

RESOLUTION NO. RES-2020-041

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A MINOR USE PERMIT FOR AN EMERGENCY SHELTER FOR THE CARITAS VILLAGE PROJECT, LOCATED AT 431, 437, 439, 465 A STREET AND 506, 512, 516, 520, 600, 608, AND 612 MORGAN STREET -ASSESSOR'S PARCEL NUMBERS 010-041-020, 010-041-004, 010-041-005, 010-041-019, 010-041-008, 010-041-009, 010-041-010, 010-041-011, 010-041-017, 010-041-018, 010-041-013, 010-041-014, 010-041-015, 010-041-016, AND 010-041-001

WHEREAS, on September 10, 2018, Catholic Charities and Burbank Housing (Applicants) submitted an application for a General Plan Amendment, Specific Plan Amendment, Rezoning, Tentative parcel map, Conditional Use Permit for an emergency shelter, Major Landmark Alteration Permit, and Major Design Review for a proposed project to expand homeless services currently operating on the project site, and to construct 126 units of permanent, affordable housing, to be located at 431, 437, 439, 465 A Street and 506, 512, 516, 520, 600, 608, and 612 Morgan Street, more particularly described as Assessor's Parcel Numbers 010-041-001, 004, 005, 008, 009, 010, 011, 013, 014, 015, 016, 017, 018, 019, 020 (Project Site); and

WHEREAS, on February 27, 2020, the Planning Commission held a noticed public hearing to consider making findings and determinations to recommend the City Council approve a Minor Use Permit for an emergency shelter for the Caritas Village (Project), which is a project that includes the redevelopment of a city block into: a comprehensive family and homeless support services facility (Caritas Center), and a 126-unit affordable housing development (Caritas Homes) on the Project Site;

WHEREAS, the Planning Commission recommended that the City Council approve a Minor Use Permit for an emergency shelter for the Project.

WHEREAS, on March 3, 2020, the City Council held a duly noticed public hearing on the application for the minor use permit for an emergency shelter, at which all those wishing to be heard were allowed to speak or present written comments and other materials.

WHEREAS, the City Council has considered the application, the staff reports, oral and written, the General Plan, Specific Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing.

WHEREAS, on September 9, 2018, an arborist report was prepared by Horticultural Associates for the Project, including recordation of tree trunk size, health, and structural conditions for all trees measuring greater than 4 inches in diameter located within the Project Site. Horticulture Associates inventoried 66 trees on the Project Site, of which a total of 55 trees are proposed for removal. Of those trees, 37 trees would require a Tree Removal Permit.

WHEREAS, The City requires compensatory mitigation of at least two 15-gallon trees for every 6-inches diameter removed per Section 17-24.050 of the City's Code. Alternatively, the City may accept an in-lieu payment of \$100.00 for each 15-gallon tree replacement.

WHEREAS, the current landscaping plan includes the planting of 111 new trees as part of the Project.

WHEREAS, in Caritas Homes Phase 1, it is anticipated that 47.61% of units will be Extremely Low Income, 23.80% of units will be Very Low Income and 28.57% of units will be Lower Income;

WHEREAS, the City reviewed and determined, based on the Applicants' request that the Project is eligible for three (3) concessions or waivers under the State Density Bonus Law and the City Density Bonus ordinance (20-31.090) to ensure the financial feasibility of the Project. The requested concessions include:

- A. Relief from the development standard requiring a six-foot building step back for levels above the third floor, because the building facades for the Project, as designed, are flat and do not step back on the third or any other floor.
- B. Requests relief from the prohibition on parking within 20 feet of the street frontage.
- C. Requests relief from the requirement that 80% of the street frontage be located on the property line.

WHEREAS, the City reviewed and determined, based on the Applicant's request that the Project is eligible for a concession under Santa Rosa City Code section 21-02.050(B), because the Project includes constructing more than 70 dwelling units on the project site, all of which will be affordable. The requested concession includes a concession to exceed the maximum allowable height within the Historic (-H) combining district (See Santa Rosa City Code § 20-28.040(E)(3)(b)).

NOW THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony and other materials presented, and pursuant to City Code section 20-52.050 and Government Code section 65943, the Planning Commission finds and determines:

- A. The proposed emergency shelter and associated uses are allowed within the Transit Village-Mixed (TV-M) zoning district with a Minor Use Permit.
- B. The proposed emergency shelter use is consistent with the General Plan and the Downtown Station Area Specific Plan.
- C. The design, location, size, and operating characteristics of the emergency shelter would be compatible with the existing land uses in the vicinity. These uses, or most of them, have existed on the site since at least 1986 and are identical, or similar to, uses currently existing on the site.

- D. The site is physically suitable for the type, density and intensity of emergency shelter use, including access, utilities, and the absence of physical constraints because many of these parcels were originally developed to house the Santa Rosa General Hospital at 465 A Street, which currently includes a 138-bed emergency shelter and associated uses. The existing emergency shelter has been in continuous operation since 1989. Two of the Morgan Street parcels house transitional housing, which has been in operation since the 1990's. One of the Morgan Street parcels is currently used as an office for five (5) Catholic Charities' employees. The site is located close to public transit and has adequate sidewalk and bicycle access.
- E. Granting the minor use permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property or improvements in the vicinity and zoning district in which the property is located because the emergency shelter, transitional housing and associated homeless services and administrative offices currently exist on the site. The allowable on-site uses will be staffed by on-site management staff and on-site security services 24-hours per day, among other things. The proposed scale, scope, and operations of the Project has been thoroughly analyzed and reviewed by multiple city departments, undergone significant environmental analysis, and been conditioned to avoid potential impacts on the surrounding properties and uses. The emergency shelter includes the following lighting and security measures: all areas other than front yard setbacks would be secured with gates and provide limited access; the parking lot will have rolling gates that would be open during business hours, but then closed in the evenings and on the weekends; front lobbies for the emergency shelter will have controlled access either through a key card or by staff; from commencement through foundation, video with remote monitoring and live audio capability will be installed; and, a security guard will be employed from start of construction through substantial completion for nights, weekends, and holidays. The Project would incorporate "Crime Prevention Through Environmental Design" (CPTED) concepts to reduce illicit behaviors associated with the homeless population such as loitering, trespassing, littering and garbage, and bathroom incivility. These CPTED design concepts include, but are not limited to, LED light to reduce glare and shadows, attractive screens to maintain privacy and deter graffiti, landscape rocks to deter long-term standing or resting, locked dumpsters to discourage unwanted "recycling" activity, and landscape trimming to provide increased line-of-site and natural surveillance.
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) through the completion of an Environmental Impact Report.

BE IT FURTHER RESOLVED, that this Minor Conditional Use permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

BE IT FURTHER RESOLVED that a Conditional Use Permit for an emergency shelter for Caritas Village, to be located at 431, 437, 439, 465 A Street and 506, 512, 516, 520, 600, 608, and 612 Morgan Street, is approved subject to each of the following conditions:

1. Project approval is subject to City Council adoption of the Caritas Village EIR, the California Environmental Quality Act findings, Mitigation Measures, Mitigation Monitoring Program, and Statement of Overriding Considerations.
2. Project shall comply with the Mitigation Monitoring Reporting Program associated with the Caritas Village EIR, dated January 23, 2020.
3. Final architectural design is subject to approval of a Major Landmark Alteration Permit approved by the Cultural Heritage Board and a Major Design Review Permit approved by the Design Review Board.
4. Compliance with the Development Advisory Committee Report dated February 27, 2020, attached hereto as Exhibit A and incorporated herein.
5. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
6. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.
7. Construction and grading activities hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturdays. No construction is permitted on Sundays or federal holidays.
8. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
9. The facility shall be kept free of trash and debris and well maintained at all times. The operator shall monitor the surrounding block area for littering, and dispose of any trash and debris on a weekly basis.
10. The operator shall monitor on-site parking and institute a facility issued permit for facility clients and employees. The facility shall be adequately posted regarding unauthorized parking. Non-operational and unregistered vehicles shall not be kept onsite. Removal of unauthorized or abandoned vehicles on site shall occur within 10 days.
11. The operator shall offer a meeting with the Mayor, Vice Mayor, District Councilmember, or neighbor on a monthly basis to review operations. The operator shall schedule and provide notification of the monthly meetings.

12. The operator shall adhere to the, “Neighborhood Relations Policy,” attached hereto as Exhibit B and incorporated herein.
13. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
14. That the developer shall enter into an agreement with the City which provides that the developer, his heirs, successors, and assigns shall defend, indemnify, and hold the City, its officers, employees, and agents harmless from any and all claims, suits, and actions brought by any person and arising from, or in connection with, the design, layout, or construction of any portion of this subdivision, or any grading done, or any public or private improvements constructed within, or under, or in connection with this subdivision, whether on-site or off-site.
15. The approval of this project shall be subject to the latest adopted ordinances, resolutions, policies and fees adopted by the City Council at the time of the building permit review and approval.
16. The developer shall pay park fees in effect at the time the building permit is issued.
17. Sewer connections for this development, or any part thereof, will be allowed only in accordance with the requirements of the California Regional Water Quality Control Board, North Coast Region, in effect at the time, or thereafter, that the building permit(s) for this development, or any part thereof, are issued.
18. Prior to issuance of a grading or building permits for any clearing, excavation, construction, or other work on the site, an arborist report shall be submitted to the Planning Division outlining the proposed tree removal, replacement tree planting plan, and a tree protection plan.
  - a. For each six inches or fraction thereof of the diameter of a tree which was approved for removal, two trees of the same genus and species as the removed tree (or another species, if approved by the Director), each of a minimum 15-gallon container size, shall be planted on the project site, provided however, that an increased number of smaller size trees of the same genus and species may be planted if approved by the Director, or a fewer number of such trees of a larger size if approved by the Director. Trees shall be appropriately staked and maintained in good health. A planting plan shall be submitted along with the Building Permit application. Replacement trees shall be planted prior to final inspection; and/or

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- b. As an alternative, a \$100 fee per tree may be paid to the City's Tree Mitigation Fund prior to the removal of the trees. Make check payable to the City of Santa Rosa Tree Mitigation Fund, IFAS No. 001880-2184. Send check to Planning and Economic Development Department, 100 Santa Rosa Avenue, Room 3, Santa Rosa, CA 95404.

IN COUNCIL DULY PASSED this 3rd day of March, 2020.

AYES: (5) Mayor Schwedhelm, Vice Mayor Fleming, Council Members Dowd, Rogers, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (2) Council Members Olivares, Sawyer

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Attachments: Exhibit A – DAC Report, Exhibit B – Neighborhood Relations Policy