

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: KRISTINAE TOOMIANS, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: APPEAL OF CULTURAL HERITAGE BOARD DECISION TO
DENY A LANDMARK ALTERATION PERMIT FOR CARPENTER
URBAN COTTAGES, LOCATED AT 715 TUPPER STREET & 25
RAE STREET, SANTA ROSA, CA; ASSESSOR'S PARCEL
NUMBER 009-201-004 & 009-201-009; FILE NO. LMA15-013

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Cultural Heritage Board that the Council, by resolution, deny the appeal and uphold the Board's decision to deny the Landmark Alteration Permit for the Carpenter Urban Cottages project, located at 715 Tupper Street and 25 Rae Street.

EXECUTIVE SUMMARY

This is an appeal, filed by the applicant of the Carpenter Urban Cottages (Project) of the Cultural Heritage Board's (CHB) decision to deny a Major Landmark Alteration Permit (LMA) request to allow the construction of four attached residential cottages over two lots at 715 Tupper Street and 25 Rae Street.

The Tupper Street parcel is currently developed with an 821-square-foot single-family home, built in vernacular style in 1906. The Rae Street parcel is vacant. The Planning and Economic Development Department recommended approval of the Landmark Alteration Permit to the Cultural Heritage Board because the project proposed new residential units that met General Plan densities, while remaining sympathetic to the detached bungalow aesthetic of the neighborhood, and did not alter the existing residential structure.

BACKGROUND

1. Project Description

The applicant requested a Major Landmark Alteration Permit to allow for the construction of four, attached residential cottages on two adjacent parcels at 25 Rae

Street and 715 Tupper Street. Each cottage would have approximately 576-square-foot of floor area. The applicant's design includes individual carports and outdoor space for each of the cottages. The property is currently developed with one single-family detached house. The applicant did not propose any exterior alterations to the existing dwelling. An existing shed will be demolished and several trees will be removed, including three of five coast live oaks and one eucalyptus, which will be mitigated for in accordance with the City's tree ordinance.

The applicant proposed access to two of the attached units via the existing driveway on Tupper Street, as well as access to the remaining two attached units via a new driveway through the paving and improvement of Rae Street.

The project is located within the Burbank Gardens Preservation District. The district is characterized by modest, single-family homes, which are predominately bungalows. The period of significance for the district is identified in the Zoning Code as 1875 to 1940s.

2. Surrounding Land Uses

North:	Unimproved Rae Street; Rae Street Park
South:	Single-family homes
East:	Single-family home with accessory dwelling unit; parking facility
West:	Single-family homes

The project site is located in a predominately residential area and surrounded on three sides by single-family development. An unimproved section of Rae Street abuts the northern boundary of the project site and Rae Street Park, a public park with pedestrian connections to Sonoma Avenue is located to the north. Tupper Street is primarily occupied by single-story bungalow houses, with a few two-story or raised structures. To the east is a surface parking facility associated with the Bethlehem Towers affordable development beyond.

3. Existing Land Use – Project Site

The project site is divided into two parcels, which were originally part of a larger parcel that extended from Tupper Street to Matanzas Creek. Together, the parcels function as a "through lot," which is defined as a lot with frontage on two generally parallel streets. The parcel that fronts onto Tupper Street is developed with a single-story, 821 square-foot single-family cottage. A single-room accessory structure is located behind the existing residence. The parcel that fronts onto Rae Street is vacant and contains several ornamental and fruit trees in addition to a large eucalyptus.

4. Project History

- On September 5, 2007, the Cultural Heritage Board reviewed a proposed triplex for the project site as a concept item. The same proposal returned to the Board on February 20, 2008, for additional concept review.
- On January 2, 2013, the Department of Planning and Economic Development received applications proposing construction of four new units that would occupy the project parcels in addition to the existing house on Tupper Street (Urban Cottages).
- On January 13, 2014, the original Urban Cottages applications were withdrawn.
- On August 18, 2015, a new Landmark Alteration Permit application for the Urban Cottages project was received by Planning and Economic Development.
- On October 28, 2015, a Notice of Application was mailed to property owners in the vicinity of the project site.
- On February 8, 2019, the applicant submitted revised plans, which include covered parking areas, which serve as attachments between each pair of single-family attached residences.
- On September 4, 2019, after considering public input from approximately 8 speakers, the staff report, the Project plans and submittals, the Cultural Heritage Board was unable to move the item forward, with two members voting for the project, and two voting against the project.
- On September 16, 2019, the applicant, David Carpenter, filed an appeal of the Cultural Heritage Board's denial of the Project.

APPEAL STATEMENT

Pursuant to Zoning Code Chapter 20-62, appeals of decisions made by the Cultural Heritage Board shall be evaluated by the Council. The Council may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for appeal.

With respect to the Major Landmark Alternation Permit, the Council may:

- Affirm, affirm in part, or reverse the action, the determination, or decision that is the subject of the appeal; or
- Adopt additional conditions of approval, that may address issues or concerns other than the subject of the appeal; or

- Deny the approval granted by the Board, even though the appellant only requested a modification or elimination of one or more conditions of approval.

If new or different evidence is presented on appeal, the Council may refer the matter back to the Board for further consideration.

The appellant has provided the following grounds for the appeal. The full appeal Statement is provided as an attachment.

1) *Benefits of the project outweigh the risks:*

- a) *Use of overgrown vacant land, mitigating the harboring of nesting sites for urban vermin.*
- b) *Paving of Rae street along Rae Park, connecting Hendley Street to Brown Street.*
- c) *Eyes on monitoring the graffiti on the high fences facing Rae Park.*
- d) *Increase property taxes received by the city.*
- e) *Increase of water and sewer fees received by the city.*
- f) *Addition of rental housing to the Downtown area.*
- g) *Transit oriented housing, within a quarter mile of the city's main transit center.*
- h) *Housing free of asbestos and lead.*
- i) *Housing that is adaptable for the disabled community.*
- j) *Housing that is earthquake resistant.*
- k) *Housing that is fire resistant.*
- l) *Net zero housing that back feeds the neighborhood grid during peak hours.*
- m) *A community example of net zero carbon neutral housing on a small footprint.*
- n) *Addition to the resiliency and sustainability of the community.*
- o) *Research into the feasibility of carbon neutral, net zero construction for Santa Rosa's climate.*

2) *The decision is not consistent with prior approvals, CHB resolutions. These are past approvals of projects within 2 blocks of this proposed project, all within the same height as this project.*

- *Resolution 157 (2003): Approval of a 2-story new-construction unit at 111 Brown Street.*
- *Resolution 223 (2006): Approval of wrap around porch which included raising the entire house $\frac{3}{4}$ of a story at 713 Tupper Street.*
- *Resolution 279 (2011): Approval of a second story addition at 700 Tupper Street.*
- *Resolution 319 (2016): Approval of a second story addition at 331 South E Street.*

Staff Response: The General Plan land use designation for the site is Medium Density Residential, which allows a density of 8-18 units per acre. The proposed development will result in a density of approximately 17 dwelling units per acre, which is within the allowable density limit. The project parcel is located within the PD-0225-H (Planned Development) Zoning District. The PD Policy Statement recommends that development in the R-3 sections be permitted to maximum densities, so long as the proposed project is designed to be compatible with the neighborhood or utilize an appropriate historical architectural design.

Ultimately, the Cultural Heritage Board denied the Major Landmark Alteration because board members could not arrive at a consensus regarding the compatibility of the height of the proposed structures with the neighborhood, as well as the compatibility of the increased density.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

1. General Plan

The General Plan land use designation for the site is Medium Density Residential, which allows a density of 8-18 units per acre. This designation permits a range of housing types, including single-family attached and multi-family developments. The project site is 12,500-square-feet, or 0.29-acres. The proposed development will result in a density of approximately 17 dwelling units per acre, which is within the allowable density limit.

2. Zoning

The project parcel is located within the PD-0225-H (Planned Development) Zoning District with a historic preservation overlay. The PD-0225 Burbank Gardens Neighborhood Planned Development District is divided into various zoning sub-districts. The subject site is identified as R-3-PD, multiple-family zone. The PD Policy

Statement recommends that development in the R-3 sections be permitted to maximum densities, so long as the proposed project is designed to be compatible with the neighborhood or utilize an appropriate historical architectural design. It also requires that parking facilities, including guest parking, be easily accessible in order to encourage off-street parking. Per Table 2-2 – Allowed Land Uses and Permit Requirements for Residential Zoning Districts, the R-3 Zoning District only permits single-family dwellings as attached units. Each pair of units are designed to be attached by a shared carport.

According to Zoning Code Section 20-28.040, the Burbank Gardens Preservation District was designated by the City Council on March 25, 2003, and established the period of significance for the District ranging from 1875-1940s. It identifies the following character defining elements:

The Burbank Gardens Preservation District is a fairly homogenous district of small single-family homes, predominately Bungalows representing the bulk of development that occurred in the 1920s and 1930s, with some examples of Italianate, Queen Anne, Colonial, Period Revival, and some post war styles.

Typical lots are narrow, generally measuring 40 to 50 feet. Houses generally follow a similar front setback on any given block face and front stoops or small porches create clearly defined entries with orientation to the street. Front yard fencing is generally three-foot tall picket fencing if any at all. Small front yards include informal landscaping. Single car garages are located at the rear of property, often on a side property line with narrow driveway access.

Per Section 20-58.0960(C)(2), a Major Landmark Alteration Permit is required because: the site is located within the Burbank Gardens Preservation District and the existing residence at 715 Tupper Street is a contributor to the district; and, it also involves new construction of four multi-family units.

3. Design Guidelines

The following goals and policies, from the Santa Rosa Design Guidelines, Section 4.7- Historic Properties and Districts, are applicable to the proposed project:

Goals

- To preserve Santa Rosa's historic heritage.
- To encourage maintenance and retention of historic structures and districts.
- To ensure that alterations to historic buildings are compatible with the character of the structure and the neighborhood.

Policies

G – New Construction

- The height of new construction in a Preservation District should be compatible with adjacent structures.
- New construction should match adjacent structures in proportions of width to height.
- New construction within Preservation Districts should maintain this rhythm of window and door openings on the main façade. Entrances should be oriented to the street rather than to an alley. Blank walls or garage doors should not dominate the facade.
- Setbacks should be consistent with adjacent structures and should not vary more than ten percent with the adjacent structures.
- New construction should be compatible with adjacent buildings on the block.
- Roofs for new construction should be compatible with adjacent structures.

Staff response: The applicant proposes to preserve the existing single-family cottage-style residence, located at 715 Tupper Street, and construct four new multi-family units behind the existing residence. One of the units will front onto Rae Street. The applicant proposes cottage-style, attached units that will be attached by a shared carport. The new residential units will be clad in cement lap siding, with shed dormers, 12/12 pitch asphalt cool roofs, vinyl thermal windows, solar collectors, and solar hot water. The applicant proposes a corrugated metal roof carport that will connect each pair of new units. The total height of the units is 25-feet to the top of the roof. The proposed cottage-style units, with siding, gabled roof and porch are in keeping with the existing cottage-style residence.

4. Historic Preservation Review Standards

According to Zoning Code Section 20-28.040, the Burbank Gardens Preservation District was designated by the City Council on March 25, 2003, and established the period of significance for the District ranging from 1875-1940s. It identifies the following character defining elements:

The Burbank Gardens Preservation District is a fairly homogenous district of small single-family homes, predominately Bungalows representing the bulk of development that occurred in the 1920s and 1930s, with some examples of Italianate, Queen Anne, Colonial, Period Revival, and some post war styles. Typical lots are narrow, generally measuring 40 to 50 feet. Houses generally follow a similar front setback on any given block face and front stoops or small porches create clearly defined entries with orientation to the street. Front yard fencing is

generally three-foot tall picket fencing if any at all. Small front yards include informal landscaping. Single car garages are located at the rear of property, often on a side property line with narrow driveway access.

Houses are single story with some exceptions found in the northern portion of the district, closer to Santa Rosa Creek. The predominant exterior materials are wood (shingle, shiplap, and clapboard) and stucco. Architectural detailing is minimal and simple. Double hung wood windows are common.

Although some houses are found on Santa Rosa Avenue, in general, the character along this outer edge of the district are different. Most district properties along Santa Rosa Avenue are considered noncontributing properties, although two National Register properties (Luther Burbank Home and Gardens and Park Apartments) are found along this strip.

A Landmark Alteration Permit is required when a project involves new construction of residential units within a preservation district. Pursuant to Zoning Code Section 20-58.060 (F), the Cultural Heritage Board considered the following criteria to the extent applicable in their discussion:

- The consistency, or lack thereof, of the proposed change with the original architectural style and details of the building;
- The compatibility of the proposed change with any adjacent or nearby landmark structures or preservation district structures;
- The consistency and/or compatibility of the proposed colors, textures, materials, fenestration, decorative features and details with the time period of the building's construction, and/or adjacent structures;
- Whether the proposed change will destroy or adversely affect an important architectural feature or features;
- The Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1983 Revision); and
- Other matters, criteria and standards as may be adopted by resolution of the CHB.

The California Department of Parks and Recreation Primary Record, prepared in 2002 describes the structure built in 1906 as "Vernacular Cottage," and describes it as a contributor to the historic district.

The Processing Review Procedures for Owners of Historic Properties states that the applicant can provide information regarding the property and its historic significance. It states, "Many property owners have detailed knowledge of their properties,

including names of former owners and dates of major alterations.” It goes on to state that, “the applicant should work closely with the Cultural Heritage Board to see how much information is needed and whether the information [is] adequate enough for the Board to render a determination.”

The applicant self-prepared a Historic Structures Report, dated January 15, 2018, which identifies that the original residence was 376-square-feet and built in 1906. Front and rear additions are evidenced through examination of the floor joists. The existing 325-square-foot detached accessory building has no permit on record and was not indicated on the 1957 Sanborn Map.

The applicant does not propose any exterior alterations to the existing residence but proposes to demolish the existing detached accessory structure.

The new multi-family units are proposed in a cottage style, attached by a covered carport.

5. Neighborhood Comments

The majority of the late correspondence that was submitted to the Cultural Heritage Board was in opposition to the project, with one in support of the project. Opponents cited issues with the overall scale/density of the project, height compatibility, parking impacts to the neighborhood, and the potential to convert the attic/storage space into additional units.

Staff Response: The General Plan land use designation for the site is Medium Density Residential, which allows a density of 8-18 units per acre. The proposed development will result in a density of approximately 17 dwelling units per acre, which is within the allowable density limit.

The total height of the units is 25-feet to the top of the roof. The Code allows a maximum of 35-feet. The proposed attic space is accessible by a pulldown ladder and the units would not be considered two-story structures.

The Code requires one covered space plus 0.5 visitor spaces per unit. The applicant meets the parking requirement by designating a covered parking space for each unit with the connected carports, and two guest parking spaces.

6. Public Improvements/On-Site Improvements

If the City Council grants the appeal and the project is permitted to move forward, the applicant will be required to improve Rae Street project frontage to Rural Street Standards, which will include curb, gutter. The applicant will also be required to repair any damaged sidewalk along Tupper Street (See Exhibit A).

FISCAL IMPACT

No fiscal impacts.

ENVIRONMENTAL IMPACT

The proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15332, in that:

- The project is consistent with the General Plan designation of Medium Density Residential, in that the designation allows residential density at 8-18 dwelling units per acre, and the project proposes four multi-family units at 17 units per acre.
- The proposed development occurs within City limits on a project site of no more than five-acres, substantially surrounded by urban uses.
- According to the City's maps, the project site has no value as habitat for endangered, rare or threatened species, in that it is not located on a known wetland or habitat zone.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. Specifically, the project was reviewed by City staff and any potential impacts will be mitigated by uniformly applied development policies, standards and conditions, including street improvements, limits on construction hours, adherence to BAAQMD best management practices, and compliance with the Standard Urban Stormwater Mitigation Plan.
- The site can be adequately served by all necessary utilities and public services.

It has further been determined that no exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines Section 15300.2). This determination is based on the flat nature of the site which is substantially surrounded by development.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On September 4, 2019, the Cultural Heritage Board was unable to move the item forward, with two members voting for the project, and two voting against the project.

The Cultural Heritage Board recommends that the Council, by resolution, deny the appeal and uphold the Board's decision to deny the Landmark Alteration Permit for the Carpenter Urban Cottages project, located at 715 Tupper Street and 25 Rae Street.

NOTIFICATION

The project was noticed as a Public Hearing per the requirements of Chapter 20-66 of the City Code. Notification of this public hearing was provided by: posting an on-site sign; publishing a notice in a newspaper of general circulation; mailed notice to surrounding property owners within 600-feet; electronic notice to parties that expressed interest in projects taking place in this geographic area of Santa Rosa; and, bulletin board postings at City Hall and on the City website.

ISSUES

The Planning and Economic Development Department recommended approval of the Landmark Alteration Permit to the Cultural Heritage Board because the project proposed new residential units that met General Plan densities, while remaining sympathetic to the detached bungalow aesthetic of the neighborhood, and did not alter the existing residential structure. The General Plan land use designation for the site is Medium Density Residential, which allows a density of 8-18 units per acre. The proposed development will result in a density of approximately 17 dwelling units per acre, which is within the allowable density limit. The project parcel is located within the PD-0225-H (Planned Development) Zoning District. The PD Policy Statement recommends that development in the R-3 sections be permitted to maximum densities, so long as the proposed project is designed to be compatible with the neighborhood or utilize an appropriate historical architectural design.

Ultimately, the Cultural Heritage Board denied the Major Landmark Alteration because board members could not arrive at a consensus regarding the compatibility of the height of the proposed structures with the neighborhood, as well as the compatibility of the increased density. A board member suggested that the applicant reduce the height of the structures by 3-feet. The board members that were ultimately opposed to the project wanted a drastic reduction in height. One of the board members opposed to the project wanted the density of the project reduced to 15 dwelling units per acre. The Cultural Heritage Board was unable to move the item forward, with two members voting for the project, and two voting against the project.

Given that this proposal aligns with Council priorities to provide more housing, the Council may wish to grant the appeal and allow the project to move forward to the next step. As such, staff has provided several options for the Council's consideration.

COUNCIL OPTIONS

The Council has options in terms of how to proceed as follows:

- Deny the appeal and uphold the Cultural Heritage Board's decision to deny the Landmark Alteration Permit.
- Grant the appeal and approve the Landmark Alteration Permit.

ATTACHMENTS

CARPENTER URBAN COTTAGES APPEAL
PAGE 12 OF 12

- Attachment 1 – Disclosure Form
- Attachment 2 – Location Map &
- Attachment 3 – Neighborhood Context Map
- Attachment 4 – Appeal Application
- Attachment 5 – Project Plans
- Attachment 6 – DPR Form
- Attachment 7 – Historic Structures Report
- Attachment 8 – PD-0225 Policy Statement
- Attachment 9 – Applicant Correspondence (Background)
- Attachment 10 – Public Correspondence
- Attachment 11 – CHB Meeting Minutes, Staff Report, and Resolution (September 4, 2019)
- Resolution 1
- Resolution 2
- Exhibit A

CONTACT

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