

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: GARY BROAD, PLANNING CONSULTANT  
PLANNING AND ECONOMIC DEVELOPMENT  
SUBJECT: REQUEST FOR SUMMARY VACATION OF 8,941 SQUARE FEET  
OF PUBLIC RIGHT-OF-WAY, A PORTION OF THE KAWANA  
TERRACE RIGHT-OF-WAY, FORMERLY KAWANA SPRINGS  
ROAD, FOR THE KAWANA SPRINGS APARTMENT HOMES  
PROJECT, LOCATED DIRECTLY SOUTH OF APN 044-370-002 –  
FILE NO. VAC18-001

AGENDA ACTION: RESOLUTION

---

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve a summary vacation of 8,941 square feet of the Kawana Terrace public right-of-way (r-o-w.)

---

EXECUTIVE SUMMARY

Kawana Springs by Vintage LP, owner of the land surrounding the subject property, Kawana Terrace right-of-way, seeks Council approval of a summary vacation of the 8,941 square foot public right-of-way (r-o-w.) The right-of-way is a legal right-of-way situated between Kawana Springs Road and Franz Kafka Avenue. Its physical use as a roadway terminated in 2005 with the roadway realignment associated with the Oaks at Kawana Springs Condominium subdivision improvement. The Design Review Board approved the 120-unit Kawana Springs Homes Apartments on the surrounding property in 2017.

PROPERTY HISTORY

The Department of Planning and Economic Development, Engineering Development Services has researched and provided the following history for the Kawana Terrace right-of-way and the underlying Sonoma County aqueduct and utilities:

The right-of-way for Kawana Springs Road through this corridor was granted to Sonoma County by George Irwin and accepted in 1947. The roadway and surrounding area were

annexed into the City in 1998. In 2005 the Oaks at Kawana Springs Condominium Subdivision realigned the street as a mapping action. This created the easterly most border of the now encapsulated area to be vacated. The physical improvements of this realignment were accomplished by the Kawana Meadows Subdivision - Unit 1 Improvement Plans of the same year. These same improvement plans built the segment of Franz Kafka Avenue which created the westerly most border of the now encapsulated area to be vacated. The old alignment of Kawana Springs Road was picked up by Kawana Terrace east of its intersection with Franz Kafka Avenue.

All city owned infrastructure in the area to be vacated was realigned as part of the various aforementioned subdivisions with the exception of Kawana Springs Pipeline East which was completed in 2003 and remains in the original alignment of Kawana Springs Road and thus through the area to be vacated. An aqueduct was installed by and remains under the ownership of the Sonoma County Water Agency (SCWA). The SCWA aqueduct is neither practical to nor necessary to move. SCWA needs with regard to access, maintenance, etc. will be satisfied via an easement retained by the City to be quitclaimed to SCWA at a subsequent date. Additionally, a Public Utility Easement (PUE) will be reserved in favor of the City for the existing dry utilities, i.e., overhead lines, that are existing through the corridor. Traffic circulation is now provided for by the new roads.

## BACKGROUND

### 1. Project Description

The project involves a request for vacation of right-of-way for property, formerly Kawana Springs Road and now a portion of Kawana Terrace.

The subject is an 8,941 square foot abandoned right-of-way for the western extension of Kawana Terrace and is situated between Kawana Springs Road and Franz Kafka Avenue. The subject property is vacant and unimproved except for deteriorating asphalt from the prior roadway use and a Sonoma County Water Agency aqueduct. The property divides adjoining property to the north and south, which is proposed for improvement as the Kawana Springs Apartment Homes development.

The existing underlying PUE, which the applicant indicates “includes both PG&E gas and electrical facilities” is proposed to remain as existing.

The Design Review Board approved plans on August 17, 2017, for the Kawana Springs Apartment homes at 2604 Petaluma Hill Road for 120 multi-family apartments, including 50-one bedroom units and 70-two bedroom units. Eighteen of the 120 units would be affordable, with 6 very low income units and 12 low income occupants. The project also included a Density Bonus approval to allow

120 units (30 more than the 90 units envisioned at the upper end of the General Plan density range.)

The applicant has indicated that the subject property right-of-way will be incorporated into the project for landscaping, hardscape, garden area and dog park. The approval of the requested vacation for the subject right-of-way is required to enable the land to be included in the approved project and developed as proposed.

2. Surrounding Land Uses

North: Developed Multifamily Residential

South: Vacant–Retail and Business Services/Medium Density Residential

East: Developed and Undeveloped Multifamily Residential and Vacant

West: Developed Multifamily Residential

The project site is located within a mostly developed area in southeast Santa Rosa. Areas directly north, northeast, and west of the site are developed with multifamily uses. A 93-unit multifamily development is currently under construction on the 0.78-acre property directly east of the site. An undeveloped 10.27 acre parcel to the east and south, designated as Retail/Business Services land use, is owned by WinCo Foods, an American Supermarket Chain.

3. Existing Land Use – Project Site

The right-of-way proposed for vacation is part of the Kawana Springs Apartment Homes development located on property totaling 5.03 acres. The property is irregularly shaped, slopes gently towards the west-southwest, and is located at the southeast corner of Petaluma Hill Road and Kawana Springs Road in southeast Santa Rosa. The 5.03-acre property is currently vacant, with remnant foundations and concrete pads from previous developments. The property is designated as a Community Shopping Center and Retail/Business Services on the Santa Rosa 2035 Land Use Diagram, and is zoned CSC (Community Shopping Center.) The applicants have filed a building permit with the City for the approved Kawana Springs Apartment Homes with grading anticipated to begin in August.

4. Project History

On August 17, 2017, the Design Review Board approved a density bonus and preliminary design review for development plans for the 120-unit Kawana Springs Apartment Homes project. Planning Department staff administratively issued final design review approval for the project.

A building permit has been filed with the City for the development and project site grading is anticipated to begin in August 2018. No development will occur within the project area r-o-w prior to Council vacation approval and the recordation of documents required to effectuate the vacation and retention of the SCWA aqueduct easement.

#### PRIOR CITY COUNCIL REVIEW

None.

#### ANALYSIS

Vacation procedures are established by the California Public Streets, Highways, and Service Easements Vacation Law, which is implemented through the California Streets and Highways Code (Code). Pursuant to Section 8331 of the Code, the City may summarily vacate public right-of-way if it has been impassable for five consecutive years and no public money has been expended for its maintenance during that period. This portion of the Kawana Springs right-of-way meets both requirements. Traffic in the project area is served by improved segments of Kawana Springs Road and Franz Kafka Avenue.

There are no plans in the General Plan or the Capital Improvement Program to utilize the requested vacation right-of-way, which no longer has connections to the surrounding street network.

#### ANALYSIS

##### 1. General Plan

The General Plan land use designation for the subject site is Medium Density Residential/Retail and Business Services. When two land use designations exist on a property, either or both may be implemented. The Medium Density Residential land use designation allows a range between 8.0-18.0 units per acre, and is primarily intended for single-family attached and multifamily developments, where a higher density is appropriate. The Retail and Business Services land use designation allows retail and service enterprises, offices, and restaurants, in addition to multifamily residential uses. Staff and the Design Review Board determined that the apartment project complied with relevant General Plan policies related to Land Use, Urban Design, and Housing as the project provided varied housing stock for the City in a convenient location with easy access to shopping, recreation and schools. The proposal would result in an expansion of the housing supply available to lower income households by designating 18 out of 120 residential units to very low and low income residents.

The proposed right-of-way vacation is part of this overall project and would be consistent with the general plan. As discussed, the City will not need this portion

of right-of-way and the proposed conditions of approval will ensure continued SCWA use of the aqueduct within the right-of-way.

2. Zoning

The subject site is zoned CSC (Community Shopping Center), which is applied to areas of the City appropriate for complexes of retail establishments, anchored by a large grocery store, serving clients from the community as a whole and in particular surrounding residential neighborhoods. These centers are intended to be designed to facilitate pedestrian and bicycle access in addition to vehicular access. Proposed commercial development is required to include a residential component when significant additions or reconstruction is proposed.

The CSC zoning district allows multifamily residential uses by right, and staff and the Design Review Committee found the overall Kawana Springs Apartment Homes proposal to be consistent with the existing zoning. The proposed right-of-way to facilitate vacation to facilitate the project is consistent with the CSC zoning designation.

FISCAL IMPACT

The applicants submitted an appraisal of the value of the Kawana Terrace Right of Way as required by the City Right of Way Agent. The City Right of Way Agent has reviewed the appraisal and concurs with the fee simple valuation of \$25,000 for the property value. The applicant will be responsible for payment to the City prior to recordation of the land transfer.

Approval of this action would convert unused City right-of-way to taxable real property. The right-of-way area will become part of the Kawana Springs Apartment Homes project and used by residents for community farm/garden area.

ENVIRONMENTAL IMPACT

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, minor alterations in land use limitations.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable for this project.

NOTIFICATION

No public notice is required for the proposed right-of-way vacation.

## ISSUES

The City has no unresolved issues with the proposed project.

## ATTACHMENTS

- Attachment 1 -- Disclosure Form
- Attachment 2 – Location and Neighborhood Context Map
- Attachment 3 -- Detailed Kawana Terrace Location Map
- Attachment 4 – Approved Apartment Project Description
- Attachment 5 – Approved Apartment Plans
- Attachment 6 -- Proposed Right of Way Vacation Map
- Attachment 7 – Appraisal of Kawana Terrace
- Attachment 8 – Resolution 17-960
- Attachment 9 – Resolution 17-961
- Resolution – Summary Right-Of-Way Vacation
- Exhibits “A” – Right-Of-Way Vacation
- Exhibit “B” – Plat to Accompany Description
- Exhibit “C” – Engineering Development Services Exhibit “C”

## CONTACT

Gary Broad, Planning Consultant  
Planning and Economic Development Department  
100 Santa Rosa Avenue, Room 3  
(707) 543-4660  
[gbroad@srcity.org](mailto:gbroad@srcity.org)