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CITY OF SANTA ROSA
CITY CLERK'S OFFICE

APPEAL FORM

Date Received: September 13, 2021

Fee: \$556.00

City Clerk's Office/Rec'd by: Sandi Bliss

CK# 203

Name of Appellant: Erin Rineberg, Representative for Friends of Roseland Creek

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: September 2, 2021

Decision: (approval, denial, other) Approval of an addendum EIR and Concept Design

Name of Applicant/Owner/Developer: Stony Point Flats, LP, et al.

Type of application: (Rezoning, Tentative Map, etc.) Approval of an addendum EIR and Concept Design

Street address of subject property: 2268 Stony Point Road, Santa Rosa 95407

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.)

- 1. Please see attached
- 2. Please see attached

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

Please 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.

Erin Rineberg 9/12/2021
 Applicant's Signature Date
 Erin Rineberg, Representative for Friends of Roseland Creek [Redacted]
 Applicant's Name (type or print) Address
 [Redacted] [Redacted]
 Daytime Phone Number Home Phone Number

ZONING CODE PROVISIONS RELATING TO APPEALS:

NOTE: "DRB" refers to the Design Review Board, "CHB" refers to the Cultural Heritage Board, and "Commission" refers to the Planning Commission.

ARTICLE 20-62 - APPEALS

20-62.030 - Filing and Processing of Appeals

- A. **Eligibility.** Any action by the.....DRB, CHB, or the Commission in the administration or enforcement of the provisions of this Zoning Code may be appealed by any aggrieved person in compliance with this Article....
- B. **Timing and form of appeal.**
 - 1. **General appeals.** Appeals shall be submitted in writing, and filedon 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.

20-62.030 - Filing and Processing of Appeals

- 3. **Place for filing**
 - c. Appeals from the decisions of the DRB, CHB, or Commission shall be addressed to the Council and filed with the City Clerk.
- 4. **Pertinent facts.** The written appeal shall state the pertinent facts of the case and shall specify the following:
 - a. The decision appealed from (e.g., City assigned case number).
 - b. The basis for the appeal.
 - c. The specific action which the appellant wants taken in the appeal.
 - d. Each and every ground upon which the appellant relies in making the appeal.
- 5. **Filing fee.** Appeals shall be accompanied by the required filing fee, in compliance with the Council's Fee Schedule.

September 2, 2021 Design Review Board Appeal
Appellant: Erin Rineberg (Representative for Friends of Roseland Creek)
Appeal From Additional Pages

This appeal is in response to the September 2, 2021 Design Review Board Meeting approval of the Stony Point Flats project at 2268 Stony Point Road, despite numerous public comments against the project and an unaddressed 180+ signature petition submitted to the city.

This appeal is put forth by the Friends of Roseland Creek, representing current residents from the community of Roseland.

This appeal is based on the grievances below highlighting the inadequate review and process conducted by the Design Review Board (DRB).

Issue 1: Brown Act Violation - Did Not Hold Public Comment and Took Action on Non Agenda Items

There were two actions taken by the DRB during this hearing, yet only one was noticed. The DRB decided on the EIR, which was properly noticed. However, there was a Brown Act violation in that there were several documents that were added late and deemed to be "ex parte communications." As these items were not presented to the public prior to the 48 hour cutoff as required by the Brown Act.

Additionally the DRB did not properly indicate that a Final Concept Review was taking place as it was not on the agenda, yet it decided and Approved a Final Concept Review. This is a blatant and flagrant violation of the Brown Act. Review of the DRB hearing recording clearly shows that there were two actions taken by the DRB while only one item was listed on the agenda. Attached hereto as Exhibit A, is a true and correct copy of the September 2, 2021 DRB agenda as obtained from the Santa Rosa City Website.

Furthermore, public comment was allotted for the EIR, but was not allotted for the Final Concept Review, thus depriving the public of its input as required by the Brown Act.

These combined violations should nullify any decision made on September 2, 2021. The City Council should reverse and remand all decisions made pertaining to the 2268 Stony Point Road project while also providing additional guidance for the DRB to consider on the items listed below.

Immediate suspension of any work by the developer until the Brown Act violations are properly addressed.

Issue 2: Inadequate Traffic Study and Refusal to Address Ingress and Egress Safety

The DRB failed to address the inadequate traffic study and traffic issues that the proposed Stony Point Flats project will impose on the community of Roseland and the safety of future and current residents. Specifically, the DRB failed to require a U-turn at Pearblossom Drive, which would have relieved increased traffic impact onto various neighboring thoroughfares, including

scenic road, Burbank Avenue, and Hearn Avenue. Furthermore, the DRB failed to address or require sufficient ingress and egress in the event of an emergency such as fire, flood, or earthquake by not mandating proper traffic mitigation to allow both north and southbound exits from Stony Point Flats onto Stony Point Road. Additionally, the traffic study was conducted during COVID lockdowns and thus inadequately accounts for traffic on Stony Point Road and Hearn Avenue due to schools being out of session, and county wide work from home orders.

Issue 3: Inadequate and Outdated Environmental Impact Report (EIR)

The DRB failed to address the inadequate Environmental Impact Report (EIR) for this project, relying on data that was either out of date (2016 Roseland Specific Plan), or minor studies (EIR Addendum) instead of a comprehensive and current site specific EIR. These outdated reports were conducted by individuals that are no longer licensed and/or have licenses that have expired. The reliance on outdated Roseland and Santa Rosa EIR's to approve projects throughout Roseland is a disservice to the citizens of this area who deserve to have their environment protected as much as citizens of the rest of the city. However, due to the City's designation of Roseland as a "priority development area," Additionally, the Roseland Creek Restoration Plan requires fifty foot setbacks from the bank of the creek, yet this project is only required to have thirty foot setbacks. It is clear that Roseland is not afforded the same environmental protections as other areas of the city. This is an environmental injustice issue.

Furthermore, members of the DRB seemed to be ill equipped to understand the process for an EIR as well as the different types of EIR's available. The members of the DRB appeared to lack critical knowledge or understanding of how EIR's work and likely should receive some training so they can understand the matters on which they are tasked to review.

Issue 4: Inadequate and False Representations Regarding the Impact of Building in a Seasonal Floodplain

The applicant claims that they have applied for a FEMA revision of the floodplain maps pertaining to this project, stating that improvements to the Roseland Creek will mitigate any concerns the public has regarding the potential flooding that could be redistributed to neighboring parcels. Despite this critical revision being complete, the DRB moved forward and approved the project's design without knowing if the floodplains would be revised in any significant matter by FEMA, and thus there could be significant environmental impacts, and damage caused to neighboring parcels. Without this revision being complete, the DRB is putting neighboring parcels and the public in danger of dealing with floodwaters that will be displaced by this development. The entire project should be remanded to the DRB pending full completion of the revision of the FEMA flood map so that any revisions of the designs as it pertains to flood water mitigation can be adequately addressed.

Issue 5: Inadequate Fencing To Protect Future Residents and Provide Good Neighbor Support

The DBR failed to adequately address solid barriers surrounding the property primarily for safety as well as sound and light mitigation. A hedge row is insufficient and destroys the current fence line separating the property to the north, allowing for livestock and other uses to blend through the property lines. The project abuts Roseland Creek, which is currently inhabited by a large homeless encampment. As Stony Point Flats is expected to house children, merely having a natural brush barrier is insufficient to prevent children and residences from being harmed by anyone who can easily enter and leave the property from the creek or surrounding open parcels of land. Furthermore, insufficient barriers to the creek open up the potential for a child to wander into the creek on their own, resulting in potential and preventable tragic incidents.

Issue 6: Inadequate Protection of Heritage Trees

According to the City of Santa Rosa's Tree Ordinance, "A heritage tree is a tree or grove of trees designated by the Planning Commission as having a special significance requiring review before removal may be permitted" (<https://srcity.org/583/Tree-Removal-Preservation>). While there is a record identifying heritage trees, every identified heritage tree is set to be removed, causing irreparable harm to the environment. The site to be developed will remove heritage valley oaks, live oaks, and redwoods throughout the parcel, and specifically along the southern border. This not only destroys habitats for numerous endangered wildlife in the area, but also takes away trees that are a historical part of Roseland. There is insufficient evidence to support that the DRB and larger planning board has researched the heritage trees that will be removed by this project, and additional review needs to be done before development may take place.

Issue 7: Superior Alternate Building Sites are Available

In trying to work with the applicant, the community has presented several locations on the west side of Stony Point Road, Sebastopol Road, and Santa Rosa Avenue but both the city and applicant are determined to remove open spaces that have a significant environmental impact rather than recycling already developed land. These are all viable options as the applicant has yet to formally purchase the property located at 2268 Stony Point Road. These sites also allow for higher density of development, thus allowing for more low income units to be developed on the sites.

Issue 8: Inadequate Time Provided for Public Records Requests to Be Processed and Received Prior to the DRB Meeting

Due to the lack of transparency on the part of the City of Santa Rosa, requested public records have not been submitted within the mandated time frames. The standard turnaround is 10 business days for the city to respond, which can also be extended by an additional 15 days should the documents requested take that much time. Since there are still open public records

September 2, 2021 Design Review Board Appeal
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Appeal From Additional Pages

requests regarding this project, it is requested that the hearing for this appeal not be set until 10 business days after the documents are produced. The public documents were requested on or about August 27, 2021. Not all of the records pertaining to this request have been received. The prior record request took nearly 10 weeks for the city to adequately respond, a violation of the Public Requests law. Since the city has set a precedent to delay submitting documents in a request to 10 weeks, this appeal should not be heard prior to the week of November 15, 2021.

Conclusion & Requested Remedies:

Repeal and remand the DRB's September 2, 2021 approval of the design plan for 2268 Stony Point road; the project should be required to go through the full planning review process given the public's ongoing concerns; and the City Council should also implement the following provisions:

Issue 1: Reverse and Remand the September 2, 2021 divisions by the DRB for the Brown Act violations. Provide additional recommendations pursuant to the following items. **Immediate suspension of any work by the developer until the Brown Act violations are properly addressed.**

Issue 2: Require an updated traffic study which adequately accounts for non-covid restrictions on traffic.

Issue 3: Require an updated site specific EIR given the DRB's severe lack of technical knowledge to know what an EIR is, and the different types of EIR's that exist, as well as the fact that the city and developers are relying on completely outdated Santa Rosa and Roseland general area EIR's.

Issue 4: Require an updated FEMA floodplain map in order for the design to adequately address the flooding issues pursuant to that map.

Issue 5: Require, at minimum, a 4 foot high solid barrier fence to protect future residents of this project, as well as current neighbors from trespass and harm that is foreseeable from Roseland Creek, as well as to mitigate sound and light pollution emanating from the property.

Issue 6: Require, at minimum, that design revision be considered to preserve identified heritage trees.

Issue 7: Remove this project from this site and move it to a more suitable location as presented by the public. Consider this site as a place for a much needed park that the entire community can benefit from.

Issue 8: Do not hold the appellate hearing before November 15, 2021.

*September 2, 2021 Design Review Board Appeal
Appellant: Erin Rineberg (Representative for Friends of Roseland Creek)
Appeal From Additional Pages*

EXHIBIT A



City of Santa Rosa

Virtual Meeting - See Agenda
for Participation Information

DESIGN REVIEW BOARD REGULAR MEETING AGENDA AND SUMMARY REPORT - FINAL SEPTEMBER 2, 2021

DUE TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20, WHICH SUSPEND CERTAIN REQUIREMENTS OF THE BROWN ACT, THE DESIGN REVIEW BOARD WILL BE PARTICIPATING VIA ZOOM WEBINAR.

MEMBERS OF THE PUBLIC CAN PARTICIPATE IN THE MEETING VIRTUALLY: WWW.ZOOM.US/JOIN - MEETING ID: 812 5014 4897 OR BY TOLL FREE TELEPHONE: (877) 853-5257 AND ENTER MEETING ID: 812 5014 4897; PUBLIC ACCESSING THE MEETING THROUGH THE ZOOM LINK CAN PROVIDE PUBLIC COMMENT ON AGENDA ITEMS AT THE TIME ITEMS ARE DISCUSSED. ADDITIONAL INFORMATION RELATED TO MEETING PARTICIPATION IS AVAILABLE AT [HTTPS://SRCITY.ORG/DESIGNREVIEWBOARD](https://SRCITY.ORG/DESIGNREVIEWBOARD)

THE MEETING WILL BE LIVE-STREAMED AT [HTTPS://SANTA-ROSA.LEGISTAR.COM/CALENDAR](https://SANTA-ROSA.LEGISTAR.COM/CALENDAR). CLICK ON THE "IN PROGRESS" LINK TO VIEW. THE MEETING CAN ALSO BE VIEWED ON COMCAST CHANNEL 28 AND AT [HTTPS://WWW.YOUTUBE.COM/CITYOFSANTAROSA](https://WWW.YOUTUBE.COM/CITYOFSANTAROSA). 4:30 P.M. - REGULAR SESSION (COUNCIL CHAMBER)

1. CALL TO ORDER AND ROLL CALL

2. STUDY SESSION

None.

3. APPROVAL OF MINUTES

None.

4. PUBLIC COMMENT

Except for public hearing agenda items, the public may comment on all other agenda items and on items not on the agenda within the jurisdiction of the

Design Review Board during this period. The public may comment on public hearing agenda items when the hearing is opened. Each speaker is allowed three minutes.

5. BOARD BUSINESS

5.1 STATEMENT OF PURPOSE:

Zoning Code Chapter 20-52.030 F. Project Review. 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 within the City's Design Guidelines, architectural criteria for special areas, and other applicable City requirements (e.g., City policy statements and development plans.)

5.2 BOARD MEMBER REPORTS

5.3 OTHER (i.e. VICE CHAIR ELECTION, NEW MEMBER INTRODUCTIONS)

6. DEPARTMENT REPORTS

7. STATEMENTS OF ABSTENTION

8. CONSENT ITEMS

None.

9. SCHEDULED ITEMS

9.1 CONCEPT DESIGN REVIEW - RIDLEY AVENUE FAMILY APARTMENTS -1801 RIDLEY AVE - DR21-044

BACKGROUND: This is a Concept Design Review for a proposed of a 50-unit affordable apartment complex. The site plan includes two- and three-story structures offering one-, two-, and three-bedroom units and associated amenities. The Design Review Board is being asked to provide comments and direction to the applicant and staff. Concept Design Review is not considered a project under the California Environmental Quality Act.

PROJECT PLANNER: Susie Murray

Attachments: Staff Memo

Attachment 1 - Disclosure Form

Attachment 2 - Location Map

Attachment 3 - Project Narrative

Attachment 4 - Project Plans

Attachment 5 - Site Photographs

Attachment 6 - Public Correspondence

Staff Presentation

Applicant Presentation

9.2 STONY POINT FLATS APARTMENTS - ADDENDUM TO EIR-
DESIGN REVIEW MINOR - 2268 STONY POINT RD - DR21-023

BACKGROUND: Proposed development of a 50-unit, 100% affordable, Multi-family rental housing project consisting of one-, two-, and three-bedroom units in three two- or three-story buildings, ± 39 feet tall, on a 2.9-acre parcel. Existing single-family development would be demolished. Community amenities would include leasing office, resident services facilities, community room and computer center, outdoor patio, children's play area/tot lot, a multi-sport court, and picnic areas. Bike lockers and bike racks would be located throughout the site. Solar energy generation via 90 solar panels located on building rooftops is proposed. One Density Bonus unit is required.

PROJECT PLANNER: Conor McKay

- Attachments:**
- Staff Report
 - Attachment 1 - Disclosure Form
 - Attachment 2 - Location Map
 - Attachment 3 - Design Narrative 7-15-2021 and Addendum
 - Attachment 4 - Stony Point Flats EIR Addendum
 - Attachment 5 - Stony Point Flats EIR Addendum Appendix
 - Attachment 6 - Traffic Analysis Memorandum 8-6-21
 - Attachment 7 - Project Plan Set and Recorded Site Survey
 - Attachment 8 - Tree Inventory Plan-08-12-2021
 - Attachment 9 - Density Bonus Eligibility Notice
 - Attachment 10 - Creekside Setback Determination Letter
 - Attachment 11 - Prior Board Minutes Resolutions Recomm
 - Attachment 12 - Public Correspondence
 - Attachment 13 - Floodplain Update Memo and Delineation
 - Resolution 1 - Addendum to previously certified EIR
 - Resolution 1 - Exhibit A – Stony Point Flats EIR Addendum
 - Resolution 2
 - Resolution 2 - Exhibit A
 - Staff Presentation
 - Late Correspondence as of 8.31.2021
 - Late Correspondence as of 9.1.2021

10. ADJOURNMENT

*Ex parte communication disclosure required.

The City of Santa Rosa does not discriminate on the basis of disability in the admissions or access to, or treatment of or employment in, its programs or activities. Disability-related aids or services, including printed information in alternate formats, to enable persons with disabilities to participate in public meetings are available by calling (707) 543-3200 one week prior to the meeting. (TTY Relay at 711).

Any writings or documents provided to a majority of this meeting body prior to this meeting regarding any item on this agenda are available for public review in Planning and Economic Development, Room 3, City Hall, 100 Santa Rosa Ave, during normal business hours.