

RESOLUTION NO. RES-2020-218

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA GRANTING THE APPEAL AND APPROVING PRELIMINARY DESIGN REVIEW FOR THE FLATS AT 528 B STREET, INVOLVING THE CONSTRUCTION OF A FIVE-STORY MIXED-USE BUILDING, ASSESSOR'S PARCEL NO. 010-035-022; FILE NO. PRJ20-005

WHEREAS, on October 2, 2019, at a joint meeting of the Cultural Heritage Board and Design Review Board, the project was considered as a concept item; and

WHEREAS, on February 25, 2020, Landmark Alteration Permit and Design Review project applications were submitted to Planning and Economic Development; and

WHEREAS, on November, 23, 2020, the Cultural Heritage Board and Design Review Board of the City of Santa Rosa considered the proposed Project to construct a five-story, mixed-use building, with commercial uses on the ground floor and 24-residential units on the second through fifth floors, comprised of one- and two-bedroom units, at 528 B Street; and

WHEREAS, the Cultural Heritage Board and Design Review Board, at the same meeting considered written and oral reports of staff, testimony, and other evidence presented by all those who wished to be heard on the matter; and

WHEREAS, the Cultural Heritage Board and Design Review Board, at the same meeting denied Preliminary Design Review; and

WHEREAS, on December 1, 2020, an Appeal Form was submitted by Peter Stanley/Tom Karsten, applicant (appellant), to the City Clerk's Office; and

WHEREAS, on December 15, 2020, the Council of the City of Santa Rosa considered the proposed Project to construct a five-story, mixed-use building, with commercial uses on the ground floor and 24-residential units on the second through fifth floors, comprised of one- and two-bedroom units, at 528 B Street; and

WHEREAS, the Council, at the same meeting, considered the grounds for appeal of the Cultural Heritage and Design Review Boards' action to deny the Project; and

WHEREAS, the Council, at the same meeting considered written and oral reports of staff, testimony, and other evidence presented by all those who wished to be heard on the matter; and

WHEREAS, the Council, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The design and layout of the proposed development is of superior quality, and is consistent with the General Plan, Downtown Station Area 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). The project will provide a diverse alternative to the housing type in this area and will meet the housing needs of Santa Rosa residents. This section of B Street is identified as an Entryway street type in the Downtown Station Area Specific Plan (Specific Plan), which is intended to mediate between smaller scale residential and larger scale development. The building design allows commercial uses on the ground floor, with residential units on the second through fifth floors. The project complies with all development pursuant to the Zoning Code, except where it is in conflict with the Specific Plan, in which case, the Specific Plan controls. The project is supported by several goals in the Design Guidelines. The mixed-use structure was designed unique to Santa Rosa and incorporates a varied application of the same materials on all elevations. The project will demolish an existing commercial structure that is not listed as a contributor to the St. Rose Preservation District. As summarized in a historic evaluation, prepared by Mark Parry, Artisan-Architects, dated June 2, 2020, Figure 3, character-defining elements including the cornice, gate, storefront (industrial sash), guardrails, window details and window trim details, which are in keeping the St. Rose Preservation District, have been incorporated into the design ensuring district compatibility. The City's Processing Review Procedures (for owners of historic properties) acknowledges that taller structures are more common to both the Railroad Square and St. Rose Preservation Districts. In compliance with Section G of that document, the proposed new construction is contemporary but incorporates several architectural elements, including the cornice, window trim details, balcony guardrails, storefront industrial sash, and gate, that ties the design to the District, but does not mimic existing buildings within the District; and

2. The design is appropriate for the use and location of the proposed development and achieves the goals, review criteria and findings for approval as set forth in the Framework of Design Review (Design Guidelines, Introduction, Subsection C). The proposed mixed-use building has minimized the setback distance from the sidewalk to the extent possible considering the curve of the street. The proposed structure offers a recessed entryway along the B Street frontage; reflects character-defining elements of the St. Rose Preservation district; has variation in building materials on all sides; dedicates the ground floor for commercial uses with residential units on the second through fifth floors; meets parking requirements with a parking agreement for parking spaces in a City-owner garage structure adjacent to site; and has provided a trash removal plan appropriate for the area; and
3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments. The property is located in an area where taller buildings are encouraged. A shadow study, prepared by ArchiLOGIX, concluded that, while there is additional shadowing created for the single-story structure to the north of the subject site, the primary source of shadowing comes from the five-story garage located to the east, and the additional shadowing from the proposed mixed-use building are not significant; and
4. The architectural design of the proposed mixed-use building is compatible with the character of the surrounding neighborhood. The project is supported by several goals in

the Design Guidelines. The mixed-use structure was designed unique to Santa Rosa and incorporates a varied application of the same materials on all elevations. The City's Processing Review Procedures (for owners of historic properties) acknowledges that taller structures are more common to both the Railroad Square and St. Rose Preservation Districts. In compliance with Processing Review Procedures (for owners of historic properties), Section G, the design is contemporary and does not mimic other structures in the St. Rose Preservation District. A historic evaluation, prepared by Mark Parry, Artisan-Architects, dated June 2, 2020, Figure 3, details character-defining elements that have been incorporated into the design, including the cornice, gate, storefront (industrial sash), guardrails, window details and window trim details, which relate the contemporary structure to the District, and ensure the new structure is compatible with its surroundings; and

5. The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color, and would remain aesthetically appealing and be appropriately maintained. The building has been designed with varied exterior materials which are included on all four sides of the building. The site plan includes an open space area along the northern property line and a direct connection to the neighboring parking garage where building occupants will park; and
6. 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. The site is in a fully developed area designated on the General Plan land use diagram for this type of development, is supported by the Downtown Station Area Specific Plan, where all utilities and City services are available; and will provide parking offsite in a City-owned parking garage adjacent to the property; and
7. The project has been reviewed in compliance with the California Environmental Quality Act (CEQA):
 - Pursuant to CEQA Guidelines Section 15182, the project is statutorily exempt from CEQA because it is a mixed-use project; it has a floor area ratio of 3.8 (greater than 0.75); it is within Downtown Commercial zoning district; it is within the Downtown Station Area priority development area; is consistent with the 2007 Downtown Station Area Specific Plan Environmental Impact Report, which was certified by Council Resolution No. 26949, dated October 9, 2007; is consistent with the 2020 Downtown Station Area Specific Plan Subsequent Environmental Impact Report, which was certified by the Council on October 13, 2020; and is consistent with the General Plan land use designation of Retail and Business Services.
 - Pursuant to CEQA Guideline Section 15183, because the project is being developed consistent with the General Plan, for which Council certified an Environmental Impact Report in 2009, the project is eligible for streamlined CEQA processing. No further environmental review is necessary for the Project

as analysis has confirmed that there are no new environmental effects, or environmental effects of greater severity, peculiar to the parcel or the project that were not analyzed and addressed in a prior EIR.

- Pursuant to CEQA Guidelines Section 15332, because the project site is less than five acres; is consistent with the General Plan, any applicable specific plan and zoning; is not considered suitable habitat for listed species; is located in area where all services are available; and would not result in a significant impact in air quality, water quality, or traffic, it qualifies for a Class 32 categorical exemption.

The City has further 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 infill nature of proposed site, and the previous site development.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa does hereby grant the appeal and approve Preliminary Design Review for The Flats at 528 B Street, Assessor's Parcel Number 010-035-022, subject to each of the following conditions:

PLANNING & 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. Plans submitted for a building permit shall be consistent with the plans reviewed by the Cultural Heritage Board and Design Review Board, dated June 5, 2020, accept as modified by the Boards.

BUILDING DIVISION:

3. Obtain a building permit for the demolition of the existing structure and the construction of the new building.

ENGINEERING DIVISION:

4. Compliance with Engineering Development Services Exhibit A, prepared by Laura Ponce, dated July 23, 2020, attached hereto and incorporated herein.

PLANNING DIVISION:

5. Prior to final inspections of the Building Permit, the building owner or designated representative shall obtain a Master Encroachment Permit for a period of 12 months, for initial building occupancy.

6. Construction hours shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturday. No construction is permitted on Sunday or holidays.
7. The project shall adhere to the general operation of the Trash Removal Plan, prepared by Thomas Karsten Jr., dated August 3, 2020.
8. The developer shall provide on-site allocated units in compliance with the Inclusionary Housing Ordinance (City Code Chapter 21-02) or shall, in lieu of providing affordable units on site, pay applicable fees at the time of building permit issuance, unless otherwise allowed by City Code.
9. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
10. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architectural design consistent with the building architecture element approved by the Design Review Board or Planning Division.
11. All outdoor storage of materials and/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.
12. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
13. Light sources shall be concealed from public view and directed toward the subject property and away from adjacent properties in compliance with Zoning Code Section 20-30.080, and the project shall comply with all other applicable regulations contained in the City's Outdoor Lighting Ordinance.
14. The applicant shall enter into an agreement with the City to provide parking spaces for building occupants, pursuant to Zoning Code Table 3-4, in the parking garage located at 521 7th Street, prior to building occupancy.
15. Prior to issuance of a building permit for new construction, the project shall demonstrate to the satisfaction of the Director of Planning and Economic Development that it is in compliance with parking policies contained in the Downtown Station Area Specific plan and regulations in the Zoning Code at the time of building permit issuance. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.
16. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.

17. 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 & 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.

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DESIGN REVIEW BOARD:

- 18. Consider on all facades where there are tighter reveal areas, a change of material to fiber cement material, cedar color, to match the soffits.
- 19. Consider a smoother CMU material, such as shot-blast smoothness or a limestone block look.
- 20. Consider full glazing at office lobby entry.
- 21. Consider a recessed entry at residential lobby.
- 22. The applicant shall eliminate trim around residential Kingspan windows located on the west elevation at the north and south corners of the building.

IN COUNCIL DULY PASSED this 15th day of December, 2020.

AYES: (7) Mayor C. Rogers, Vice Mayor N. Rogers, Council Members Alvarez, Fleming, Sawyer, Schwedhelm, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A – Compliance with Engineering Development Services