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CITY OF SANTA ROSA  
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CITY OF SANTA ROSA  
CITY CLERK'S OFFICE

**APPEAL FORM**

Date Received: 3/26/2018

Fee: \$493.00

City Clerk's Office/Rec'd by: Daisy Gomez, City Clerk

Name of Appellant: **Beth Eurotas and Gloria Eurotas**

**TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:**

The above named appellant does hereby appeal to your Honorable Body the following:

The decision of the: (List Board/Commission/Dept.) **Design Review Board**

Decision date: **March 15, 2018**

Decision: (approval, denial, other) **Final Design Review Approval for Oakmont of Emerald Isle**

Name of Applicant/Owner/Developer: **Oakmont Senior Living LLC (applicant) and OSL Santa Rosa Projects LLC (owner) (See, disclosure form filed with the PC and DRB)**

Type of application: (Rezoning, Tentative Map, etc.) **Design Review Approval**

Street address of subject property: **0 Gullane Drive, Santa Rosa, Sonoma County, California Assessor's Parcel Number (APN): 173-670-004, 173-670-016**

The grounds upon which this appeal is filed are: (List all grounds relied upon in making this appeal. Attach additional sheets if more space is needed.)

**See attached**

The specific action which the undersigned wants the City Council to take is: (Attach additional sheets if more space is needed.)

**See attached**

Appeals shall be submitted in writing.....on a City application form within 10 calendar days after the date of the decision. The time limit will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.

Beth Ch... 3/26/18  
Applicant's Signature Date

Gloria M. Eurotas 3/26/18  
Applicant's Signature Date

Beth Eurotas 2214 Grahn Drive, Santa Rosa, CA 95404

Gloria Eurotas 1211 13th Street, Santa Rosa, CA 95404

Applicant's Name (type or print) Address

707 217 7764 and 707 508 6111

Daytime Phone Number Home Phone Number

## **Attachment to Appeal of Design Review Board Final Design Review Approval for the Oakmont of Emerald Isle project:**

### **The grounds on which this appeal is filed are:**

1. The Design Review Board failed to adequately consider the consequences and significance of the “over-concentration” of these types of facilities in the location of this proposed project (including but not limited to consideration of the high fire danger and difficulty of evacuations in this area), and erroneously reached the conclusion that said over-concentration was acceptable and/or that the consequences were negligible, even though the review standard is “to ensure the preservation of the health, safety and general welfare of the community and the neighborhood where the facility is proposed” (Zoning Code 20-42.060), and therefore the Final Design Review approval should be overturned.
2. The Design Review Board completely ignored the ongoing investigations into the inadequate evacuation during the recent Tubbs fire of other assisted living properties owned by the same persons as the within applicant, in this same general location, and the consequences to public health, safety and welfare to both the occupants of the proposed facility, to other residents of the area, and to the City as a whole. The Design Review Board also failed to investigate the facts surrounding said inadequate evacuations of properties owned by the within applicant, in this same general location, during the recent Tubbs fire, and the consequences to public health, safety and welfare to both the occupants of the proposed facility, to other residents of the area, and to the City as a whole. Therefore their finding that this proposed project “will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity” (Zoning Code 20-52.030 J 6) is fatally flawed.
3. The Design Review Board made a finding that the proposed project had been reviewed in compliance with the California Environmental Quality Act (CEQA) (with use of a Mitigated Negative Declaration and addendum thereto in this instance), but failed to adequately consider the wholly inadequate nature of said Mitigated Negative Declaration (see, 29 November 2017 and 4 January 2018 letters from Sonia E. Taylor, and November 29, 2017 letter from Michael Allen) and make competent findings thereon, and by the Design Review Board’s finding of CEQA compliance, they are in violation of CEQA, rendering this finding fatally flawed.
4. The Design Review Board failed to make any findings of whether this proposed project had provided sufficient analysis of the proposed project’s impacts regarding emergency evacuations in the event of a wildfire or other emergency, and by this failure cannot make the required finding that the proposed project “will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity,” and therefore their finding is fatally flawed.
5. The Design Review Board’s finding that “The design and layout of the proposed development is of superior quality, and is consistent with the General Plan, any applicable specific plan, applicable Zoning Code standards and requirements, the City’s Design Guidelines, architectural criteria for special areas, and other applicable City requirements (e.g., City policy statements and development plans)” (Zoning Code 20-52.030 J 1) was made without adequate evidence to support said finding, including but not limited to consideration of consistency with, and consequences to, the proposed project and the City in general of the 2016 City of Santa Rosa Local Hazard Mitigation Plan and 2009 Santa Rosa Urban Wildland Interface Fire Area map, and therefore said finding is fatally flawed.

6. The standard for the Design Review Board's review of this proposed project is: "The review authority shall consider the location, design, site plan configuration, and the overall effect of the proposed project upon surrounding properties and the City in general. Review shall be conducted by comparing the proposed project to the General Plan, any applicable specific plan, applicable Zoning Code standards and requirements, consistency of the project with the City's Design Guidelines, architectural criteria for special areas, and other applicable City requirements (e.g., City policy statements and development plans)." (Zoning Code 20-52.030 F) The Design Review Board has failed to adequately consider, or make adequate findings, to support their approval of Final Design Review of this proposed project, including but not limited to making findings supported by adequate evidence that the approval of this proposed project in this location, with this design and site plan configuration will have no overall negative effect on surrounding properties or on the City in general, and therefore any such findings are fatally flawed.

7. The Design Review Board's finding that "The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity" (Zoning Code 20-52.030 J 6) was made without adequate evidence to support said finding, including but not limited to consideration of consistency with, and consequences to, the proposed project or to projects in the vicinity or to the City in general of the 2016 City of Santa Rosa Local Hazard Mitigation Plan and 2009 Santa Rosa Urban Wildland Interface Fire Area map, and therefore said finding is fatally flawed.

8. The Design Review Board failed to require a second neighborhood meeting (the only neighborhood meeting was held on July 6, 2016) after significant changes were made to the project design, and after the Tubbs fire, and should have required a second neighborhood meeting prior to making any decision on Final Design Review approval for this project; therefore the Final Design Review approval should be overturned.

**The specific action which the undersigned wants the City Council to take is:**

Deny the Design Review Board's approval of Final Design Review for this proposed project, or, in the alternative, return consideration of this proposed project to the Design Review Board for reconsideration of the issues raised in this appeal, or, in the alternative, suspend Final Design Review approval of this project until such time that all investigations regarding the wholly inadequate evacuation of Villa Capri (another assisted living facility with the same ownership, previously located in the same general area as this new proposed assisted living facility) have been resolved, and then require reconsideration of this proposed project, or, in the alternative, require an adequate and complete CEQA review of this proposed project prior to any final approvals being granted.

## **PLANNING APPLICATION FEES**

Application fees for planning and entitlement permit services are collected at the time an application is submitted. These fees were established by the City Council to more fully recover the costs of staff time spent reviewing and processing the applications (1). These fees are payable at the Planning and Economic Development Department, City Hall Room 3, 100 Santa Rosa Avenue. Please make checks payable to "City of Santa Rosa."

Where there is no fee specified, or if additional or enhanced services are required, the fee shall be determined by the Director of Planning and Economic Development. The determination will be based on the full cost recovery hourly rate for the staff involved (2) as well as for any hard costs associated with outside agency fees, public notices, advertisements, and postage.

In addition to the fees shown below, your project may require an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA). These reports are funded by the applicant, managed by City staff and completed by a private professional consultant. The developer is financially responsible for any mitigation measures identified by the Environmental Impact Report.

### **PLANNING DIVISION FEE SCHEDULE (Effective January 1, 2018)**

<b>TYPE OF APPLICATION</b>	<b>FEE</b>
➤ <b>Prezoning for Annexation:</b> (3)	\$13,475
• Sentiment Survey (if required)	\$1,231
➤ <b>Appeal:</b>	
• By an applicant/applicant representative to the:	
○ Zoning Administrator	\$3,091
○ Cultural Heritage Board	\$4,746
○ Design Review Board	\$5,174
○ Planning Commission	\$5,677
○ City Council	\$5,677
• By a neighbor/non-applicant to any appeal body	\$493
• Of an Environmental Determination or Zoning Code Interpretation	\$5,050
➤ <b>Conditional Use Permit:</b>	
• <u>Temporary:</u>	
○ Over the Counter	\$216
○ Standard	\$1,002
○ Enhanced Service (e.g. new structure, trailer, generator, stockpile)	\$1,530
• <u>Minor:</u>	
○ Standard	\$2,607
○ Enhanced Service (e.g. new construction, personal services – restricted, use that abuts a residential use or district on an undeveloped site)	\$3,770
○ Child care facilities (4)	\$3,770
○ Residential Fence	\$346
○ Amendment to approved Minor CUP (15)	\$1,304
• <u>Major:</u> (5)	
○ Standard	\$11,381
○ Child Care Facilities (4)	\$11,381
○ Enhanced Service (e.g. new commercial construction, drive-through retail, telecommunication tower)	\$16,213
○ Amendment to approved Major CUP (15)	\$5,691

# APPEAL FORM

Date Received: \_\_\_\_\_

Fee: \_\_\_\_\_

City Clerk's Office/Rec'd by: \_\_\_\_\_

Name of Appellant: \_\_\_\_\_

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1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The specific action which the undersigned wants the City Council to take is: (Attach additional sheets if more space is needed.)

\_\_\_\_\_  
\_\_\_\_\_

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Daytime Phone Number \_\_\_\_\_ Home Phone Number \_\_\_\_\_