housing development are analyzed in this section, including infrastructure, development fees, application processing, land use controls, and natural resources. Since adoption of the Housing Element, the City amended the Housing Allocation Plan in 2012 to make fee payment the primary method of compliance, updated the Housing Allocation Plan impact fee in 2013, and adopted a new fee schedule for planning and building services in January 2014 to achieve partial cost recovery. The revised text and tables include current information about these three topics and include updated discussion of the development review process for affordable housing projects.

The zoning discussion was updated to reflect the 2011 changes regarding how homeless shelters, transitional housing, and supportive housing uses are regulated by the Zoning Code. Constraints to housing development such as land costs, construction, and financing were also updated.

The discussion of Affordable Housing Programs, beginning on Page 4-48, was updated to acknowledge the loss of Redevelopment Agency funds to support affordable housing development, to identify remaining funding sources, and to identify potential future sources. On page 4-51, the Real Property Transfer tax is discussed and a new policy identified that the City should consider increasing the amount of money allocated from the transfer tax to affordable housing development.

Preservation of existing housing units restricted for use as affordable housing is described on pages 4-53 to 4-55, including a list of 873 units that are at risk of converting to market rate between 2015 and 2025. City Housing staff is engaged in ongoing communications with the management and owners of these units in an effort to retain the units as restricted affordable housing units.

Regional Housing Needs Allocation (pages 4-56 to 4-57)

This section provides information about Santa Rosa's housing needs allocation from ABAG. Santa Rosa's RHNA is 4,662 residential units of which 1,528 must address housing needs for low, very low, and extremely low income households, 759 must address housing needs for moderate income households, and 2,375 must address housing needs for above moderate income households. The proposed Santa Rosa Housing Element is an eight-year plan extending from 2015 to 2023.

Sites Inventory and Analysis (pages 4-58 to 4-73)

This section discusses the City's inventory of sites that are appropriately zoned, available, and suitable to provide opportunities for housing for all segments of the community. All vacant sites designated for residential land uses are inventoried in the Housing Appendix (pages 4-106 to 4-148) including site size, expected residential unit yield, and whether the sites are zoned consistent with the General Plan.

In this section of the Housing Element, the City must demonstrate that identified sites will allow the RHNA to be met. Table 4-34 (page 4-59) identifies how the City will meet its regional needs allocation by income category. HCD considers sites designated Medium High Density, Transit Village Medium, and Transit Village Mixed Use as the most likely locations for new affordable housing development in Santa Rosa since these sites accommodate residential densities of 30 to 40 units per acre, with no upper limit in the Transit Village Mixed Use designation. The City must demonstrate to HCD that there are enough vacant sites, and/or sites with approved development projects, with the higher density general plan designations and zoned consistent with the General Plan, to provide 1,528 units of housing that could be affordable to extremely low, very low, and low income households.

Figure 4-1 on page 4-65 shows the location of the higher density vacant sites and underutilized sites that could accommodate the units for extremely low, very low, and low income households. For moderate and above moderate income households, the City must demonstrate that lower density sites will provide 3,134 units by 2023. As indicated in Table 4-34, the City has sufficient sites to accommodate these units within the planning period.

This section was also updated to recognize that the City has five Priority Development Areas that are expected to provide opportunities for higher density residential development along transit corridors.

Proposed Changes

Table 4-38 identifies three Medium High Density sites as "not served" by sewer and water. The sites are within 300 feet of existing sewer and water lines, so

they are considered served. The table would be updated to reflect this, and the text on page 69 adjusted to reflect that all Medium High Density sites are served.

Public Participation (pages 4-74 to 4-83)

This section was fully updated to outline the public outreach conducted and public input gathered during development of the Housing Element. As described in greater detail in the Draft Housing Element, the City held three community workshops, conducted an online survey, and held a service-providers roundtable to seek input from a diverse list of groups and individuals. Table 4-39 on page 4-75 identifies the list of groups that were invited to participate. Comments from each meeting and from the online survey are summarized on pages 4-75 to 4-82.

Housing Accomplishments (pages 4-84 to 4-86)

The Housing Accomplishments section of the Draft Housing Element focuses on reviewing the progress toward accomplishing the seven main goals of the Housing Element. The seven goals are as follows:

- Goal H-A: Meet the housing needs of all Santa Rosa residents.
- Goal H-B: Maintain and rehabilitate, as needed, the existing affordable housing supply within Santa Rosa.
- Goal H-C: Expand the supply of housing available to lower-income households.
- Goal H-D: Provide housing for households with special needs.
- Goal H-E: Promote equal access to housing.
- Goal H-F: Remove constraints to very low- and low-income housing production.
- Goal H-G: Develop and rehabilitate energy-efficient residential units.

As discussed in this section, much has been accomplished between 2007 and 2014, the planning period addressed in the Housing Element. These accomplishments include adoption of the Downtown Station Area Specific Plan and North Santa Rosa Station Area Specific Plan, and associated rezonings, rezoning of other higher density sites outside of the station areas for consistency with the General Plan, implementation of various city programs to maintain and help renovate existing housing units, and issuance of 706 building permits for housing affordable to very low- and low- income residents.

The Housing Element Appendix, included on pages 4-149 to 4-163, offers a detailed analysis of housing accomplishments since 2007 related to these seven goals and related policies. This information, presented in the form of Table 4-53, identifies quantitative accomplishments where possible and indicates whether each policy is recommended to be deleted, kept, or modified.

Proposed Changes

Staff is recommending that the text on page 85 be updated to clarify that the 706 issued permits includes both units that are deed-restricted for affordability to households within a certain income category, and unrestricted units that were determined to be affordable based on a review of rents and sales prices in comparison to affordability. 456 units were deed-restricted for long-term affordability, and the remaining 250 were unrestricted units. Of the 706 units, 684 received final inspection and 22 were not completed.

Goals and Policies (pages 4-87 to 4-105)

This section has been updated based on the analysis of the goals and policies effectiveness presented in Table 4-53 and reflects public input gathered at the community workshops. The seven goals and associated policies are proposed for revision using strikeout/underline text. In addition, a time frame is identified for each policy. The specified time frames provide a future work program for Community Development staff, particularly in the case of policies that call for additional study of a housing issue.

Many policies are recommended for modification to be consistent with changes to local and State laws since 2007. For example, H-B-2 pertaining to subdivision of mobile home parks was revised to eliminate reference to a local ordinance that was repealed and to reference compliance with State law, which was recently updated to clarify how resident surveys are considered in the conversion process. Policies H-C-1 and H-C-3 pertaining to the Housing Allocation Plan were deleted, since these policies have been implemented, and replaced with modified H-C-2 to reflect the updated Housing Allocation Plan ordinance.

Some policies are recommended for deletion. In some cases, policies are recommended for deletion because they include work items that were completed, such as updating the Housing Allocation Plan, updating the density bonus ordinance, and updating the Zoning Code to address supportive and transitional housing and to allow emergency shelters as a permitted use in the General Commercial (CG) zoning district. Other policies were modified or deleted to recognize the loss of redevelopment funding due to the dissolution of the City's redevelopment agency.

In other cases, several policies regarding a similar topic were consolidated and updated. For example, H-D-14, -15, and -16 pertaining to affordable senior housing were deleted and H-D-13 was updated and renumbered as H-D-11 to comprehensively address housing for seniors.

There are several new policies proposed to address special needs groups, including developmentally disabled persons and young adults including former foster children. New policy H-D-12 encourages the provision of housing for young adults. Another new policy H-D-13 is proposed to ensure that the City of Santa Rosa stays apprised of the potential closing of the Sonoma Developmental Center which provides housing for developmentally disabled persons in Glen Ellen. If the Sonoma Developmental Center closes, there will be a countywide need for housing for current center residents.

Other new policies support establishment of new funding sources for affordable housing, including Policy H-C-14 which requires that the City Monitor and support state and regional efforts to establish a permanent dedicated revenue source for affordable housing development. Policy H-B-9 was revised and renumbered as H-B-7 and includes new direction that the City shall consider increasing the portion of the City's real property transfer tax designated for affordable housing development.

Based on public input, a new policy H-C-15 has been added to support the inclusion of amenities in new affordable housing developments including child care. H-D-10 calls for the City to explore new models for providing temporary housing solutions in response to emerging needs and emergency situations.

Proposed Changes

State HCD has requested that the City include three additional policies, including Policy H-C-16, H-E-3, and H-C-17, and that the City modify Policy H-A-1. New Policy H-C-16 would require that the City evaluate the use of "boomerang" funds, an allocation of increased property tax from former redevelopment project areas, for affordable housing projects and programs. Policy H-E-3 would require that the Zoning Code be updated to amend the definition of "family" to be consistent with State standards. Policy H-C-17 would require the City to evaluate reinstatement of zoning code provisions exempting sites designated Medium Density Residential and Medium High Density Residential from rezoning when affordable housing is proposed. These proposed changes were reviewed by Housing and Planning staff and determined to be acceptable.

The State requested that Policy H-A-1 be modified to reflect that adequate sites for development of a variety of housing types for all income levels should be available throughout the City. This is intended to be supportive of dispersing affordable housing sites in all areas of the City, including northeast Santa Rosa.

Appendix (Pages 4-106 to 4-163)

The appendix includes detailed tables identifying the location and size of vacant parcels by General Plan land use category and whether each site is zoned consistently with the General Plan, located within proximity to transit, and served by sewer and water.

Proposed Changes

Minor corrections are needed to both tables to reflect that three sites in the Medium Density Residential land use designation are incorrectly listed as “not zoned.” These sites would be moved from Table 4-49 to Table 4-48 and the acreage and unit totals adjusted accordingly.

The Housing Accomplishments table would be amended to reflect that from 2007 to 2014, the City issued permits for 706 units affordable to very low- and low-income residents. This figure includes both units that are deed-restricted for affordability to households within a certain income category, and unrestricted units that were determined to be affordable based on a review of rents and sales prices in comparison to affordability. Out of the 706 issued permits, 684 were completed and finalized. Among the 684 completed during this time period, 456 were deed-restricted for long-term affordability.

Lastly, the planning period time frame throughout the document would be changed from “2014 to 2022” to “2015 to 2023,” consistent with direction from HCD.

ANALYSIS

1. Key Issues

Loss of Redevelopment Funds

The loss of redevelopment funding has had a significant impact on City funding of affordable housing projects. This issue has been addressed in the updated Housing Element and it is acknowledged that additional funding sources are needed to ensure that the City continues to support housing development. As discussed in the Goals and Policies section above, potential funding sources include allocating a greater share of the real property transfer tax to affordable housing and exploring use of “boomerang” funds.

Adequacy of Housing Sites

Provision of adequate sites to accommodate housing for all income levels is one of the key issues for certification of the Housing Element by State HCD. Santa Rosa has vacant land planned for new housing, expected to yield 13,080 units overall within the planning period, but the State is especially interested in how the City will facilitate housing for very low and low income households. The City must demonstrate that there are sufficient sites designated and zoned for development at a minimum of 30 units per acre to achieve 1,528 units within the eight-year planning period. This is because the State believes that sites with the higher density land use designations are most likely to be developed with housing affordable to very low and low income families.

The State's streamlined Housing Element update process is beneficial because it allows the City to build on the current Housing Element by continuing to rely on currently identified vacant and underutilized sites to meet the RHNA, recognizing that housing development over the past planning period was stymied by the economic downturn and not by the City's land use policies. The vacant sites identified in Table 4-38 are already designated by the General Plan and zoned to develop at 30 units or more per acre. These sites are expected to yield 1,516 residential units. There are 196 units of approved affordable residential projects, as identified in Table 4-35, that would bring the total number of approved and planned units potentially affordable to very low and low income households to 1,712, which is above the City's RHNA requirement of 1,528 units. Further, there are a number of sites with higher density land use designations and zoning that are developed but underutilized; these sites would potentially yield an additional 829 units.

There have been public comments expressing concern that most of the sites listed in Table 4-38 for future affordable housing development are in west Santa Rosa. Figure 4-1 shows the dispersal of the sites and while there are less sites in east Santa Rosa, there are some sites in east Santa Rosa. Because this is a streamlined Housing Element update, staff found that it was possible to utilize the same sites that were approved in 2009 to meet State requirements. These vacant sites are mostly located in northwest and southwest Santa Rosa.

For future Housing Element updates, especially if the City's RHNA increases, there will be a need to find additional sites throughout the City, including in east Santa Rosa, for higher density residential uses. In response to public comments about this issue, Policy H-A-1 is proposed to be modified to reflect that adequate sites for development of a variety of housing types for all income levels should be available *throughout the City*. This supports further dispersal of affordable housing sites in all areas of the City, including northeast Santa Rosa.

Housing and Services for Homeless People

During the public meetings for the Housing Element update, especially the service provider roundtable, it became clear that services and housing for homeless individuals and families remains a key concern in Santa Rosa. Pages 4-21 through 4-24 provide updated information about the homeless population in Santa Rosa, based on the best available data. As discussed in this section, there are a variety of existing services and programs available to homeless people, but funding and meeting all of the needs remains challenging. Policies H-D-1, H-D-8, and H-D-9 indicate that the City will continue to provide funding and support to groups providing shelter and services to the homeless, and will explore new models for providing temporary housing solutions (Policy H-D-10).

SB 812: Planning for Persons with Developmental Disabilities

Senate Bill (SB) 812 requires that the City include an analysis of the special housing needs of persons with a developmental disability within the community. As discussed on pages 4-17 to 4-18, “developmental disability” means a disability that originates before an individual attains age 18 years, continues or can be expected to continue indefinitely, and constitutes a substantial disability for that individual, which includes mental retardation, cerebral palsy, epilepsy, and autism. This term also includes disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but does not include other conditions that are solely physical in nature.

In order to develop this section of the Housing Element, City staff met with the North Bay Regional Center (NBRC) and received and incorporated data and anecdotal information. The NBRC is one of 21 regional centers in California that provide a point of entry to services for people with developmental disabilities. The NBRC has a field office in Santa Rosa, which provides services to all of Sonoma County. The center is a private, nonprofit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families. Implementation of housing policies H-D-3 and H-D-4 is expected to improve access to housing for developmentally disabled individuals by evaluating and addressing issues of “visitability” and universal design in residential building design. As stated in Policies H-C-4 and H-D-1, the City will support and fund services and developments targeted for developmentally disabled persons and households when funds are available.

While plans and a specific time frame have not yet been finalized, the State is slated to close the Sonoma Developmental Center, which houses more than 400 developmentally disabled people. The closure will result in a need for new housing sites for center residents. Policy H-D-13 directs the City to monitor the potential closing of the Sonoma Developmental Center and work with the NBRC, relevant agencies, other local jurisdictions, and housing and service providers to provide support and assistance.

Other Issues

Housing advocates and members of the development community have expressed similar and different concerns about governmental constraints including development services fees, the provisions of the revised Housing Allocation Plan that make fee payment the primary method of compliance rather than provision of onsite affordable units for new development projects, and the recently revised Housing Allocation Plan impact fee. The Draft Housing Element acknowledges that fees are necessary to provide planning and building services and that the revised fees help recoup a larger portion of the actual costs expended in providing these services. The Housing Allocation Plan and associated Housing Allocation Plan impact fee were recently amended by the City Council. Impact fee payments are anticipated to be especially important to the development of affordable housing given the loss of redevelopment funds.

2. General Plan Consistency

Adoption of the Draft Housing Element would amend the General Plan to include the updated element. The required findings for approval of the General Plan Amendment, followed by a brief staff response, are as follows:

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

Response: The proposed Housing Element update is consistent with the land use chapter and diagram and all other elements of the General Plan. No new sites were designated for higher density housing as part of this Housing Element update. The General Plan will remain internally consistent.

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

Response: The proposed amendment will ensure that the Housing Element continues to address important housing issues in Santa Rosa, and that the City's policies address emerging needs such as housing for the developmentally disabled.

- 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; and

Response: This finding is not that relevant to the proposed General Plan amendment to update the Housing Element, since the changes apply citywide and the proposed update does not involve change to the General Plan land use diagram.

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

Response: An Addendum to General Plan 2035 Environmental Impact Report was prepared.

Based on the above analysis, staff concluded that the findings can be made to approve the General Plan amendment.

3. Public Participation

As highlighted in the Public Participation section above, public outreach for the housing element update was comprehensive and resulted in public input about housing issues in Santa Rosa and about existing and new housing policies. All of the organizations and individuals identified in the Draft Housing Element were notified when the draft was released, and written comments were received from Sonoma County Housing Advocacy Group, the Greenbelt Alliance, and the North Bay Association of Realtors. Comments were considered and changes were made to the Draft Housing Element in several cases. In other cases, the comments relate to issues that are already addressed in the housing element.

4. Environmental Review

An addendum to the Santa Rosa General Plan 2035 Environmental Impact Report (EIR) demonstrates that the analysis contained in the EIR adequately addresses the potential physical impacts associated with implementation of the City's Housing Element update and that none of the conditions described in California Environmental Quality Act (CEQA) Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

The General Plan includes land uses for residential development and the EIR analyzed the potential footprint effects of the development of those units and the demand for services and utilities that the additional population would generate. The EIR analyzed effects related to the location and intensity of the development of approximately 23,770 housing units in the urban growth boundary, which would increase the city's housing supply to a total of 94,840 housing units at build out. The proposed Housing Element update states that there is enough vacant land within the city limits to accommodate new housing units at all affordability levels. Therefore, the housing assumptions in the Housing Element would not exceed the assumptions for residential development in the General Plan EIR and no changes to the EIR would be required.

5. State Certification

The Housing Element is the only element of the General Plan that is required to undergo review and certification from the State of California. Review by State HCD commenced on March 5, 2014. During March and April 2014, Community Development staff had numerous conversations with State HCD about the Draft Housing Element and issues raised during the update process by community members. Based on these meetings, staff developed a list of changes to the Draft Housing Element (Attachment 2).

On May 1, 2014, State HCD provided a letter acknowledging that the Draft Housing Element has been found adequate and in compliance with State law with the changes identified in Attachment 2 incorporated into the final draft. Should the Council adopt the Draft Housing Element as amended by Attachment 2, it would be expected that the Housing Element would be certified within 90 days.

6. Planning Commission Action

On June 12, 2014, the Planning Commission held a public hearing regarding the proposed General Plan Amendment to update the Housing Element. Staff made a presentation, including highlighting two additional minor corrections to the Housing Element including acknowledging that the Social Advocates for Youth housing project is approved on page 4-24 and indicating that Policy H-B-4 is recommended for deletion on page 4-152. Also, staff provided the Planning Commission with a copy of a letter from the North Bay Association of Realtors received June 11, 2014.

Two speakers addressed the Planning Commission, including a representative of the North Bay Association of Realtors and an architect and city resident. The North Bay Association of Realtors was generally supportive of the Housing Element update and expressed support for two of the policies and concern about how other policies would be implemented. Staff explained to the Planning Commission that policies pertaining to energy efficiency were already part of the City's current Housing Element and that details of future programs will be determined at a later time when the programs are developed with additional public input. The Planning Commission discussed the item and adopted a resolution (7-0) recommending that the City Council approve the General Plan Amendment.

RECOMMENDATION

It is recommended by the Department of Community Development that the Council, by resolution, approve the General Plan Amendment to update the Housing Element.

Author: Erin Morris

Attachments:

- Attachment 1 – Draft Housing Element
- Attachment 2 – List of Recommended Changes to the Draft Housing Element
- Attachment 3 – Addendum to Santa Rosa General Plan 2035
- Attachment 4 – Agency Correspondence
- Attachment 5 – Public Correspondence
- Attachment 6 – Planning Commission Minutes June 12, 2014
- Attachment 7 – Planning Commission Resolution 11674
- Attachment 8 - Correspondence

While they allow considerable flexibility, state planning laws do establish some requirements for the issues that general plans must address:

- *The General Plan Must Be Comprehensive.* The general plan must be geographically comprehensive – that is, it must apply throughout the entire incorporated area and include other areas that the city determines are relevant to its planning. Also, the general plan must address the full range of issues that affects the city's physical development.



Twelve neighborhood meetings, and numerous Program Management Team workshops were held as part of the General Plan update process.

- *The General Plan Must Be Internally Consistent.* The General Plan must fully integrate its separate parts and relate them to each other without conflict. "Horizontal" consistency applies to figures and diagrams, background text, data and analysis, and policies. All adopted portions of the general plan, whether required by state law or not, have equal legal weight.
- *The General Plan Must Be Long Range.* Because anticipated development will affect the city and the people who live and work there for years to come, state law requires every general plan to take a long-term perspective.

State law also requires that the city provide an annual report on the status of the plan and progress in its implementation. The Planning Commission and City Council hold a joint study session each March to review the General Plan annual report.

1-3 PUBLIC PARTICIPATION

Santa Rosa 2035 depends largely on the extensive public participation program conducted for its predecessor General Plan, *Santa Rosa 2020*, since the revision process to develop Santa Rosa 2035 was focused on updating the Housing Element, incorporating policies from recently adopted planning efforts, and including policies related to climate protection. Public participation efforts were centered on the Housing Element and are described in greater detail there. In response to testimony at Planning Commission public hearings held regarding Santa Rosa 2035, commissioners reviewed the General Plan element by element to facilitate increased public participation, and dialogue between stakeholders.

Public participation in preparation of the 2020 General Plan occurred in a variety of ways. An oversight committee - the General Plan Program Management Team (PMT) - was formed of elected and appointed officials and members of the public. The PMT met throughout 2000

In preparation of the prior general plan, *Santa Rosa 2020*, various background reports were prepared. These reports may be reviewed at the City of Santa Rosa's Department of Community Development.

1-7 CHANGING THE GENERAL PLAN

As the city's premier policy document, the General Plan is not changed without good cause. The City Council, Planning Commission, or staff, in reviewing the General Plan, may find that certain portions should be changed due to circumstances which arise within the community. Amendment of the General Plan may be necessary due to changing policies of the City Council or if it is found through periodic review that certain portions of the Plan are inadequate or do not meet the needs of the community.

The General Plan Land Use Diagram or the text of any element may be amended. General Plan Amendment applications may be filed by individual applicants or may be initiated by the Community Development Director, Planning Commission or City Council. Concurrent processing of General Plan Amendments with other land use applications is permitted.

Applications for General Plan Amendment must address why an amendment is warranted, describe events which have rendered the General Plan inadequate or unattainable, and describe any studies which have brought policies or portions of the plan into question.

The General Plan may be amended three times per year. The Planning Commission shall conduct hearings regarding General Plan Amendment applications in February, June and October of each year. The City Council shall conduct hearings after consideration of the Planning Commission, in March, July and November. To meet this hearing schedule, the following application deadlines are established: February 1 for hearing in June; June 1 for hearing in October; and October 1 for hearing in February. When the first day of the month falls on a weekend, the following Monday is the final day for submittal.

The current voter-approved Urban Growth Boundary (UGB) will expire in 2016. While it is likely that the General Plan will be comprehensively updated before then, current projections indicate that there is sufficient land available within the UGB to accommodate growth needs until 2035.

GM-A-2 Clarify to project applicants that the low-intensity General Plan designations are not “interim” and that the intent of these designations is to accommodate a variety of housing types within the UGB, rather than reserve areas for future development.

This applies specifically to the rural Very Low Density Residential designation, as rural residential pockets will be retained within Santa Rosa's UGB to accommodate all lifestyles.

GM-A-3 Work with the Local Agency Formation Commission (LAFCO) to amend the city's Sphere of Influence to be coterminous with the adopted Urban Growth Boundary.

GM-B *Program infrastructure improvements to keep pace with new residential growth, and ensure that such growth incorporates affordable housing provisions and is balanced with conservation of resources.*

GM-B-1 Limit the number of new housing units granted allotments per year, as provided in Table 8-1.

Table 8-1: Schedule of Housing Units Allotments

<i>Timeframe</i>	<i>Maximum Housing Allotments per year</i>
2006-2010	900
2011-2015	850
2016-2020	850
2021-2025	800
2026-2030	800
2031-2035	800

GM-B-2 Ensure that the city's Growth Management Ordinance continues to be a mechanism to achieve the community's housing goals.

Prezones proposed annexation - Northeast Santa Rosa Reorganization 5-98 (Monte Verde Island)

February 2, 1999

ORDINANCE NO. 3405

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA PREZONING THE AREA INCLUDED WITHIN PROPOSED NORTHEAST SANTA ROSA 5-98 ANNEXATION (MONTE VERDE COUNTY ISLAND) - FILE NUMBER ANX98-010

THE PEOPLE OF THE CITY OF SANTA ROSA ENACT AS FOLLOWS:

Section 1. The Council finds, based on the evidence and records presented, that the prezoning designations of RR-20 (Rural Residential), RR-40 (Rural Residential), and R-1-6 (Single Family Residential) Districts are the appropriate classifications of the properties identified in Section 2 and such classifications are consistent with the Santa Rosa General Plan in that:

- The properties are situated within the Very Low Density Residential and Low Density Residential areas as shown on the Land Use Graphic of the City's General Plan, which designations permit rural residential and single family residential development and existing non-conforming uses.
- The prezoning provides rural and single family residential land uses in conformance with the policy of the Land Use Element of the City's General Plan.
- Adequate City services can be provided for the proposed annexation area.
- For the reasons set forth above, the proposed annexation would not adversely impact and would enhance the achievement of the Land Use goals and policies contained in the General Plan.

The Council has read, reviewed, and considered the approved and adopted Negative Declaration for this project and determines that this prezoning will not have a significant effect on the environment as shown by said Negative Declaration.

Section 2. All conditions required by law having been satisfied and all findings with relation thereto having been made, the "Zoning Map of the City of Santa Rosa," as described in section 20-01.010 of the Santa Rosa City Code, is amended so as to place the following prezoning designation on the following identified properties:

Sonoma County Assessor's Parcels numbered 030-160-009, -010, -013, -015 to -024, -033, -034, -043, -050, -057, -061 to -065, totaling approximately 24 acres, are prezoned to the City's RR-20 (Rural Residential), RR-40 (Rural Residential), and R-1-6 (Single Family Residential) Districts, as shown in Exhibit "A" attached hereto.

Section 3. In accordance with the provisions of section 20-02.287 of the Santa Rosa City Code, the prezoning designations set forth in Section 2 and Exhibit A of this ordinance shall become the zoning classifications of the parcels of real property, as therein identified, at the same time their annexation to the City of Santa Rosa is completed.

Section 4. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 2nd day of February, 1999.

**MAP OF BOUNDARIES
OF
NORTHEAST SANTA ROSA REORGANIZATION NO. 5-98**

The cross lines show the area included within pending Northeast Santa Rosa Reorganization No. 5-98. If the annexation is approved by the voters, all properties within the cross-lined area will become a part of the City of Santa Rosa.

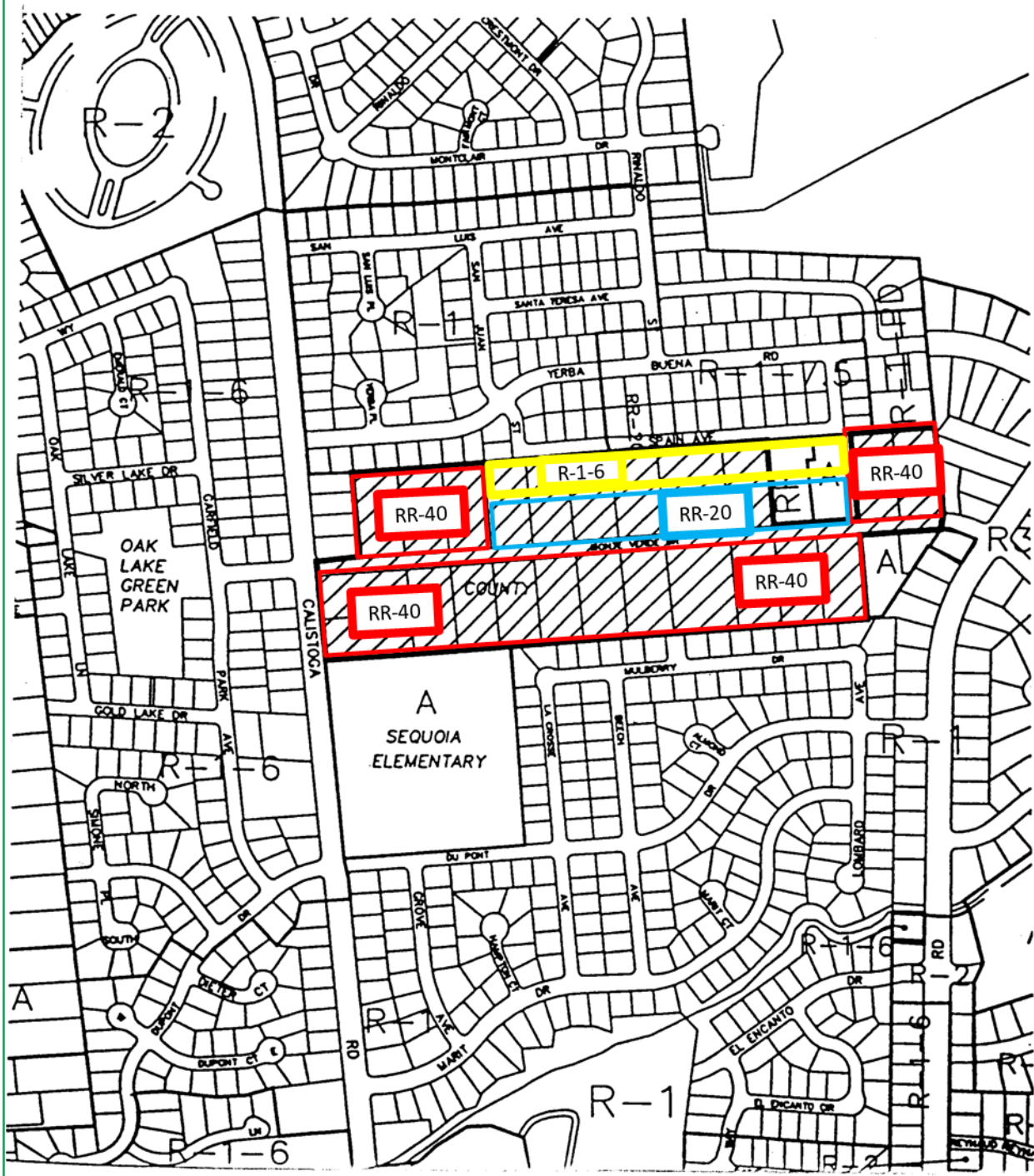
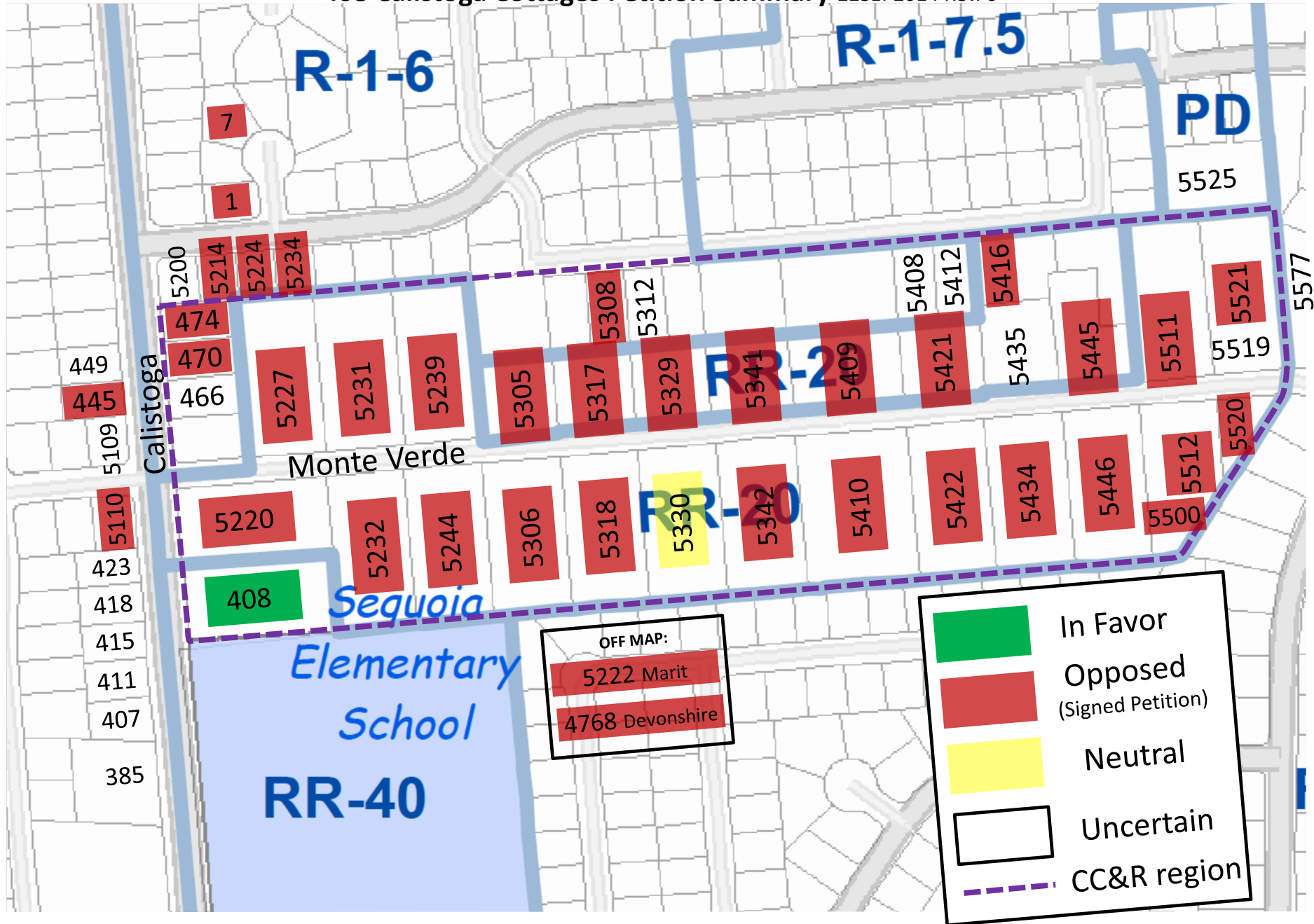


Exhibit A

408 Calistoga Cottages Petition Summary 22SEP2014 Rev. 6



Stoddard, Laurie

Subject: FW: Responses to Allegations Regarding Violations to the Monte Verde CC&Rs
Attachments: Mvpoll6.pdf; Parcel Map 30-16 with notes.pdf; Parcel Map 153-43 with notes.pdf

From: ldenley-bussard@comcast.net [<mailto:ldenley-bussard@comcast.net>]

Sent: Thursday, November 13, 2014 11:24 AM

To: Bartley, Scott; Swinth, Robin; Carlstrom, Erin; Combs, Julie; Olivares, Ernesto; Ours, Jake; Wysocky, Gary

Cc: Griffin, Terri; Murray, Susie; Lynn Denley-Bussard; Paul Bussard-Gmail

Subject: Re: Responses to Allegations Regarding Violations to the Monte Verde CC&Rs

Honorable Mayor and City Council Members,

We have heard that the applicant has made allegations against other property owners in our neighborhood, claiming we have violated the neighborhood CC&Rs. This is our understanding and perspective on these issues.

- Our CC&Rs require the approval of every property owner in the neighborhood to make any changes.
 - The City constructed a water-pumping station on the Northeast corner of Calistoga Road and Monte Verde Drive, completed in 1985. Since this project was in the public interest, the neighborhood agreed to it.
 - During the annexation process 1987 - 2000, the neighborhood agreed to allow development along Spain Avenue in exchange for annexation to the City and access to sewer services along Monte Verde Drive.
 - The Calistoga Cottages project does not have the approval of the other property owners in our neighborhood, because it impacts the rural lifestyle of the adjoining properties.
 - Attachment: Map summarizing the petition by 40 residents asking you to reject the General Plan Amendment and retain the rural nature of our neighborhood.
- The neighborhood has not changed since annexation in 1999 and the inclusion of our rural pocket in the General Plan.
 - 408 Calistoga Road has not changed since annexation.
 - All 17 parcels zoned RR-40 at annexation are still one single-family residence on about one acre.
 - Attachments: Parcel map 30-16 from 1998-1999 and Parcel map 153-43 from 2014, shows the neighborhood has not changed since annexation. The only development has been along Spain Avenue, which was part of the neighborhood plan created by the collaborative effort of City staff, residents and the City Council.
- Our CC&Rs allow for guest cottages.

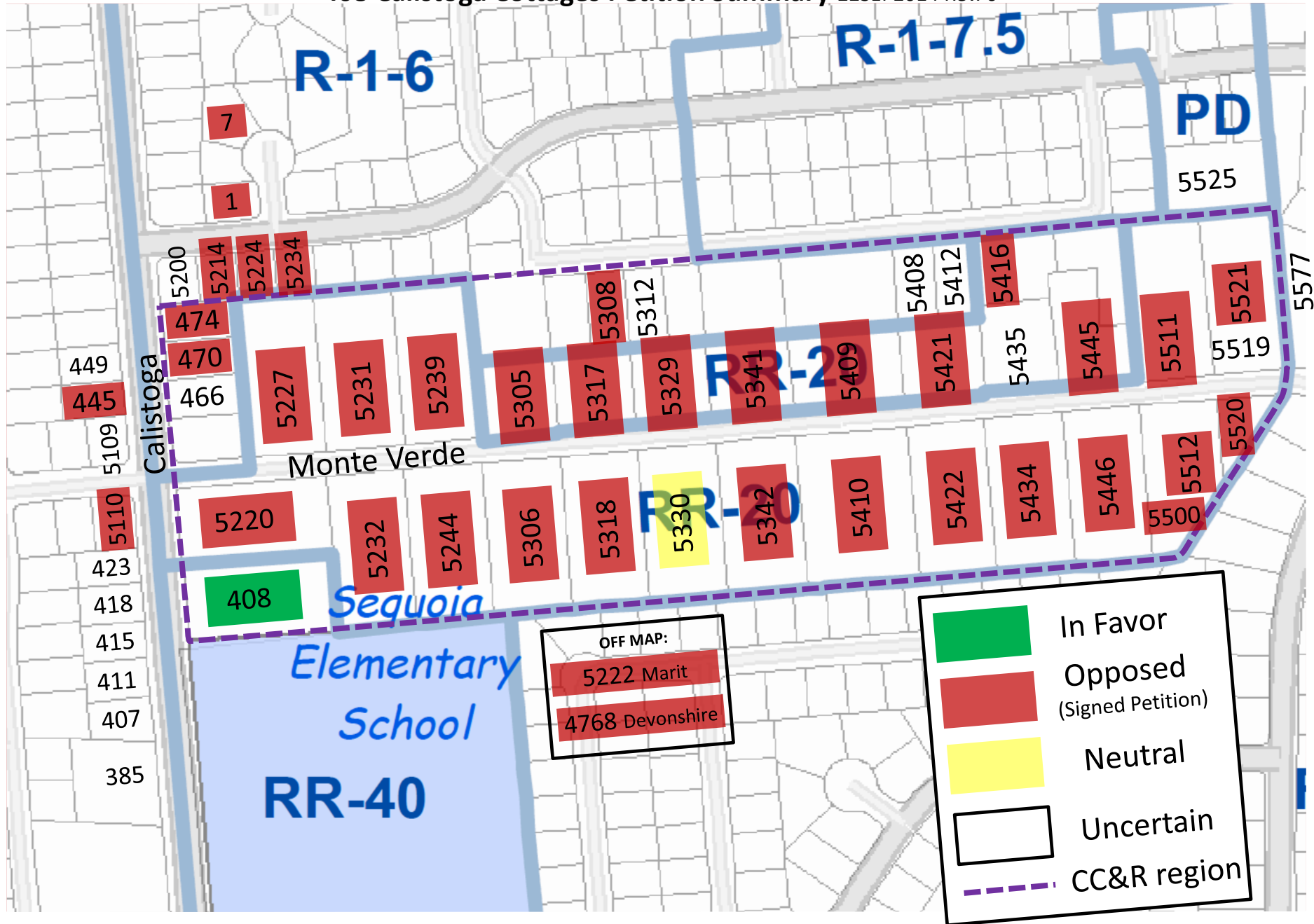
- In 1960 the Bussard family home at 5232 Monte Verde Drive was in the county which allowed mobile homes as second units on one-acre lots. As a guest cottage, this does not violate the CC&Rs.
- Our CC&Rs do prohibit commercial enterprises, but they do not prohibit a home office.
- We filed for an injunction to stop the applicant from applying for and gaining approval for a tentative parcel map.
 - The judge did not grant the injunction because the applicants are only “planning” to break the CC&Rs; they haven't actually done it yet.
 - If the applicants ever file to change the county parcel map that action will violate the CC&Rs and an injunction can be requested at that time.
- We offered several compromises to the owners of 408 Calistoga Road.
 - At the neighborhood meeting in October 2013, we offered to gather support among the other property owners for an RR-20 zoning. A zoning of RR-20 would retain the rural nature of our neighborhood and allow the applicants to build a second home at 408 Calistoga Road. The applicants were not interested.
 - We made an offer to buy 408 Calistoga Road, so it could remain rural residential and the applicants could build on another property. Our offer was turned down.
- The only offer made by the applicants to us was a promise to build three homes behind the existing house instead of six.
 - Since the proposed tentative parcel map was for three homes, this wasn't really a compromise offer; it was merely a re-statement of the proposed project.

We have always substantiated our claims with written proof. We ask that you request written proof of any claims made by the applicants.

Sincerely,

Paul Bussard and Lynn Denley-Bussard

408 Calistoga Cottages Petition Summary 22SEP2014 Rev. 6



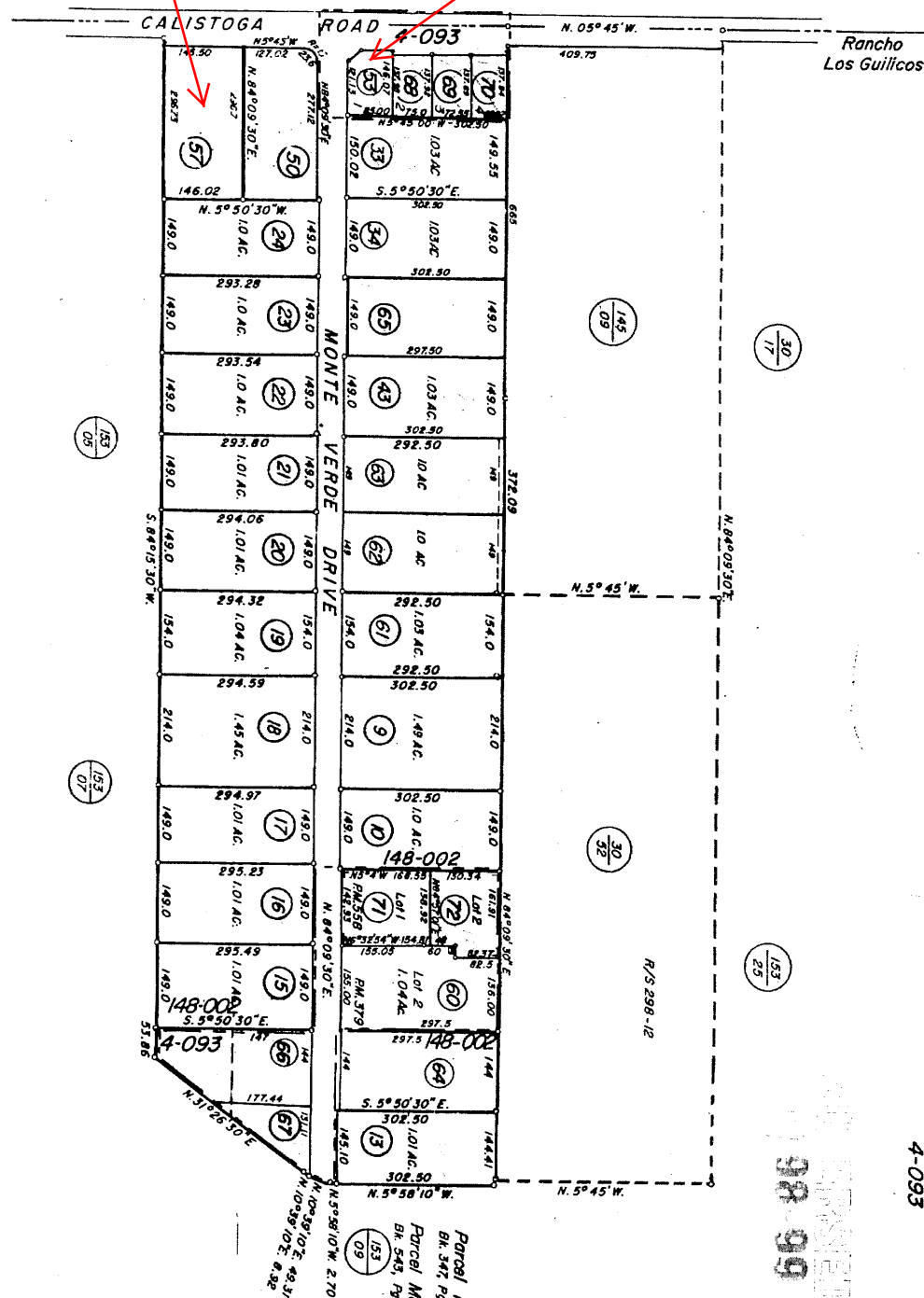
COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA
148-002
4-093

30-16

408 Calistoga Road

City Pumping Station
462 Calistoga Road



NOTE: THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY. NO
LIABILITY IS ASSUMED FOR THE
ACCURACY OF THE DATA DELINEATED
HEREON.

REVISED
KO-9-87-TOL.F
Z-16-96-72 DMC

Assessor's Map 148-002 Pg 15
Sonoma County, Calif.

COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA
4-093

153-43

Pcl. Map No. 379
REC. 07-28-83 IN BK. 347, MAPS, PGS. 31-32

Pcl. Map No. 558
REC. 10-04-95 IN BK. 543, MAPS, PGS. 01-03

Pcl. Map No. 617
REC. 08-12-02 IN BK. 638, MAPS, PGS. 49-51

Pcl. Map No. 637
REC. 04-30-04 IN BK. 661, MAPS, PGS. 01-04

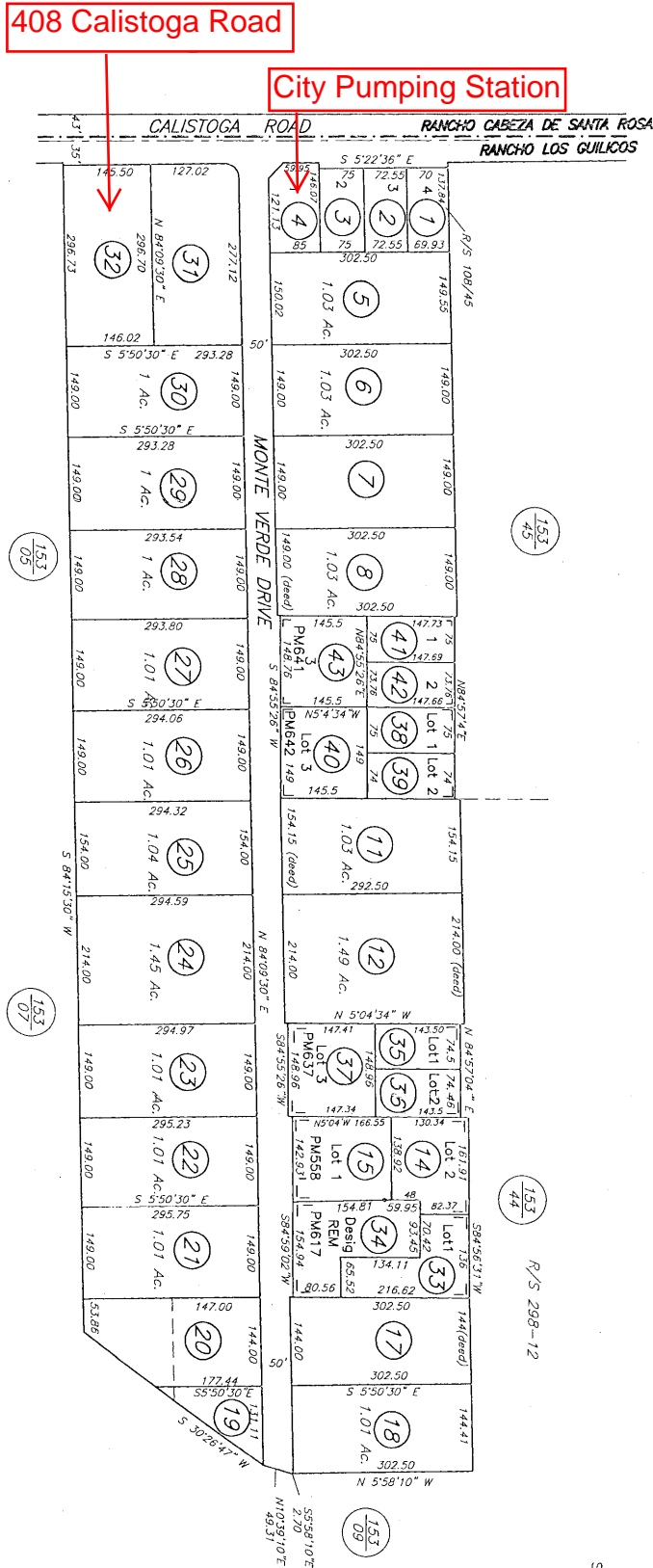
Pcl. Map No. 641
REC. 08-01-06 IN BK. 698, MAPS, PGS. 36-39

Pcl. Map No. 642
REC. 08-01-06 IN BK. 698, MAPS, PGS. 40-43

SCALE: 1" = 200'



REVISED
12-11-02=34-LF
08-18-04=37-LF
09-25-06=40-WH
10-12-06=43-BC



NOTE: This map was prepared for Assessment purposes only and does not indicate either parcel legality or a valid building site. No liability is assumed for the accuracy of the data delineated. The acreages are based on the information supplied to the Assessor (i.e. recorded survey maps, recorded deeds, prior assessment maps, etc.).

NOTE: Assessor's parcels do not necessarily constitute legal lots. To verify legal parcel status, check with the appropriate city or county community development or planning division.

Assessor's Map Bk. 153, Pg. 43
Sonoma County, Calif. (NCAO)
KEY 11/13/07 RL

Stoddard, Laurie

Subject: FW: Calistoga Cottages – 408 Calistoga Road, Santa Rosa File No. GPAM13-00/PRAP13-008

From: Karine Villeggiante [<mailto:karinev@sbcglobal.net>]

Sent: Thursday, November 13, 2014 11:53 PM

To: Bartley, Scott; Swinth, Robin; Wysocky, Gary; Combs, Julie; Carlstrom, Erin; Griffin, Terri; Olivares, Ernesto; Ours, Jake; Murray, Susie; Paul Bussard; Lynn Bussard; Becky Thurber

Subject: Calistoga Cottages – 408 Calistoga Road, Santa Rosa File No. GPAM13-00/PRAP13-008

Dear Mayor, Vice Mayor & City Council Members,

Our entire neighborhood was elated and over joyed at the vote to uphold the appeal overturning the Planning Commission's decision to allow the high density development of Calistoga Cottages in our beautiful rural neighborhood.

We were stunned and dismayed that this vote could be reconsidered but appreciate Councilman Wysocky's desire to confirm the promise made to the homeowners of the Monte Verde subdivision in 2000 to preserve the rural nature of this neighborhood. We have provided this documentation and proof to both Councilman Wysocky and to the City Council in advance of the November 18th Council session.

In 2000 when we were annexed to the City of Santa Rosa, the city council made a promise to our neighborhood to retain the rural nature of our subdivision. It was this promise that gave many of the opposing neighbors the confidence to move forward with annexation. This neighborhood would not have annexed if it was not for that promise.

How do you expect the residents of the proposed Roseland Neighborhood annexation to have confidence and faith in the promises of this council if you do not stand by the commitments made by previous city councils to Santa Rosa neighborhoods?

Jeff Komar and Ted Hollen Real Equity Partners are licensed real estate agents that signed and fully acknowledged the CC&R's of the Monte Verde subdivision when they bought 408 Calistoga Rd. They bought this property knowing full well that the CC&R's and zoning prohibited them from subdividing but bought it anyway. I ask how the city of Santa Rosa can ignore the written covenant of an entire neighborhood in support of the financial gain of one developer?

As our elected representatives, we look to you to protect and value the historic neighborhoods that have an important place in our community.

In view of the submitted documentation including the promises made to this neighborhood by the city council in 2000 to protect the rural nature of our neighborhood, we ask that you stand with the original decision to uphold the appeal.

Sincerely,

Karine & Andrew Villeggiante
5227 Monte Verde Dr
Santa Rosa, CA 05409
707 291-5889

Stoddard, Laurie

Subject: FW: Calistoga CottagesLetter from Josh Mcgarva
Attachments: Josh and Stacey McGarva Letter 111014 (2).pdf; image001.jpg

From: Ted Hollen [mailto:hollen3@gmail.com]
Sent: Thursday, November 13, 2014 4:34 PM
To: Murray, Susie; Jeff Komar
Subject: Calistoga CottagesLetter from Josh Mcgarva

Here is a letter we received from Josh, Stacey's husband sounds like there is some confusion between the two. Also, we have other residents on the street that are in support of the project.

Thank you,

Ted Hollen III
Pacific Gold Properties
Real Equity Real Estate
1301 Farmers Lane Suite 302
Santa Rosa, CA 95405

Office: 707-795-8238<tel:707-795-8238>
Fax: 707-636-0362<tel:707-636-0362>
Cell: 707-694-8200<tel:707-694-8200>
Email: hollen3@gmail.com<mailto:hollen3@gmail.com>

CA DRE Lic #: 01353037

Joshua & Stacey McGarva
5330 Monte Verde Dr.
Santa Rosa, CA 95409

RE: Calistoga Cottages Project-Appeal Reconsideration Hearing November
18, 2014

To Whom It May Concern:

We would like to remove our names from any list or diagram that had us represented as opposed to the Calistoga Cottages project. We are neutral regarding the Calistoga Cottages Project. We have lived on Monte Verde for the last seven years and have chosen to raise our family here and we do not support or oppose this project.

Regards,

A handwritten signature in black ink, appearing to be 'Josh McGarva', with a long horizontal flourish extending to the right.

Josh & Stacey McGarva

Stoddard, Laurie

Subject: FW: Calistoga Cottages revisited

From: Phil Atterbury [<mailto:philatt@sonic.net>]

Sent: Sunday, November 16, 2014 8:00 AM

To: Murray, Susie

Subject: Calistoga Cottages revisited

To Santa Rosa City Council:
Susan Murray,

I want to express my opposition to the rezoning of the property located at 408 Calistoga Rd.

I have two objections.

Issue number one;

The traffic difficulties that currently exist at the intersection of Calistoga Rd and Monte Verde Dr. are hazardous at times. The traffic congestion during early and late commute hours at this intersection is very difficult to navigate. During the morning commute hours the potential inhabitants at the proposed development at 408 Calistoga Rd will find it nearly impossible to make a left turn from the property and travel southbound safely on to Calistoga Rd toward Hwy 12. The natural alternative would be a right or northbound turn on Calistoga Rd and another immediate right turn up Monte Verde Dr followed by a right or southbound turn on St. Francis Rd. and then to Hwy 12. It is a roundabout circuit contributing to more traffic on Monte Verde Dr. and other neighborhood streets. My opposition is due to the increased unwanted traffic on an already busy and sometimes unsafe (due to no speed controls) Monte Verde Dr. The situation is reversed during the afternoon commute hours.

Issue number two;

Historically the "very low density residential" designation is consistent with the larger neighborhood. My family has resided on Monte Verde Dr since 1955. We like it as is and are not in favor of changing the character of the neighborhood. This proposal will negatively affect the quality and atmosphere of our neighborhood. For at least 3 generations of our family, we have enjoyed the charm of our location (minus the traffic issues) and do not want the appeal of our neighborhood to be altered by the proposed zoning change.

Thank you,
Phil Atterbury
5520 Monte Verde Dr.

Stoddard, Laurie

From: Karen Grandall <kgrandall@sbcglobal.net>
Sent: Sunday, November 16, 2014 7:10 PM
To: Bartley, Scott; rswin@srcity.org; Carlstrom, Erin; Combs, Julie; eolivares@ceasanta-rosa.ca.us; Ours, Jake; Wysocky, Gary
Cc: smurry@srcity.org; Griffin, Terri
Subject: Fw: 408 Calistoga Cottages

On Sunday, November 16, 2014 6:36 PM, "Idenley-bussard@comcast.net" <Idenley-bussard@comcast.net> wrote:

Dear Mayor Bartley and City Council Members,

My wife Karen and I own 5220 Monte Verde Drive, the property bordering 408 Calistoga Road to the north. Our property faces the City water pumping station at 462 Calistoga Road, which already degrades our property value. We are against a General Plan Amendment that would allow subdivision of 408 Calistoga.

Nothing has changed in our neighborhood that warrants a General Plan amendment. The house at 408 Calistoga Road was recently remodeled but nothing else has changed since 1999. The driveway is the same. The fence between our properties is the same. The existing home at 408 Calistoga Road is directly in line with our own, so impacts are equal.

The tentative parcel map for 408 Calistoga Road shows three new homes further into the Monte Verde neighborhood than our house. These homes would have a negative impact on our property and clearly be visible to everyone.

There are several Valley Oak trees that grow along our fence line with 408 Calistoga Road. The arborist's report warns "no parking, operation of equipment...or other construction activities shall occur within drip lines of protected trees." So, there is no way to create a new driveway or build the subdivision without damaging these trees. I'm not a surveyor, but even I can see that there isn't enough room between the drip lines of the Oak trees and their garage for a driveway.

A complaint was filed against us in Superior Court on April 28, 1995 by John Capman, a previous owner of 408 Calistoga Road. In the complaint (Capman vs Grandall) he claimed a 30-child day care center was a commercial venture prohibited by the neighborhood CC&R's. The legal cases supporting neighborhood CC&Rs were so strong that we agreed to settle the case out of court. The Request for Dismissal, with Prejudice, was approved on October 24, 1995.

When our neighborhood was annexed to the City in 1999, we believed it was protected from any changes in the density designation. If the General Plan changes the zoning at 408 Calistoga Road, it would set a precedent. If you allow this change, how can you deny further development in our neighborhood?

So, we ask that you to continue to protect our rural residential neighborhood by rejecting a General Plan amendment.

Sincerely.

Kenneth Grandall
Karen Grandall

Stoddard, Laurie

From: Carol Hlivka <carolhlivka@gmail.com>
Sent: Sunday, November 16, 2014 8:30 PM
To: Bartley, Scott; Swinth, Robin; Carlstrom, Erin; Combs, Julie; Olivares, Ernesto; Ours, Jake; Wysocky, Gary
Cc: Murray, Susie; Griffin, Terri
Subject: Roseland concerns about 408 Calistoga Road

2266 Burbank Avenue
Santa Rosa, CA 95407

Dear Mayor and City Council Members,

My name is Carol Hlivka and I live in Roseland on a 3 acre parcel in the county island.

Our neighborhood is considering annexation to the city of Santa Rosa. I have heard through friends and relatives in the Monte Verde neighborhood that the city council may not keep promises made in 1999 to protect their neighborhood's rural character. If the city council doesn't keep those promises, why should I and other Roseland residents believe anything promised during our annexation?

I am very concerned about the proposed subdivision at 408 Calistoga Road, because it would set a dangerous precedent of allowing development in rural residential neighborhoods. The General Plan states that rural residential neighborhoods will be retained and are not to be used for future development. Is this true? If so, then why would you vote to re-zone this parcel?

If the city council won't follow what is written in the General Plan, how can Roseland residents believe anything in the General Plan related to our annexation?

Is the proposed subdivision at 408 Calistoga Road in the public interest? Does it provide affordable housing or a senior center or a community clinic? No, it does not. So there is no public need for this project. This subdivision is purely for the developer's gain.

If the Roseland area is annexed, will the city ignore all the rules protecting residents and allow developers to do as they please?

I ask that you respect city council promises, heed the General Plan, and reject the General Plan Amendment. This will preserve the rural residential character of the Monte Verde neighborhood and will greatly increase my confidence that you will treat the Roseland area fairly if we annex to the city.

Sincerely,

Carol Hlivka

Stoddard, Laurie

Subject: FW: 408 Calistoga road reconsideration on General plan change.

From: hawleyp@aol.com [<mailto:hawleyp@aol.com>]

Sent: Monday, November 17, 2014 12:05 PM

To: sbarley@srcity.org; Swinth, Robin; Carlstrom, Erin; Combs, Julie; Olivares, Ernesto; Ours, Jake; Wysocky, Gary

Cc: Murray, Susie; Griffin, Terri

Subject: 408 Calistoga road reconsideration on General plan change.

On Tuesday, November 18, you are being asked to reconsider your vote on the matter of a General plan change for a small lot on Calistoga road. **I support the appeal and reject the General Plan Amendment for this lot.**

I was a member of the General Plan Advisory Committee in 1998-1999 and we built the Plan to provide higher density in the City core. This allowed the rural areas to remain as a buffer along the city limits. As such, "county islands" have been asked to annex into the city with the knowledge that they could continue to live as rural residential neighborhoods. Promises were made and the General Plan reflected such neighborhood considerations.

Please don't set aside those rural residential guidelines by changing the density of this project. I have lived in Rincon Valley for 35 years and valued it's character and open space. I would hate to see how Rincon Valley would be with higher density development throughout if such changes would be allowed.

I have live in Santa Rosa for 57 years. I own Hawley's Paint Store that has been in Santa Rosa for 108 years and have served as President of the Downtown Development Association. I was also on the Committees that updated the Downtown Design Plan, City Sign ordinances and County Haz Mat Ordinance. I believe in our General Plan and the system we used to create it.

I urge you to support the appeal and reject the General Plan Amendment for this rural neighborhood project, that no one that lives there, supports. Keep the City and the General Plan promises to our neighborhood.

Jim Cook
Santa Rosa Resident

Stoddard, Laurie

Subject: FW: Calistoga Cottages - Accuracy of Applicant email

From: Regalia, Chuck

Sent: Monday, November 17, 2014 4:27 PM

To: @010000 - City Council

Cc: McGlynn, Sean; Fowler, Caroline; Griffin, Terri; Sheppard, Suzanne; Hartman, Clare; Murray, Susie; Williams, Stephanie

Subject: Calistoga Cottages - Accuracy of Applicant email

Information Only – Please Do Not Reply To All

Mayor Bartley and Members of the City Council:

The purpose of this message is to respond to a Council member's question regarding the accuracy of the email correspondence from the applicant, dated November 12, 2014. The email subject line reads "Calistoga Cottages Email and evidence supporting projects (will not be presented at hearing due to time constraints)".

In response, the applicant's email includes a listing of historic documents for 408 Calistoga Road, which supports the arguments in favor of the Calistoga Cottages subdivision.

Please let us know if you have further questions.

Chuck Regalia | Assistant City Manager |

Community Development Department | 100 Santa Rosa Avenue | Santa Rosa, CA 95403

Tel. (707) 543-3189 | Fax (707) 543-3269 | cregalia@srcity.org



Subject: FW: Calistoga Cottages - Response to Key Issues

From: Regalia, Chuck

Sent: Monday, November 17, 2014 4:27 PM

To: @010000 - City Council

Cc: McGlynn, Sean; Fowler, Caroline; Griffin, Terri; Sheppard, Suzanne; Williams, Stephanie; Hartman, Clare; Murray, Susie

Subject: Calistoga Cottages - Response to Key Issues

Information Only – Please Do Not Reply to all

Mayor Bartley and Members of the City Council:

The purpose of this message is to provide the City Council with a response to several key issues raised in correspondence received regarding Calistoga Cottages, a 4-lot subdivision proposed at 408 Calistoga Road. This item, which is comprised of a Mitigated Negative Declaration, General Plan Amendment, Rezoning, and Tentative Parcel Map, is scheduled for Reconsideration by the City Council on November 18, 2014. Subsequent to the preparation of the staff report for the item, several comments were received from the appellant, appellant's attorney, applicant, applicant's attorney, and members of the community.

SUMMARY OF ISSUES RAISED

1. Review of project related General Plan goals and policies

- A. The City's analysis did include a review of all General Plan goals and policies, many of which compete with one another. Evaluation of the key policies was summarized in written staff reports to the Planning Commission and the City Council, with a sample of the key policies that informed the recommendation.
- B. A key consideration was the balancing of policies that support both the protection of rural residential neighborhoods with policies that support infill development and housing within proximity to schools, shopping and services. No one General Plan policy is intended to preclude or prevent another policy from being applied. Several applicable General Plan Policies were presented to the Planning Commission on June 26, 2014, by both staff and the appellant.

The Planning Commission balanced these competing policies and determined that while the subject site does share its existing Rural Residential zoning with the Monte Verde neighborhood to the north and east, the site is located on the outside periphery of that neighborhood and is oriented to, and takes access from, Calistoga Road and the services along that corridor. It found that the site was not essential to maintaining the rural character of the neighbor on Monte Verde. The Planning Commission voted unanimously (5-0) in favor of the project.

2. Findings to support a General Plan Amendment from Very Low Density Residential to Low Density Residential

A. Pursuant to Zoning Code Section 20-64 Amendments, there are four required findings for a General Plan Amendment, all of which were documented in both Planning Commission and City Council staff reports and the Planning Commission resolutions. In consideration and analysis of an application for a General Plan Amendment, staff is not limited to what is provided by the applicant. An independent analysis of the proposal is conducted and findings are made by the review authority. The findings for Calistoga Cottages include:

- The proposed amendment ensures and maintains internal consistency with the goals and policies of all elements of the General Plan in that it will increase the supply of housing along an arterial street where public transportation, utilities, a commercial center, schools and recreation areas are readily available within walking distance, in that the Parks, schools, retail centers, public transportation are all within walking distance of the proposed project;
- The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that it would result in additional housing opportunities along an arterial street designed for this type of residential development in that the project proposes the addition of three homes on lots ranging in size from 7,800 square feet to 13,700 square feet, a density of approximately four units per acre, there are no changes proposed to Monte Verde Drive as part of this project (i.e. street lights, sidewalks, or street improvements, and Utilities and emergency services are available;
- 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 and residential development in that the site is currently developed with an approximately 1,630-square-foot residence, and is surrounded on three sides by similar single family residential uses, and Sequoia Elementary School on the fourth and during the neighborhood meeting, and throughout the review process, the appellants have suggested that they would be supportive of a change in zoning at 408 Calistoga Road from RR-40 to RR-20, which they understood would allow the development of one additional residence. Due to the size of the parcel (just under one acre), the General Plan land use designation of Very Low Density Residential does not allow any density increase at the subject site; and
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and addresses potential environmental impacts in that during the project review process, the property lines on the proposed tentative map were redrawn to preserve all existing trees and during the City Council meeting of September 16, 2014, John Meserve, Certified Arborist, explained the mitigation measures required by Mitigated Negative Declaration and indicated that they were adequate to preserve the trees as proposed by the Project.

- B. The required findings are separate from the questions on the General Plan Amendment application.

3. Commitments that were made by a previous City Council

- A. There are no binding contracts or agreements that would preclude the City or City Council from considering a General Plan Amendment. The General Plan and its policies evolve over the life of a City.
- B. The project site is located on the perimeter of the Monte Verde neighborhood and takes access off Calistoga Road. While it was included as part of the Monte Verde annexation, it is functionally part of the Calistoga Road residential neighborhood because of its orientation.
- C. The proposed subdivision does not include any changes (e.g. street lights, sidewalk, etc) along Monte Verde Drive keeping the rural character of the Monte Verde neighborhood intact.

4. The Covenants, Conditions and Restrictions (CC&Rs)

CC&Rs are private agreements between property owners and are not subject to interpretation or enforcement by the City. Any issue as to whether or not the project is supported by the CC&Rs is a matter for the courts to decide.

Please let us know if you have further questions.

Chuck Regalia | Assistant City Manager |

Community Development Department | 100 Santa Rosa Avenue | Santa Rosa, CA 95403

Tel. (707) 543-3189 | Fax (707) 543-3269 | cregalia@srcity.org



Stoddard, Laurie

Subject: FW: Calistoga Cottages - General Plan Policies

From: Regalia, Chuck

Sent: Monday, November 17, 2014 4:27 PM

To: @010000 - City Council

Cc: McGlynn, Sean; Fowler, Caroline; Griffin, James; Sheppard, Suzanne; Hartman, Clare; Murray, Susie; Kranz, Lisa; Williams, Stephanie

Subject: Calistoga Cottages - General Plan Policies

Information Only – Please Do Not Reply To All

Mayor Bartley and members of the City Council:

Question: A Member of the City Council asked that the following General Plan policies be provided.

- H-A-2 Pursue the goal of meeting Santa Rosa’s housing needs through increased densities, when compatible with existing neighborhoods. Development of existing and new high-density sites must be designed in context with existing, surrounding neighborhoods. The number of affordable units permitted each year and the adequacy of higher-density sites shall be reported as part of the General Plan annual Review report.
- H-A-3 Promote conservation and rehabilitation of the existing housing stock and discourage intrusion of incompatible uses into residential neighborhoods which would erode the character of established neighborhoods or lead to use conflicts.
- GM-A-2 Clarify to project applicants that the low-intensity General Plan designations are not “interim” and that the intent of these designations is to accommodate a variety of housing types within the Urban Growth Boundary (UGB), rather than reserve areas for future development.
This applies specifically to the rural Very Low Density Residential designation, as rural residential pockets will be retained within Santa Rosa’s UGB to accommodate all lifestyles.
- LUL-E-2 As part of planning and development review activities, ensure that projects, subdivisions, and neighborhoods are designed to foster livability.

Utilize the city’s Design Guidelines as a reference when evaluating the following neighborhood components:

- **Streets.** Street design, traffic calming, and landscaping can make great contributions to the creation of successful neighborhoods. Neighborhood streets should be quiet, safe, and accommodate pedestrians and bicyclists.
- **Connections.** Neighborhoods should be well connected to local shops and services, public plazas and gathering places, park lands, downtown, schools, and recreation by adequate and safe streets, bike lanes, public pathways, trails, general infrastructure (e.g. sidewalks and crosswalks), and transit.

- **Public Spaces.** Downtown serves as the most important public place in the city. Developments in the area should further this by incorporating natural features and bicycle/pedestrian connections, to encourage use and social interaction.
- **Neighborhood Character.** Each neighborhood should maintain a distinct identity, such as the historic preservation districts featuring Victorian cottages and California bungalows.
- **Diversity and Choice.** Neighborhoods should provide choices for residents with different values. Different housing types and locations within the city accommodate a diverse range of needs.

LUL-E-4 Protect the rural quality of Very Low Density areas within the UGB through design and development standards in the Zoning Code, and development review.

OSC-H-1 Preserve trees and other vegetation, including wildflowers, both as individual specimens and as parts of larger plant communities.

OSC-H-2 Preserve and regenerate native oak trees.

UD-F Maintain and enhance the diverse character of Santa Rosa's neighborhoods. Promote the creation of neighborhoods – not subdivisions – in areas of new development.

UD-F-2 Protect natural topographic features such as hillsides, ridgelines and mature trees and strands of trees. Minimize grading of natural contours in new development.

Please let us know if you have further questions.

Chuck Regalia | Assistant City Manager |

Community Development Department | 100 Santa Rosa Avenue | Santa Rosa, CA 95403

Tel. (707) 543-3189 | Fax (707) 543-3269 | cregalia@srcity.org

