

RESOLUTION NO. RES-2017-179

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR OFF-SITE PARKING WITH A PARKING REDUCTION FOR THE SANTA ROSA AC HOTEL BY MARRIOTT - LOCATED AT 210 5TH STREET; APN: 010-071-012 AND 201 6TH STREET; APN: 010-086-008 AND 010-086-014 - FILE NUMBER CUP17-031

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for off-site parking for the proposed AC Hotel, to be located 210 5th Street with a valet parking lot at 201 6th Street, also identified as Sonoma County Assessor's Parcel Number(s) 010-071-012, 010-086-008 and 010-086-014; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing, made certain findings and approved a Conditional Use Permit for the proposed off-site parking; and

WHEREAS, an appeal of the Planning Commission's action was filed by Ty Hudson, representing UNITE HERE Local 2850 (Appellant), seeking review by the City Council pursuant to City Code Chapter 20-62.

NOW, THEREFORE, BE IT RESOLVED that after consideration of the appeal and the reports, documents, testimony, and other materials presented, and pursuant to City Code Sections 20-52.050 (Conditional Use Permit) and 20-62.030 (Processing of Appeals), the City Council of the City of Santa Rosa denies the appeal, affirms the decision of the Planning Commission, and makes the following findings and determinations:

- A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that the Zoning Code allows off-site parking facilities in any zoning district provided that a Conditional Use Permit is approved, that the off-site parking is within the vicinity of the parcel being served, and that the parking is guaranteed through recordation of a covenant;
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the off-site parking program proposed will accommodate development that is consistent with the vision presented in the General Plan and allow design of the hotel parcel to not be encumbered by the space needed for on-site parking. Additionally, the use does not preclude future development of the parcel at 201 6th Street;
- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity in that the proposed off-

site parking lot is primarily surrounded by regional highway right-of-way to the north, east, and west, and parking facilities to the south and the proposed hotel development being served is specifically identified as a desired use in the Railroad Square plan area;

- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
- E. Granting the 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 in that the off-site parking lot will include security fencing, lighting, and landscaping and will be subject to Design Review;
- F. The Zoning Code sets a base parking requirement for new development in Railroad Square at 1 parking space per 500 square feet of floor area. The proposed hotel would create 77,000 square feet of floor area and therefore be prescribed to provide 154 off-street parking spaces. Pursuant to Zoning Code Section 20-36.050(C)(2), the review authority may grant a parking reduction as a condition of project approval. As supported by the Focused Evaluation of the AC Hotel Off-site Parking Lot, prepared by W-Trans and dated February 13, 2017, the number of parking spaces approved, a minimum of 124 off-street spaces, will be sufficient for its safe, convenient, and efficient operation of the use and will be compatible with neighboring properties; and
- G. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) in that the project in its entirety is subject to the provisions of CEQA Guidelines Section 15183, in that the project is consistent with existing zoning and the Santa Rosa General Plan 2035, for which an environmental impact report (EIR) was certified and there are no project-specific impacts which are peculiar to the project or its site. The project is also consistent with the Downtown Station Area Specific Plan, for which an EIR was certified. Additionally, the project qualifies for a Class 32 exemption, per Section 15332, as it involves an infill development on a site of less than five acres, within City limits, substantially surrounded by urban uses, with no value as habitat for endangered, rare or threatened species, adequately served by necessary utilities and public services, and the project has no foreseeable significant adverse impacts. This finding is supported for the off-site parking program, in particular, by an arborist report, a biological assessment, a historic resources study, and traffic impact studies prepared for the hotel and the off-site parking facility.

BE IT FURTHER RESOLVED that this 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 off-site parking, is approved subject to each of the following conditions:

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.
2. Compliance with Design Review Board/Cultural Heritage Board Resolution No. 17-946.
3. All work shall be done according to the final approved plans dated received April 24, 2017, as amended for changes to parking and landscape areas, subject to approval by the Director of Planning and Economic Development.
4. Design Review is required for the off-site parking lot proposed at 201 6th Street.

EXPIRATION AND EXTENSION:

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.

BUILDING DIVISION:

7. Obtain a City demolition permit for the structures to be removed.
8. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
9. Obtain a building permit for the proposed project.

ENGINEERING DIVISION:

10. Designer's engineer shall obtain the current City Design and Construction Standards and the Community Development Department's Standard Conditions of Approval dated August 27, 2008 and comply with all requirements as related to this application unless specifically waived or altered by written variance by the City Engineer.
11. An Encroachment Permit must be obtained from Engineering Development Services of the Planning and Economic Development Department prior to

beginning any work within the public Right-of-Way or for any work on utilities located within public easements.

12. Public Right of Way shall be dedicated to the City at the intersection of Davis Street and 6th Street to provide a 4-foot diagonal setback to the property corner. A 7.5-foot Public Utility Easement is required along the 6th Street and Davis Street frontages and shall be dedicated to the City prior to issuance of an Encroachment Permit. Legal description accompanied with plate shall be submitted with City Dedication Form for review and approval by the City Engineer with the Encroachment permit application.
13. The existing street light pole to be removed is to be relocated easterly of the new driveway location to provide a minimum 5-foot setback to the driveway apron.
14. The Developer's Engineer shall comply with all requirements of the latest edition of the City Standard Urban Storm Water Mitigation Plan Guidelines. Building Permit Application and Site Improvement Plans shall incorporate all SUSMP Best Management Practices (BMP's) and shall be accompanied by a Final Storm Water Mitigation Plan. The Final Storm Water Mitigation Plan shall address the storm water quality and quantity along with a maintenance agreement or comparable document to assure continuous maintenance of the SUSMP BMP's with maintenance schedule. All BMP details and improvements shall be privately owned and maintained by property owners.
15. Drainage flows and routes from offsite properties shall not be blocked by site improvements at the project boundary. Any off-site storm water drainage onto project shall be conveyed across the site in a separate bypass storm drain system, or shall be fully treated. Collection points along the boundary of the project shall convey storm water to the bypass system to separate treated and untreated storm water.
16. Private Storm drain system is to be connected to the public inlet from a private field inlet behind the sidewalk through a private storm drain pipe. Private storm drains through public right of way shall be minimum 15-inch diameter pipe.
17. The existing driveway curb cut shall be removed and replaced with new City Standard curb gutter and contiguous sidewalk conforming to existing line and grade. New parking lot access to 6th Street shall be through a City Standard 250A Commercial Curb Cut, 26 feet wide conforming to line and grade of existing improvements.
18. Driveway Security gate on 6th Street shall be provided with an electronic opener. Fence and Gates on 6th Street shall be located outside of the Public Utility Easement.

19. Submit landscape and irrigation plans in conformance with the Water Efficient Landscape Ordinance adopted by the Santa Rosa City Council, Ordinance 4051, on October 27, 2015. Plans shall be submitted with the Building Permit application. Submit the following with the above-mentioned plans: Maximum Applied Water Allowance form and Hydrozone Table form.
20. Any existing water or sewer services that will not be used must be abandoned at the main per City Standards under an encroachment permit. The existing meter must be collected by the City Meter Shop. Contractor is to coordinate through the City's Encroachment Officer for water meter removal and pick up by the City.

PLANNING DIVISION:

21. This approval includes a parking reduction for the Santa Rosa AC Hotel by Marriott proposed at 210 5th Street, APN 010-071-012. The hotel project in its entirety must provide a minimum of 124 off-street parking spaces.
22. This approval is contingent upon a recorded covenant, running with the land, guaranteeing that the 102 parking spaces will be maintained at the proposed parking lot at 201 6th Street exclusively for the use or activity of the proposed hotel development at 210 5th Street for the duration of the hotel development use.
23. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that approved by the Planning Commission. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.
24. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
25. **PROJECT DETAILS:**
 - A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and California Building Codes, as well as the City's Design Review Guidelines.
 - B. All outdoor storage of materials or refuse bins/cans shall be maintained within a completely screened structure or area. The design of the screened structure or area shall be approved by the Planning Division prior to issuance of a building permit.
26. **TREE PRESERVATION:**
 - A. Comply with all procedures and requirements of the City of Santa Rosa Tree Preservation Ordinance as codified through Chapter 17-24 of the City Code.

- B. Comply with the recommendations provided in the Arborist Report prepared by Horticultural Associates and dated April 16, 2017, attached hereto and incorporated here as Exhibit A.
- C. Tree Preservation notes and protection during construction notes shall be shown on the improvement plans and building plans. The tree driplines shall also be shown on each drawing with the attendant protection instructions.
- D. Prior to issuance of a grading or building permit for any clearing, excavation, construction, or other work on the site, a protection zone shall be established to protect natural vegetation and trees from construction activities. The following conditions and restrictions shall apply:
 - i. The zone shall encompass the "protected perimeter" which shall be either the root zone or other limit as established in this approval.
 - ii. The zone shall be delineated with a brightly colored construction fence. Such fences shall remain continuously in place for the duration of all work undertaken on the site.
 - iii. No storage or construction activities (including trenching, grading or filling) shall be permitted within the protected zone.
 - iv. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.
 - v. All brush, earth, and other debris shall be removed in a manner which prevents injury to the protected trees and/or shrubs.
 - vi. No oil, gas, chemicals, or other substances that may be harmful to trees shall be stored or dumped within the protected perimeter or any other location from which substances might enter the perimeter of a protected tree.
- E. The contractor(s) shall be notified in writing by the developer of the "Protection Zone." Copies of the letter shall be provided to the Planning and Building Divisions prior to issuance of a building or grading permit for any site work.
- F. The protection zone delineated with the brightly colored construction fence shall be posted with signs which state "Tree/Vegetation Protection Zone -- No Construction or Storage Permitted."
- G. Irrigation systems and plant varieties which require regular watering shall not be permitted within the dripline of an Oak tree which is to be preserved.

- H. No concrete or asphalt paving or compaction of soil shall be permitted within the root zones of protected trees.
- I. Any special work, including mitigation, within the "Protection Zone" must be done under the supervision of a City approved certified arborist.

27. LANDSCAPING:

- A. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
- B. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans, except where not required.
- C. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.

28. SIGNING:

- A. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.
- B. Sign permit approval shall be obtained prior to application for a building permit.

29. NATURAL RESOURCES:

- A. Advisement. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. The applicant shall acknowledge in writing receipt of the above advisement.
- B. Mitigation requirement. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Planning and Economic Development to determine if the project as redesigned is consistent with the original approval. A project that the City determines is not consistent with the City approval shall not be granted subsequent entitlements, such as approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.

- C. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.
- D. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.

BE IT FURTHER RESOLVED that the Council finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

IN COUNCIL DULY PASSED this 5th day of September, 2017.

AYES: (4) Vice Mayor Tibbetts, Council Members Olivares, Sawyer, Schwedhelm

NOES: (3) Mayor Coursey, Council Members Combs, Rogers

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit A – Tree Preservation and Mitigation Report, prepared by Horticultural Associates and dated April 16, 2017