

THOMAS R. PASSALACQUA  
MARK L. GLADDEN  
LOURDES LOPEZ\*  
DANELE L. MARAVIGLIA  
GARRETT M. CIVIAN

\*Also licensed to practice in Florida

LAW OFFICES OF  
**PASSALACQUA, MAZZONI, GLADDEN,  
LOPEZ & MARAVIGLIA, LLP**  
1201 VINE STREET, SUITE 200  
HEALDSBURG, CALIFORNIA 95448-0455  
(707) 433-3363

FRANCIS M. PASSALACQUA (1910-2005)  
JAMES R. MAZZONI, JR. (1932-2010)

FACSIMILE: (707) 433-3606  
E MAIL: [Lourdes@pmj-legal.com](mailto:Lourdes@pmj-legal.com)

November 7, 2014

To the Honorable Mayor  
and Members of the City Council

Re: Public Hearings on the Calistoga Cottages Project  
Appeal Reconsideration Hearing November 18, 2014  
File No.: GPAM 13-003

Dear Mayor and City Council Members:

I write to express my concern that you were given wrong and incomplete information in response to your questions at the September 16, 2014 City Council Public Hearing for the Calistoga Cottages Project and request that you seek clarification and examine the record since there is no evidence to support a General Plan Amendment to change the land use designation of Very Low Density for 408 Calistoga Road.

Additionally, all pertinent General Plan Goals and Policies need to be raised and considered by City officials, which was not done by the Planning Commissioners. At the June 26, 2014, Planning Commission hearing, City staff selected certain goals in favor of the Developer and ignored specific policies which were violated by the project. This tainted the process and is contrary to the law. (See Staff Report for Planning Commission, June 26, 2014 and Staff Presentation, LUL-E-4, GM-A-2, never considered).

As part of the community, we expect a balanced presentation so that the public interest is protected. For my clients, Paul Bussard and Lynn Denley-Bussard, this will also adversely impact their property.

At the September 16, 2014 Public Hearing, Council Member Carlstrom requested information on the Applicant's failure to meet the three criteria for a General Plan Amendment. The Developer's Application for a General Plan Amendment does not address: (1) why an Amendment is warranted, (2) describe events which have rendered the General Plan inadequate or unattainable, and (3) describe any studies which have brought policies or portions of the Plan into question. (General Plan, page 1-11).

CITY OF SANTA ROSA  
P.O. Box 1871  
Santa Rosa, CA 95406

NOV 10 2014

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

The City Staff's response was that the criteria was part of the Application and not the findings. The City staff failed to inform the Council that the Application should have been rejected since it was not complete and that there was no evidence to support the findings required for a General Plan Amendment.

A mere recital of the information in the Application in the Staff Report is not the standard for analysis. The Application has to be reviewed for accuracy and information has to be provided to support the statements contained in the Application.

Zoning Code §20-64.020 provides that the Application shall be accompanied by the information identified in the Department Handout for Amendment Applications. It is the responsibility of the Applicant to provide evidence in support of the findings required for a General Plan Amendment.

The General Plan may be amended if it is in the public interest (Government Code §65358). The findings for a General Plan Amendment require, in part, that the proposed Amendment ensures and maintains internal consistency with the goals and policies of all elements of the General Plan and is not detrimental to the public interest. (Zoning Code §20-64.050).

The Application requirements must be met in order for the City to conclude that the Amendment is consistent with the General Plan and in the public interest.

Here are the questions and responses in the Application:

Question 1: Why do you want a General Plan Amendment?

Response: The City's encouraged infill development. It's serviced by transit routes.

Question 2: What changes or events have occurred or what new evidence has arisen since the General Plan was adopted which now warrant a change?

Response: The need for housing. Infill housing is a method to achieve this.

Question 3: Have detailed neighborhood plans or other studies revealed the need for a General Plan Amendment?

Response: Not that we're aware of.

Question 4: Describe the effect the proposed change will have on the surrounding uses. Describe how the proposed change will affect achievement of the General Plan in this and the surrounding area.

Response: Impacts to the neighbors are negligible. The site takes its access off Calistoga Road with a minor adjustment to the existing driveway. When compared to surrounding sites by using a current aerial view, this proposal is consistent in terms scope and scale. Infill on this site will provide additional needed housing opportunities.

The failure to analyze and verify the statements in the Application lead to the wrong conclusion that there was a change in the Calistoga area and parcel and a need to change the density designation to provide for housing. The question is not whether there is a need for housing in the abstract but whether there is a need for a change in the land use designation to provide for housing in this particular parcel.

One of the "goals" of the housing element is to meet the housing needs of all Santa Rosa residents. (Goal H-A). "Goals" are defined by the General Plan as broad policy direction; a larger end state the City is hoping to achieve. (General Plan, page 1-10). The City Staff's reference to the goal, H-A in the housing element is not the equivalent of evidence to support a General Plan Amendment. In fact, the evidence shows that there is no need to change the density designation to provide for housing (See July 29, 2014 Housing Element Update, plus City Staff Report).

Further, the evidence shows that nothing has changed in the Calistoga area or the parcel since the 1999 City Council pre-zoned 408 Calistoga Road RR-40 (Rural Residential) and determined that the Very Low Density designation was consistent with the policies contained in the General Plan. (February 2, 1999, Ordinance No. 3405).

The Developer's parcel, 408 Calistoga Road, remains part of the rural pocket created in 1999 when the Monte Verde County Island was annexed to the City, since the same conditions exist today; 1 house on about 1 acre, built in the 1950's, bordering Calistoga Road, providing a buffer for the rural community, with 11 Valley Oak trees on site, and adjacent to an extensive Valley Oak grove.

The same commercial center, public transportation and City services were in existence in 1999. The parcel took its access from Calistoga Road in 1999 when the rural pocket was created by the City.

The Developer makes the bold statement that the project will not impact the rural neighborhood because it takes its access from Calistoga Road. This statement ignores the fact that the Developer's project seeks to cluster three (3) homes, behind the existing home, and onto a part of the Valley Oak grove, which directly impacts the rural community.

I note that Commissioner Stanley emphasized the Commission's view that there had been a change in the area and that the parcel took its access off of Calistoga Road. This was a result of the City's failure to analyze the Application responses and provide the Commissioners accurate information as to the annexation, pre-zoning and creation of the rural pocket.

In particular, Commissioner Stanley believed that the four (4) lots that front Calistoga Road were recently annexed and part of the change in the area. The City's Staff could not answer Commissioner Stanley's specific questions and provide the Commissioners the correct information, which is, the lot at 470 Calistoga Road was forced to split and annexed to the City in 1982 to accommodate an overwhelming public need for a City water pumping station.

As to question number 4 in the Application, "describe how the proposed change will effect achievement of the General Plan", City Staff did not raise all the pertinent General Plan goals and policies for the Planning Commissioners' consideration, emphasized goals that supported the project, and buried a goal and policy the amendment violates in the Staff Report. General Plan "policies" provide more specific direction on how to achieve goals. (General Plan, page 1-10). The following General Plan "policies" were never raised and considered by the Planning Commission:

LUL-E-2:

**"Neighborhood Character.** Each neighborhood should **maintain a distinct identity**, such as the historic preservation districts featuring Victorian cottages and California bungalows."

LUL-E-4:

**"Protect the rural quality of Very Low Density** areas within the Urban Growth Boundary through design and development standards in the Zoning Code, and development review."

GM-A-2:

**"Clarify to protect applicants that the low-intensity General Plan designations are not "interim"** and that the intent of these designations is to accommodate a variety of housing types within the UGB, rather than reserve areas for future development."

**This applies specifically to the rural Very Low Density Residential designation**, as rural residential pockets will be retained within Santa Rosa's UGB to accommodate all lifestyles."

UD-F-2:

**"Protect** natural topographical features such as hillsides, ridgelines and **mature trees and stands of trees.**"

H-A-3:

**"Promote** conservation and rehabilitation of the existing housing stock and **discourage intrusion of incompatible uses into residential neighborhoods which would erode the character of established neighborhoods or lead to use conflicts.**"

OSC-H-1:

**Preserve trees and other vegetation, including wildflowers,** both as individual specimens and as parts of larger plant communities."

OSC-H-2:

**"Preserve and regenerate native oak trees."**

The following General Plan Goal, UD-F, and Policy H-A-2 were raised in the Planning Commission and City Council Staff Report but were not discussed or analyzed in the Staff Report:

UD-F:

**"Maintain and enhance the diverse character of Santa Rosa's neighborhoods.** Promote the creation of neighborhoods - not subdivisions, in areas of new development".

H-A-2:

**"Pursue** the goal of meeting Santa Rosa's housing needs to fill increased densities, **when consistent with preservation of existing neighborhoods**".

The project violates UD-F and H-A-2.

At the Planning Commission hearing, the City emphasized that the project met four General Plan “goals” but ignored specific General Plan “policies”, LUL-E-4 and GM-A-2, which prevent an Amendment to the General Plan.

I note that LUL-E-4 was added to the Staff Report to the City Council but was not discussed. Instead, similar to the Planning Commission hearing, the City Staff chose to emphasize three goals of the General Plan and ignored goals and specific policies which would not allow the Amendment to the General Plan.

At the September 16, 2014 Public Hearing, Mayor Scott Bartley asked whether the City needed to comply with all the policies and elements in the General Plan. In response, City staff informed the Council that there were competing policies, that the City did not need to comply with all the policies, and that the City did not need to comply with all the elements of the General Plan.

This response was wrong and misleading. City officials have to consider all the pertinent General Plan goals and policies. The record clearly shows that this was not done by the Planning Commissioners.

The Santa Rosa General Plan has thirteen (13) elements, including land use and livability, urban design, housing, growth management and open space and conservation. (General Plan, pages 1-8, 1-9). The General Plan must contain certain mandatory elements, but it may contain other elements within the discretion of the local agency. (Government Code §65301, 65302, and 65303). All adopted portions of the General Plan, whether required by State law or not, have equal legal weight. (General Plan, page 1-4).

Government Code §65300.5 provides that the legislature intends that the General Plan and elements and parts thereof comprise an integrated, internally consistent compatible statement of policies for the adopting agency. It is true that a given project need not be in perfect conformity with each and every General Plan policy, and that no project can completely satisfy each policy stated in the General Plan. (Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Board of Supervisors (1998) 62 Cal.App.4th 1332). But the nature of the policy and the nature of the inconsistency are critical factors to consider. The City relies on broad “goals” to support an Amendment to the General Plan. However, as indicated by case law, these “goals” can not overcome the specific policies, LUL-E-4 and GM-A-2, that prevent the Amendment to the General Plan.

SUMMARY

City Staff was wrong to brush aside the importance of the Application criteria and evidence needed to support the findings for a General Plan Amendment. Based on the Application responses and the record, the General Plan Amendment must be denied since it is not in the public interest and is not consistent with "policies" in the General Plan.

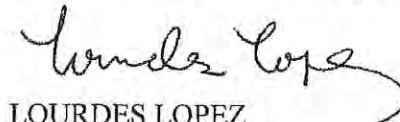
The Amendment is not in the public interest since there is no need to change a density designation to provide for housing and no changes to the Calistoga parcel area have occurred which warrant an Amendment to the General Plan. The Developer cannot show that the 408 Calistoga Road parcel has changed since the 1999 pre-zoning and annexation, when the City Council included it in the rural pocket. (I note that without the pre-zoning and promises to retain the rural character of the neighborhood, the neighborhood would never have voted for annexation to the City).

The Developer's General Plan Amendment, besides violating ten (10) General Plan policies and goals, violates two (2) specific policies, LUL-E-4 and GM-A-2. The City Staff was wrong to not raise the specific policies, LUL-E-4 and GM-A-2, before the Planning Commission.

Please request further information and clarification to your questions and examine the record since there is no evidence to support a General Plan Amendment to change the land use designation of Very Low Density for 408 Calistoga Road.

Very truly yours,

**PASSALACQUA, MAZZONI, GLADDEN,  
LOPEZ & MARAVIGLIA, LLP**



LOURDES LOPEZ

XFINITY Connect

Idenley-bussard@comcast.net

+ Font Size -

---

**Appeal Reconsideration Hearing -- Appellant supporting evidence**

---

**From :** Paul Bussard <paulebussard@gmail.com>

Wed, Oct 08, 2014 12:13 AM

**Subject :** Appeal Reconsideration Hearing -- Appellant supporting evidence

5 attachments

**To :** sbartley@srcity.org, rswinth@srcity.org, ecarlstrom@srcity.org, jcombs@srcity.org, eolivares@srcity.org, jours@srcity.org, gwysucky@srcity.org, tgriffin@srcity.org, Susie Murray <smurray@srcity.org>**Bcc :** Idenley-bussard@comcast.net

October 7, 2014

**Re:** Calistoga Cottages – 408 Calistoga Road, Santa Rosa

File No. GPAM13-00/PRAP13-008

Honorable Mayor and City Council members,

The attached documents are in support of our appeal which is scheduled for a reconsideration hearing on November 18, 2014. Sections of these documents have been yellow highlighted to emphasize and support the key points summarized below. The intent is to draw attention to the salient portions of these documents to ease the burden of reading the full document. These documents are referenced by their descriptive file names in this summary.

1. The 1999/2000 City council promised to retain the rural nature of our neighborhood from Calistoga Road to St. Francis. Without that pre-zoning and promises to retain the rural character of the neighborhood, the neighborhood would never have voted for annexation to the City. The reason some properties were allowed to subdivide while others are not is due to the annexation agreement for properties that border Spain Ave.

a. File: PlanningCommissionDEC1998.pdf (Planning Commission Prezoning hearing December 10, 1998, Pg3-5)

b. File: PreZoningOrdinance3405\_FEB1999.pdf (Annexation Ordinance No. 3405, February 2, 1999, pg1, Exhibit A (enhanced map)

2. The lot at 470 Calistoga Road was forced to split and annex to the City in 1982 to accommodate an overwhelming public need for a City water pumping station.

3. The applicant has not met the three criteria required for a General Plan Amendment. Adhering to this criteria is required by state law.

4. All portions of the General Plan have equal weight under state law.

5. The proposed development is in direct violation of specific General Plan policy GM-A-2.

c. File: GeneralPlanChange\_Hilite.pdf (2035 General Plan pg1-4, pg1-11, pg8-4)

6. The proposed development violates 12 General Plan provisions: LUL-E-2, LUL-E-4, 3-5 Neighborhood Design, UD-A, UD-F, UD-F-2, H-A-2, H-A-3, GM-A-2, UD-G, OSC-H-1, OSC-H-2.

7. The recent General Plan Housing Element Update indicates that no zoning changes are needed and no new sites were designated for higher density. Therefore, there is no need for the proposed development.

d. File: Housing Element Update\_JUL2014\_Hilite.pdf (Housing Element Update General Plan Amendment Resolution, pg2, para. 6; pg12, para. 2A)

8. The developer cannot show that the 408 Calistoga Road parcel has changed since the 1999 pre-zoning and annexation, when the City Council included it in the rural pocket. Therefore, there is no justification for changing its zoning.

NOV 10 2014

DEPARTMENT OF  
COMMUNITY DEVELOPMENT



9. The vast majority of the neighborhood supports our appeal and does not want the General Plan changed.

e. File: MVpoll6.pdf (Petition Summary 22SEP2014)

10. The project is not consistent with the General Plan so an amendment would violate state law.  
(Zoning Code [§20-64.020,B,2](#), [§20-64.050](#), CA Government Code [§65358](#), [§65860](#), [§66473.5](#))

Sincerely,

Paul Bussard


Lynn Denley-Bussard

---


**PlanningCommissionDEC1998.pdf**

 41 KB


**PreZoningOrdinance3405\_FEB1999.pdf**

 636 KB


**GeneralPlanChange\_Hilite.pdf**

 452 KB

**Housing Element Update\_JUL2014\_Hilite.pdf**

 178 KB

**MVpoll6.pdf**

 416 KB

---

## **December 10, 1998**

The Planning Commission meeting of the City of Santa Rosawas called to order at 3:00 p.m. in the City Council Chamber at Santa Rosa City Hall, 100Santa Rosa Avenue, Santa Rosa, California, with Chairman Blanchard presiding. Present werePlanning Commission Chairman Blanchard and Commissioners Carlile, Cummings, Denietolis,Dias, Edwards, and Johnson. Also present were Assistant City Attorney Bruce Leavitt,Community Development Department Director Wayne Goldberg, Deputy Director Chuck Regaliaand Senior Planner Marie Meredith. Recordings are on file in the office of the Departmentof Community Development. The Agenda was duly posted for public review at City Hall onMonday, December 7, 1998.

### **1. CALL TO ORDER**

Chairman Blanchard called the meeting to order at 3:00 p.m.

### **2. ROLL CALL**

Present: Commissioners Carlile, Cummings, Dias, Edwards,Johnson, and Chairman Blanchard.

Commissioner Denietolis was absent for the roll call butwas seated at 3:32 p.m. as noted below.

### **3. APPROVAL OF MINUTES**

No minutes were submitted for approval.

### **4. PUBLIC APPEARANCES**

The following citizens spoke regarding item 9 of thisagenda (Air Center East):

James Hummer, 703 2<sup>nd</sup> Street, Suite 110,representing the applicant, requested a continuance on this item

Donna Strom of 2730 Ash Drive spoke in opposition tothe project, indicating that the soil on the subject property is contaminated and that theSouthwest Area Plan Master Environmental Impact Report (EIR) is insufficient for a project of this size. She requested that the Planning Commission deny this project and orderanother EIR.

Duane De Witt, P.O. Box 3068 of Santa Rosa spoke inopposition to the residential development of the Southwest Area, indicating thatconstruction in the area is occurring before the infrastructure is in place, resulting inunsafe traffic conditions. Mr. De Witt also noted his concern over the construction of abuilding in the Apollo Way area, apparently prior to permits being obtained.

Theodore Garcia, 1112 Yuba Drive, stated hisopposition to this project because the EIR is incomplete, the site is considered toxic bythe Regional Water Quality Control Board, and the infrastructure is insufficient to carrythe load of increased traffic resulting from this proposed subdivision.

Jim Paschal of 4350 Price Avenue, President of theSouthwest Area Citizen's Group, read a statement expressing concern that the SouthwestArea Plan approved residential construction is taking place ahead of infrastructure andamenities such as shopping centers and parks, and that the open space approved in the Planhas been reduced.

Carolyn Dixon of 1027 Leddy Avenue distributed astatement to the Commissioners and indicated her opposition to this project. She statedthe need for road improvements, including a connecting bike lane from Sebastopol Road toFulton Road. Ms. Dixon also indicated that Southwest Area Plan goal NRC-1, Objective 1.1,and Policy 1.1.4 regarding preserving and maintaining open space have not beenimplemented, and expressed her concern over the City's lack of open space policies aslisted in the Southwest Area Plan.

Alan Buchman of the State Department of Fish and Gamereviewed the statement he distributed to the Commissioners in which the Department of Fishand Game notes its concern over the impact the proposed project may have on adjacentwetlands and recommends a larger setback along the Roseland Creek corridor.

Denis Crockett, 1200 Yuba Drive, expressed concernabout the Roseland Creek channel, and wanted

confirmation that this project, if approved, will be required to widen and improve the channel. Additionally, Mr. Crockett requested that the bike lane proposed in this project be built early in the project, noting that several projects, including OCLI, have been completed without improvements being made to the bike path or channel.

Commissioner Denietolis arrived at 3:32 p.m.

## **5. PLANNING COMMISSIONER'S REPORT**

Commissioner Dias requested that a committee be formed to create a special residential zone for the downtown core area, this special zoning to include waivers of certain costs and assessments in order to encourage builders to develop downtown housing.

Commissioner Denietolis reported that one of the major concerns of the Sub-committee on Downtown Housing is land availability. Alan Strachan, a member of the Sub-committee has recommended, as has R/UDAT, that a joint venture between the City and private developers could provide buildable space above existing parking garages, as providing parking for future residents is an issue of downtown residential development.

Commissioner Dias stated that existing office buildings area commodity, and suggested that the existing committee be asked to look into the special zoning. The Commissioners concurred.

## **6. DEPARTMENT REPORT**

Deputy Director Chuck Regalia reminded the Commissioner that a regular meeting of the Planning Commission will take place on December 17, 1998, at 6:00 p.m., in the City Council Chamber at City Hall.

## **7. STATEMENTS OF ABSTENTIONS BY COMMISSIONERS**

Commissioner Edwards stated that she will abstain from items twelve, thirteen, fifteen and sixteen, as the entity involved in each of these items is either a client of her firm or clients of her firm are investors in the businesses represented.

Commissioner Carlile stated that he will abstain from items nine, eleven and thirteen, as his firm is working on those projects.

## **8. CONSENT AGENDA**

### **8.1 CONDITIONAL USE PERMIT - McRae Second Dwelling Unit - 1682 Greeneich Avenue - File Number CUP98-304**

Staff noted in response to Commission questions that this project has been conditioned to put in a driveway cut, and that City Ordinance requires owner-occupation of second dwelling units, confirmation of which must be recorded prior to issuance of a building permit.

### **8.2 FINAL MAP MODIFICATION - Fountain Grove Corporate Center Arterial Vascular Engineering (AVE) Building 'C' - 3596 Round Barn Boulevard - File Number MJMD98-002**

Commissioner Carlile noted that the exchange of open space outlined in the conditions of this project has increased the overall open space on this property by 8,000 square feet.

**MOTION:** Commissioner Carlile moved and Commissioner Denietolis seconded approval of the Consent Agenda and waived reading of the text for:

**RESOLUTION NO. 9412:** Making Findings And Determinations And Approving a Conditional Use Permit For The McRae Second Dwelling Unit - Located at 1682 Greeneich Avenue - File Number CUP 98-0304

**RESOLUTION NO. 9413:** Approving a Negative Declaration For The Fountaingrove Corporate Centre Final Map Modification (A. V. E.) Of Property Located at 3593 Round Barn Boulevard - File Number MJMD98-002

**RESOLUTION NO. 9414:** Approving a Final Map Modification for Fountaingrove Corporate Centre (A.V.E.), 3593 Round Barn Boulevard - File Number MJMD98-002

The motion carried by the following vote:

Ayes: (7) (Carlile, Cummings, Denietolis, Dias, Edwards, Johnson, Blanchard)

Noes: (0)

Abstentions: (0)

Absent: (0)

Commissioner Carlile abstained from discussion and vote on the following item.

**9. CONTINUED ITEM - MAJOR SUBDIVISION AND CONDITIONAL USE PERMIT Air Center East, Phase I - to Subdivide 45 Acres of the Old Naval Air Station Property into 207 Single Family Lots, Two Park Parcels, and Two Landscape Parcels - File Number MJP98-019**

Deputy Director Chuck Regalia stated that this item is a continuation of a request to subdivide a 45+ acre portion of the former Old Naval Air Station into 207 single family lots, two landscape parcels and two park parcels.

**MOTION:** Commissioner Denietolis moved and Commissioner Cummings seconded a motion to continue this item to a date certain of January 14, 1998. The motion carried by the following vote:

Ayes: (5) (Cummings, Denietolis, Dias, Edwards, Johnson, Blanchard)

Noes: (0)

Abstentions: (1) Carlile

Absent (0)

Commissioner Carlile resumed participation in the meeting.

**10. PUBLIC HEARING - ANNEXATION/PREZONING - MONTE VERDE ISLAND**

City Planner Sonia Binnendyk stated that this is a request to annex and prezone 23 lots consisting of approximately 24 acres to the RR-40 (Rural Residential), RR-20 (Rural Residential), and R-1-6 (Single Family Residential) Districts. It is proposed that 17 of the parcels are prezone to the RR-40 District, with the remaining 6 parcels (5305, 5317, 5329, 5341, 5409, and 5421 Monte Verde Drive) being prezone to the RR-20 and R-1-6 Districts.

The General Plan designates most of the annexation area for Very Low Density Residential land uses, permitting a maximum of 2 units per acre. The only area in a different land use category is the rear portion of 6 lots along Spain Avenue, which are designated Low Density Residential, with a permitted density range of 2 to 8 units per acre. The proposed prezone districts have been tailored to be consistent with these General Plan designations.

Residents in the annexation area have expressed a strong desire to preserve the rural character of the portion of Monte Verde Drive currently in the County by retaining the existing large lots and avoiding urban street improvements. The proposed zoning districts address these concerns by precluding future lot splits within the annexation area, except along Spain Avenue. The RR-40 District will not permit any of the 17 lots proposed for this designation to subdivide. The RR-20 and R-1-6 Districts proposed for the six lots with frontage on both Monte Verde Drive and Spain Avenue will allow these lots to subdivide in the future, but still retain a rural character along Monte Verde Drive. The intent is to permit the rear portion of these parcels to eventually develop with single family lots matching the lotting pattern and number of lots on the opposite side of Spain Avenue, but retain acre lots along Monte Verde Drive.

Residents are requesting annexation largely to obtain access to city sewer service. After annexation, residents intend to create an assessment district to pay for installation of a sewer line in Monte Verde Drive. A water line has previously been installed; therefore, city water service is already available.

Paul Bussard, 5232 Monte Verde Drive, representing the neighborhood, explained that the reason that annexation is requested is to install a sewer line to protect the area wells from contamination. Some of the homeowners want to expand and improve their homes, but are prohibited from doing so because of County regulations regarding septic systems. The majority of the neighborhood supports the annexation and is in favor of creating an assessment district to pay for the sewer line as described by Ms. Binnendyk.

Chairman Blanchard opened the Public Hearing.

The following residents spoke in support of this annexation:

Charles Gordon, 920 Jack London Drive, soon to be a resident of 5521 Monte Verde Drive, is requesting rezoning to the RR-20 District to permit a future lot split for a home and granny unit. James Hummer, representing the Grandalls of 5220 Monte Verde Drive, also requested rezoning to the RR-20 District to permit a future lot split, pointing out that his client's lot is twice as wide as the other lots along Monte Verde Drive and, if split, will be the same width as the other lots. Charlene Bornstein, 5317 Monte Verde Drive supported the annexation and also indicated her support for the RR-20 District at 5220 Monte Verde Drive only, pointing out an open ditch which currently presents a safety hazard that could be fixed if the lot was subdivided. David Hoffman, 5318 Monte Verde Drive referred to perk problems associated with the area's septic systems and how these problems complicate making home additions. He thought the proposal was a good compromise and wanted to see the rural character of the area preserved. Doug Lawrence, 5421 Monte Verde Drive, indicated that the proposal was a good compromise which addressed past concerns about street improvement costs and loss of area character. Larry Jefferson, 5330 Monte Verde Drive, stated his support of the proposal and indicated that rezoning 5220 Monte Verde Drive to the RR-20 District was acceptable. He opposed any street improvements beyond those currently existing.

Chairman Blanchard asked those members of the audience who supported the proposal to raise their hands. The majority of the Monte Verde Drive residents who were present raised their hands.

There being no one else wishing to speak, Chairman Blanchard closed the public hearing.

Ms. Binnendyk stated that staff would have no concerns about rezoning 5220 and 5521 Monte Verde Drive to the RR-20 District if it is supported by the neighborhood.

Commissioners Denietolis and Carlile indicated their opposition to allowing annexation while limiting the ability to subdivide and without requiring street improvements. Rezoning all of the island to the RR-20 and R-1-6 Districts will permit subdivision if desired, and those owners who subdivide but wish to defer improvements may pay the deferral fee.

Deputy Director Chuck Regalia clarified that the property owners have reached concurrence on the desire to annex to the City at the densities listed in the staff report. The property owners have worked with the City for the past five years to develop an annexation proposal, and two years ago had garnered support

for the annexation and assessment district among themselves, but before the annexation could move forward Proposition 218 was passed, delaying the application while the issues of the Proposition affecting the annexation and assessment district were worked out. The current application has now come before the Planning Commission, and if it is approved, the property owners must hold two elections: one to approve the annexation and a second to create the assessment district to pay for the sewer. **The majority of property owners want to be annexed and still maintain the rural character of the neighborhood, however if the Planning Commission approves the annexation at a higher density than requested, the annexation and assessment district will not be supported by the property owners in their elections, and the island will not be annexed into the City.**

Commissioner Johnson stated his preference to zone all of the lots in the island to the RR-40 District to maintain the status quo.

Commissioner Dias stated her support for the proposal, noting that it is City policy to eventually annex all of the County islands into the City, and that this Planning Commission makes every effort to comply with the wishes of the applicant(s) if possible. This item as proposed presents an opportunity to achieve these ends.

Commissioners Blanchard and Edwards expressed their concurrence with Commissioner Dias.

Ms. Binnendyk, responding to questions of Commissioner Cummings regarding installation of street improvements stated that, as the tentative maps for the subject area are presented for approval, it is anticipated that staff will require the street improvements to be installed along Spain Avenue at the time of the lot split, and that the improvements for lots fronting Monte Verde Drive will be deferred with a covenant recorded obligating those property owners to install the street improvements in the future.

Commissioner Denietolis expressed his opposition to the item, as the proposed zoning is inequitable and it is imprudent of the City not to require street improvements on Monte Verde Drive. Due to the island's need for sewer connections and the desire of some of its residents to enlarge their homes, the island will eventually annex without the conditions currently proposed.

Commissioners Johnson and Carlile indicated their agreement with Commissioner Denietolis.

Commissioner Cummings ask that the gravel path on the south side of Monte Verde Drive be extended over the Grandall property to Calistoga Road.

**RESOLUTION NUMBER 9415:** Commissioner Dias moved and Commissioner Edwards seconded a Resolution Recommending That the City Council Approve and Adopt a Negative Declaration for the Proposed Rezoning and Annexation of the Area Recommended to Be Included Within Northeast Santa Rosa 5-98, and Further Recommending That the Area Be **Rezoned to the City's RR-40, RR-20, and R-1-6 Districts -File number ANX98-010** and waived the reading of the text. The motion carried by the following vote:

**Ayes: (4) (Cummings, Dias, Edwards, Blanchard)**

Noes: (3) (Carlile, Denietolis, Johnson)

Abstentions: (0)

Absent: (0)

Chairman Blanchard called a recess at 4:50 p.m.

## Prezones proposed annexation - Northeast Santa Rosa Reorganization 5-98 (Monte Verde Island)

February 2, 1999

### ORDINANCE NO. 3405

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA PREZONING THE AREA INCLUDED WITHIN PROPOSED NORTHEAST SANTA ROSA 5-98 ANNEXATION (MONTE VERDE COUNTY ISLAND) - FILE NUMBER ANX98-010

THE PEOPLE OF THE CITY OF SANTA ROSA ENACT AS FOLLOWS:

Section 1. The Council finds, based on the evidence and records presented, that the prezoning designations of **RR-20 (Rural Residential), RR-40 (Rural Residential), and R-1-6 (Single Family Residential)** Districts are the appropriate classifications of the properties identified in Section 2 and such classifications are consistent with the Santa Rosa General Plan in that:

- The properties are situated within the Very Low Density Residential and Low Density Residential areas as shown on the Land Use Graphic of the City's General Plan, which designations permit rural residential and single family residential development and existing non-conforming uses.
- The prezoning provides rural and single family residential land uses in conformance with the policy of the Land Use Element of the City's General Plan.
- Adequate City services can be provided for the proposed annexation area.
- For the reasons set forth above, the proposed annexation would not adversely impact and would enhance the achievement of the Land Use goals and policies contained in the General Plan.

The Council has read, reviewed, and considered the approved and adopted Negative Declaration for this project and determines that this prezoning will not have a significant effect on the environment as shown by said Negative Declaration.

Section 2. All conditions required by law having been satisfied and all findings with relation thereto having been made, the "Zoning Map of the City of Santa Rosa," as described in section 20-01.010 of the Santa Rosa City Code, is amended so as to place the following prezoning designation on the following identified properties:

Sonoma County Assessor's Parcels numbered 030-160-009, -010, -013, -015 to -024, -033, -034, -043, -050, -057, -061 to -065, totaling approximately 24 acres, are prezoned to the City's **RR-20 (Rural Residential), RR-40 (Rural Residential), and R-1-6 (Single Family Residential)** Districts, as shown in Exhibit "A" attached hereto.

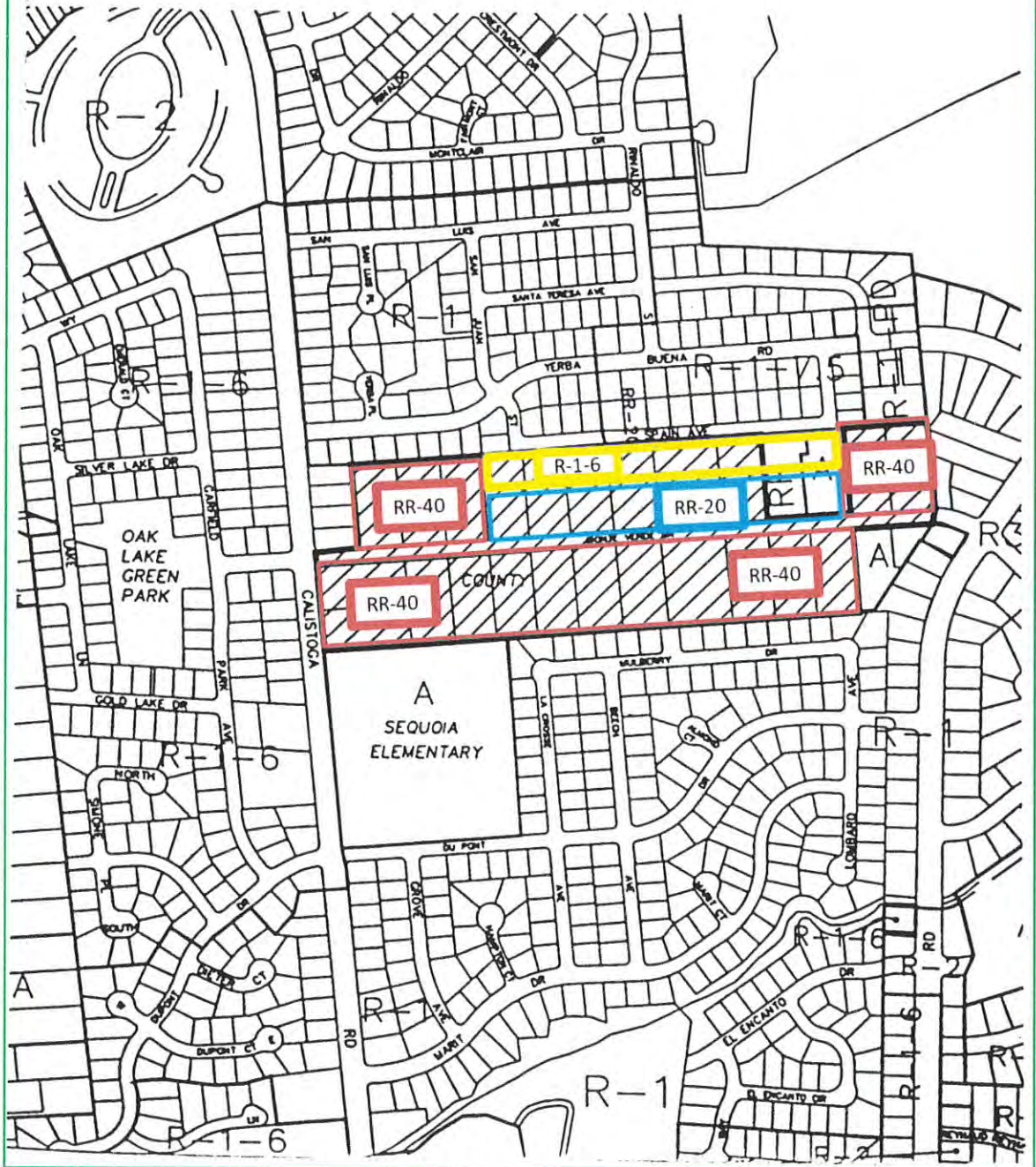
Section 3. In accordance with the provisions of section 20-02.287 of the Santa Rosa City Code, the prezoning designations set forth in Section 2 and Exhibit A of this ordinance shall become the zoning classifications of the parcels of real property, as therein identified, at the same time their annexation to the City of Santa Rosa is completed.

Section 4. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 2<sup>nd</sup> day of February, 1999.

**MAP OF BOUNDARIES  
OF  
NORTHEAST SANTA ROSA REORGANIZATION NO. 5-98**

The cross lines show the area included within pending Northeast Santa Rosa Reorganization No. 5-98. If the annexation is approved by the voters, all properties within the cross-lined area will become a part of the City of Santa Rosa.



**Exhibit A**



While they allow considerable flexibility, state planning laws do establish some requirements for the issues that general plans must address:

- *The General Plan Must Be Comprehensive.* The general plan must be geographically comprehensive – that is, it must apply throughout the entire incorporated area and include other areas that the city determines are relevant to its planning. Also, the general plan must address the full range of issues that affects the city's physical development.



*Twelve neighborhood meetings, and numerous Program Management Team workshops were held as part of the General Plan update process.*

- *The General Plan Must Be Internally Consistent.* The General Plan must fully integrate its separate parts and relate them to each other without conflict. "Horizontal" consistency applies to figures and diagrams, background text, data and analysis, and policies. All adopted portions of the general plan, whether required by state law or not, have equal legal weight.
- *The General Plan Must Be Long Range.* Because anticipated development will affect the city and the people who live and work there for years to come, state law requires every general plan to take a long-term perspective.

State law also requires that the city provide an annual report on the status of the plan and progress in its implementation. The Planning Commission and City Council hold a joint study session each March to review the General Plan annual report.

### 1-3 PUBLIC PARTICIPATION

---

Santa Rosa 2035 depends largely on the extensive public participation program conducted for its predecessor General Plan, *Santa Rosa 2020*, since the revision process to develop Santa Rosa 2035 was focused on updating the Housing Element, incorporating policies from recently adopted planning efforts, and including policies related to climate protection. Public participation efforts were centered on the Housing Element and are described in greater detail there. In response to testimony at Planning Commission public hearings held regarding Santa Rosa 2035, commissioners reviewed the General Plan element by element to facilitate increased public participation, and dialogue between stakeholders.

Public participation in preparation of the 2020 General Plan occurred in a variety of ways. An oversight committee - the General Plan Program Management Team (PMT) - was formed of elected and appointed officials and members of the public. The PMT met throughout 2000

In preparation of the prior general plan, *Santa Rosa 2020*, various background reports were prepared. These reports may be reviewed at the City of Santa Rosa's Department of Community Development.

## **1-7 CHANGING THE GENERAL PLAN**

---

As the city's premier policy document, the General Plan is not changed without good cause. The City Council, Planning Commission, or staff, in reviewing the General Plan, may find that certain portions should be changed due to circumstances which arise within the community. Amendment of the General Plan may be necessary due to changing policies of the City Council or if it is found through periodic review that certain portions of the Plan are inadequate or do not meet the needs of the community.

The General Plan Land Use Diagram or the text of any element may be amended. General Plan Amendment applications may be filed by individual applicants or may be initiated by the Community Development Director, Planning Commission or City Council. Concurrent processing of General Plan Amendments with other land use applications is permitted.

Applications for General Plan Amendment must address why an amendment is warranted, describe events which have rendered the General Plan inadequate or unattainable, and describe any studies which have brought policies or portions of the plan into question.

The General Plan may be amended three times per year. The Planning Commission shall conduct hearings regarding General Plan Amendment applications in February, June and October of each year. The City Council shall conduct hearings after consideration of the Planning Commission, in March, July and November. To meet this hearing schedule, the following application deadlines are established: February 1 for hearing in June; June 1 for hearing in October; and October 1 for hearing in February. When the first day of the month falls on a weekend, the following Monday is the final day for submittal.

*The current voter-approved Urban Growth Boundary (UGB) will expire in 2016. While it is likely that the General Plan will be comprehensively updated before then, current projections indicate that there is sufficient land available within the UGB to accommodate growth needs until 2035.*

**GM-A-2** Clarify to project applicants that the low-intensity General Plan designations are not "interim" and that the intent of these designations is to accommodate a variety of housing types within the UGB, rather than reserve areas for future development.

*This applies specifically to the rural Very Low Density Residential designation, as rural residential pockets will be retained within Santa Rosa's UGB to accommodate all lifestyles.*

**GM-A-3** Work with the Local Agency Formation Commission (LAFCO) to amend the city's Sphere of Influence to be coterminous with the adopted Urban Growth Boundary.

**GM-B** *Program infrastructure improvements to keep pace with new residential growth, and ensure that such growth incorporates affordable housing provisions and is balanced with conservation of resources.*

**GM-B-1** Limit the number of new housing units granted allotments per year, as provided in Table 8-1.

**Table 8-1: Schedule of Housing Units Allotments**

<i>Timeframe</i>	<i>Maximum Housing Allotments per year</i>
2006-2010	900
2011-2015	850
2016-2020	850
2021-2025	800
2026-2030	800
2031-2035	800

**GM-B-2** Ensure that the city's Growth Management Ordinance continues to be a mechanism to achieve the community's housing goals.

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
SUBJECT: SUMMER 2014 GENERAL PLAN AMENDMENT PACKAGE:  
HOUSING ELEMENT UPDATE  
STAFF PRESENTER: ERIN MORRIS, SENIOR PLANNER  
COMMUNITY DEVELOPMENT  
  
AGENDA ACTION: RESOLUTION

---

ISSUE

Should the Council approve the Housing Element Update General Plan Amendment?

BACKGROUND

1. Santa Rosa General Plan 2035, including the Housing Element, was adopted on November 3, 2009 and the Housing Element was certified by the State Department of Housing and Community Development (HCD) on March 4, 2010. Certification means that the State found the 2009 Housing Element to be in compliance with State law. The Housing Element was revised with adoption of the North Station Area Specific Plan on September 18, 2012 and recertified on October 25, 2012.
2. The proposed General Plan amendment would update the Housing Element of the General Plan to address housing needs in Santa Rosa from 2015 to 2023. The Housing Element focuses on achieving the goal of safe and affordable housing for all segments of the city's population. It contains a comprehensive assessment of current and projected housing needs and identifies programs and strategies for meeting those needs. It also contains an evaluation of the effectiveness of Santa Rosa's current housing programs, and sets quantified objectives for new housing development (based on regional housing need) by income category and rehabilitation and preservation of existing housing.
3. State law requires every jurisdiction in California to adopt a comprehensive, long-term General Plan to guide its physical development. The Housing Element is one of seven mandated elements of the General Plan. California housing element law requires that each city and county develop local housing programs to meet its "fair share" of existing and future housing needs for all income groups.

4. The Association of Bay Area Governments (ABAG) is responsible for developing and assigning these regional needs, or Regional Housing Needs Allocations (RHNA), to the jurisdictions in the nine county Bay Area region. Santa Rosa's RHNA is 4,662 residential units of which 1,528 must address housing needs for low, very low, and extremely low income households, 759 must address housing needs for moderate income households, and 2,375 must address housing needs for above moderate income households. Consistent with the current RHNA planning period, the proposed Santa Rosa Housing Element is an eight-year plan extending from 2015 to 2023.
5. California Government Code Section 65583(a)(7) requires "an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs." A housing element does not propose development of any residential uses, but serves as a planning document that establishes goals, policies, and objectives relative to the provision of housing needs for all income levels and identifies sites where existing zoning allows residential development.
6. In some jurisdictions, additional land could need to be designated or zoned for residential development to accommodate that jurisdiction's fair share of housing. The City has adequate land zoned for residential development to accommodate the City's RHNA, **so no change is needed to the designation or zoning of any land to accommodate Santa Rosa's RHNA.**
7. Work on the Housing Element update began in August 2013. Three Community Workshops were held in October 2013, December 2013, and January 2014. The Draft Housing Element has been available for public review and comment since March 5, 2014.
8. For the first time, State HCD has offered a streamlined review process for cities with certified housing elements. The streamlined review process allows cities to utilize the existing housing element as the starting point, recognizing that much of the information in housing elements found to be in compliance with the statute for the previous planning period is still current and/or particular conditions and circumstances have not significantly changed since the last update.
9. The City of Santa Rosa was found eligible for the streamlined process and has utilized it. The current revision process includes new public outreach to ensure public participation in the update. The State's review of the Housing Element was focused on the changes to the certified element and issues raised by members of the public. Santa Rosa has received pre-approval of the Draft Housing Element with a condition that the changes identified in Attachment 2 be made to the final document.
10. The Draft Housing Element document shows changes through a combination of highlighting and tracked changes (underline and strikeout). Section headers for sections in which there was significant change, including the needs assessment

and public outreach discussion, are highlighted in yellow to indicate that much of the data and analysis is new or updated. In sections showing tracked changes, the table heading for updated tables is highlighted. Tables do not show tracked changes.

11. Overview of Draft Housing Element

The Draft Housing Element is divided into seven substantive sections and includes detailed tables in the appendix. Since the Draft Housing Element was released for public review on March 5, 2014, City staff has discussed changes to the Draft with HCD staff that would ensure compliance with State law. In response to these discussions, City staff developed a list of proposed changes to the Draft (Attachment 2) that would ensure that the Housing Element is certified by HCD.

Each of the main sections of the Housing Element is described below with the recommended changes highlighted in each section description.

**Housing Needs Analysis** (pages 4-2 to 4-27)

This section was fully updated with new, current data about population and housing characteristics, employment and incomes, and housing costs. Most of the data came from the Association of Bay Area Governments (ABAG), which provided every city with a packet of data pre-approved by State HCD. Original main data sources include the 2000 and 2010 US Census and data from the 2007-2011 American Community Survey.

This section includes updated housing affordability and local housing supply analyses, updated information about persons with disabilities, special types of households such as female-headed, large families, and the elderly, and updated data about the local homeless population and analysis of housing needs for homeless people. Information is also provided about farmworker housing needs, and in response to recent state law changes, the Needs analysis includes data and discussion about the housing needs of persons with developmental disabilities.

*Proposed Changes*

**Housing Conditions.** HCD requested that the City provide additional information about the age and condition of housing in Santa Rosa. Neighborhood Revitalization Program (NRP) staff provided information about housing conditions in the eight NRP areas, which include Apple Valley, Aston Avenue, Corby/Beechwood, Heidi Place, Olive Corby, South Park, Sunset McMinn, and West Ninth. The City inspects approximately 2,000 units per year as part of NRP. Among units inspected, approximately 20 percent are in need of rehabilitation and, among those, 1 to 2 percent are severely deteriorated.

Proposed text changes to the Draft Housing Element are identified in Attachment 2.

Farmworker Housing Needs. HCD and a local interest group called Sonoma County Housing Advocacy Group requested that the housing element include additional information about farmworkers. It is difficult to obtain data about farmworkers in Santa Rosa because there is no definitive source to determine how many of Sonoma County's farmworkers live or seek housing in Santa Rosa. Staff contacted the Migrant Education program for Santa Rosa, housed in Butte County, and received data on the number of students from migrant families attending school in Santa Rosa which supplements the analysis by providing data about students from migrant families in Santa Rosa schools and related housing needs. Additional information is included in Attachment 2.

### **Constraints and Resources (pages 4-28 to 4-55)**

The major constraints to housing development are analyzed in this section, including infrastructure, development fees, application processing, land use controls, and natural resources. Since adoption of the Housing Element, the City amended the Housing Allocation Plan in 2012 to make fee payment the primary method of compliance, updated the Housing Allocation Plan impact fee in 2013, and adopted a new fee schedule for planning and building services in January 2014 to achieve partial cost recovery. The revised text and tables include current information about these three topics and include updated discussion of the development review process for affordable housing projects.

The zoning discussion was updated to reflect the 2011 changes regarding how homeless shelters, transitional housing, and supportive housing uses are regulated by the Zoning Code. Constraints to housing development such as land costs, construction, and financing were also updated.

The discussion of Affordable Housing Programs, beginning on Page 4-48, was updated to acknowledge the loss of Redevelopment Agency funds to support affordable housing development, to identify remaining funding sources, and to identify potential future sources. On page 4-51, the Real Property Transfer tax is discussed and a new policy identified that the City should consider increasing the amount of money allocated from the transfer tax to affordable housing development.

Preservation of existing housing units restricted for use as affordable housing is described on pages 4-53 to 4-55, including a list of 873 units that are at risk of converting to market rate between 2015 and 2025. City Housing staff is engaged in ongoing communications with the management and owners of these units in an effort to retain the units as restricted affordable housing units.

### **Regional Housing Needs Allocation (pages 4-56 to 4-57)**

This section provides information about Santa Rosa's housing needs allocation from ABAG. Santa Rosa's RHNA is 4,662 residential units of which 1,528 must address housing needs for low, very low, and extremely low income households, 759 must address housing needs for moderate income households, and 2,375 must address housing needs for above moderate income households. The proposed Santa Rosa Housing Element is an eight-year plan extending from 2015 to 2023.

#### **Sites Inventory and Analysis** (pages 4-58 to 4-73)

This section discusses the City's inventory of sites that are appropriately zoned, available, and suitable to provide opportunities for housing for all segments of the community. All vacant sites designated for residential land uses are inventoried in the Housing Appendix (pages 4-106 to 4-148) including site size, expected residential unit yield, and whether the sites are zoned consistent with the General Plan.

In this section of the Housing Element, the City must demonstrate that identified sites will allow the RHNA to be met. Table 4-34 (page 4-59) identifies how the City will meet its regional needs allocation by income category. HCD considers sites designated Medium High Density, Transit Village Medium, and Transit Village Mixed Use as the most likely locations for new affordable housing development in Santa Rosa since these sites accommodate residential densities of 30 to 40 units per acre, with no upper limit in the Transit Village Mixed Use designation. The City must demonstrate to HCD that there are enough vacant sites, and/or sites with approved development projects, with the higher density general plan designations and zoned consistent with the General Plan, to provide 1,528 units of housing that could be affordable to extremely low, very low, and low income households.

Figure 4-1 on page 4-65 shows the location of the higher density vacant sites and underutilized sites that could accommodate the units for extremely low, very low, and low income households. For moderate and above moderate income households, the City must demonstrate that lower density sites will provide 3,134 units by 2023. As indicated in Table 4-34, the City has sufficient sites to accommodate these units within the planning period.

This section was also updated to recognize that the City has five Priority Development Areas that are expected to provide opportunities for higher density residential development along transit corridors.

#### *Proposed Changes*

Table 4-38 identifies three Medium High Density sites as "not served" by sewer and water. The sites are within 300 feet of existing sewer and water lines, so



they are considered served. The table would be updated to reflect this, and the text on page 69 adjusted to reflect that all Medium High Density sites are served.

#### **Public Participation** (pages 4-74 to 4-83)

This section was fully updated to outline the public outreach conducted and public input gathered during development of the Housing Element. As described in greater detail in the Draft Housing Element, the City held three community workshops, conducted an online survey, and held a service-providers roundtable to seek input from a diverse list of groups and individuals. Table 4-39 on page 4-75 identifies the list of groups that were invited to participate. Comments from each meeting and from the online survey are summarized on pages 4-75 to 4-82.

#### **Housing Accomplishments** (pages 4-84 to 4-86)

The Housing Accomplishments section of the Draft Housing Element focuses on reviewing the progress toward accomplishing the seven main goals of the Housing Element. The seven goals are as follows:

- Goal H-A: Meet the housing needs of all Santa Rosa residents.
- Goal H-B: Maintain and rehabilitate, as needed, the existing affordable housing supply within Santa Rosa.
- Goal H-C: Expand the supply of housing available to lower-income households.
- Goal H-D: Provide housing for households with special needs.
- Goal H-E: Promote equal access to housing.
- Goal H-F: Remove constraints to very low- and low-income housing production.
- Goal H-G: Develop and rehabilitate energy-efficient residential units.

As discussed in this section, much has been accomplished between 2007 and 2014, the planning period addressed in the Housing Element. These accomplishments include adoption of the Downtown Station Area Specific Plan and North Santa Rosa Station Area Specific Plan, and associated rezonings, rezoning of other higher density sites outside of the station areas for consistency with the General Plan, implementation of various city programs to maintain and help renovate existing housing units, and issuance of 706 building permits for housing affordable to very low- and low- income residents.

The Housing Element Appendix, included on pages 4-149 to 4-163, offers a detailed analysis of housing accomplishments since 2007 related to these seven goals and related policies. This information, presented in the form of Table 4-53, identifies quantitative accomplishments where possible and indicates whether each policy is recommended to be deleted, kept, or modified.

#### *Proposed Changes*

Staff is recommending that the text on page 85 be updated to clarify that the 706 issued permits includes both units that are deed-restricted for affordability to households within a certain income category, and unrestricted units that were determined to be affordable based on a review of rents and sales prices in comparison to affordability. 456 units were deed-restricted for long-term affordability, and the remaining 250 were unrestricted units. Of the 706 units, 684 received final inspection and 22 were not completed.

#### **Goals and Policies (pages 4-87 to 4-105)**

This section has been updated based on the analysis of the goals and policies effectiveness presented in Table 4-53 and reflects public input gathered at the community workshops. The seven goals and associated policies are proposed for revision using ~~strikeout~~/underline text. In addition, a time frame is identified for each policy. The specified time frames provide a future work program for Community Development staff, particularly in the case of policies that call for additional study of a housing issue.

Many policies are recommended for modification to be consistent with changes to local and State laws since 2007. For example, H-B-2 pertaining to subdivision of mobile home parks was revised to eliminate reference to a local ordinance that was repealed and to reference compliance with State law, which was recently updated to clarify how resident surveys are considered in the conversion process. Policies H-C-1 and H-C-3 pertaining to the Housing Allocation Plan were deleted, since these policies have been implemented, and replaced with modified H-C-2 to reflect the updated Housing Allocation Plan ordinance.

Some policies are recommended for deletion. In some cases, policies are recommended for deletion because they include work items that were completed, such as updating the Housing Allocation Plan, updating the density bonus ordinance, and updating the Zoning Code to address supportive and transitional housing and to allow emergency shelters as a permitted use in the General Commercial (CG) zoning district. Other policies were modified or deleted to recognize the loss of redevelopment funding due to the dissolution of the City's redevelopment agency.

In other cases, several policies regarding a similar topic were consolidated and updated. For example, H-D-14, -15, and -16 pertaining to affordable senior housing were deleted and H-D-13 was updated and renumbered as H-D-11 to comprehensively address housing for seniors.

There are several new policies proposed to address special needs groups, including developmentally disabled persons and young adults including former foster children. New policy H-D-12 encourages the provision of housing for young adults. Another new policy H-D-13 is proposed to ensure that the City of Santa Rosa stays apprised of the potential closing of the Sonoma Developmental Center which provides housing for developmentally disabled persons in Glen Ellen. If the Sonoma Developmental Center closes, there will be a countywide need for housing for current center residents.

Other new policies support establishment of new funding sources for affordable housing, including Policy H-C-14 which requires that the City Monitor and support state and regional efforts to establish a permanent dedicated revenue source for affordable housing development. Policy H-B-9 was revised and renumbered as H-B-7 and includes new direction that the City shall consider increasing the portion of the City's real property transfer tax designated for affordable housing development.

Based on public input, a new policy H-C-15 has been added to support the inclusion of amenities in new affordable housing developments including child care. H-D-10 calls for the City to explore new models for providing temporary housing solutions in response to emerging needs and emergency situations.

#### *Proposed Changes*

State HCD has requested that the City include three additional policies, including Policy H-C-16, H-E-3, and H-C-17, and that the City modify Policy H-A-1. New Policy H-C-16 would require that the City evaluate the use of "boomerang" funds, an allocation of increased property tax from former redevelopment project areas, for affordable housing projects and programs. Policy H-E-3 would require that the Zoning Code be updated to amend the definition of "family" to be consistent with State standards. Policy H-C-17 would require the City to evaluate reinstatement of zoning code provisions exempting sites designated Medium Density Residential and Medium High Density Residential from rezoning when affordable housing is proposed. These proposed changes were reviewed by Housing and Planning staff and determined to be acceptable.

The State requested that Policy H-A-1 be modified to reflect that adequate sites for development of a variety of housing types for all income levels should be available throughout the City. This is intended to be supportive of dispersing affordable housing sites in all areas of the City, including northeast Santa Rosa.

## **Appendix (Pages 4-106 to 4-163)**

The appendix includes detailed tables identifying the location and size of vacant parcels by General Plan land use category and whether each site is zoned consistently with the General Plan, located within proximity to transit, and served by sewer and water.

### *Proposed Changes*

Minor corrections are needed to both tables to reflect that three sites in the Medium Density Residential land use designation are incorrectly listed as “not zoned.” These sites would be moved from Table 4-49 to Table 4-48 and the acreage and unit totals adjusted accordingly.

The Housing Accomplishments table would be amended to reflect that from 2007 to 2014, the City issued permits for 706 units affordable to very low- and low-income residents. This figure includes both units that are deed-restricted for affordability to households within a certain income category, and unrestricted units that were determined to be affordable based on a review of rents and sales prices in comparison to affordability. Out of the 706 issued permits, 684 were completed and finalized. Among the 684 completed during this time period, 456 were deed-restricted for long-term affordability.

Lastly, the planning period time frame throughout the document would be changed from “2014 to 2022” to “2015 to 2023,” consistent with direction from HCD.

## ANALYSIS

### 1. Key Issues

#### **Loss of Redevelopment Funds**

The loss of redevelopment funding has had a significant impact on City funding of affordable housing projects. This issue has been addressed in the updated Housing Element and it is acknowledged that additional funding sources are needed to ensure that the City continues to support housing development. As discussed in the Goals and Policies section above, potential funding sources include allocating a greater share of the real property transfer tax to affordable housing and exploring use of “boomerang” funds.

#### **Adequacy of Housing Sites**

Provision of adequate sites to accommodate housing for all income levels is one of the key issues for certification of the Housing Element by State HCD. Santa Rosa has vacant land planned for new housing, expected to yield 13,080 units overall within the planning period, but the State is especially interested in how the City will facilitate housing for very low and low income households. The City must demonstrate that there are sufficient sites designated and zoned for development at a minimum of 30 units per acre to achieve 1,528 units within the eight-year planning period. This is because the State believes that sites with the higher density land use designations are most likely to be developed with housing affordable to very low and low income families.

The State's streamlined Housing Element update process is beneficial because it allows the City to build on the current Housing Element by continuing to rely on currently identified vacant and underutilized sites to meet the RHNA, recognizing that housing development over the past planning period was stymied by the economic downturn and not by the City's land use policies. The vacant sites identified in Table 4-38 are already designated by the General Plan and zoned to develop at 30 units or more per acre. These sites are expected to yield 1,516 residential units. There are 196 units of approved affordable residential projects, as identified in Table 4-35, that would bring the total number of approved and planned units potentially affordable to very low and low income households to 1,712, which is above the City's RHNA requirement of 1,528 units. Further, there are a number of sites with higher density land use designations and zoning that are developed but underutilized; these sites would potentially yield an additional 829 units.

There have been public comments expressing concern that most of the sites listed in Table 4-38 for future affordable housing development are in west Santa Rosa. Figure 4-1 shows the dispersal of the sites and while there are less sites in east Santa Rosa, there are some sites in east Santa Rosa. Because this is a streamlined Housing Element update, staff found that it was possible to utilize the same sites that were approved in 2009 to meet State requirements. These vacant sites are mostly located in northwest and southwest Santa Rosa.

For future Housing Element updates, especially if the City's RHNA increases, there will be a need to find additional sites throughout the City, including in east Santa Rosa, for higher density residential uses. In response to public comments about this issue, Policy H-A-1 is proposed to be modified to reflect that adequate sites for development of a variety of housing types for all income levels should be available *throughout the City*. This supports further dispersal of affordable housing sites in all areas of the City, including northeast Santa Rosa.

## **Housing and Services for Homeless People**

During the public meetings for the Housing Element update, especially the service provider roundtable, it became clear that services and housing for homeless individuals and families remains a key concern in Santa Rosa. Pages 4-21 through 4-24 provide updated information about the homeless population in Santa Rosa, based on the best available data. As discussed in this section, there are a variety of existing services and programs available to homeless people, but funding and meeting all of the needs remains challenging. Policies H-D-1, H-D-8, and H-D-9 indicate that the City will continue to provide funding and support to groups providing shelter and services to the homeless, and will explore new models for providing temporary housing solutions (Policy H-D-10).

### **SB 812: Planning for Persons with Developmental Disabilities**

Senate Bill (SB) 812 requires that the City include an analysis of the special housing needs of persons with a developmental disability within the community. As discussed on pages 4-17 to 4-18, "developmental disability" means a disability that originates before an individual attains age 18 years, continues or can be expected to continue indefinitely, and constitutes a substantial disability for that individual, which includes mental retardation, cerebral palsy, epilepsy, and autism. This term also includes disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but does not include other conditions that are solely physical in nature.

In order to develop this section of the Housing Element, City staff met with the North Bay Regional Center (NBRC) and received and incorporated data and anecdotal information. The NBRC is one of 21 regional centers in California that provide a point of entry to services for people with developmental disabilities. The NBRC has a field office in Santa Rosa, which provides services to all of Sonoma County. The center is a private, nonprofit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families. Implementation of housing policies H-D-3 and H-D-4 is expected to improve access to housing for developmentally disabled individuals by evaluating and addressing issues of "visitability" and universal design in residential building design. As stated in Policies H-C-4 and H-D-1, the City will support and fund services and developments targeted for developmentally disabled persons and households when funds are available.

While plans and a specific time frame have not yet been finalized, the State is slated to close the Sonoma Developmental Center, which houses more than 400 developmentally disabled people. The closure will result in a need for new housing sites for center residents. Policy H-D-13 directs the City to monitor the potential closing of the Sonoma Developmental Center and work with the NBRC, relevant agencies, other local jurisdictions, and housing and service providers to provide support and assistance.

## Other Issues

Housing advocates and members of the development community have expressed similar and different concerns about governmental constraints including development services fees, the provisions of the revised Housing Allocation Plan that make fee payment the primary method of compliance rather than provision of onsite affordable units for new development projects, and the recently revised Housing Allocation Plan impact fee. The Draft Housing Element acknowledges that fees are necessary to provide planning and building services and that the revised fees help recoup a larger portion of the actual costs expended in providing these services. The Housing Allocation Plan and associated Housing Allocation Plan impact fee were recently amended by the City Council. Impact fee payments are anticipated to be especially important to the development of affordable housing given the loss of redevelopment funds.

### 2. General Plan Consistency

Adoption of the Draft Housing Element would amend the General Plan to include the updated element. The required findings for approval of the General Plan Amendment, followed by a brief staff response, are as follows:

- A. The proposed amendment ensures and maintains internal consistency with the goals and policies of all elements of the General Plan.

*Response: The proposed Housing Element update is consistent with the land use chapter and diagram and all other elements of the General Plan. No new sites were designated for higher density housing as part of this Housing Element update. The General Plan will remain internally consistent.*

- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

*Response: The proposed amendment will ensure that the Housing Element continues to address important housing issues in Santa Rosa, and that the City's policies address emerging needs such as housing for the developmentally disabled.*

- C. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land use developments; and

*Response: This finding is not that relevant to the proposed General Plan amendment to update the Housing Element, since the changes apply citywide and the proposed update does not involve change to the General Plan land use diagram.*

- D. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

*Response: An Addendum to General Plan 2035 Environmental Impact Report was prepared.*

Based on the above analysis, staff concluded that the findings can be made to approve the General Plan amendment.

3. Public Participation

As highlighted in the Public Participation section above, public outreach for the housing element update was comprehensive and resulted in public input about housing issues in Santa Rosa and about existing and new housing policies. All of the organizations and individuals identified in the Draft Housing Element were notified when the draft was released, and written comments were received from Sonoma County Housing Advocacy Group, the Greenbelt Alliance, and the North Bay Association of Realtors. Comments were considered and changes were made to the Draft Housing Element in several cases. In other cases, the comments relate to issues that are already addressed in the housing element.

4. Environmental Review

An addendum to the Santa Rosa General Plan 2035 Environmental Impact Report (EIR) demonstrates that the analysis contained in the EIR adequately addresses the potential physical impacts associated with implementation of the City's Housing Element update and that none of the conditions described in California Environmental Quality Act (CEQA) Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

The General Plan includes land uses for residential development and the EIR analyzed the potential footprint effects of the development of those units and the demand for services and utilities that the additional population would generate. The EIR analyzed effects related to the location and intensity of the development of approximately 23,770 housing units in the urban growth boundary, which would increase the city's housing supply to a total of 94,840 housing units at build out. The proposed Housing Element update states that there is enough vacant land within the city limits to accommodate new housing units at all affordability levels. Therefore, the housing assumptions in the Housing Element would not exceed the assumptions for residential development in the General Plan EIR and no changes to the EIR would be required.

5. State Certification



The Housing Element is the only element of the General Plan that is required to undergo review and certification from the State of California. Review by State HCD commenced on March 5, 2014. During March and April 2014, Community Development staff had numerous conversations with State HCD about the Draft Housing Element and issues raised during the update process by community members. Based on these meetings, staff developed a list of changes to the Draft Housing Element (Attachment 2).

On May 1, 2014, State HCD provided a letter acknowledging that the Draft Housing Element has been found adequate and in compliance with State law with the changes identified in Attachment 2 incorporated into the final draft. Should the Council adopt the Draft Housing Element as amended by Attachment 2, it would be expected that the Housing Element would be certified within 90 days.

6. Planning Commission Action

On June 12, 2014, the Planning Commission held a public hearing regarding the proposed General Plan Amendment to update the Housing Element. Staff made a presentation, including highlighting two additional minor corrections to the Housing Element including acknowledging that the Social Advocates for Youth housing project is approved on page 4-24 and indicating that Policy H-B-4 is recommended for deletion on page 4-152. Also, staff provided the Planning Commission with a copy of a letter from the North Bay Association of Realtors received June 11, 2014.

Two speakers addressed the Planning Commission, including a representative of the North Bay Association of Realtors and an architect and city resident. The North Bay Association of Realtors was generally supportive of the Housing Element update and expressed support for two of the policies and concern about how other policies would be implemented. Staff explained to the Planning Commission that policies pertaining to energy efficiency were already part of the City's current Housing Element and that details of future programs will be determined at a later time when the programs are developed with additional public input. The Planning Commission discussed the item and adopted a resolution (7-0) recommending that the City Council approve the General Plan Amendment.

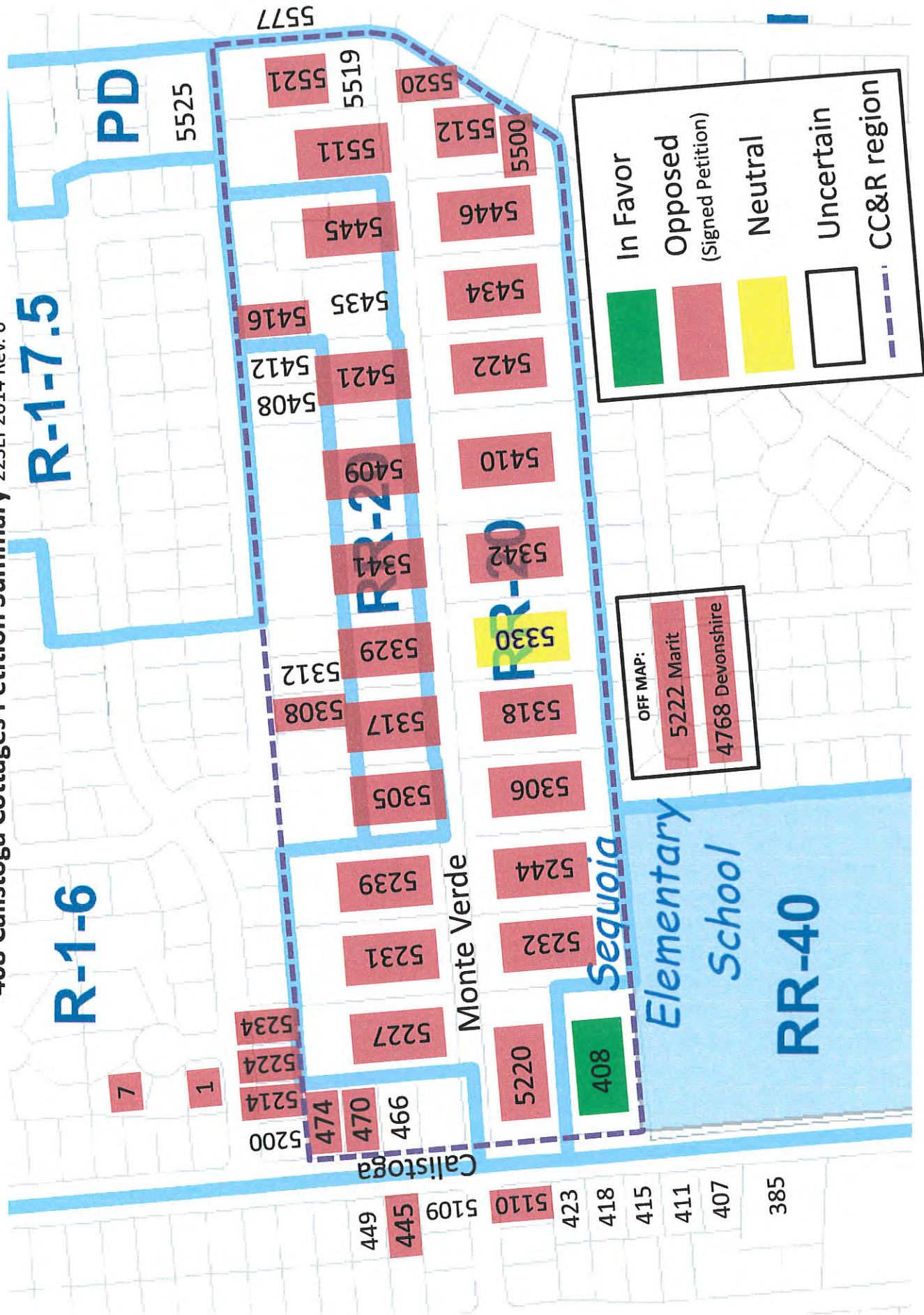
RECOMMENDATION

It is recommended by the Department of Community Development that the Council, by resolution, approve the General Plan Amendment to update the Housing Element.

Author: Erin Morris

Attachments:

- Attachment 1 – Draft Housing Element
- Attachment 2 – List of Recommended Changes to the Draft Housing Element
- Attachment 3 – Addendum to Santa Rosa General Plan 2035
- Attachment 4 – Agency Correspondence
- Attachment 5 – Public Correspondence
- Attachment 6 – Planning Commission Minutes June 12, 2014
- Attachment 7 – Planning Commission Resolution 11674
- Attachment 8 - Correspondence



# Reconsideration of the City Council Decision Regarding Calistoga Cottages

Paul Bussard and Lynn Denley-Bussard

November 18, 2014

## Summary

1. The 1999/2000 City Council promised to retain the rural nature of the Monte Verde County Island.

***"The proposed zoning districts address these concerns by precluding future lot splits within the annexation area, except along Spain Avenue. The RR-40 District will not permit any of the 17 lots proposed for this designation to subdivide."***

The City Council pre-zoned 408 Calistoga Road RR-40 (Rural Residential) and determined that the Very Low Density designation was consistent with the policies contained in the General Plan. (February 2, 1999, Ordinance No.3405).

Without the pre-zoning and promises to retain the rural character of the neighborhood, the residents would never have voted for annexation to the City.

2. The General Plan Amendment, Re-Zoning and tentative parcel Map must be denied since the Calistoga Cottages project is **not consistent with the General Plan.**

To comply with California state law, all pertinent General Plan goals and policies need to be raised and considered by City Officials, which was not done by the Planning Commissioners. City Staff selected certain goals in favor of the Developer and ignored specific policies which were violated by the project. This tainted the process (See Staff Report for Planning Commission, June 26, 2014 and Staff Presentation).

3. **The planner should never have recommended the Calistoga Cottages project** to the Planning Commission or the City Council because it is **not consistent** with 10 General Plan policies and goals and violates 2 specific, mandatory policies LUL-E-4 and GM-A-2.

The City Attorney should have warned the City Council that if they approve a project that is **not consistent with the General Plan, they are violating state law** (Zoning Code : 20-64.050, Government Code : 65300.5, 65860, 66473.5).

The City Council would have to change policies LUL-E-4 and GM-A-2 before the Calistoga Cottages project would be consistent with the General Plan.

CITY OF SANTA ROSA  
P.O. BOX 1678  
SANTA ROSA, CA 95402  
NOV 18 2014  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT

## **Reconsideration of the City Council Decision Regarding Calistoga Cottages**

Paul Bussard and Lynn Denley-Bussard

November 18, 2014

4. The applicants did not submit a complete General Plan Amendment application on October 1, 2013. The answers provided on June 11, 2014 do not have the necessary analysis or evidence required to justify a General Plan amendment.
5. The tentative parcel map submitted by the applicant and shown by the planner to the Planning Commission and City Council was inaccurate.
6. The Resolution written by the planner and signed by the Planning Commission was inaccurate.
7. The City Attorney misled the City Council when she claimed the 3 criteria for a General Plan Amendment were not required.
8. The mistakes, errors and omissions in the staff report and staff presentations show a clear pattern of prejudice in favor of the applicant and discriminate against the other residents in this neighborhood.

The current zoning of RR-40 for 408 Calistoga Road is consistent with the General Plan and no conditions in the neighborhood have changed to warrant a General Plan Amendment.

So, we ask the City Council to comply with California state law and uphold the appeal overturning the Planning Commission's decision and reject the General Plan Amendment, mitigated negative declaration, tentative parcel map and proposed zoning change.

## Reconsideration of the City Council Decision Regarding Calistoga Cottages

Paul Bussard and Lynn Denley-Bussard

November 18, 2014

### Detailed Report

1. When the Monte Verde County Island applied for annexation, there were conditions that needed to be met by the City of Santa Rosa to retain the rural character of our neighborhood.
  - Retain the large lot size (RR-40)
  - Zone the parcels that border Spain Avenue (RR-20 along Monte Verde and R-1-6 along Spain Avenue)
  - No future lot splits except along Spain Avenue

These conditions for annexation were clearly outlined by the planner during the Planning Commission Meeting, December 1998.

*"Residents in the annexation area have expressed a strong desire to preserve the rural character of the portion of Monte Verde Drive currently in the County by retaining the existing large lots and avoiding urban street improvements. **The proposed zoning districts address these concerns by precluding future lot splits within the annexation area, except along Spain Avenue.** The RR-40 District will not permit any of the 17 lots proposed for this designation to subdivide."*

The City Council pre-zoned 408 Calistoga Road RR-40 (Rural Residential) and determined that the Very Low Density designation was consistent with the policies contained in the General Plan. (February 2, 1999, Ordinance No.3405).

The City promised the Monte Verde County Island residents that the rural character of the neighborhood would remain. Without the pre-zoning and promises to retain the rural character of the neighborhood, the residents would never have voted for annexation to the City.

A rural Very Low Density pocket was created in 1999 when the Monte Verde County Island was annexed to the City. 408 Calistoga Road is a part of this rural pocket and **the same conditions exist today**; 1 house on about 1 acre, built in the 1950's, bordering Calistoga Road, providing a buffer for the rural community, with 11 Valley Oak trees on site, and adjacent to an extensive Valley Oak grove. Deer, and other small mammals, routinely roam the site.

All of the 17 lots zones RR-40 at annexation are still 1 house on about 1 acre. The only changes in our neighborhood took place before annexation.

- Pumping station at 462 Calistoga Road; site work completed in 1985
- Zoning R-1-6 for lots along Spain Avenue were part of a neighborhood agreement and approved by the City in 1999, prior to annexation.

## **Reconsideration of the City Council Decision Regarding Calistoga Cottages**

Paul Bussard and Lynn Denley-Bussard

November 18, 2014

2. The General Plan Amendment, Re-Zoning and tentative parcel Map must be denied since the Calistoga Cottages project is **not consistent with the General Plan**.

To comply with California state law, all pertinent General Plan goals and policies need to be raised and considered by City Officials, which was not done by the Planning Commissioners. City Staff selected certain goals in favor of the Developer and ignored specific policies which were violated by the project. This tainted the process (See Staff Report for Planning Commission, June 26, 2014 and Staff Presentation).

3. **The planner should never have recommended the Calistoga Cottages project** to the Planning Commission or the City Council **because it is not consistent** with 10 General Plan policies and goals and violates 2 specific, mandatory policies GM-A-2 and LUL-E-4.

The planner should have complied with GM-A-2 by clarifying to the applicants that the Very Low Density General Plan designations are not "interim" and that the extent of these designations is to accommodate a variety of housing types within the UGB, rather than reserve areas for future development.

*LUL-E-4 "Protect the rural quality of Very Low Density area with the Urban Growth Boundary through design and development standards in the Zoning Code and development review."*

*GM-A-2 "Clarify to project applicant that the low-density General Plan designations are not "interim" and that the intent of these designations is to accommodate a variety of housing types within the UGB, rather than reserve areas for future development.*

*This applies specifically to the rural Very Low Density Residential designation, as rural residential pockets **will be retained** within Santa Rosa's UGB to accommodate all lifestyles."*

- The other ten goals and policies violated by the proposed subdivision at 408 Calistoga Road are described in detail in the *General Plan Detailed Analysis*, provided for your reference. The ten goals and policies are:
  - 3-5 Neighborhood Design
  - LUL-E-2
  - UD-A

## Reconsideration of the City Council Decision Regarding Calistoga Cottages

Paul Bussard and Lynn Denley-Bussard

November 18, 2014

- UD-F
  - UD-F2
  - UD-G
  - H-A-2
  - H-A-3
  - OSC-H-1
  - OSC-H-2
- 408 Calistoga Road is part of a Very Low Density rural pocket that is protected by the General Plan and is not intended for future development. Therefore, the Calistoga Cottages project is **not consistent with the General Plan** (Zoning Code : 20-64.050, Government Code : 65300.5, 65860, 66473.5).
  - The City Attorney should have warned the City Council that if they approve a project that is **not consistent with the General Plan, they are violating state law** (Zoning Code : 20-64.050, Government Code : 65300.5, 65860, 66473.5).
  - The City Council would have to justify the need and then change policies LUL-E-4 and GM-A-2 before the Calistoga Cottages project would be consistent with the General Plan.
4. The applicants did not provide a complete General Plan Amendment application on October 1, 2013. The answers that were provided in June 11, 2014 do not provide the necessary analysis or evidence required to justify a General Plan amendment.
- Why do you want a General Plan Amendment?

["The City's encouraged infill development. It's serviced by transit."](#)

The developer's application for a General Plan amendment merely states "the need for infill housing". It is the developer's responsibility to provide evidence to support its application. In fact, the evidence shows that there is no need to change a density designation to provide housing (See July 29, 2014 Housing Element Update, plus Staff Report; Zoning Code : 20-64.020).

The planner did not analyze or evaluate the answers given by the applicant. Otherwise, she would have known:

- The General Plan 2035 has already identified and listed 294 **vacant parcels targeted for infill development**, totaling 602.73 acres, zoned Very Low Density. None of these include 408 Calistoga Road.



## Reconsideration of the City Council Decision Regarding Calistoga Cottages

Paul Bussard and Lynn Denley-Bussard

November 18, 2014

- There are an additional 57 vacant parcels, totaling 186.71 acres, which are Very Low Density, but currently not zoned.
- The General Plan identified 185 acres of undeveloped land designated Medium Density that are slated to meet City density requirements.
- The Housing Element, revised in July 26, 2014, states that all the housing needs through 2023 have been addressed, so there is no need to develop this parcel to meet city housing or density requirements
- Therefore, the evidence shows that a **General Plan amendment is not warranted** for this parcel.
- What changes or events have occurred or what new evidence has arisen since the General Plan was adopted which now warrant a change?

"The need for housing. Infill housing is a method to achieve this."

- The pre-zoning for this neighborhood took place in 1999 and, at that time, 408 Calistoga Road was zoned RR-40. This zoning was determined by the City Council to be consistent with the General Plan.
- The developer cannot show that the parcel at 408 Calistoga Road has changed since the 1999 pre-zoning and annexation, when the City Council included it in the rural pocket.
- All properties zoned RR-40 at annexation are still Rural Residential Very Low Density, one single family dwelling on one acre.
- The schools, shopping center, bus routes, and fire station were all available in 1999.
- **So, no changes or events have occurred and no new evidence has arisen since the General Plan was adopted in November 1999 that warrants a General Plan amendment.**
- Have detailed neighborhood plans or other studies revealed the need for a General Plan Amendment?

"Not that we're aware of."

- **By the applicant's own admission, he fails to meet these criteria** for a General Plan amendment.
- There is a neighborhood plan in effect, created in 1948, by Covenants, Conditions and Restrictions that does not support the Calistoga Cottages project.
- The neighborhood plan restricts development in our subdivision to one single family dwelling per acre. Exceptions were made by the neighborhood for:

## Reconsideration of the City Council Decision Regarding Calistoga Cottages

Paul Bussard and Lynn Denley-Bussard

November 18, 2014

- A City pumping station at 462 Calistoga Road. Public hearing 1982, site work completed in 1985.
- To facilitate annexation, the neighborhood agreed to allow the properties bordering on Spain Avenue to be zoned: RR-20 along Monte Verde and R-1-6 along Spain Avenue.
- When the applicants purchased 408 Calistoga Road, they were required to read and sign the Covenants, Conditions and Restrictions, so they were aware of the neighborhood plan and that subdivision of their property was not permitted.
- Petitions have been signed by 40 residents of the neighborhood requesting that this parcel remain rural residential, so the applicant does not have the support of the neighborhood for a General Plan amendment.
- In 1999 the City Council recognized and supported the neighborhood plan for the area and agreed to zone 408 Calistoga Road RR-40, Rural Residential Very Low Density, one residential unit per acre.
- In 1999, the City Council, city staff and residents believed that zoning this neighborhood rural residential would maintain the large-lot size and prevent any future development, except along Spain Avenue.
- Describe the effect the proposed change will have on the surrounding uses. Describe how the proposed change will affect achievement of the General Plan in this and the surrounding area.

"Impacts to neighbors are negligible. The site takes its access off Calistoga Road with a minor adjustment to the existing driveway. When compared to surrounding sites by using a current aerial view, this proposal is consistent in terms of scope and scale. Infill on this site will provide additional needed housing opportunities."

- **These statements have no facts or evidence to support them.**
- The impacts to neighbors are significant.
  - The three proposed homes would not be on Calistoga Road. They will be set behind the existing house and will be visible to anyone living or traveling on Monte Verde Drive.
  - The first proposed lot extends further into the Monte Verde neighborhood than the existing house at 5220 Monte Verde Drive.
  - The second and third proposed homes would be a full football field into the neighborhood, directly in line with the second house at 5227 Monte Verde.

## Reconsideration of the City Council Decision Regarding Calistoga Cottages

Paul Bussard and Lynn Denley-Bussard

November 18, 2014

- Imagine homes built underneath the oak trees at SRJC. The visual impact of this subdivision would be just as devastating to our neighborhood.
- These are just some of the reasons why 40 property owners in this subdivision have signed petitions against the proposed development.
- The driveway for this parcel has always taken access off Calistoga Road.
  - The driveway has not changed since 1952 when the existing home was built.
  - The City Council knew this parcel took its access from Calistoga Road when the property was pre-zoned RR-40 in 1999.
  - If future development had been intended for 408 Calistoga Road, the City would have zoned this parcel R-1-6 in 1999.
  - It was zoned RR-40 in 1999 and intended to remain part of the rural residential neighborhood to which it belongs.
- **The developer's analysis of the aerial view is wrong.** The aerial view shows:
  - 408 Calistoga Road clearly belongs with the other one-acre parcels adjacent to it.
  - No homes across the street on Calistoga Road have a single home behind another on a flag lot.
  - The closest homes with a single home behind another are on Boas and Tunisia.
  - There are no other homes in Rincon Valley that have 3 homes built behind an existing house.
  - **Therefore, the proposed subdivision is inconsistent in scope and scale with the rest of the neighborhood.**
- The General Plan 2035, first published in November 1999, has already addressed the need for housing. It provides specific goals and strategies for meeting these needs as well as lists of vacant parcels suitable for medium and low density infill development. **There is no need to change the General Plan for this parcel in order to meet City housing or density needs.**
- The developer did not mention that re-zoning 408 Calistoga Road would create a land use conflict.
  - The homes at 408 Calistoga Road and 5220 Monte Verde provide a natural boundary and buffer against noise, light and activity for our rural neighborhood.
  - Our neighborhood has fields, barns, farmhouses, outbuildings and private wells. This is prime agricultural and natural pasture

## **Reconsideration of the City Council Decision Regarding Calistoga Cottages**

Paul Bussard and Lynn Denley-Bussard

November 18, 2014

- land with a rare grove of mature Valley Oak trees. There are vineyards, goats, chickens, ducks, and orchards in our rural residential pocket.
- We have traditionally had sheep or miniature horses grazing in the pasture that borders 408 Calistoga Road. Animals get up with the sun and go to sleep when it is dark. Biological clocks are thrown off by light. That's one reason residents did not want streetlights in our neighborhood.
  - Rural residents understand the need for dark and quiet for the health of their animals. Prey animals like horses, goats, and sheep react to all unfamiliar noises with fear and become noise-traumatized. Light and noise at night disturb the natural sleep pattern of animals which creates a land use incompatibility with the proposed development.
- The developer did not mention that increased danger to children walking or riding their bicycles to school at Sequoia Elementary and Rincon Valley Charter School. While the current proposal is for 3 new homes; the planner has predicted the maximum build out for this project as 7 new homes.
    - This parcel is right next door to the school.
    - Children ride walk and ride their bikes on the sidewalk in front of 408 Calistoga Road.
    - The danger to children increases 300% with three new homes
    - The danger to children increases 700% with seven new homes
    - If a child is injured and the city was aware of the danger; they are liable for damages.
5. The tentative parcel map submitted by the applicant and shown by the planner at the Planning Commission and City Council meetings was inaccurate.
- The tentative parcel map did not adequately show the canopies of the Valley Oak trees.
    - The canopies of the heritage Valley Oak trees on either side of the proposed driveway overlap.
    - A more accurate map was available, but the planner did not mention or show it to the City Council members.
    - A City Council member had to mention and display a copy of the more accurate map during the meeting.
    - The Arborist's Report forbids the use of construction equipment underneath the drip lines of heritage Oak trees.
    - City tree ordinances forbid trenching, grading and paving underneath the drip lines of heritage Valley Oak trees; this includes no compaction

## Reconsideration of the City Council Decision Regarding Calistoga Cottages

Paul Bussard and Lynn Denley-Bussard

November 18, 2014

of soil which would be inevitable every time someone drove a car between these trees to access the back of the property.

- The tentative parcel map does not meet the fire code requirements outlined by the Project Engineer.
  - There must be a fire turnaround.
  - The fire turnaround must have a 20 foot inside diameter and a 40 foot outside diameter.
  - The applicant cannot use the aprons of driveways for a turnaround because cars park there.
  - The configuration of three homes behind the existing home creates a potential fire hazard for the residents and firefighters.
- 6. The Resolution written by the planner and signed by the Planning Commission was inaccurate.

Section A-E on page one of the resolution are not supported by facts or evidence presented in the staff report or the staff presentation during the Planning Commission meeting

- Section A alleges:
  - "The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plans."*
  - This statement is inaccurate as this project violates GM-A-2, LUL-E-4 and is inconsistent with 10 other policies of the General Plan as outlined in the General Plan Detailed Analysis
  - The Housing Element Update, published July 29, 2014, identified and inventoried enough vacant land within the UGB to meet the City's housing and density requirements through 2023.
  - The proposed subdivision at 408 Calistoga Road is not part of the City's future development plan. There is no evidence to support the Developer's claim of a "need for housing".
- Section B – E
  - There were no building plans submitted with this proposal, so none of these claims were reviewed or evaluated by the Planning Commission, so none of these claims can be made.

## **Reconsideration of the City Council Decision Regarding Calistoga Cottages**

Paul Bussard and Lynn Denley-Bussard

November 18, 2014

7. The mistakes, errors and omissions in the staff report and staff presentations show a clear pattern of prejudice in favor of the applicant and discriminate against the other residents who live in this rural neighborhood.

The current zoning of RR-40 for 408 Calistoga Road is consistent with the General Plan and no conditions in the neighborhood have changed to warrant a General Plan Amendment.

So, we ask the City Council to comply with California state law and uphold the appeal overturning the Planning Commission's decision and reject the General Plan Amendment, mitigated negative declaration, tentative parcel map and proposed zoning change.

**General Plan Detailed Analysis**

*"A General Plan amendment must ensure and maintain internal consistency with the goals and policies of all elements of the General Plan.*

The following analysis proves that the proposed **General Plan amendment for Calistoga Cottages is inconsistent** with the goals and policies of the General Plan. Therefore, the General Plan amendment should be rejected. Otherwise, the City will be in violation of state law.

<b>Violations of the General Plan – 2</b>	
	<p><b>GM-A-2</b></p> <p><i>"Clarify to project applicants that the low-intensity General Plan designations are not "interim" and that the intent of these designations is to accommodate a variety of housing types within the UGB, rather than reserve areas for future development.</i></p> <p><i>This applies specifically to the rural Very Low Density Residential designation, as rural residential pockets will be retained within Santa Rosa's UGB to accommodate all lifestyles."</i></p> <p>This specific mandatory policy prohibits development in a rural residential pocket like our neighborhood. The designation of Very Low Density Residential is not "interim"; it is permanent. So, the General Plan prohibits the approval of this subdivision.</p>
<p>LUL-E-4</p>	<p><b>LUL-E-4</b></p> <p><i>"Protect the rural quality of the Very Low Density areas within the Urban Growth Boundary through design and development standards in the Zoning Code and development review."</i></p> <p>This mandatory policy protects the rural quality of Very Low Density neighborhoods against this type of piecemeal development.</p>
<p><b>Against-10 (Not mentioned in the Staff Report)</b></p>	
<p><b>GM-A</b></p>	<p><b>For – 4 (As listed in the Staff Report)</b></p> <p><i>"Prevent urban sprawl by focusing growth within the Urban Growth Boundary.</i></p> <p>The General Plan has identified and targeted 294 vacant parcels within the UGB, totaling 602.73 acres, zoned Very Low Density. There are an additional 57 vacant parcels, totaling 186.71 acres, that are Very Low Density, but currently not zoned. 408 Calistoga Road is not on this list of parcels targeted for planned urban growth.</p> <p>There is plenty of vacant land within the UGB to meet the city housing and density needs through 2035. Therefore, this proposed development is clearly not necessary and violates GM-A-2 more than it supports GM-A.</p>

**General Plan Detailed Analysis**

*"A General Plan amendment must ensure and maintain internal consistency with the goals and policies of all elements of the General Plan.*

	<b>For</b>	3-5	<b>Against</b>
LUL-A	<p><i>"Foster a compact rather than a scattered development pattern in order to reduce travel, energy, land, and materials consumption while promoting greenhouse gas emission reductions citywide."</i></p> <p>This neighborhood was created in 1948, so it is not a new development.</p> <p>The proposed subdivision is not in the core area of Santa Rosa. It is in Rincon Valley near the eastern UGB. So, this subdivision violates this policy by being 4.5 miles from the city center.</p> <p>The General Plan has already identified and targeted key locations in Santa Rosa for compact development: the Downtown Station Area, North Santa Rosa Station Area, Southeast Area Plan and Southwest Area Plan.</p>		<p><b>Neighborhood Design:</b></p> <p><i>"Santa Rosa's diverse neighborhoods offer an array of housing choices. Historic neighborhoods of Victorian cottages and California bungalows contrast dramatically with recent large-scale master planned developments. <b>Some of the most fragile neighborhoods are the rural enclaves with farmhouses, fields, barns, and outbuildings.</b> Urban Design policies attempt to preserve the special character of older neighborhoods while ensuring that new development establishes a sense of neighborhood."</i></p> <p>The proposed subdivision violates section 3-5 of the General Plan. Our neighborhood is a rural enclave with a distinct identity. Each parcel is one residential unit per acre. There are fields, barns, farmhouses, outbuildings and private wells in our neighborhood. There is also a rare grove of heritage Valley oak trees as well as domestic and wild animals.</p>
LUL-E	<p><i>"Promote livable neighborhoods by requiring compliance with green building programs to ensure that new construction meets high standards of energy efficiency and sustainable material use. Ensure that everyday shopping, park and recreation facilities, and schools are within easy walking distance"</i></p> <p>This is the proposed subdivision of a one-acre parcel, not a neighborhood. Since no building plans were submitted with this application, the applicant cannot claim that new construction will meet green building programs, high standards of energy efficiency, or use sustainable materials.</p> <p>The schools, shopping center, bus route and fire station were all available in 1999 when the General Plan was written. So nothing has changed in the surrounding neighborhood that warrants a General Plan amendment.</p>	LUL-E-2	<p><b>"Neighborhood Character.</b> <i>Each neighborhood should maintain a distinct identity, such as the historic preservation districts featuring Victorian cottages and California bungalows.</i></p> <p>Our neighborhood has a distinct identity. Each parcel is one residential unit per acre. There are fields, barns, farmhouses, outbuildings and private wells in our neighborhood.</p> <p>This is prime agricultural and natural pasture land with a rare grove of mature Valley Oak trees. There are vineyards, goats, chickens, ducks, and orchards in our rural residential pocket.</p> <p>This a wildlife sanctuary for deer, gray fox, hawks, and owls.</p>



**General Plan Detailed Analysis**

*"A General Plan amendment must ensure and maintain internal consistency with the goals and policies of all elements of the General Plan."*

	<b>For</b>		<b>Against</b>
H-A	<p><i>"Meet the housing needs of all Santa Rosa residents."</i></p> <p>State law requires that Housing Elements include a parcel-specific inventory of sites that are appropriately zoned, available, and suitable to provide opportunities for the provision of housing for all segments of the community. As demonstrated in this section of the General Plan, there is sufficient land in the city limits to meet identified housing needs.</p> <p>Housing Element, July 26, 2014, page 4-56.</p> <p>The housing opportunities list did not include the parcel at 408 Calistoga Road, so it is clearly not necessary to meet housing needs.</p>		
H-A-2	<p>This goal was erroneously listed in the staff report as supporting this project, so it was moved to the "against" column →</p>	H-A-2	<p><i>Pursue the goal of meeting Santa Rosa's housing needs through increased densities, when consistent with preservation of existing neighborhoods."</i></p> <p>The three adjoining properties are all zoned RR-40 and RR-20. Retaining the RR-40 zoning for this property preserves the nature of the existing neighborhood and makes it consistent with the zoning of the adjoining properties.</p> <p><i>"Promote conservation and rehabilitation of the existing housing stock and discourage intrusion of incompatible uses into residential neighborhoods which would erode the character of established neighborhoods or lead to use conflicts"</i></p> <p>The applicant remodeled the house at 408 Calistoga Road, but those changes were consistent with the style and age of the existing structure.</p> <p>Subdivision of the land and the addition of three homes behind the existing house creates an incompatible land use with the rural residential parcels that exist on three sides.</p> <p>Calistoga Road provides a natural barrier between the rural land use and the R-1-6 city parcels across the street.</p>
		H-A-3	

**General Plan Detailed Analysis**

*"A General Plan amendment must ensure and maintain internal consistency with the goals and policies of all elements of the General Plan.*

For		UD-A	<b>Against</b>
UD-F	This goal was erroneously listed in the staff report as supporting this project, so it was moved to the "against" column →	UD-F	<p><b>"Preserve and enhance Santa Rosa's scenic character, including its natural waterways, hillsides, and distinctive districts."</b></p> <p>There is a rare grove of Valley Oak trees at 408 Calistoga Road and the two adjoining one-acre parcels. These trees are 100 to 250 years old and are as distinctive as the grove of Valley Oak trees at SRJC.</p> <p><b>"Maintain and enhance the diverse character of Santa Rosa's neighborhoods. Promote the creation of neighborhoods – not subdivisions – in areas of new development."</b></p> <p>This policy does not support the applicant's proposal to subdivide a one-acre parcel in a Very Low Density neighborhood, so it was moved to the "against" column.</p> <p>The character of this neighborhood has been in existence for more than 66 years. Development at higher density than 1 home per acre degrades that character, so the proposed development does not support UD-F; it actually violates it.</p> <p><b>"Protect natural topographic features such as hillsides, ridgelines and mature trees and stands of trees."</b></p> <p>The one-acre parcel at 408 Calistoga Road is part of a rare natural grove of Valley Oak trees. The canopies of the trees on either side of the proposed driveway overlap.</p> <p>The applicant's arborist stated in her report on February 28, 2014:                      "No parking, operation of equipment, storage of materials, disposal of water or other construction activity shall occur within drip lines of protected trees."                      Construction equipment cannot drive between these two trees, so access to the back half of this property for construction purposes is impossible.</p> <p>In addition, City tree ordinances forbid paving over the ground underneath the drip line of protected trees, so there is no way to grade or pave a driveway to the proposed site without violating City tree ordinances.</p>
		UD-F-2	

**General Plan Detailed Analysis**

*"A General Plan amendment must ensure and maintain internal consistency with the goals and policies of all elements of the General Plan.*

	<b>For</b>	<b>UD-G</b>	<b>Against</b>
UD-G	This goal was erroneously listed in the staff report as supporting this project, so it was moved to the "against" column →		<p><i>"Design residential neighborhoods to be safe, human-scaled, and livable by addressing compact development, multi-modal connectivity and reducing energy use."</i></p> <p>This proposal is not for a new residential neighborhood; it is to subdivide a one-acre parcel. Since no building plans were submitted with this General Plan amendment, the applicant cannot make any of these claims.</p> <p>The proposed development actually <b>violates</b> UD-G because it creates a safety hazard to children walking or riding their bicycles to and from Sequoia Elementary School and Rincon Valley Charter School. So this policy was moved to the "against" column.</p> <p><b>"Preserve trees and other vegetation, including wildflowers, both as individual specimens and as parts of larger plant communities."</b></p> <p>The one-acre parcel at 408 Calistoga Road is part of a rare natural grove of Valley Oak trees. The open pasture land, including blackberries and wildflowers, is agricultural in nature, and matches the land use of the rural residential properties adjacent to it.</p> <p><b>"Preserve and regenerate native oak trees."</b></p> <p>The tentative parcel map does not adequately represent the drip lines of the native Valley Oaks, especially along the proposed driveway. The canopies of these protected native oaks trees overlap.</p> <p>Santa Rosa tree ordinances forbid construction, trenching or paving within 10 feet of the drip line of protected trees. These ordinances do not allow for permeable paving within the drip lines of protected trees.</p> <p>In addition, the certified arborist's report, clearly states: <i>"No parking, operation of equipment, storage of materials, disposal of waste or other construction activity shall occur within driplines of protected trees."</i></p> <p>Since the canopies of the trees on either side of the proposed driveway overlap, no construction equipment can be used to grade or pave the proposed driveway. So, a driveway cannot be constructed at this location.</p>
		OSC-H-1	
		OSC-H-2	

## Bliss, Sandi

---

**From:** Murray, Susie  
**Sent:** Thursday, November 13, 2014 11:49 AM  
**To:** Bliss, Sandi  
**Subject:** FW: Calistoga Cottages - Monte Verde Drive, Santa Rosa

### Susie Murray | City Planner

Community Development | 100 Santa Rosa Avenue | Santa Rosa, CA 95404  
Tel. (707) 543-4348 | Fax (707) 543-3269 | [smurray@srcity.org](mailto:smurray@srcity.org)



---

**From:** Griffin, Terri  
**Sent:** Wednesday, November 12, 2014 2:02 PM  
**To:** Stacey Mcgarva  
**Cc:** Murray, Susie; Griffin, Terri  
**Subject:** RE: Calistoga Cottages - Monte Verde Drive, Santa Rosa

Dear Ms. McGarva:

Thank you for your comments on this item scheduled for the November 18th City Council meeting. You mention that you wish to keep these comments "off the record." However, I am required by law and City policy to make all written comments on Council agenda items available to members of the public. Please contact me at 543-3016 to discuss.

Best regards,

Terri

### Terri A. Griffin | City Clerk

City Clerk's Office | 100 Santa Rosa Avenue, Room 10 | Santa Rosa, CA 95404  
Tel. (707) 543-3015 | Fax (707) 543-3030 | [CityClerk@srcity.org](mailto:CityClerk@srcity.org)



---

**From:** Stacey Mcgarva [<mailto:mccgarva@sbcglobal.net>]  
**Sent:** Wednesday, November 12, 2014 1:11 PM  
**To:** [smurry@srcity.org](mailto:smurry@srcity.org); Griffin, Terri; Bartley, Scott; Swinth, Robin; Wysocky, Gary; Carlstrom, Erin; Combs, Julie; Olivares, Ernesto; Ours, Jake  
**Cc:** Josh McGarva  
**Subject:** Calistoga Cottages - Monte Verde Drive, Santa Rosa

Council Members,

My name is Stacey McGarva and I live at 5330 Monte Verde Drive in Santa Rosa with my husband, Josh, and our four children ages 4, 7, 10 and 13. My husband and I find ourselves in a bit of a "pickle" where the fight over the Calistoga Cottages is concerned. We would be standing with our neighbors in opposing this new subdivision, however the developers on this project happen to be friends since childhood. In order to keep the peace as much as possible with our friends and our neighbors, we have tried to remain neutral and have positioned ourselves as "neutral" on all official paperwork.

As the vote to decide this issue draws nearer, we're finding it harder to sit on our hands and are hoping we can make a couple of comments "off the record" to let you know our true feelings on the project since we can't stand up for our street in public. My husband and I lived just 2 streets away from Monte Verde in a crowded neighborhood before moving here 7 years ago. We would take evening walks up and down Monte Verde and daydream about the possibility of living on this special, tree lined street with the large lots and unique homes. We waited until one of the houses we loved came up for sale and we jumped on it. We plan to live here forever and would hate to see these lots start to get split left and right as the older generation of homeowners (and there are quite a few!) move on. This decision sets a precedent going forward and could change this neighborhood for the worse forever.

Come out and watch the intersection of Monte Verde and Calistoga some day between 7:30 - 8:45 am and 3 - 6 pm. Making a left on Calistoga is nearly impossible during these times of the day. I can't imagine the chaos that it would cause if there was another "neighborhood" of people trying to pull in and out of Calistoga Rd. just 100 ft. away! This also happens to be the time of day that there is heavy pedestrian activity, mostly in the form of school children, including myself and my own kids walking to and from Sequoia Elementary several times a day.

This neighborhood is different and special, please vote to keep it that way.

Thank you for your time,  
Stacey and Josh McGarva

## Bliss, Sandi

---

**From:** Murray, Susie  
**Sent:** Thursday, November 13, 2014 11:43 AM  
**To:** Bliss, Sandi  
**Subject:** FW: Calistoga Cottages Email and evidence supporting project (will not be presented at hearig due to time constraints)  
**Attachments:** 408 Calistoga City Council Presentation.pdf

### Susie Murray | City Planner

Community Development | 100 Santa Rosa Avenue | Santa Rosa, CA 95404  
Tel. (707) 543-4348 | Fax (707) 543-3269 | [smurray@srcity.org](mailto:smurray@srcity.org)



**From:** Jeff Komar [<mailto:jeffkomar@gmail.com>]  
**Sent:** Wednesday, November 12, 2014 3:27 PM  
**To:** Combs, Julie; Wysocky, Gary; Ours, Jake; Carlstrom, Erin; Olivares, Ernesto; Bartley, Scott; Swinth, Robin; Murray, Susie  
**Subject:** Calistoga Cottages Email and evidence supporting project (will not be presented at hearig due to time constraints)

Dear Council Members,

Please find the attached email for your review. I'll be brief here as I know your time is valuable and the attached cover letter will explain everything. Please do not hesitate to call with any questions or concerns. Again, thank you so much for a second chance, we really believe in this project and are extremely grateful.

Respectfully Yours,

--

Jeff Komar  
Managing Member  
Real Equity Partners LLC  
707 321 2828  
[jeffkomar@gmail.com](mailto:jeffkomar@gmail.com)

Dear Council Member,

First on behalf of Real Equity Property Holdings LLC and the dozens of proud Santa Rosans involved with the Calistoga Cottages we thank you for re-considering this project. Not only will this project provide much needed housing for citizens of Santa Rosa, it also provides employment to dozens of people in the community who will be working on the project over the year it will take to complete. Everyone from myself and business partner Ted Hollen (who wishes to live in one of the homes we build) to vendors, sub-contractors, employees, and families are all on the edge of our seats awaiting your decision.

The purpose of this email and attachment is to address a few key concerns expressed by Members of City Council during our previous public hearing. We appreciate the concerns expressed by Council however we also believe there is evidence to support that not only is a Yes vote appropriate and beneficial to Santa Rosa for reasons conveyed in our previous presentation and reports, but a no vote would actually contradict the direction of prior council, neighborhood consensus, and the spirit of the General Plan.

Please don't be alarmed as the attachment is large, however I have included footnotes on the pages with pertinent information (adobe software is needed to see footnotes). I have also drafted a short table of contents to direct you to pages where the key points and footnotes can be found. My estimation is that the 15 minutes spent reviewing the minutes from past City Council meetings and Planning Commissions, as well as letters from neighbors, reports and applications authored by "Various Neighbors" to annex and rezone, will prove enlightening and eye opening.

Before you review the attached I present a brief Chronology of the Monte Verde Neighborhood which will be supported by the attached. It will show not only that our property has been deemed separate from the former County Island by City Councils and Planning Commissions of the past, but the density changes and rezoning has been pursued by the neighbors. Additionally the reports drafted and supported by the neighborhood clearly state that by pursuing their annexation and rezoning they would put the rural nature of the neighborhood at risk and require street improvements, a risk which they accepted because it was in their direct interest. Whereas our project will trigger no street improvements to Monte Verde. The minutes will also show that the City Council of the past has held their promises (few were made and few were asked for), and that an approval of the Calistoga Cottages by this council is in the spirit of the past and present, and sets a positive precedent. Our project does not involve the Monte Verde neighborhood, nor impact it and provides much needed housing.

In Brief, the Annexation process was initiated by approximately 13 neighbors of the Monte Verde County Island. In 1998 this process began in attempt to gain city services for the neighborhood so they could "expand their homes and develop" once on city water and sewer. This was in no way unanimous but rather a core group of neighbors pursued, petitioned, and applied for annexation which was granted in 1999 by City Council. Although this rezoning could trigger urban improvements as disclosed by staff, the neighbors felt the need for city improvements was more important than the rural nature of the neighborhood. The city to this day has not forced improvements. Our project will not trigger improvements on Monte Verde.


In September 2005 the core group of neighbors again applied to change the zoning and double the density of the neighborhood. Although being warned during the Annexation by city staff that "Lot Splits" would trigger urban improvements, the neighbors moved forward with the rezoning so they could develop their land. The planning Commission and City Council supported the application and approved the rezoning. Since the approval lots have been split and built on.

In the 2005 application and minutes there are a few statements (all outlined in the attachment and can be found in the table of contents) where neighbors and staff alike conclude 408 Calistoga Rd to be unique and not part of the Monte Verde subdivision, thus excluding us from the rezoning application and process while forcing other properties along Monte Verde into the rezoning. This clearly sets a precedent that our property is separate from the Monte Verde Neighborhood. To this day we are still the only residential property located on Calistoga Rd between Sonoma Highway and Montecito Boulevard, with a Calistoga address, that is not zoned R-1-6 (keep in mind we are only building three homes). Also, any concerns that approval of our project can trigger piecemeal development can be laid to rest as well because we are the only property that accesses Calistoga Rd, and that was a major reason for staff supporting the project and the planning Commission's unanimous approval.

Furthermore, having met all the requirements for General Plan Amendment and Re-zoning, this concern over us being a part of the neighborhood can be laid to rest, with all knowing our project will still in no way trigger urban improvements to the neighborhood. We have a housing shortage on all levels and sky rocketing rents in Santa Rosa. As a percentage of median income, rents are more expensive here than in Manhattan as a recent article published by the Press Democrat outlines. The city needs housing. The City has told us how to provide said housing, and this project meets all the criteria. Calistoga Cottages is good for the city of Santa Rosa, Rincon Valley, and surrounding areas.

Calistoga Cottages has passed all the tests; it meets the requirements for a General Plan Amendment and rezoning. The same reports that the neighbors presented in their rezoning application and had approved by past City Councils, have been presented by us. The project has less than significant impact to the environment and traffic, will not trigger any urban improvements to Monte Verde (because we are not part of the neighborhood), help meet the needs for housing stock, and are in the spirit of the general plan, all the while upholding every promise ever made by any past City Council or City Staff Member. The following attachment addresses all concerns expressed by neighbors, City staff, and City Council. Please contact me with any questions and I am happy to meet on site at your convenience.

Gratefully Yours,



Jeff Komar  
Real Equity Property Holdings  
Managing Member  
707 321 2828  
jeffkomar@gmail.com



Table of Contents

Annexation questions by applicant Paul Bussard representing the neighborhood of Monte Verde and Chuck Regalia representing the city of Santa Rosa..... Page 5

Various statements from August 11, 1998 city council regarding the annexation of the Monte Verde subdivision, its rural nature..... Page 7

January 26 1999 City Council minutes regarding annexation..... Page 8

Unanimous approval by city council to annex the Monte Verde Subdivision and Rezone some of the properties..... Pages 9-11

September 22, 2005 Planning Commission Minutes. Setting a precedent 408 Calistoga Rd is not part of the Monte Verde subdivision. It also shows we won't set a precedent for piecemeal development because we access Calistoga Rd..... Page 12

City Staff presents to City Council for the rezoning of 17 properties on Monte Verde Drive. The applicant is "Various Home Owners" and this sets the precedent that 408 Calistoga Rd is not part of the Monte Verde subdivision..... Page 17-18

Map showing all properties along St Francis Rd and Calistoga Rd (the borders of the Monte Verde subdivision are all zoned R-1-6. We are the only exception because past council allowed us to opt out in 2005 so we could obtain a more appropriate zoning later..... Page 27

Notice of Negative Declaration by Project Developer "Various Home Owners" for the rezoning of Monte Verde subdivision presented to City Council..... Page 30

Environmental Impact Report by "Various Home Owners" They proposed being able to build 15 homes and it was approved by City Council. We are only proposing three. .... Page 32

This is a report Authored by the same people who oppose our project. In this EIA they willingly acknowledge this application can jeopardize the rural nature of their neighborhood and move forward any way. Calistoga Cottages does not impact them nor will it trigger improvements..... Page 39

November 8 2005 City Council approves the rezoning. This shows that all the items in Planning Commission Minutes, City Council Minutes, and the neighbors pushing, applying for and wanting annexation and rezoning set a precedent for the Monte Verde Subdivision. And again, we were allowed by Council and the neighborhood to be excluded from the rezoning because we were deemed outside the Monte Verde Subdivision. Our project has a negligible impact for Monte Verde but a large positive impact for the city of Santa Rosa and everyone involved with the project..... Page 43

Brief Traffic Discussion Continued from Page 7..... Page 44

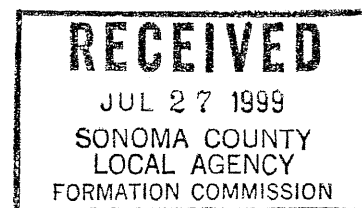


CITY OF  
SANTA ROSA

DEPARTMENT OF COMMUNITY DEVELOPMENT  
100 Santa Rosa Avenue  
Post Office Box 1678  
Santa Rosa, CA 95402-1678  
FAX 707-543-3218

April 1, 1998

Mr. Paul Bussard  
Monte Verde Drive Residents  
5232 Monte Verde Drive  
Santa Rosa, CA 95409



SUBJECT: ANNEXATION/ASSESSMENT DISTRICT

The purpose of this letter is to respond to your request that the City staff provide answers to various questions posed by the Monte Verde Drive residents at your meeting held on February 9, 1998.

The Monte Verde Drive residents are considering annexation to the City of Santa Rosa and formation of an assessment district to fund the construction of a sewer line serving the neighborhood. The neighborhood expects the annexation to involve 23 parcels composed of 21 one-acre lots and 2 one-and-one-half-acre lots. The neighborhood also expects that the sewer line will serve 19 of the 23 parcels. Prior to initiation of these procedures, the neighborhood property owners would like more information about assessment districts and annexation procedures as well as construction costs.

### Cost Estimates

As we have discussed previously, actual costs for installation of the sewer line and the formation of an assessment district (as envisioned by your neighborhood) are known only when the project is designed and the construction bids are opened. Any information we provide at this time is to be considered an estimate and subject to change once the detail work is complete.

In addition, the cost estimates provided with this letter are adjusted by 15 percent to ensure that the final cost will be less than the estimate. This is done to ensure that the estimate used by the property owners (as a basis for the assessment district vote) is not exceeded by the actual costs. In addition, interest rates on borrowed funds will be determined by market conditions on the date

Mr. Paul Bussard  
Monte Verde Drive Residents  
April 1, 1998  
Page 2

the bonds are sold. With these caveats, the construction, the assessment district, and the annexation costs are listed below:

Construction . . . . .	\$510,000
Assessment District . . . . .	<u>170,000</u>
Sub total . . . . .	\$680,000
Annexation fees/costs . . . . .	<u>7,500</u>
<i>Total</i> . . . . .	\$687,500

Assuming the construction and assessment district cost is the same as listed above and assuming the principal, interest, and term of financing is as listed in Attachment B, the annual cost to retire the debt is estimated to be \$64,187. If 19 parcels are included within the assessment district, the annual cost per parcel will be \$3,378.

Construction cost estimates are included as Attachment A; assessment district estimates, Attachment B; an estimate of annexation fees and costs, Attachment C; and two alternative project schedules are Attachments D & E.

**NEIGHBORHOOD QUESTIONS**

City Staff's response to each of your questions are as follows:

1. **What if all owners choose the cash payment option to pay their assessment?** Paying for the construction with cash is appropriate and, certainly, the most cost effective way of building the sewer. Under this option you will not need an assessment district, yet will need to construct the improvement consistent with City standards. Each participant will need to make their total cash contribution prior to initiation of the design and construction. You can hire your own designer and contractor and pay them yourselves as long as you meet City standards for design and construction.

Mr. Paul Bussard  
Monte Verde Drive Residents  
April 1, 1998  
Page 3

2. **What if all but one owner chooses the cash payment option to pay their assessments?** Yes, this can be done by way of a reimbursement agreement whereby the person will pay at the time of connection. However, it would not be feasible to sell bonds for only one property owner. Therefore, the other property owners would need to pay the one property owner's cash payment and be reimbursed at a later date.

If the number of residents paying cash and those financing the improvements are more evenly split, then those financing the improvements will pay more than those paying cash. This is the case because the formation of any assessment district includes fixed costs which must be paid even if fewer people are involved in the district.


3. **For owners opposed to the assessment district with no intention of connecting to the sewer, even though they could be served by it, what is their cost if the assessment district passes?** If the formation of a district is passed by the property owners who benefit from the improvement and the opposing party is shown to also benefit from the district, then the opposing party will be required to pay the assessments even though they were opposed to the formation of the district.
4. **For owners getting annexed to the City who are already connected to City sewer, what are their costs?** In this instance, owners whose property is being annexed to the City will pay for their portion of the annexation cost but will not be required to pay any part of the sewer assessment since they are already hooked up to the sewer. We estimate annexation costs to be approximately \$7,500. This is about \$326 per parcel if 23 parcels are involved in the annexation.
5. **For owners getting annexed to the City who cannot be served by the sewer project, what are their costs?** Their costs are only related to the annexation. Since they do not benefit from the sewer, they are not required to pay.
6. **How do we know how our project money got spent? Do we have the right to audit the project? If there are residual funds at the end of the project, are they returned to the owners?** The City maintains cost accounting records which are public information. You may audit the project at your expense. Residual funds remaining after project completion will be refunded.
7. **Is any portion of the repaving considered "general benefit" and, therefore, excluded from assessments?** No, there is no general benefit to repaving that is done to restore the

street surface after water and sewer improvements are installed. In this case, the repaving is not an enhancement but restores the street back to its preconstruction condition.

8. **Can the \$5,043 per unit sewer hookup fee be included in the assessment even if the private line is not installed yet?** Yes, the demand fee can be added to the assessed amount at the request of the property owner. However, these fees are subject to change from time-to-time. It is possible that the fee in effect at the time of connection may be higher than the assessed amount. In this case, the property owner would be required to pay the difference before connecting.
9. **Can any of the Annexation costs be included in the assessment district?** Annexation costs could be included in the assessment if the district were formed prior to the annexation being completed. This would require the County of Sonoma to grant the City extraterritorial jurisdiction which would allow the City to form an assessment district while the property is still in the county.
10. **Can individual owners contract with the same construction company that is installing the sewer main and laterals for installation of the private portion of their sewer line? Would this lower the cost of their private line installation?** Individual property owners can contract with the contractor installing the sewer main to install sewer laterals. In many cases, the contractor installing the sewer main can more efficiently install the private laterals because they are already mobilized in the area and are familiar with the project. However, it is always a good idea to solicit other bids.
11. **After the sewer project is complete, what development on an individual property would trigger the requirement to install or set aside funds for future street improvement like curb, gutter, sidewalk, etc.? Where is the line: adding a room, building a second unit, or lot split?** Any subdivision or lot split would be subject to improvement requirements. Most substantial construction (such as a second unit) would also be subject to improvements requirements. Each repair, remodel, or construction project up to \$25,000 (or 25 percent of the replacement value of the existing structure within any 12 month time period) will, typically, not require improvements unless done in connection with a subdivision.
12. **If a lot split occurs after the sewer main is installed and a new connection is made to the sewer main that wasn't expected when costs were spread for the assessment district, is there any rebate to assessment district members?** No rebate would be

automatically paid to the assessment district if an unanticipated connection were made to the sewer. Once the construction of the sewer is complete and paid for by the assessment district, it becomes the property of the City of Santa Rosa. It becomes a public sewer at that point and no additional costs for constructing the main are paid at the time of connection.

13. **If an owner wants the sewer project but prefers to pay for it in cash, should they vote for or against the assessment district?** They should vote *for* the assessment district.

14. **What means are available for maintaining the rural atmosphere of the neighborhood after annexation?**  The atmosphere of the area will be determined by the land uses permitted by the general plan. The general plan designation for most of the Monte Verde Drive area is Residential-Very Low Density. This means that the area will either stay the way it is or be split into half-acre lots. If half-acre lots are created, however, full street improvements would necessary.

The exception are the parcels with frontage on Spain Avenue where the general plan designation is Residential-Low Density (2 to 8 units per acre). Subdivision of these parcels along Spain Avenue would be allowed and would result in a density similar to the density along the north side of Spain Avenue. Full improvement of the Spain Avenue frontage will be required.

The best way to maintain the rural atmosphere is to retain the lotting pattern as it is and focus new development along the Spain Avenue frontage. In this way, new development is focused into an area that already looks and is urban and avoids the Monte Verde Drive frontage, which is the rural section of the neighborhood.

15. **How are the boundaries of the sewer assessment district established? Can an owner that could be served by the sewer main request to be excluded from the assessment district?** The boundaries of the district are established by the City Council. If a property benefits from the district, can be served by the district, and is within the district; they must pay the assessments even if the property is not hooked up to the sewer main.
16. **How are annexation fees collected? What if an owner refuses to pay their share?** Annexation fees are collected at the time the annexation application is submitted, when an engineer or surveyors is hired to prepare the annexation map, and when the application is

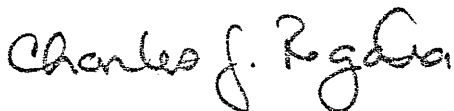
Mr. Paul Bussard  
Monte Verde Drive Residents  
April 1, 1998  
Page 6

submitted to LAFCO. If a property does not pay its share, then the other properties in the annexation must make up the difference.

We believe we have answered your questions. If you would like City staff to meet with the neighborhood group to review this information, please let us know what dates you would like to meet and we will schedule the time.

As you can tell from reviewing the schedules we included, this is a long process. The first step is annexation to the City of Santa Rosa. To do this, please complete the annexation application forms and submit them to the Department of Community Development.

Should you have further questions, please contact me at 543-3189.



CHARLES J. REGALIA  
Deputy Director of  
Community Development-Planning

#### Attachments

- Attachment A - Detailed Cost Estimate
- Attachment B - Assessment District Cost Estimates
- Attachment C - Annexation Cost Estimates
- Attachment D - Schedule A
- Attachment E - Schedule B

c: Stan Lindsay, Director of Administrative Services  
Larry Brown, Deputy Director Utilities Engineering  
Glen Wright, Associate Civil Engineer

c:\wpfiles\Mverde\annassment let. 31398

side and 5232 to 5446 on the south side of Monte Verde Drive.

3. Owing to the financial burden this request places on residents (many are on fixed incomes), it is being requested that reasonable efforts be made to minimize construction costs by limiting the project to work essential to the installation of the sewer main and laterals from the main to the property line.

4. For those property owners requesting it, inclusion of the sewer hook-up fees (approximately \$5,000) in their assessment.

5. For those property owners requesting it, the option of installing water laterals from the water main to the property line with the ability to include any water hook-up fees in their assessment.

6. To preserve the rural atmosphere on Monte Verde Drive (between the cross streets of Calistoga Road and St. Francis), exclusion of this neighborhood from urban street improvements such as sidewalks, curbs, gutters, streetlights, etc., as long as property improvements on Monte Verde Drive do not include lot splits.

The Monte Verde County Island is located along Monte Verde Drive between St. Francis Road and Calistoga Road in Rincon Valley. The area was subdivided and developed more than 40 years ago. Of the 27 total lots, 4 were previously annexed to the City of Santa Rosa while 23 remain in County jurisdiction. All of the residences in the County area are served by wells and septic systems, some of which are failing.

Over the last 20 years, there have been numerous attempts to annex the Monte Verde County Island. All of the previous attempts have failed because along with annexation came the requirement to install sewer, curb, gutter, and sidewalks, and to rebuild the roadway. The cost burden of these improvements was too much for the residents to bear and the annexations were dropped.

As an existing County Island within the urban boundary, the Monte Verde annexation clearly meets all four of the annexation criteria. It is an infill annexation. All land uses will be consistent with the Residential: Low and Very Low Density classification. The properties are being annexed so that a sewer line may be installed. Provision of sewer service to an Island area surrounded by existing City is good public policy.

It is recommended by the Department of Community

Development that the City Council, by motion, set the boundaries for annexation of the remaining properties within the Monte Verde County Island and refer the annexation to the Planning Commission for rezoning.

Councilmember Evans referred to an issue related to the interests on the part of the residents to preserve the rural atmosphere on Monte Verde Drive and exclude the neighborhood from urban street improvements. She referenced the staff report and questioned the deposit that would have to be made toward the cost of those improvements. Mr. Regalia responded that the deposit is the existing policy. While this issue is not before Council at this time, he explained that the residents want to annex the entire area. The residents living along Spain Avenue have a different land use designation; i.e., Low-Density v. Variable. It is their intent to subdivide the back portion of their property. They want, and would be asked, to make urban level improvements along Spain Avenue, which would be consistent with what is already in place there. However, the entire neighborhood wants to avoid urban level improvements along Monte Verde. Those residents are asking Council to give an indication of support to this matter so that when the sewer assessment district is designed it does not include street widening, curbs, gutters, sidewalks, etc. Mr. Regalia suggested that if Council concurs, they should so indicate and that is the direction in which staff will proceed.

Councilmember Evans questioned how the City would retain the rural atmosphere on Monte Verde if there is a policy requiring the homeowner to make a deposit toward the costs of future improvements if they improve their homes beyond a certain value. Mr. Regalia suggested that there must either be a Monte Verde-only policy or a something should be changed on a City-wide basis. At this time, he was not prepared to make a recommendation, but rather said that it would be necessary for Council to direct staff to study this matter and bring back a recommendation. He said the policy staff uses requires that when a certain level of improvements is made, the City has the right to require that the public improvements be made.

In response to Councilmember Evans, Mr. Regalia confirmed that Monte Verde is not identified as a scenic road in the General Plan. He explained that the reason for the recommendation from the neighborhood may have been because it was one of the things needed by the neighborhood to retain support for the annexation. He said if Council concurs with the six points reviewed by at this meeting, staff will pursue that direction and will provide Council with status reports. Councilmember Evans referred to the development of Skyhawk and the concerns raised by



Spain Avenue which is designated Low Density Residential, with a permitted density range of 2 to 8 units per acre. The proposed rezoning districts have been tailored to be consistent with these General Plan designations. The RR-40 and RR-20 Districts are recommended in areas identified as Very Low Density Residential and the R-1-6 District is recommended only in the limited area along Spain Avenue identified as Low Density Residential.

Residents in the annexation area have expressed a strong desire to preserve the rural character of the portion of Monte Verde Drive currently in the County by retaining the existing large lots and avoiding urban street improvements. The proposed zoning districts address these concerns by precluding future lot splits within the annexation area, except along Spain Avenue. The RR-40 District will not permit any of the 17 lots proposed for this designation to subdivide. The RR-20 and R-1-6 Districts proposed for the six lots with frontage on both Monte Verde Drive and Spain Avenue will allow these lots to subdivide in the future but still retain a rural character along Monte Verde Drive. The intent is to permit the rear portion of these parcels to eventually develop with single-family lots matching the lotting pattern and number of lots on the opposite side of Spain Avenue but retain ½ acre lots along Monte Verde Drive.

Residents are requesting annexation largely to obtain access to City sewer service. After annexation, residents intend to create an assessment district to pay for installation of a sewer line in Monte Verde Drive. A water line has previously been installed; therefore, City water service is already available.

Ms. Binnendyk pointed out that in the past, prior to the annexation of properties which have the potential for a subdivision, the City has always required that mitigation agreements be signed with the School Districts. However, with the passage of Proposition 1A, it has been unclear since November whether those agreements are still necessary. The City Attorney's office has reviewed that proposition and has determined that the mitigation agreements with the School Districts are no longer needed. Proposition 1A provides funds which are intended to mitigate the development impacts of new projects on the schools. Therefore no School District agreements have been requested or required from the residents in the subject annexation area.

Ms. Binnendyk said that two property owners within the

RR-40 District want to be rezoned to the RR-20 District. This issue arose during the Planning Commission hearing. She displayed a map showing the location of the properties involved and discussed the difference between the two districts. The RR-40 District would not permit development, but the RR-20 District would allow the owners to submit lot-split requests in the future. She stated that neither the Planning Commission nor the staff supported either of these requests. The major reason staff did not support the request is because of the commitment to the neighborhood to retain the large lots and the rural character along Monte Verde Drive. Staff is concerned that these requests could create a precedent that could eventually trigger other piecemeal zoning requests in the island, thus undermining the goals of retaining the larger lots and avoiding street improvements.

It is recommended by the Planning Commission that the City Council, by resolution, adopt a Negative Declaration and introduce an ordinance annexing/rezoning the Monte Verde County Island to the RR-40, RR-20 and R-1-6 Districts with 17 lots being rezoned to the RR-40 District and the remaining 6 lots being rezoned to the RR-20 District adjacent Monte Verde Drive and the R-1-6 District adjacent Spain Avenue.

Councilmember Vas Dupre commented that this project is a good example of the citizens working with each other and City staff to solve an issue.

Mayor Condrón opened the public hearing.

John Daly, 5306 Monte Verde Drive, discussed the key objectives and recent progress on the proposed project and said he also supports the formation of a sewer assessment district. He pointed out that houses in the subject County island were built in the 1950s and have been prevented from expanding due to septic system capacity limitations. Residents supporting a sewer assessment district want the ability to expand their houses via adding a bathroom, bedrooms, etc.

Karine Villeggiante, 5227 Monte Verde Drive, opposed the proposal. She expressed concern that when she and her husband purchased their property in April 1998 the current situation was not disclosed to them. They have not had any problems with their septic system or their well. She stated for the record that there are other residents on the street who are opposed to the annexation.

RESOLUTION NO. 23852

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AND ADOPTING A NEGATIVE DECLARATION FOR NORTHEAST SANTA ROSA ANNEXATION 5-98 AND PREZONING OF PROPERTY LOCATED IN THE MONTE VERDE COUNTY ISLAND - FILE NUMBER ANX98-010

WHEREAS, the Environmental Coordinator conducted an Initial Study of the possible environmental effects of a proposed rezoning to the RR-20 (Rural Residential), RR-40 (Rural Residential), and R-1-6 (Single Family Residential) Districts for property located in the Monte Verde County Island which property is also identified as Assessor's Parcel Numbers 030-160-009, -010, -013, -015 to -024, -033, -034, -043, -050, -057, -061 to -065. The Initial Study is dated November 20, 1998 and is on file in the Department of Community Development; and

WHEREAS, the Initial Study did not identify any significant effects on the environment and the Environmental Coordinator determined that the use of a Negative Declaration would therefore be appropriate; and

WHEREAS, a notice of Negative Declaration was posted and given and comments from the public and interested persons were invited; and

WHEREAS, on December 10, 1998, the Planning Commission conducted a noticed public hearing concerning the possible environmental effects of the proposed rezoning and the proposed use of a Negative Declaration, following which the Planning Commission recommended approval and adoption of the Negative Declaration to the Council; and

WHEREAS, on January 26, 1999, the Council held a noticed public hearing on the proposed Negative Declaration and the proposed rezoning at which time it considered the Initial Study, the findings and determination of the Environmental Coordinator, the proposed Negative Declaration, the public comments previously received, if any, the staff reports, written and oral, the recommendation of the Planning Commission, and the testimony and other evidence of all those wishing to be heard.

NOW, THEREFORE, BE IT RESOLVED, that based on the materials and evidence presented, the Council adopts the findings and confirms the determination of the Environmental Coordinator that the project, as described, will have no significant effects on the environment.

BE IT FURTHER RESOLVED that based on the above findings and determination, the Council approves and adopts the Negative Declaration for the rezoning, as above described, of the property located in the Monte Verde County Island and also identified as Assessor's Parcel Numbers 030-160-009, -010, -013, -015 to -024, -033, -034, -043, -050, -057, -061 to -065.

IN COUNCIL DULY PASSED this 26th day of January, 1999.

- AYES: (6) Mayor Condron; Councilmembers Martini, Vas Dupre, Evans, Rabinowitsh, Runyan
- NOES: (0)
- ABSENT: (1) Councilmember Wright
- ABSTAIN: (0)

APPROVED: Janet Condron  
Mayor

ATTEST: Audrey Hooper  
Assistant/City Clerk

APPROVED AS TO FORM  
RAC  
City Attorney

7.1

ORDINANCE NO. 3405

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA PREZONING THE AREA INCLUDED WITHIN PROPOSED NORTHEAST SANTA ROSA 5-98 ANNEXATION (MONTE VERDE COUNTY ISLAND) - FILE NUMBER ANX98-010

THE PEOPLE OF THE CITY OF SANTA ROSA ENACT AS FOLLOWS:

Section 1. The Council finds, based on the evidence and records presented, that the prezoning designations of RR-20 (Rural Residential), RR-40 (Rural Residential), and R-1-6 (Single Family Residential) Districts are the appropriate classifications of the properties identified in Section 2 and such classifications are consistent with the Santa Rosa General Plan in that:

1. The properties are situated within the Very Low Density Residential and Low Density Residential areas as shown on the Land Use Graphic of the City's General Plan, which designations permit rural residential and single family residential development and existing non-conforming uses.
2. The prezoning provides rural and single family residential land uses in conformance with the policy of the Land Use Element of the City's General Plan.
3. Adequate City services can be provided for the proposed annexation area.
4. For the reasons set forth above, the proposed annexation would not adversely impact and would enhance the achievement of the Land Use goals and policies contained in the General Plan.

The Council has read, reviewed, and considered the approved and adopted Negative Declaration for this project and determines that this prezoning will not have a significant effect on the environment as shown by said Negative Declaration.

Section 2. All conditions required by law having been satisfied and all findings with relation thereto having been made, the "Zoning Map of the City of Santa Rosa," as described in section 20-01.010 of the Santa Rosa City Code, is amended so as to place the following prezoning designation on the following identified properties:

Sonoma County Assessor's Parcels numbered 030-160-009, -010, -013, -015 to -024, -033, -034, -043, -050, -057, -061 to -065, totaling approximately 24 acres, are prezoned to the City's RR-20 (Rural Residential), RR-40 (Rural Residential), and R-1-6 (Single Family Residential) Districts, as shown in Exhibit "A" attached hereto.

Section 3. In accordance with the provisions of section 20-02.287 of the Santa Rosa City Code, the prezoning designations set forth in Section 2 and Exhibit A of this ordinance shall become the zoning classifications of the parcels of real property, as therein identified, at the same time their annexation to the City of Santa Rosa is completed.

Section 4. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 2nd day of February, 1999.

AYES: (7) Mayor Condron; Councilmembers Martini, Vas Dupre, Evans, Rabinowitsh, Runyan,  
NOES: (0) and Wright  
ABSENT: (0)  
ABSTAIN: (0)

APPROVED: Janet Condron  
Mayor

ATTEST: Audrey Hooper  
Assistant City Clerk

APPROVED AS TO FORM

RCC  
City Attorney

Ord. No. 3405  
Page 2 of 2

10.

**PUBLIC HEARING - REZONING - MONTE VERDE REZONING - 5220 thru 5521 Monte Verde Drive - Rezone 18 parcels from the RR-40 to the RR-20 District - File No. REZ05-014**

City Planner Clare Hartman presented this application to rezone 17.69 acres (18 properties) from the RR-40 District to the RR-20 District.

Owners of 13 properties along Monte Verde Drive, between Calistoga Road and St. Francis Road, requested reclassification from the RR-40 (Rural Residential, 40,000 sq. ft.) District to the RR-20 (Rural Residential, 20,000 sq. ft.) District. Following notice of the application, property owners of 5227 and 5422 Monte Verde Drive asked to be included in the rezoning boundaries. Staff recommends adding these as well as three additional parcels (5434, 5512, and 5520 Monte Verde Drive) which are located in the same immediate area in order to create an RR-20 neighborhood along the entire block. Total boundaries for rezoning as recommended by staff include 17.69 acres (18 properties).

The subject properties and area north to Spain Avenue were annexed into the city through Annexation NESR 5-98 in 2000. Most of the properties on the north side of Monte Verde were rezoned to the RR-20 District while most of the properties on the south side were rezoned to the RR-40 District. The reason for the RR-40 on the south side of Monte Verde at the time was a strong sentiment by the property owners that Monte Verde remain unchanged in character. Since that time.....

Responding to questions and concerns of the Planning Commission, City Planner Hartman confirmed that there could be a maximum of 14 driveways off Monte Verde Drive and that street improvements would be made concurrent with proposed development.

Chairman Bartley opened the public hearing.

Paul Bartholow, the applicant's representative, described the history of the surrounding parcels, noting that the property owners did not want RR-20 zoning at the time of annexation; however at this time the majority of property owners support the RR-20 zoning.

City Planner Hartman explained that the property adjacent to the easterly boundary of 5221 Monte Verde Drive is not included in the application because the property owner is not interested in being part of this rezoning and because it is not part of the Monte Verde Drive neighborhood because it is accessed from Calistoga Road

David Hoffman of Monte Verde Drive (one of the applicants) indicated that, although he support the proposal, he would not oppose an individual property owner who does not wish to be included in rezoning.

There being no one else wishing to speak, Chairman Bartley closed the public hearing.

City Planner Hartman explained in response to public comments and Planning Commission concerns:

- It would be within the Planning Commission's purview to exclude a single parcel.
- A change in zoning would not compel improvement of a property.
- She clarified the location of the sewer lines.
- Current and proposed zonings share the same setbacks; they differ in minimum lot size.
- The property owner in opposition is opposed is to the entire rezoning, not just her property. One specific concern of this property owner was whether she could keep animals, and the size of her property would not preclude that.

Discussion ensued regarding the proposal, with the Planning Commission concurring in support of staff's recommendation to include all the parcels because it would provide additional housing stock in an area that is close to schools and services. The opposing property owner would not be compelled to change her property. The Commissioners noted that its concerns regarding maintaining the rural character of the road, piecemeal improvements and encouraging shared driveways would be more appropriately addressed during consideration of development proposals for the area.

**Motion:** Commissioner Cisco made and Commissioner Gorin seconded a motion to adopt **Resolution No. 10842:** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA RECOMMENDING TO CITY COUNCIL APPROVAL OF A NEGATIVE DECLARATION FOR THE RECLASSIFICATION FROM RR-20 TO RR-40 OF PROPERTY LOCATED AT 5220 THRU 5521 MONTE VERDE DRIVE - FILE NUMBER REZ05-014. The motion carried with the following vote:

Ayes: (4) (Cisco, Faber, Gorin, Bartley)  
Noes: (0)  
Abstentions: (0)  
Absent: (3) (Arendt, Poulsen, Walsh)

**Motion:** Commissioner Cisco made and Commissioner Gorin seconded a motion to adopt **Resolution No. 10843:** RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA RECOMMENDING TO CITY COUNCIL REZONING OF PROPERTY LOCATED AT 5220 THRU 5521 MONTE VERDE DRIVE TO THE RR-20 (RURAL RESIDENTIAL) DISTRICT - FILE NUMBER REZ05-014. The motion carried with the following vote:

Ayes: (4) (Cisco, Faber, Gorin, Bartley)  
Noes: (0)  
Abstentions: (0)  
Absent: (3) (Arendt, Poulsen, Walsh)

RESOLUTION NO. 10843

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA RECOMMENDING TO CITY COUNCIL REZONING OF PROPERTY LOCATED AT 5220 THRU 5521 MONTE VERDE DRIVE TO THE RR-20 (RURAL RESIDENTIAL) DISTRICT - FILE NUMBER REZ05-014

WHEREAS, after public hearing, the Planning Commission of the City of Santa Rosa believes that the present classification of property situated at 5220, 5227, 5231, 5232, 5239, 5244, 5306, 5318, 5330, 5342, 5410, 5422, 5434, 5446, 5511, 5512, 5520, and 5521 Monte Verde Drive in the RR-40 (Rural Residential) District is no longer appropriate and that rezoning is required for public convenience, necessity and general welfare; and

WHEREAS, the Planning Commission hereby finds and determines:

- A. The proposed amendment is consistent with the with the goals and policies of all elements of the General Plan,
- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
- D. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/developments.

NOW, THEREFORE, BE IT RESOLVED that the Santa Rosa City Planning Commission recommends approval and adoption of the rezoning subject to the following conditions:

- 1. Sewer connections for this development, or any part thereof, will be allowed only in accordance with the requirements of the California Regional Water Quality Control Board, North Coast Region, in effect at the time, or thereafter, that the building permit(s) for this development, or any part thereof, are issued.

BE IT FURTHER RESOLVED that the Planning Commission recommends to the City Council the approval and adoption of the rezoning of property situated at 5220, 5227, 5231, 5232, 5239, 5244, 5306, 5318, 5330, 5342, 5410, 5422, 5434, 5446, 5511, 5512, 5520, and 5521 Monte Verde Drive from the RR-40 (Rural Residential) District to the RR-20 (Rural Residential) District, said property more precisely described as: Assessor's Parcel Number(s) 153-430-005, -006, -007, -017, -018, -019, -020, -021, -022, -023, -024, -025, -026, -027, -028, -029, -030, and -031 .

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 22nd day of September, 2005, by the following vote:

Ayes: (4) (Cisco, Faber, Gorin, Bartley)  
Noes: (0)  
Abstentions: (0)  
Absent: (3) (Arendt, Poulsen, Walsh)

**COPY**  
APPROVED: \_\_\_\_\_

CHAIRMAN

ATTEST: \_\_\_\_\_  
EXECUTIVE SECRETARY

RESOLUTION NO. 10842

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
RECOMMENDING TO CITY COUNCIL APPROVAL OF A NEGATIVE DECLARATION FOR THE  
RECLASSIFICATION FROM RR-40 TO RR-20 OF PROPERTY LOCATED AT 5220 THRU 5521  
MONTE VERDE DRIVE - FILE NUMBER REZ05-014

WHEREAS, the Environmental Coordinator reviewed an Initial Study of the possible environmental effects of a proposed reclassification from the RR-20 (Rural Residential) District to the RR-40 (Rural Residential) District, for property located at 5220, 5227, 5231, 5232, 5239, 5244, 5306, 5318, 5330, 5342, 5410, 5422, 5434, 5446, 5511, 5512, 5520, and 5521 Monte Verde Drive, which property is also identified as Assessor's Parcel Number(s) 153-430-005, -006, -007, -017, -018, -019, -020, -021, -022, -023, -024, -025, -026, -027, -028, -029, -030, and -031 . The Initial Study is dated August 31, 2005 and is on file in the Department of Community Development; and

WHEREAS, the Study did not identify any significant effects on the environment and the Environmental Coordinator determined that the use of a Negative Declaration would therefore be appropriate; and

WHEREAS, a Notice of Negative Declaration was duly posted and given and comments from the public and interested persons were invited; and

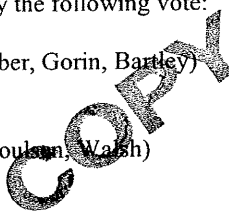
WHEREAS, on September 22, 2005 the Planning Commission of the City of Santa Rosa held a duly noticed public hearing on the proposed Negative Declaration and the proposed reclassification, at which time it considered the Initial Study, the findings and determination of the Environmental Coordinator, the proposed Negative Declaration, the public comments previously received, if any, the staff reports, written and oral, and the testimony and other evidence of all those wishing to be heard.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Santa Rosa, based on the materials and evidence presented, hereby recommends adoption of the findings and confirms the determination of the Environmental Coordinator that the project, as described, will have no significant effects on the environment.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Santa Rosa, based on the above findings and determination, hereby recommends to the City Council approval of the Negative Declaration for the reclassification as above described, of the property located at 5220, 5227, 5231, 5232, 5239, 5244, 5306, 5318, 5330, 5342, 5410, 5422, 5434, 5446, 5511, 5512, 5520, and 5521 Monte Verde Drive, and also identified as Assessor's Parcel Number(s) 153-430-005, -006, -007, -017, -018, -019, -020, -021, -022, -023, -024, -025, -026, -027, -028, -029, -030, and -031 .

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 22nd day of September, 2005, by the following vote:

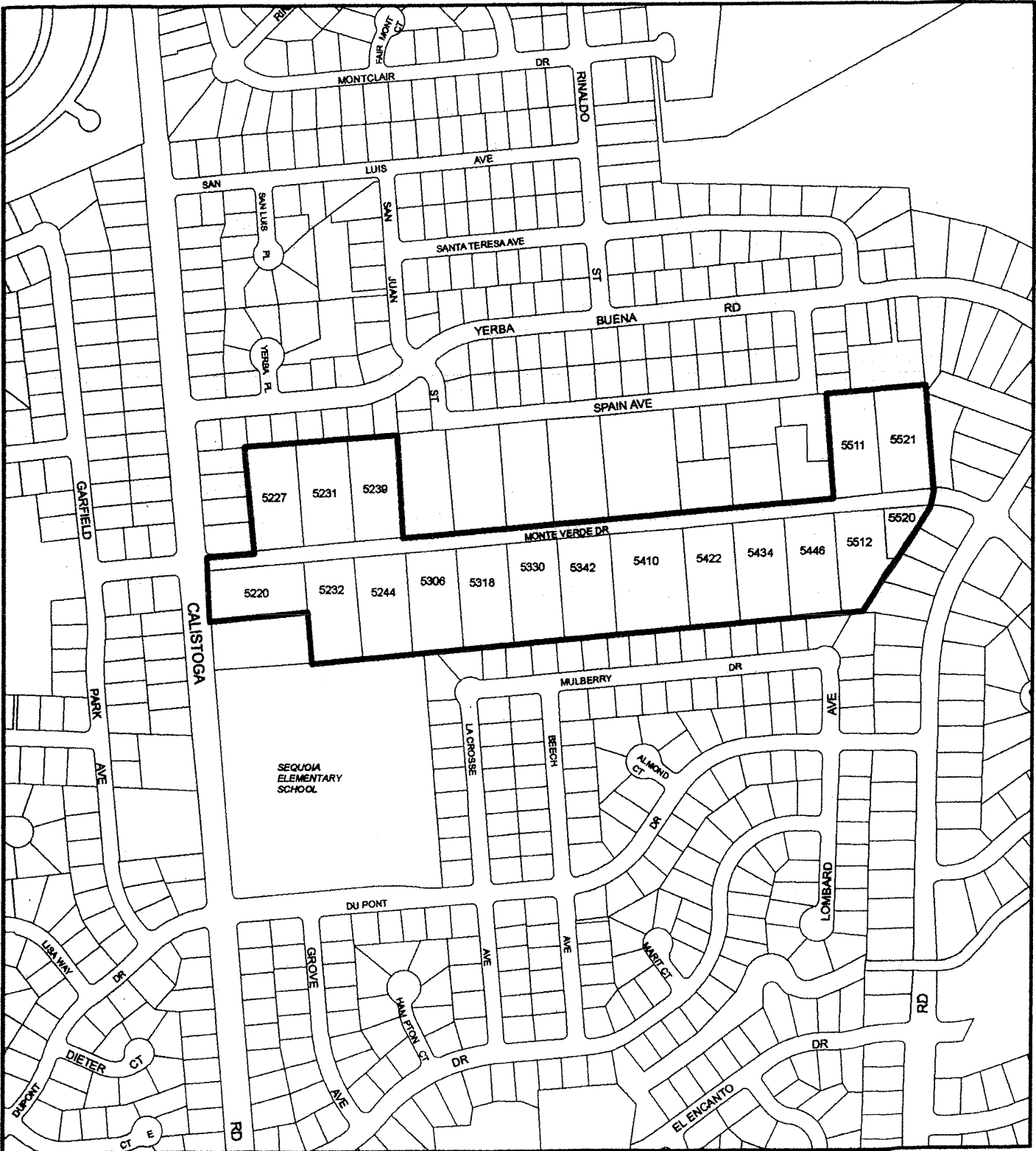
Ayes: (4) (Cisco, Faber, Gorin, Bartley)  
Noes: (0)  
Abstentions: (0)  
Absent: (3) (Arendt, Poulson, Walsh)



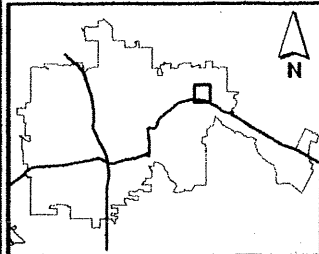
APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST: \_\_\_\_\_  
EXECUTIVE SECRETARY





**5220 - 5221 MONTE VERDE DRIVE  
REZONING**



CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
SUBJECT: PUBLIC HEARING – REZONING – MONTE VERDE  
REZONING - 5220, 5227, 5231, 5232, 5239, 5244, 5306,  
5318, 5330, 5342, 5410, 5422, 5434, 5446, 5511, 5512,  
5520, AND 5521 MONTE VERDE DRIVE  
STAFF PRESENTER: CLARE HARTMAN, CITY PLANNER,  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
AGENDA ACTION: RESOLUTION(S) AND ORDINANCE

---

ISSUE(S)

Should the City Council adopt a Negative Declaration for the Monte Verde Rezoning project?

Should the City Council reclassify 17.69 acres (18 properties) from the RR-40 District to the RR-20 District?

BACKGROUND

1. Surrounding Land Uses

North: Single Family Residential  
South: Single Family Residential, Sequoia Elementary School  
East: Single Family Residential  
West: Single Family Residential

Surrounding area is urbanized with single-family homes on standard (6,000 to 10,000 sq. ft.) parcels, as well as an elementary school.

2. Existing Land Use - Project Site

Properties along Monte Verde Drive between Calistoga Road and St. Francis Road are rural in character with mostly one acre lots, single family homes built in the 1950's and minimal street improvements. Some properties on the north side of Monte Verde which were rezoned to the RR-20 District in 2000 have subdivided into two ½ acre lots with single family homes.



### 3. Historical

In 2000, the subject properties and area north to Spain Avenue were annexed into the city through Annexation NESR 5-98. Most of the properties on the north side of Monte Verde were rezoned to the RR-20 District while most of the properties on the south side were rezoned to the RR-40 District. The reason for the RR-40 on the south side of Monte Verde at the time was a strong sentiment by the property owners that Monte Verde remain unchanged in character.

On September 22, 2005, the Planning Commission held a public hearing to consider a request for rezoning 18 properties on Monte Verde Drive. Discussion ensued over what to do with the two parcels in the area that did not want to participate in the rezoning. One property was deemed outside of the Monte Verde neighborhood since it had its access off of Calistoga Road instead and the other was recommended to be included anyway since it was in the middle of the Monte Verde neighborhood. By a unanimous vote, the Commission recommended the Council adopt a Negative Declaration for Monte Verde Rezoning and to reclassify 17.69 acres (18 properties) from the RR-40 District to the RR-20 District.



## ANALYSIS

### 1. Project Description

Owners of 13 properties along Monte Verde Drive, between Calistoga Road and St. Francis Road, requested reclassification from the RR-40 (Rural Residential) District to the RR-20 (Rural Residential) District. Following notice of the application, property owners of 5227 and 5422 Monte Verde Drive asked to be included in the rezoning boundaries. Staff recommends adding these as well as three additional parcels (5434, 5512, and 5520 Monte Verde Drive) which are located in the same immediate area in order to create an RR-20 neighborhood along the entire block.

Total boundaries for rezoning as recommended by staff include 17.69 acres (18 properties). Reclassification of these properties will allow for subdivision potential for all but three parcels included in the boundary. See the Zoning section of this report for more details.

Property owner of 5434 Monte Verde objects to the rezoning in general and objects to being included in the boundaries since she wishes to protect the rural character of the existing neighborhood and has no interest in subdividing her one acre parcel. No comments have been received to date from the property owners of 5512 and 5520 Monte Verde Drive.

2. General Plan

Residential, Very Low Density

General Plan policy LUL-E-4 calls for the protection of the rural quality of Very Low Density areas through design and development standards and through development review.

The General Plan land use designation for the properties along Monte Verde Drive, between Calistoga Road and St. Francis Road, is Residential, Very Low Density which allows up to 2 units per acre. The density range is intended to accommodate rural and hillside developments within the UGB and is intended for single family detached units. Both the RR-20 (Rural Residential) District and the RR-40 (Rural Residential) Districts can be found consistent with Residential, Very Low Density.

3. Zoning

North: RR-20, R-1-6  
South: R-1-6  
East: R-1-6  
West: R-1-6

The subject properties are currently zoned RR-40 which allows for one single family home per 40,000 square foot lot. The reclassification to the RR-20 District will allow for 20,000 square foot lots. 14 of the 17 properties included are at least one acre in area and therefore have the ability to subdivide. Maximum total build out based on the RR-40 zoning would be 15 new single-family homes.

Most of the properties are developed with an existing single family home located near the street and in the center of the parcel. This makes for limited access to the rear portion of the parcel, therefore build-out of the neighborhood will likely be much lower than the maximum allowed.

The Commission found that since the area is of mild slopes and located within close proximity to schools and shopping, that the RR-20 District is more appropriate than the RR-40 District which is intended for hillsides or service limited properties.

4. Parking

Not applicable.

5. Environmental Review

On August 31, 2005, an Initial Study was conducted, resulting in a Negative Declaration. The Negative Declaration was posted from September 1, 2005 to September 22, 2005, resulting in no comments.

6. Comments/Actions by Other Review Boards/Agencies

Not applicable.

7. Neighborhood Comments

Property owner of 5434 Monte Verde (Gotts) objects to the rezoning as noted in the Project Description section of this report. She does not want the rural character of the neighborhood to change.

A letter of opposition to the rezoning was received by the property owner of 470 Calistoga Road. Concerns raised in the letter include traffic generation and loss of "green-belt".

8. Public Improvements/On-Site Improvements

No development or subdivision is proposed at this time. Monte Verde Drive will ultimately be improved to urban street standards including curb, gutter, and sidewalk.

9. Issues

There are no unresolved issues remaining with the proposal.

RECOMMENDATION

The Planning Commission recommends the Council adopt a Negative Declaration for Monte Verde Rezoning and to reclassify 17.69 acres (18 properties) from the RR-40 District to the RR-20 District.

Author: Clare Hartman, City Planner

Attachments:

- Locational map
- Disclosure form
- Existing and Proposed Zoning Exhibits
- Neighborhood context map (aerial photo)
- Negative Declaration and Initial Study
- Correspondence

- Planning Commission Minutes – September 22, 2005
- Planning Commission Resolution Nos. 10842 and 10843



Department of  
Community  
Development

# DISCLOSURE FORM

Please Type or Print

File No.	Quad.
Related Files	
Department Use Only	

<http://ci.santa-rosa.ca.us/cd/>

DISCLOSURE FORM

Project Title: Monte Verde Drive Rezone Application  
(Include site address)

**Please provide the name of each individual, partnership, corporation, LLC, or trust who has an interest in the proposed land use action. Include the names of all applicants, developers, property owners, and each person or entity who holds an option on the property.**

- Individuals: Identify all individuals.
- Partnerships: Identify all general and limited partners.
- Corporations: Identify all shareholders owning 10% or more of the stock and all officers and directors (unless the corporation is listed on any major stock exchange, in which case only the identity of the exchange must be listed).
- LLCs: Identify all members, managers, partners, officers and directors.
- Trusts: Identify all trustees and beneficiaries.
- Option Holders: Identify all holders of options on the real property.

<u>Full Name:</u>	<u>Address:</u>
SEE ATTACHED LIST	

**In addition, please identify the name of each civil engineer, architect, and consultant for the project.**

<u>Full Name</u>	<u>Address:</u>
Paul Bartholow	2450 Summit Drive, Santa Rosa CA 95404

Additional names and addresses attached:  Yes  No

The above information shall be promptly updated by the applicant to reflect any change that occurs prior to final action.

I certify that the above information is true and correct:

*Paul Bartholow* 6/20/05  
(Applicant) (Date)

	EX ZONE	PRO ZONE	E USE	PRO USE
153-430-006 JONATHAN & ALISAH YOUNG 5231 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-007 FRANCIS M & ROBIN ANGERER 5239 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-017 ROBERT J & DORTHY D PAWLEY 5511 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-018 ERIC M & SUSAN L HEUN 5521 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-021 EMMA A CHANCE 5446 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-024 STEVEN T & SUSAN G JENKINS 5410 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-025 PAUL KRUEZFELDT 5342 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-026 BRYAN & JENNIFER JEFFERSON 5330 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-027 DAVID L HOFFMAN & KATHLEEN M. WILCOX 5318 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-028 JOHN R & KELLY J DALY 5306 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-029 GUIDO & GLORIA E PENNATO 5244 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-030 PAUL E BUSSARD & LYNN K. DENLEY 5323 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-031 KAREN H & KENNETH C GRANDALL 5220 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL

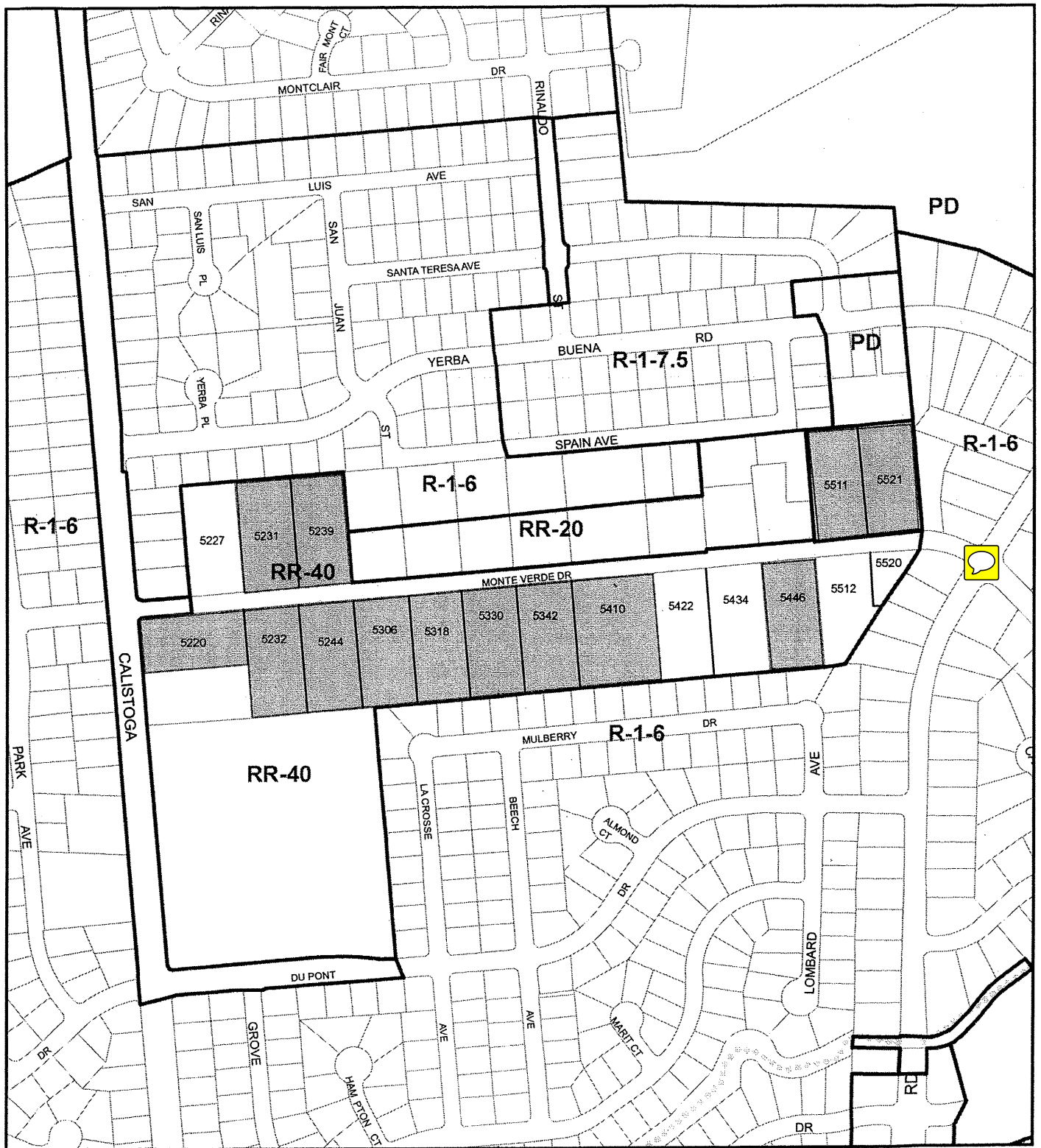


	EX ZONE	PRO ZONE	USE	PRO USE
153-430-006 JONATHAN & ALISAH YOUNG 5231 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-007 FRANCIS M & ROBIN ANGERER 5239 MONTE VERDE DR. <i>Robin Angerer</i>	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-017 ROBERT J & DORTHY D PAWLEY 5511 MONTE VERDE DR. <i>Robert J. Pawley</i>	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-018 ERIC M & SUSAN L HEUN 5521 MONTE VERDE DR. <i>Susan L. Heun</i>	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-021 EMMA A CHANCE 5446 MONTE VERDE DR. <i>Emma A. Chance</i>	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-024 STEVEN T & SUSAN G JENKINS 5410 MONTE VERDE DR. <i>Steven T. Jenkins</i>	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-025 PAUL KRUEZTFELDT 5342 MONTE VERDE DR. <i>Paul Kruezfeldt</i>	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-026 BRYAN & JENNIFER JEFFERSON 5330 MONTE VERDE DR. <i>Jennifer</i>	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-027 DAVID L HOFFMAN & KATHLEEN M. WILCOX 5318 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-028 JOHN R & KELLY J DALY 5306 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-029 GUIDO & GLORIA E PENNATO 5244 MONTE VERDE DR. <i>G. Pennato</i>	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-030 PAUL E BUSSARD & LYNN K. DENLEY 5223 MONTE VERDE DR. 5232 <i>P. E. Bussard</i>	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-031 <i>523-0459</i> KAREN H & KENNETH C GRANDALL 5220 MONTE VERDE DR. <i>Karen H. Grandall</i>	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL

	EX ZONE	PRO ZONE	EX USE	PRO USE
153-430-006 JONATHAN & ALISAH YOUNG 5231 MONTE VERDE DR. <i>Jonathan Young</i>	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-007 FRANCIS M & ROBIN ANGERER 5239 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-017 ROBERT J & DORTHY D PAWLEY 5511 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-018 ERIC M & SUSAN L HEUN 5521 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-021 EMMA A CHANCE 5446 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-024 STEVEN T & SUSAN G JENKINS 5410 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-025 PAUL KRUEZFELDT 5342 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-026 BRYAN & JENNIFER JEFFERSON 5330 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-027 DAVID L HOFFMAN & KATHLEEN M. WILCOX 5318 MONTE VERDE DR. <i>Kathleen M Wilcox</i>	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-028 JOHN R & KELLY J DALY 5306 MONTE VERDE DR. <i>John R. Daly</i>	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-029 GUIDO & GLORIA E PENNATO 5244 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-030 PAUL E BUSSARD & LYNN K. DENLEY 5323 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL
153-430-031 KAREN H & KENNETH C GRANDALL 5220 MONTE VERDE DR.	RR-40	RR-20	SF RESIDENTIAL	SF RESIDENTIAL

# Monte Verde Drive - Neighborhood Context





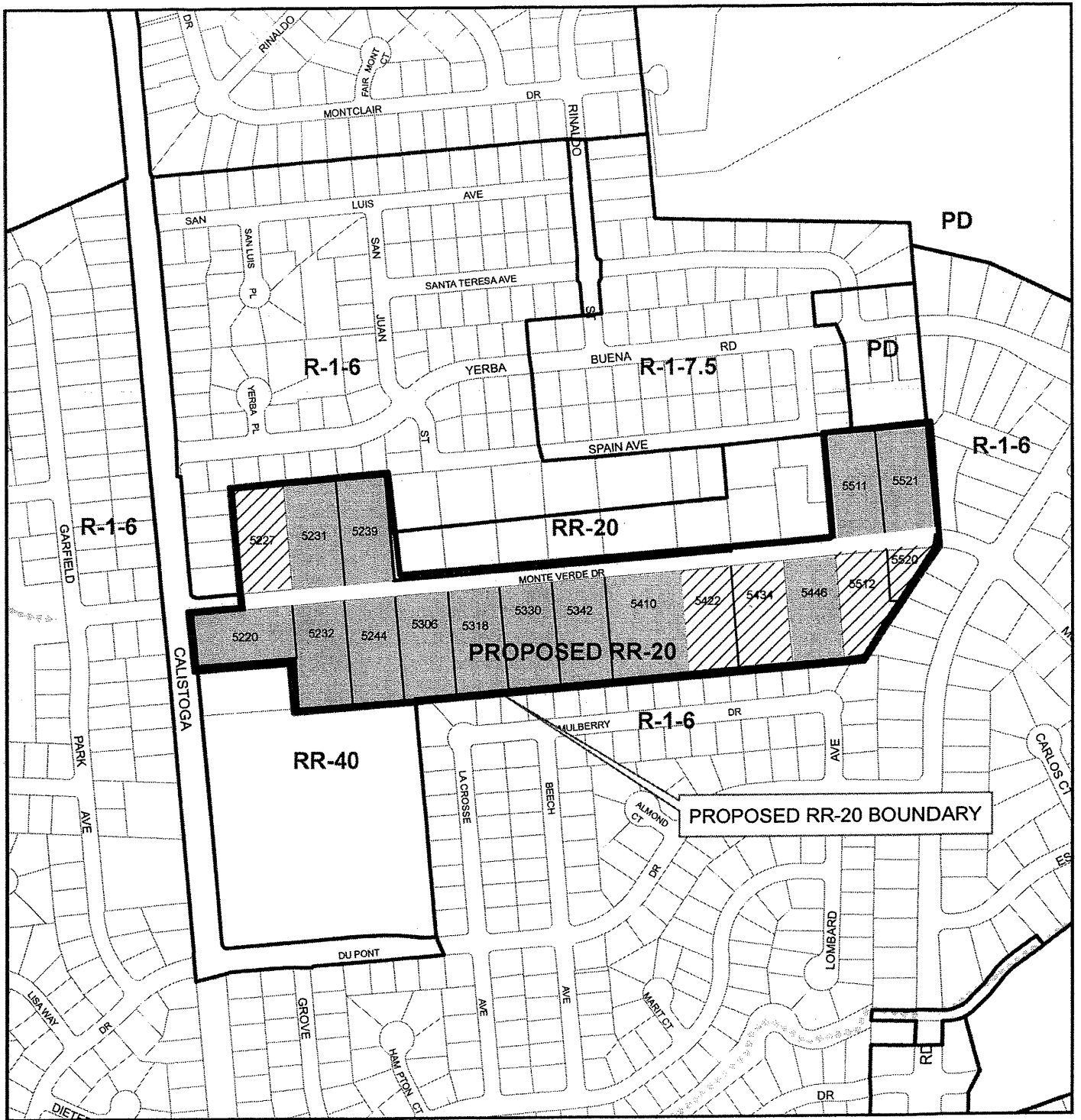
## MONTE VERDE ANNEXATION EXISTING ZONING



APPLICANT'S PROPERTY



CITY OF  
SANTA ROSA  
COMMUNITY DEVELOPMENT  
DEPARTMENT



## MONTE VERDE ANNEXATION PROPOSED ZONING

- APPLICANT'S PROPERTY
- STAFF RECOMMENDED TO BE ADDED TO REZONING BOUNDARIES
- STAFF RECOMMENDED REZONING BOUNDARY



**Hartman, Clare**

---

**From:** Karine Villeggiante [karinev@sbcglobal.net]  
**Sent:** Monday, August 08, 2005 3:25 PM  
**To:** Hartman, Clare  
**Subject:** Monte Verde Rezone Application File# REZ05-014

Dear Clare Hartman,

My husband & I reside at 5227 Monte Verde Dr and would like to join in the rezoning from R-40 to R-20.

Please call or email me to advise us as to how to join the group application in progress.

My contact info is on the bottom of this email for calls during the day. We can also be reached at home at 537-8606

Respectfully,  
Karine Villeggiante

**Karine Villeggiante**

Cell: (707) 291-5889  
Direct: (707) 566-2227  
Office: (707) 566-7070  
Fax: (707) 578-3995

**Financial Logistics Inc.**

2455 Bennett Valley Rd. Suite A112  
Santa Rosa, CA 95404

# NOTICE OF NEGATIVE DECLARATION

---

**NAME OF PROJECT:** Monte Verde Rezoning    **FILE NUMBER:** REZ05-014

**LOCATION OF PROJECT:** 18 properties: 5220, 5227, 5231, 5232, 5239, 5244, 5306, 5318, 5330, 5342, 5410, 5422, 5434, 5446, 5511, 5512, 5520, and 5521 Monte Verde Drive

**APN:** 153-430-005, -006, -007, -017, -018, -019, -020, -021, -022, -023, -024, -025, -026, -027, -028, -029, -030, and -031

**PROJECT DEVELOPER:** Various homeowners



**DESCRIPTION OF PROJECT:** Rezone a total of 17.69 acres (18 parcels) from the RR-40 District to the RR-20 District.

## DECLARATION

Based upon the Initial Study, dated August 31, 2005 the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. None.

The Initial Study and other environmental documents are available for public review at the Department of Community Development, Room 3, City Hall, 100 Santa Rosa Avenue. The

public is hereby invited to submit to the Department of Community Development written comments regarding the environmental findings and Negative Declaration determination. Such comments should be submitted prior to the termination date of the posting period identified below.

**Posting Period:** September 2, 2005 to September 22, 2005

Submit comments to: Clare Hartman  
Santa Rosa Department of Community Development  
P.O. Box 1678, Santa Rosa, CA 95402-1678  
Telephone (707) 543-3185, email: [Chartman@srcity.org](mailto:Chartman@srcity.org)



**DEPARTMENT OF COMMUNITY DEVELOPMENT  
INITIAL STUDY OF ENVIRONMENTAL SIGNIFICANCE**

**PROJECT TITLE** Monte Verde Rezoning

**PROJECT LOCATION** 18 properties: 5220, 5227, 5231, 5232, 5239, 5244, 5306, 5318, 5330, 5342, 5410, 5422, 5434, 5446, 5511, 5512, 5520, and 5521 Monte Verde Drive

**APN** 153-430-005, -006, -007, -017, -018, -019, -020, -021, -022, -023, -024, -025, -026, -027, -028, -029, -030, and -031

**PROJECT DEVELOPER**

Various homeowners

**A. SUMMARY DETERMINATION**

- Negative Declaration  
Posting Period: September 2, 2005 to September 22, 2005
- Mitigation Measures (attached)
- Environmental Impact Report Required

**B. PROJECT INFORMATION**

1. Description:

Applicants representing 13.56 acres (13 parcels) filed an application requesting that their parcels along Monte Verde Drive be rezoned from the RR-40 District to the RR-20 District. Based on neighborhood sentiment and staff analysis, staff recommends expanding the rezoning boundary to include a total of 17.69 acres (18 parcels) along Monte Verde Drive. This initial study reviews the environmental impacts based on the staff recommended boundaries.

The proposed zoning designation will allow the one acre lots to subdivide into two lots per the RR-20 Zoning. The intent is to permit the same subdivision potential to all properties on Monte Verde Drive between Calistoga Road and St. Francis Road - and to have all the properties within the same neighborhood share the same zoning regulations. Under the new zoning there is a maximum potential for 15 new 1/2 acre lots along Monte Verde Drive.

2. Environmental Setting:

The subject area is located along Monte Verde Drive between Calistoga Road and St. Francis Road. The homes on this street were constructed in the 1950's. The area retains a rural character. With the exception of three lots, all the subject parcels are one acre in size. All lots have been developed with one single family home with the exception of parcel number 20 which was developed with two single family dwellings. Street improvements are

minimal.

The subject properties were annexed into the City through NESR 5-98, recorded in 2000. Upon annexation, several properties coordinated an extension of city sewer from Calistoga Road to just past the middle of the block on Monte Verde.

3. Character of Surrounding Area:

The surrounding area is urbanized in character with single family homes on standard (6,000 to 10,000 square foot) lots as well as an elementary school.

**C. GENERAL CONSIDERATIONS**

1. Does the project conform to General Plan proposals including the various adopted elements? (Land Use, Circulation, Urban Design, Housing, Open Space/Conservation, Noise, Seismic/Safety, Recreation, Scenic Highways, Community Facilities)(See appropriate impact sections for application of specific elements.) **Yes**

General Plan Designation:

The General Plan land use designation for the subject properties is Residential, Very Low Density, permitting a maximum of 2 units per acre. The proposed rezoning to RR-20 is consistent with this designation as it will permit lots at least 20,000 square feet in size.

2. Does the project conform to existing (or proposed) zoning classification? **Not Applicable**

Classification:

No development is proposed as part of this application.

3. Does it appear that any feature of this project, including aesthetics, will generate significant public concern? **Negligible**

Nature of Concern:

Loss of rural character.

4. Will the project require approval or permits by other than a City Agency? **No**

Other Agency:

Not Applicable.

**D. ENVIRONMENTAL IMPACTS:** (Include mitigation measures for significant effects where possible.)

**1. EARTH.** (Consider the Seismic Safety Element) Will the proposal result in or be subject to:

- |    |  |            |
|----|--|------------|
| a) | Erection of structures within an Alquist-Priolo Act Special Studies Zone?                                      | No         |
| b) | Grading (consider amount and aesthetics)?  | Negligible |
| c) | Slides, liquefaction, or other hazards on or immediately adjoining the site?                                   | No         |
| d) | Adverse soil or topographic characteristics (consider prime soils, slope, slope stability, soils limitations)? | No         |
| e) | Wind or water erosion of soils, on site or off?  | Negligible |

**DISCUSSION:**

The rezoning is not located within a special studies zone and does not contain any special topographical or soil hazards. Any grading associated with future subdivision will be negligible due to the flat terrain.

**MITIGATION MEASURES:**

None.

**2. AIR.** Will the project result in:

- |    |  |    |
|----|--|----|
| a) | Deterioration of air quality or creation of objectionable odors? | No |
| b) | Exposure of people to existing odors or poor quality air?        | No |

**DISCUSSION:**

The potential construction of a maximum of 15 new homes will not contribute significantly to the deterioration of air quality.

**MITIGATION MEASURES:**

None.

**3. WATER.** Will the project result in:

- |    |  |                   |
|----|--|-------------------|
| a) | Erection of structures within a designated flood (hazard prone) area?            | <b>No</b>         |
| b) | Contribute cumulative downstream impacts?  | <b>Negligible</b> |
| c) | Reduction of surface or ground water quality or quantity?                        | <b>Negligible</b> |
| d) | Alteration of drainage patterns or runoff (consider cumulative downslope areas)? | <b>Negligible</b> |
| e) | Disruption of streams or water bodies, including seasonal water bodies?          | <b>No</b>         |

**DISCUSSION:**

The subject parcels are not located in a flood area and there is no creek traversing the area.

**MITIGATION MEASURES:**

None.

**4. PLANT/ANIMAL LIFE.** Will the project result in:

- |    |  |                   |
|----|--|-------------------|
| a) | Changes in the diversity of species, or numbers of any species of plants or animals?   | <b>Negligible</b> |
| b) | Reduction of the number of any unique, rare or endangered species of plants or animals?  | <b>No</b>         |
| c) | Introduction of new species of plants or animals to the detriment of existing native species? Creation of a barrier to the normal migration, replenishment, or movement of existing species? | <b>Negligible</b> |
| d) | Deterioration or reduction of existing plant or animal habitat, including agricultural crops   | <b>Negligible</b> |

**DISCUSSION:**

The subject properties do not contain any significant wildlife habitat or rar/endangered species. The area is surrounded by urban development. Any tree removal due to subdivision improvements will be subject to compliance to the City's Tree Ordinance.



**MITIGATION MEASURES:**

None.

**5. NOISE.** Will the project result in:

- a) Exposure of noise-sensitive land uses to noise levels exceeding 60 dBA?

**Negligible**

Noise Source:

Calistoga Road

- b) Increases in existing noise levels?

**No**

Noise Source:

None.

**DISCUSSION:**

Calistoga Road is considered a significant noise source in the General Plan. For lots close to Calistoga Road, new development will be subject to a noise analysis to determine appropriate mitigation.

**MITIGATION MEASURES:**

None.

- 6. NATURAL RESOURCES.** Will the project result in an increase in the rate of use of any natural resource, including energy resources, or the substantial depletion of any nonrenewable resource?

**No**

**DISCUSSION:**

No natural resources have been identified in the area.

**MITIGATION MEASURES:**

None.

7. **UTILITIES.** Will the project result in the need for new systems or alterations to the following utilities: electricity, natural gas, communication facilities, water, sewers, storm drainage, solid waste disposal?

**Negligible**

**DISCUSSION:**

Approximately half of the subject properties are not currently hooked up to City sewer, and a little more than half are not hooked up to City water. A City water main exists in the full length of Monte Verde within the subject area and a City sewer main extends to just past the middle of the block between Calistoga Road and St. Francis Rd. Properties on Monte Verde Drive would need to extend the sewer main in Monte Verde in order to connect to City sewer.

**MITIGATION MEASURES:**

None.

8. **PUBLIC SERVICES.** Will the project result in the need for new or altered services in the following areas: fire protection, police protection, schools, parks or other recreational facilities, roads, flood control or other public works facilities, public transit or other governmental services?

**Negligible**

**DISCUSSION:**

The City can readily serve the subject properties.

**MITIGATION MEASURES:**

None.

9. **TRANSPORTATION/CIRCULATION.** Will the project result in:

**Negligible**

- a) Generation of additional vehicular movement with initiation or intensification of circulation problems (consider road design, project access, congestion, hazards to vehicles, pedestrians)?
- b) Effects on existing parking facilities or demands for

**Negligible**

**Negligible**

new parking?

- c) Impact on existing rail, air or public transportation systems?

**Negligible**

**DISCUSSION:**

The proposed rezoning to RR-20 is consistent with the City's General Plan land use designation and therefore build-out assumptions for the area.

**MITIGATION MEASURES:**

None.

- 10. LAND USE.** (Consider the Land Use and Housing Element.)  
Will the project:

- a) Alter the location, distribution, density or growth rate of the human population of an area?
- b) Create a demand for additional housing or degrade/displace existing housing?
- c) Result in a substantial alteration of the planned use of an area?

**Negligible**

**Negligible**

**No**

**DISCUSSION:**

The rezoning to allow half acre lots on both sides of Monte Verde Drive will create a cohesive neighborhood sharing the same subdivision and development opportunities. The density allowed by the rezoning is consistent with the General Plan land use designation of Residential, Very Low Density.

**MITIGATION MEASURES:**

None.

- 11. AESTHETICS.** Will the project obstruct or degrade any public scenic vista or view, create an aesthetically offensive site open to public view, produce new light or glare, or be visually incompatible with the surrounding area

**Negligible**

**DISCUSSION:**

Monte Verde Drive is rural in character. As properties begin to subdivide, the character of the area will change as street improvements and new homes are constructed.

**MITIGATION MEASURES:**

None.

12. **RECREATION.** (Consider the Public Services and Facilities Element.) Will the project affect an existing park, future park/recreational options, or access to a park (including bicycle trails)? **No**

**DISCUSSION:**

The rezoning will not impact any existing or planned parks.

**MITIGATION MEASURES:**

None.

13. **CULTURAL RESOURCES.** Will the project:
- a) Disrupt or adversely affect a prehistoric or archaeological site? **No**
  - b) Disrupt or adversely affect a property of historic or cultural significance? **No**

**DISCUSSION:**

Archeological resources are not anticipated in the subject area.

**MITIGATION MEASURES:**

None.

14. **HAZARD.** (Consider the Safety Element.) Will the project:
- a) Create a risk of explosion, release of hazardous substances or other dangers to public health or safety? **No**
  - b) Locate people on or adjacent to a potential health or safety risk? **No**

**DISCUSSION:**



Residential land uses do not typically involve activities that are considered a threat to public health and safety. There are no known hazards in the subject area.

**MITIGATION MEASURES:**

None.

15. **OTHER.** (Consider the Open Space and Conservation Element.) Will the project result in other significant effects on the environment?

**DISCUSSION:**

None.

**MITIGATION MEASURES:**

None.

16. **MANDATORY FINDINGS OF SIGNIFICANCE.** (A "yes" answer on any of the following questions requires preparation of an EIR.)

- |   |                         |
|---|-------------------------|
| a) Does the project have the potential to degrade the quality of the environment, or curtail the diversity in the environment?              | <b>Negligible</b>       |
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?                        | <b>No</b>               |
| c) Does the project have impacts which are individually limited, but cumulatively considerable?   | <b>Choose from list</b> |
| d) Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly? | <b>No</b>               |

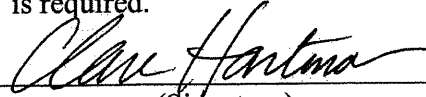
**DETERMINATION:** On the basis of this evaluation:

- I find the proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **NEGATIVE DECLARATION**

WILL BE PREPARED.

I find the proposed project MAY have a significant effect on the environment and a ENVIRONMENTAL IMPACT REPORT is required.

Date August 31, 2005



\_\_\_\_\_  
(Signature)

## MITIGATION MONITORING PROGRAM

[\[Click Here and enter information.\]](#)

**Project Name**

The following environmental mitigation measures were incorporated into the Conditions of Approval for this project in order to reduce identified significant environmental impacts to a level of insignificance. A completed and signed report for each mitigation measure indicates that this mitigation measure has been complied with and implemented.

<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Shown on Plans</b>	<b>Constructed/ Installed</b>	<b>Remarks</b>
---------------------------	--------------------------	-----------------------	-----------------------------------	----------------

NOTE: The first two columns will be completed prior to adoption of the Monitoring Program. The second two columns will be initialed and dated by the individual responsible for monitoring when the mitigation measure is shown on the plans and implemented.

**Reclassification of property located at 5220 thru 5521 Monte Verde Drive to the RR-20 (Rural Residential) District**

November 8, 2005

**ORDINANCE NO. 3756**

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CHAPTER 20 OF THE SANTA ROSA CITY CODE – RECLASSIFICATION OF PROPERTY LOCATED AT 5220 THRU 5521 MONTE VERDE DRIVE TO THE RR-20 (RURAL RESIDENTIAL) DISTRICT - FILE NUMBER REZ05-014

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council finds, based on the evidence and records presented, that the reclassification to the RR-20 (Rural Residential) District located at 5220, 5227, 5231, 5232, 5239, 5244, 5306, 5318, 5330, 5342, 5410, 5422, 5434, 5446, 5511, 5512, 5520, and 5521 Monte Verde Drive, which property is also identified as Assessor's Parcel Number 153-430-005, -006, -007, -017, -018, -019, -020, -021, -022, -023, -024, -025, -026, -027, -028, -029, -030, and -031 is appropriate for the property identified in Section 2, due to subject property's physical configuration and its location adjacent to established development.

The Council further finds and determines that the reclassification of the subject property from the RR-40 (Rural Residential) District to the RR-20 (Rural Residential) District is consistent with the Santa Rosa General Plan in that:

1. The Zoning authorizes Rural Residential Land Use in conformance with the Land Use Element of the City's General Plan, which designates the site for Residential, Very Low Density (0.2 to 2 units per acre).
2. Adequate City services can be provided for the proposed development.

The Council has reviewed and considered the approved and adopted Negative Declaration for this project and determines that this reclassification will not have a significant effect on the environment as shown by the Negative Declaration.

Section 2. All conditions required by law having been satisfied and all findings with relation thereto having been made, Chapter 20 of the Santa Rosa City Code is amended by amending the "Zoning Map of the City of Santa Rosa," as described in Section 20-20.020, so as to change the classification of Assessor's Parcel Numbers 153-430-005, -006, -007, -017, -018, -019, -020, -021, -022, -023, -024, -025, -026, -027, -028, -029, -030, and -031 to the RR-20 (Rural Residential) District.

Section 3. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 8th day of November, 2005.

residents related to increased traffic and the safety of neighborhood children. Since then, however, a walking path has since been built along Monte Verde. Mr. Regalia indicated that this matter has not become an issue at this time.



John Daly, 5306 Monte Verde Drive, spoke in support of the setting the boundary. He said that houses in the area have been prevented from expanding due to limits on septic system capacity. He read a statement indicating the support of residents for the assessment district because they want the ability to expand their homes. However, at the same time, residents are committed to retaining the present appearance of the street. He discussed the costs for installing sewers, as well as construction costs and street improvements, making the total cost impractical for most residents.

Charlene Bornstein, 5317 Monte Verde, said she has been actively involved in this project for a number of years. She spoke about the financial challenge to do this project, but stated that it must be done. She noted that residents cannot currently obtain permits through the County to do any type of expansion or any improvements (addition of a garbage disposal, etc.).

MOVED by Councilmember Martini, seconded by Councilmember Evans CARRIED UNANIMOUSLY TO SET THE BOUNDARIES AS PROPOSED.

#### 8.6 PUBLIC HEARING - NORTHEAST SANTA ROSA 2-98

Sonia Binnendyk, City Planner, made the staff presentation. On June 25, 1998, the Planning Commission voted 6 to 0 to recommend the City Council annex/prezone approximately two acres at 5560 and 5664 Sonoma Highway to the RR-20-R (Rural Residential, Restricted) District. The applicant requests to be rezoned to the RR-20 (Rural Residential) District, without the "-R" combining designation.

City Council Policy 200-03 requires that the City Council make three findings in recommending approval of an annexation. These findings are: 1) the annexation represents a logical extension of the City limits; 2) the annexation and recommended rezoning are consistent with the General Plan; and 3) adequate urban services are or will become available to annexation area upon its development. These findings can be made for the proposed annexation.

The RR-20 zoning district requested by the applicant is consistent with the annexation area's General Plan designation of Very Low Density Residential. However, General Plan policies also encourage preservation of scenic

roadways. The two lots included in the annexation are located at the top of a slope adjacent Highway 12, a scenic highway. Future homes on these lots will be visible from Highway 12. Consequently, both the Planning Commission and the Department of Community Development recommend rezoning the properties to the RR-20-R District to minimize visibility of future homes. The "-R" combining district will restrict homes to one-story and a 20-foot height unless a greater height is approved by Conditional Use Permit. Most of the new subdivisions along Highway 12 east of Calistoga Road have included height restrictions on lots adjacent the highway.

It is recommended by the Planning Commission and the Department of Community Development that the City Council, by resolution, adopt a Negative Declaration and introduce an ordinance annexing/prezoning 5560 and 5664 Sonoma Highway to the RR-20-R (Rural Residential, Restricted) District.

Vice Mayor Runyan referenced the topography and asked whether the "-R" District will prevent a change to the contour. Ms. Binnendyk explained that both districts would require a 20' setback from the property line, but they do not contain policies regarding grading. The City has policies and criteria related to grading that apply throughout the City, but that is not part of the zoning designation. It is unlikely that anyone building on the site would change the banks along Highway 12, particularly because of the feasible building sites at the top.

Responding to Councilmember Evans, Ms. Binnendyk clarified the location of the lots being discussed, noting that they would eventually have access on Melita Road. However, they will not be bounded by Melita Road. She indicated that at this time it would be difficult to determine whether soundwalls will be installed in the subject area. She briefly discussed possibilities for the development of the sites, which would determine the need for soundwalls. This issue cannot be decided at this meeting.

Mayor Wright opened the public hearing.

Jean Kapolchok, 144 South E Street, representing the owner, reiterated the issues outlined previously by staff. The only remaining point of contention is the inclusion of the "-R" District restricting the property to single-story homes only at this time. She pointed out other parcels owned by the applicant and discussed potential access to them. She briefly discussed design issues. She discussed a design condition applied to Redtail Estates, Lot 13, in which the development restricted single-story homes to a height of 25'. The lots in the proposed subdivision would be restricted to 20'. She

## Bliss, Sandi

---

**From:** Murray, Susie  
**Sent:** Thursday, November 13, 2014 11:32 AM  
**To:** Dillon, Molly; Griffin, Terri; Fowler, Caroline; McGlynn, Sean  
**Cc:** Bliss, Sandi; Williams, Stephanie; Hartman, Clare  
**Subject:** FW: Responses to Allegations Regarding Violations to the Monte Verde CC&Rs  
**Attachments:** Mvpoll6.pdf; Parcel Map 30-16 with notes.pdf; Parcel Map 153-43 with notes.pdf

Hello all –

Here's more correspondence received from the appellant regarding Calistoga Cottages.

### Susie Murray | City Planner

Community Development | 100 Santa Rosa Avenue | Santa Rosa, CA 95404  
Tel. (707) 543-4348 | Fax (707) 543-3269 | [smurray@srcity.org](mailto:smurray@srcity.org)



---

**From:** [Idenley-bussard@comcast.net](mailto:Idenley-bussard@comcast.net) [mailto:[Idenley-bussard@comcast.net](mailto:Idenley-bussard@comcast.net)]  
**Sent:** Thursday, November 13, 2014 11:24 AM  
**To:** Bartley, Scott; Swinth, Robin; Carlstrom, Erin; Combs, Julie; Olivares, Ernesto; Ours, Jake; Wysocky, Gary  
**Cc:** Griffin, Terri; Murray, Susie; Lynn Denley-Bussard; Paul Bussard-Gmail  
**Subject:** Re: Responses to Allegations Regarding Violations to the Monte Verde CC&Rs

Honorable Mayor and City Council Members,

We have heard that the applicant has made allegations against other property owners in our neighborhood, claiming we have violated the neighborhood CC&Rs. This is our understanding and perspective on these issues.

- Our CC&Rs require the approval of every property owner in the neighborhood to make any changes.
  - The City constructed a water-pumping station on the Northeast corner of Calistoga Road and Monte Verde Drive, completed in 1985. Since this project was in the public interest, the neighborhood agreed to it.
  - During the annexation process 1987 - 2000, the neighborhood agreed to allow development along Spain Avenue in exchange for annexation to the City and access to sewer services along Monte Verde Drive.
  - The Calistoga Cottages project does not have the approval of the other property owners in our neighborhood, because it impacts the rural lifestyle of the adjoining properties.
  - Attachment: Map summarizing the petition by 40 residents asking you to reject the General Plan Amendment and retain the rural nature of our neighborhood.

- The neighborhood has not changed since annexation in 1999 and the inclusion of our rural pocket in the General Plan.
  - 408 Calistoga Road has not changed since annexation.
  - All 17 parcels zoned RR-40 at annexation are still one single-family residence on about one acre.
  - Attachments: Parcel map 30-16 from 1998-1999 and Parcel map 153-43 from 2014, shows the neighborhood has not changed since annexation. The only development has been along Spain Avenue, which was part of the neighborhood plan created by the collaborative effort of City staff, residents and the City Council.
- Our CC&Rs allow for guest cottages.
  - In 1960 the Bussard family home at 5232 Monte Verde Drive was in the county which allowed mobile homes as second units on one-acre lots. As a guest cottage, this does not violate the CC&Rs.
- Our CC&Rs do prohibit commercial enterprises, but they do not prohibit a home office.
- We filed for an injunction to stop the applicant from applying for and gaining approval for a tentative parcel map.
  - The judge did not grant the injunction because the applicants are only “planning” to break the CC&Rs; they haven't actually done it yet.
  - If the applicants ever file to change the county parcel map that action will violate the CC&Rs and an injunction can be requested at that time.
- We offered several compromises to the owners of 408 Calistoga Road.
  - At the neighborhood meeting in October 2013, we offered to gather support among the other property owners for an RR-20 zoning. A zoning of RR-20 would retain the rural nature of our neighborhood and allow the applicants to build a second home at 408 Calistoga Road. The applicants were not interested.
  - We made an offer to buy 408 Calistoga Road, so it could remain rural residential and the applicants could build on another property. Our offer was turned down.
- The only offer made by the applicants to us was a promise to build three homes behind the existing house instead of six.
  - Since the proposed tentative parcel map was for three homes, this wasn't really a compromise offer; it was merely a re-statement of the proposed project.

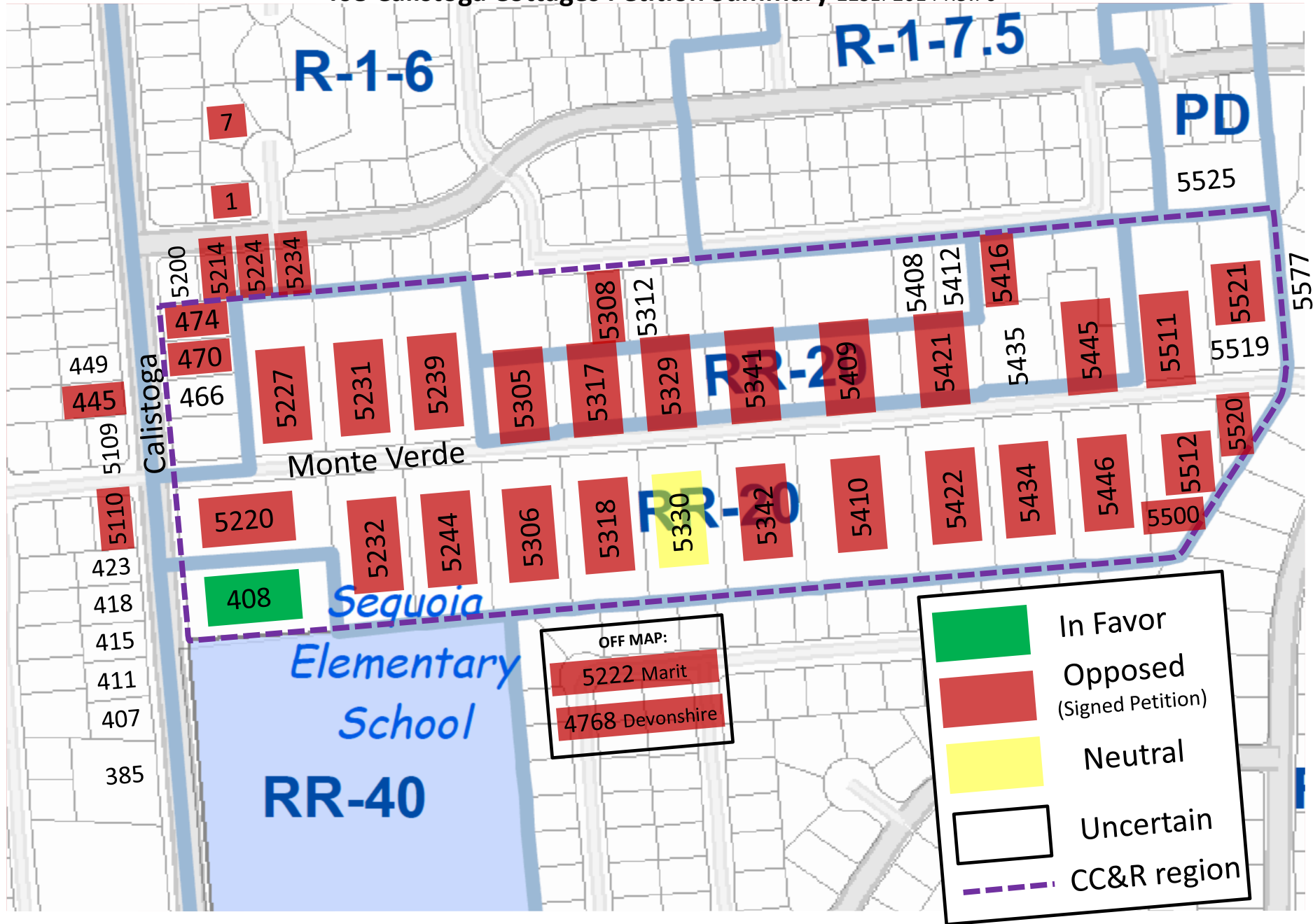
We have always substantiated our claims with written proof. We ask that you request written proof of any claims made by the applicants.

Sincerely,

Paul Bussard and Lynn Denley-Bussard



# 408 Calistoga Cottages Petition Summary 22SEP2014 Rev. 6



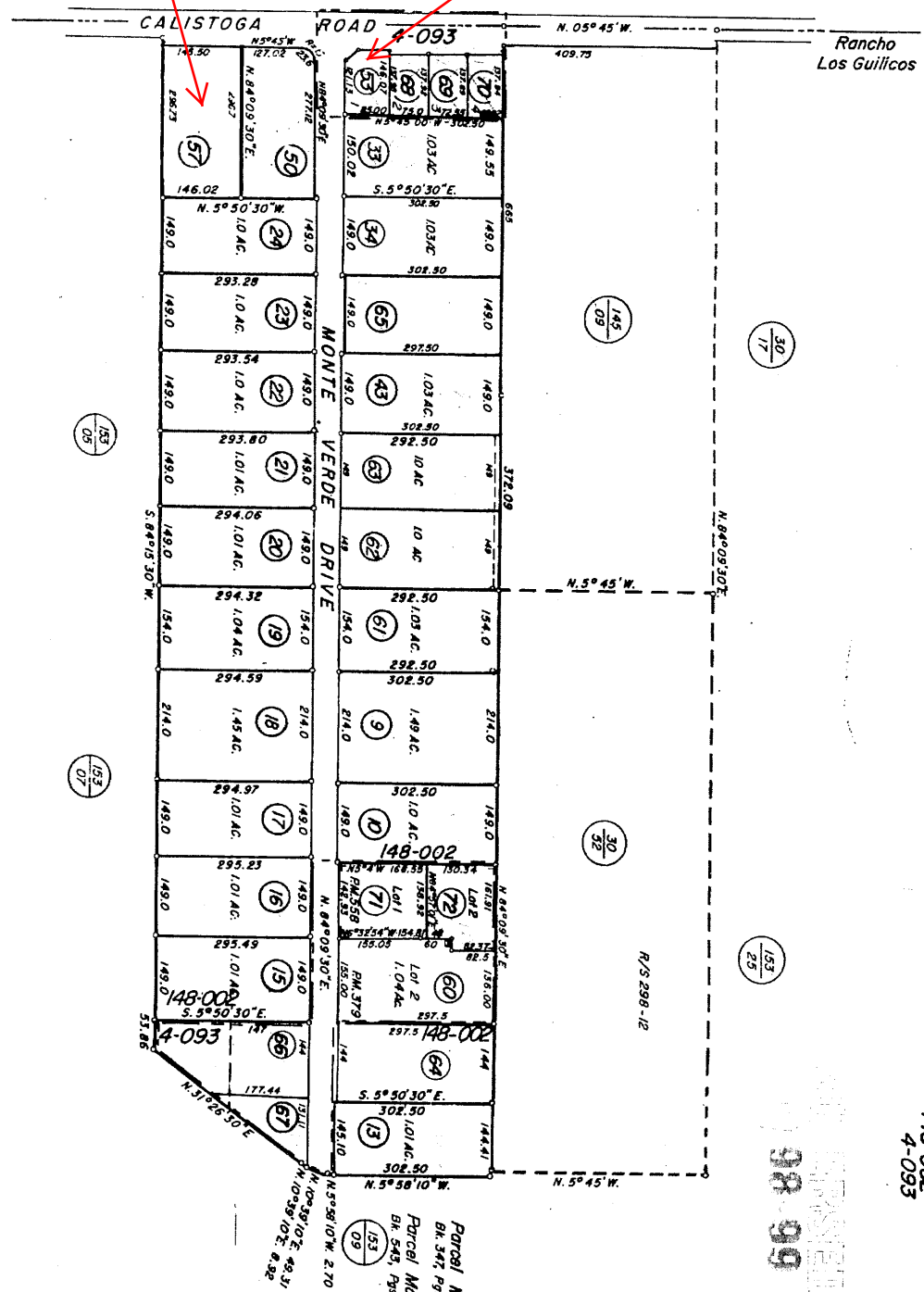
COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA  
148-002  
4-093

30-16

408 Calistoga Road

City Pumping Station  
462 Calistoga Road



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY, NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREON.

REVISED  
K0-9-87-TOL.F  
2-16-96-72 DMC

Parcel Map No. 379  
Bk. 342, Pgs. 31-32, Rec. 7-28-83  
Parcel Map No. 558  
Bk. 543, Pgs. 1-3, Rec. 10-4-95

Assessor's Map BK 30 Pg 15  
Sonoma County, Calif.

# COUNTY ASSESSOR'S PARCEL MAP

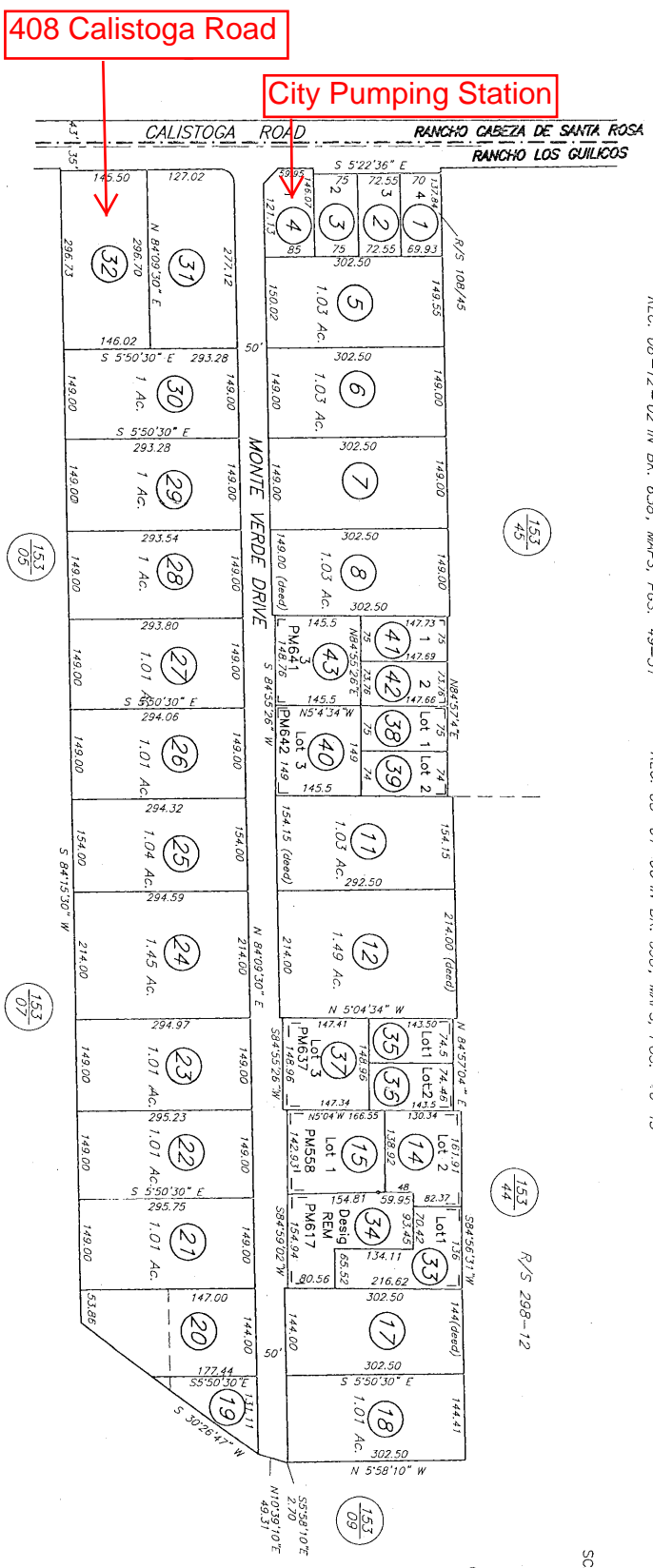
TAX RATE AREA  
4-093

153-43

- Pcl. Map No. 379  
REC. 07-28-83 IN BK. 347, MAPS, PGS. 31-32
- Pcl. Map No. 558  
REC. 10-04-95 IN BK. 543, MAPS, PGS. 01-03
- Pcl. Map No. 617  
REC. 08-12-02 IN BK. 638, MAPS, PGS. 49-51
- Pcl. Map No. 637  
REC. 04-30-04 IN BK. 661, MAPS, PGS. 01-04
- Pcl. Map No. 641  
REC. 08-01-06 IN BK. 698, MAPS, PGS. 36-39
- Pcl. Map No. 642  
REC. 08-01-06 IN BK. 698, MAPS, PGS. 40-43

SCALE: 1" = 200'

- REVISED
- 12-11-02=34-LF
  - 08-18-04=37-LF
  - 09-25-06=40-WH
  - 10-12-06=43-BC



NOTE: This map was prepared for Assessment purposes only and does not indicate either legal or a valid building site. No liability is assumed for the accuracy of the data delineated. The acreages are based on the information supplied to the Assessor (i.e. recorded survey maps, recorded deeds, prior assessment maps, etc.).

NOTE: Assessor's parcels do not necessarily constitute legal lots. To verify legal parcel status, check with the appropriate city or county community development or planning division.

Assessor's Map Bk. 153, Pg. 43  
Sonoma County, Calif. (ROAD)  
KEY 11/13/07 RL

LAW OFFICES OF  
PERRY, JOHNSON, ANDERSON,  
MILLER & MOSKOWITZ LLP  
438 First Street, 4th Floor, Santa Rosa, CA 95401

November 12, 2014

**VIA ELECTRONIC MAIL**

Scott P. Bartley  
100 Santa Rosa Avenue, Rm 10  
Santa Rosa, California 95404  
sbartley@srcity.org

Re: **Calistoga Cottages Project**  
**GPAM 12-003**  
**November 18, 2014**

Dear Councilmember Bartley:

Our office is currently representing applicants for the Calistoga Cottages Project. We understand that issues were presented at the earlier City Council hearing regarding the existence of CC&R provisions. The purpose of this letter is to express our conclusion that the CC&Rs referred to are not enforceable and no longer applicable to the property.

Our position was in fact adopted by the Judge in the pending litigation. His honor ruled, in part, as follows:

Here, Plaintiffs are seeking to enforce CC&Rs that were recorded in 1948, before any subdivision was in place and that have never been honored by the owners of the lots. Plaintiffs continue to have a mobile home on their property as a second dwelling, both of which are prohibited by the alleged CC&Rs. (Dec. of Jeff Komar, ¶ 3.) In 2006, the property located at 5521 Monte Verde was processed through the City of Santa Rosa and obtained approval for second dwelling units (See Dec. of Jeff Komar). The owners of 5227 Monte Verde are operating a business on the property, which is prohibited by the CC&Rs. The Official Assessor's Parcel Map attached to the Declaration of Jeff Komar reflects that out of the approximately 27 original lots in the subdivision, 8 have been divided into lots smaller than one acre. (Komar Dec., ¶ 7.) There are currently 19 lots in this subdivision that are less than one acre, which is purportedly prohibited.

Plaintiff's own declaration submitted in support of injunctive relief establishes that the CC&Rs have never been enforced. The notion that neighbors can selectively pick and choose when and if restrictions are to be honored is not only inconsistent with the document, it demonstrates that a division will not cause great and irreparable harm.

William D. Anderson  
David F. Beach  
John E. Johnson\*  
Marla D. Keenan\*  
Scott A. Lewis  
Malcolm T. Manwell  
Michael G. Miller  
Lawrence A. Moskowitz\*  
Jeremy L. Olsan  
Leslie R. Perry  
Burton H. Fohrman  
Roger J. Illsley  
Daphne A. Beletsis  
Raleigh S. Fohrman  
Mary Jane Schneider  
Anne C. D'Arcy, R.N.  
Sheila S. Craig  
Deborah S. Bull  
Oscar A. Pardo  
Aubrey A. Mauritson  
Michael E. Liotta  
Isaac M. Gradman  
Martin L. Hirsh

\*Certified Specialist  
Family Law,  
The State Bar of California  
Board of Legal Specialization

TELEPHONE  
(707) 525-8800

FACSIMILE  
(707) 545-8242

E-MAIL  
perry@  
perrylaw.net

WEBSITE  
www.perrylaw.net

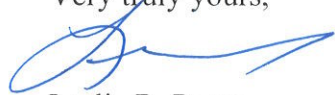
Calistoga Cottages Project  
GPAM 12-003  
November 18, 2014  
Scott P. Bartley  
November 12, 2014  
Page 2

P  
J  
A  
M  
&  
M

We also note that the attorney for the opponents has submitted a lengthy presentation regarding general plan consistency. It is not our intention to specifically reply since all of those issues have been more than adequately addressed by your staff and we concur in their analysis. The applicant will be available to address any of those issues at the hearing if requested.

Thank you for your attention to this matter and hopefully this will clarify any issue regarding the CC&Rs.

Very truly yours,



Leslie R. Perry

cc: Other council members  
City Attorney  
Clients

**RECEIVED**

NOV 13 2014

CITY OF SANTA ROSA  
CITY CLERK'S OFFICE

November 13, 2014

Re: Reconsideration of the Appeal of the Calistoga Cottages Project  
408 Calistoga Road, Santa Rosa

File No. GPAM13-00/PRAP13-008

Honorable Mayor and City Council members,

Here are some additional supporting documents for the Appeal Reconsideration Hearing which is scheduled for November 18, 2014.

1. Incomplete General Plan Amendment Application submitted by Real Equity Partners, October 1, 2013

*Attachment: General Plan Amendment Application – Real Equity*

2. Email from Scott Schellinger, representing Real Equity Partners, June 11, 2014  
Re: Answers to the four questions required as part of the General Plan Amendment Application.

Email from Susie Murray, City Planner, October 30, 2014

Re: Proof the answers to the General Plan Amendment questions were not attached to the application form in the 408 Calistoga Road planning file

*Attachment: GPA Incomplete Until 06-11-2014*

3. Planning Commission, Staff Report, June 26, 2014, Cover  
Re: Staff report to the Planning Commission incorrectly states that the Calistoga Cottages project application was complete on March 6, 2014.

*Attachment: PC Staff Report Cover*

4. General Plan, Section 1-7 - Changing the General Plan  
Re: The applicants missed the February 1, 2014 deadline for a hearing by the Planning Commission in June 2014.

*Attachment: Santa Rosa General Plan, page 1-11*

5. Rincon Valley Booster Station, November 1982, cover and page 15  
Re: FEIR report for the City water-pumping station at 462 Calistoga Road  
17 years before the annexation of the Monte Verde County Island

*Attachment: Rincon Valley Booster Station 1982*

6. Email from Gabe Osburn, Civil Engineering Technician III, July 8, 2014  
Re: Pumping station at Northeast Corner of Monte Verde & Calistoga built 1985

Email from Ron Marincic, Utility System Supervisor, July 8, 2014  
Re: Pumping station at Northeast Corner of Monte Verde & Calistoga started in  
1985 under contract #84-055, File #1457

*Attachment: Email Gabe Osburn & Ron Marincic*

7. Becky Duckles, Arborist's Report, 408 Calistoga Road, February 28, 2014  
Re: No construction equipment within the drip lines of protected trees

*Attachment: Arborist's Report-Feb-28-2014*

*Attachment: Proposed Driveway Invades Drip Lines*

8. The parcel at 408 Calistoga Road has not changed since 1999. The surrounding neighborhood has not changed since annexation. All properties zoned RR-40 at annexation are still rural residential, one home on about one acre.

The only development has been along Spain Avenue which was approved by the residents, City Staff and City Council as part of the neighborhood plan identified in Ordinance 3405 and protected by the General Plan.

*Attachment: Parcel Map 30-16, 1998-1999*

*Attachment: Parcel Map 153-43, 2014*

Sincerely,

Paul Bussard  
Lynn Denley-Bussard



# APPLICATION GENERAL PLAN AMENDMENT

Please Type or Print

GPAM13-003

File No:	Quadrant <b>NE</b>
Related Files:	
Set:	
DEPARTMENT USE ONLY	

www.srcity.org

LOCATION OF PROJECT (ADDRESS) <b>408 CALISTOGA RD.</b>	ASSESSOR'S PARCEL NUMBER(S) <b>153-430-032</b>	ZONING <b>RR 40</b>
NAME OF PROPOSED PROJECT <b>CALISTOGA COTTAGES</b>		GENERAL PLAN DESIGNATION <b>V. Low DEN.</b>
APPLICANT NAME	BUSINESS PHONE ( ) - ( )	FAX ( ) - ( )
APPLICANT ADDRESS	CITY STATE ZIP	EMAIL
APPLICANT REPRESENTATIVE <b>TDG.</b>	BUSINESS PHONE ( ) - ( )	FAX ( ) - ( )
APPLICANT REPRESENTATIVE ADDRESS <del>3000</del> <del>3000</del> <b>3628 Airway Dr</b>	CITY STATE ZIP <b>SL CA 95403</b>	EMAIL
PROPERTY OWNER NAME *(SIGNATURE REQUIRED BELOW) <b>REAL EQUITY</b>	BUSINESS PHONE ( ) - ( )	FAX ( ) - ( )
PROPERTY OWNER ADDRESS <b>1301 Farmway Ln</b>	CITY STATE ZIP <b>SL CA 95405</b>	EMAIL

\*In the case of a partnership, all general and limited partners shall be identified. In the case of a corporation, all shareholders owning 10% or more of the stock and all officers and directors shall be identified. Please use the Partnerships & Corporations form.

**PROJECT DESCRIPTION – DESCRIBE IN DETAIL YOUR PROPOSED GENERAL PLAN CHANGE – Attach a separate sheet if necessary**

**SUB THE PROPOSAL IS A GENERAL PLAN CHANGE FROM V. Low DEN. TO Low DEN.**

SIZE OF PARCEL SQ FT or <b>.99</b> ACRES	PROPOSED GENERAL PLAN DESIGNATION <b>Low DEN</b>	PROPOSED ZONING <b>R.16</b>
PROPOSED CHANGE TO:	<input checked="" type="checkbox"/> LAND USE GRAPHIC	<input type="checkbox"/> LAND USE TEXT – CHECK ELEMENT BELOW
<input type="checkbox"/> LAND SAFETY ELEMENT	<input type="checkbox"/> CIRCULATION ELEMENT	<input type="checkbox"/> URBAN DESIGN ELEMENT
<input type="checkbox"/> SEISMIC/SAFETY ELEMENT	<input type="checkbox"/> NOISE ELEMENT	<input type="checkbox"/> HOUSING ELEMENT
<input type="checkbox"/> OPEN SPACE/CONSERVATION ELEMENT	<input type="checkbox"/> SCENIC HIGHWAYS ELEMENT	<input type="checkbox"/> PARK AND RECREATION ELEMENT

**AMENDMENT CRITERIA – PROVIDE ON A SEPARATE SHEET RESPONSES TO THE FOLLOWING QUESTIONS:**

1. Why do you want the General Plan changed?
2. What changes or events have occurred or what new evidence has arisen since the General Plan was adopted which now warrant a change?
3. Have detailed neighborhood plans or other studies revealed the need for a General Plan Amendment?
4. Describe the effect the proposed change will have on the surrounding uses. Describe how the proposed change will affect achievement of the General Plan in this and the surrounding area.

**SUBMITTAL INFORMATION – See staff to determine which requirements apply**

- 10 COPIES OF MAP OR MAPS SHOWING THE EXISTING AND SURROUNDING LAND USES, THE EXISTING GENERAL PLAN LAND USE DESIGNATION AND THE PROPOSED CHANGE YOU WANT. PLAN MUST BE EITHER REDUCED TO 11 X 17 OR FOLDED TO 8-1/2 X 14 MAX.
- IF YOU WANT THE GENERAL PLAN CHANGED FOR A SPECIFIC PURPOSE OR FUTURE USE, PLEASE SUBMIT A DRAFT DEVELOPMENT PLAN SHOWING THE IMPROVEMENTS YOU WANT TO DEVELOP. **NA.**
- FOR A PROPOSED CHANGE IN THE GENERAL PLAN TEXT, SUBMIT IN DRAFT FORM ANY LANGUAGE YOU WANT ADDED, DELETED, SUBSTITUTED, ETC. THIS SHOULD BE TYPED AND SUBMITTED ON 8-1/2 X 11 PAPER. **NA.**
- 10 COPIES OF SITE ANALYSIS MAP
- 10 COPIES OF NEIGHBORHOOD CONTEXT MAP
- ENVIRONMENTAL ASSESSMENT
- VICINITY MAP WITH NORTH ARROW
- INDEMNIFICATION AGREEMENT

**PROPERTY OWNER'S CONSENT** – I declare under penalty of perjury that I am the owner of said property or have written authority from property owner to file this application. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate and approval of this application.

✓ For RealEquity Partners LLC

APPLICATION	RECEIVED BY <b>T. Selsel</b>	DATE <b>10-1-13</b>	FEE RECEIVED <b>\$ 12,434.00</b>	RECEIPT NUMBER <b>R1303480</b>
PUBLIC HEARING	<input type="checkbox"/> REQUIRED <input type="checkbox"/> EXEMPT	DATE	FEE RECEIVED \$	RECEIPT NUMBER
ENVIRONMENTAL REVIEW	<input type="checkbox"/> REQUIRED <input type="checkbox"/> EXEMPT CLASS _____	DATE	FEE RECEIVED \$	RECEIPT NUMBER



XFINITY Connect

Idenley-bussard@comcast.net

[± Font Size ±](#)

---

**408 Calistoga Road**

---

**From :** Susie Murray <SMurray@srcity.org>

Thu, Oct 30, 2014 08:44 AM

**Subject :** 408 Calistoga Road 1 attachment**To :** Idenley-bussard@comcast.net**Cc :** Paul Bussard <paulebussard@gmail.com>

Hi Lynn,

When the application was submitted, these responses were not included; they were provided in June. I apologize, there should've been a copy of this in the file. I'll take a look and add it if necessary.

Thank you.

**Susie Murray | City Planner**

Community Development | 100 Santa Rosa Avenue | Santa Rosa, CA 95404

Tel. (707) 543-4348 | Fax (707) 543-3269 | smurray@srcity.org

**From:** Schellinger Scott [mailto:scott@cswwland.com]**Sent:** Wednesday, June 11, 2014 7:40 PM**To:** Murray, Susie**Subject:** Re: 408 Calistoga Road

Applications for a General Plan Amendment must address the following questions:

Question: Why do you want a General Plan Amendment?

Response: The City's encouraged infill development. It's serviced by transit routes.

Question: What changes or events have occurred or what new evidence has arisen since the General Plan was adopted which now warrant a change?

Response: The need for housing. Infill housing is a method to achieve this.

Question: Have detailed neighborhood plans or other studies revealed the need for a General Plan Amendment?

Response: Not that we're aware of.

Question: Describe the effect the proposed change will have on the surrounding uses. Describe how the proposed change will affect achievement of the General Plan in this and the surrounding area.

Response: Impacts to the neighbors are negligible. The site takes its access off Calistoga road with a minor adjustment to the existing driveway. When compared to surrounding sites by using a current aerial view, this proposal is consistent in terms scope and scale. Infill on this site will provide much needed housing opportunities.

Scott Schellinger

CSW Land, LLC  
PO Box 921  
Santa Rosa, CA 95402  
707-921-5030

[scott@cswland.com](mailto:scott@cswland.com)



CITY OF SANTA ROSA  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT FOR PLANNING COMMISSION  
JUNE 26, 2014

<b><u>PROJECT TITLE</u></b>	<b><u>APPLICANT</u></b>
Calistoga Cottages	Real Equity Partners, LLC
<b><u>ADDRESS/LOCATION</u></b>	<b><u>PROPERTY OWNER</u></b>
408 Calistoga Road	Real Equity Partners, LLC
<b><u>ASSESSOR'S PARCEL NUMBER</u></b>	<b><u>FILE NUMBER</u></b>
153-430-032	MJP13-007 (GPAM13-003, REZ13-007, & MIN13-002)
<b><u>PROJECT SITE ZONING</u></b>	<b><u>GENERAL PLAN DESIGNATION</u></b>
RR-40	Very Low Density Residential
<b><u>APPLICATION DATE</u></b>	<b><u>APPLICATION COMPLETION DATE</u></b>
December 10, 2013	March 6, 2014
<b><u>PROJECT PLANNER</u></b>	<b><u>RECOMMENDATION</u></b>
Susie Murray	Approval

**PROPOSAL**

A request to adopt a Mitigated Negative Declaration and approve a General Plan Amendment, Rezoning, and Tentative Parcel Map, to subdivide one 0.99-acre parcel into four single-family residential lots.

**SUMMARY**

This project involves a Mitigated Negative Declaration, a General Plan Amendment from Very Low Density (0.2-2.0 units per acre) to Low Density (2.0-8.0 units per acre); Rezoning from RR-40 (Rural Residential) to R-1-6 (Single Family Residential); and a Tentative Parcel Map to subdivide the subject 0.99-acre parcel into four individual lots. The existing home located on Lot 1 will be retained. Lots will range in size from 7,833 square feet to 13,705 square feet. Access to all four will be via a new private drive off Calistoga Road.

In preparation of the prior general plan, *Santa Rosa 2020*, various background reports were prepared. These reports may be reviewed at the City of Santa Rosa's Department of Community Development.

## **1-7 CHANGING THE GENERAL PLAN**

---

As the city's premier policy document, the General Plan is not changed without good cause. The City Council, Planning Commission, or staff, in reviewing the General Plan, may find that certain portions should be changed due to circumstances which arise within the community. Amendment of the General Plan may be necessary due to changing policies of the City Council or if it is found through periodic review that certain portions of the Plan are inadequate or do not meet the needs of the community.

The General Plan Land Use Diagram or the text of any element may be amended. General Plan Amendment applications may be filed by individual applicants or may be initiated by the Community Development Director, Planning Commission or City Council. Concurrent processing of General Plan Amendments with other land use applications is permitted.

**Applications for General Plan Amendment must address why an amendment is warranted, describe events which have rendered the General Plan inadequate or unattainable, and describe any studies which have brought policies or portions of the plan into question.**

The General Plan may be amended three times per year. The Planning Commission shall conduct hearings regarding General Plan Amendment applications in February, June and October of each year. The City Council shall conduct hearings after consideration of the Planning Commission, in March, July and November. To meet this hearing schedule, the following **application deadlines are established: February 1** for hearing in June; June 1 for hearing in October; and October 1 for hearing in February. When the first day of the month falls on a weekend, the following Monday is the final day for submittal.

# 2

Final Environmental Impact Report

---

## **Rincon Valley Water Storage Reservoir**

**Santa Rosa, California**

---

November, 1982

SCH 82080301

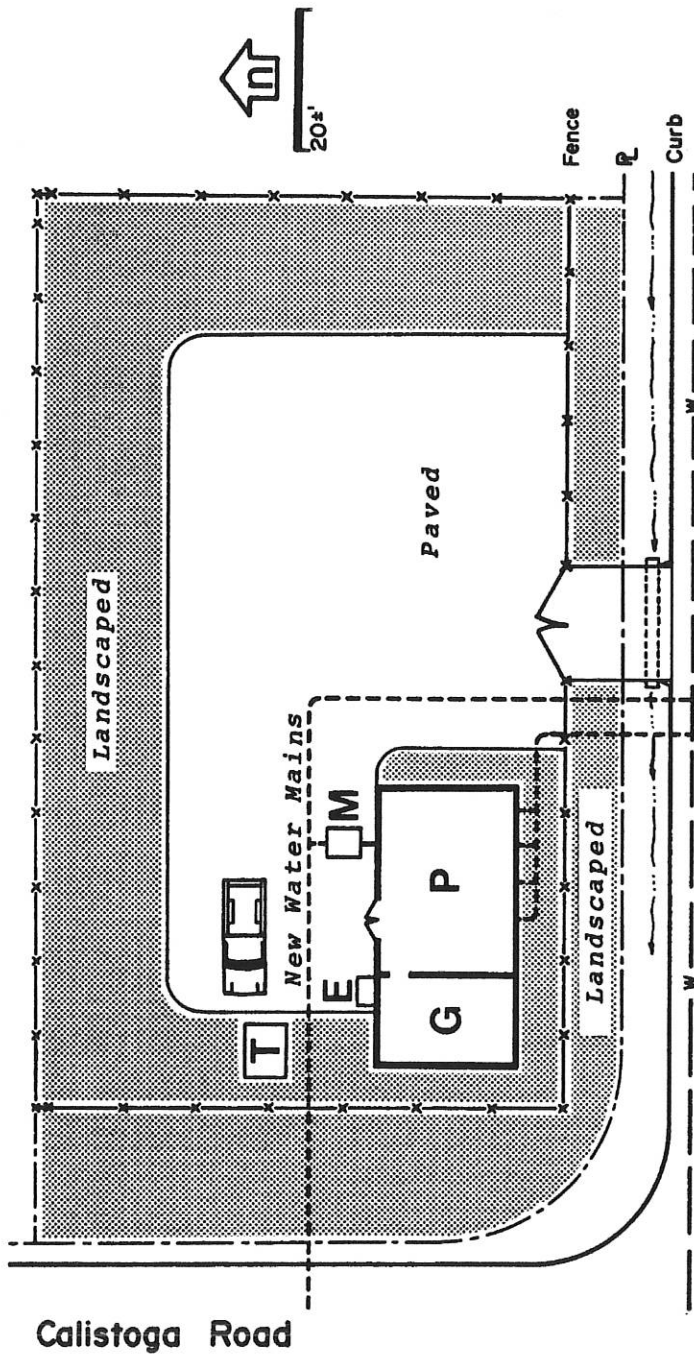
**Walt Smith & Associates**  
**Environmental Planners**



---

1726 Corby Avenue (Suite C), Santa Rosa, CA 95401

(707) 526-0165



**T** Transformer Pad    **G** Generator Room  
**E** Electrical Panel    **P** Pump Room  
**M** Meter Vault

The locations of facilities shown on this plan are conceptual only, and will be subject to further revision to avoid removal of existing trees.

**FIGURE 1: "ZONE 2" BOOSTER STATION - SCHEMATIC SITE PLAN**

## Murray, Susie

---

**From:** Osburn, Gabe  
**Sent:** Tuesday, July 08, 2014 9:31 AM  
**To:** Murray, Susie  
**Cc:** Parkinson, Celia  
**Subject:** FW: Northeast Corner of Monte Verde & Calistoga

Hey Susie,

It looks like the station was constructed in 1985. Could you please let us know why this information is needed?

Thanks,

-Gabe

**From:** Marincic, Ron  
**Sent:** Tuesday, July 08, 2014 9:18 AM  
**To:** Osburn, Gabe  
**Cc:** Parkinson, Celia  
**Subject:** RE: Northeast Corner of Monte Verde & Calistoga

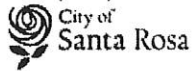
Hey Gabe,

From what I know the project started in 1985 under contract #84-055. File #1457. Rincon Booster Station and Zone 2 Booster Station.

Station 7 is what was called Zone 2 Booster Station.

If I can ask, what's the inquiry for?

**Ron Marincic** | Utility System Supervisor  
Utilities Dept. | 35 Stony Point Road | Santa Rosa, CA 95401  
Tel. (707) 543-3943 | Fax (707) 543-3939 | [rmarincic@srcity.org](mailto:rmarincic@srcity.org)



[www.srcity.org](http://www.srcity.org)

*"Making people want to work for Utilities, with Utilities  
and making our rate payers proud to support us."*

**From:** Osburn, Gabe  
**Sent:** Tuesday, July 08, 2014 9:11 AM  
**To:** Marincic, Ron  
**Cc:** Parkinson, Celia  
**Subject:** FW: Northeast Corner of Monte Verde & Calistoga

Hi Ron,

**BECKY DUCKLES**  
LANDSCAPE CONSULTANT & ARBORIST  
SEBASTOPOL, CA.  
707.829.0555 PH.

**Calistoga Cottages - 408 Calistoga Rd**  
**Santa Rosa, CA**

**TREE PROTECTION NOTES**

February 28, 2014

1. Where pruning for clearance is required on any trees to remain, it should be done by trained, qualified tree workers according to ISA & ANSI A300 Pruning Guidelines, prior to construction. Pruning should be the minimum necessary for hazard reduction, (i.e. the removal of deadwood 2" and larger, etc.) and for clearance.
2. Plastic tree protection fencing should be installed at the driplines of trees within the zone of construction activity, (or the outer edge of the dripline of groups of trees). If access within dripline will be required, fence to be placed at expected limit of grading. Fence should be installed prior to the start of clearing or grading operations, and kept in place throughout construction activities.
3. If any roots larger than 1" are encountered during construction activities which can't be preserved, they should be cut cleanly across the face of the root with a sharp saw, past any damaged portions.
4. **No parking, operation of equipment, storage of materials, disposal of waste or other construction activity shall occur within driplines of protected trees.**
5. If any issues arise during construction relating to trees, project arborist shall be notified to visit site and/or provide recommendations

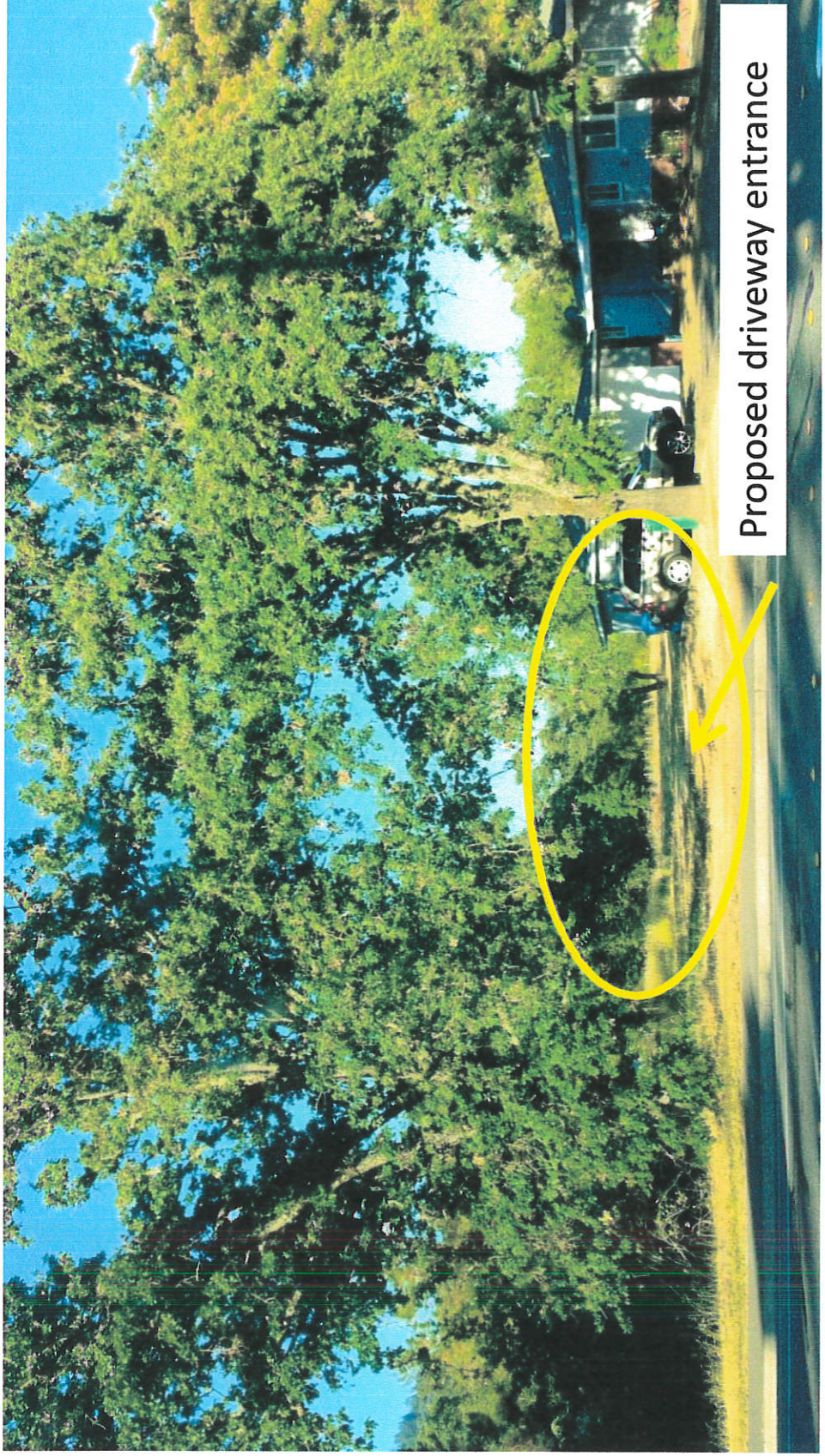
CITY OF SANTA ROSA  
1000 BULL HORN  
SEBASTOPOL, CA 95921

MAY - 6 2014

COUNTY OF CALIFORNIA

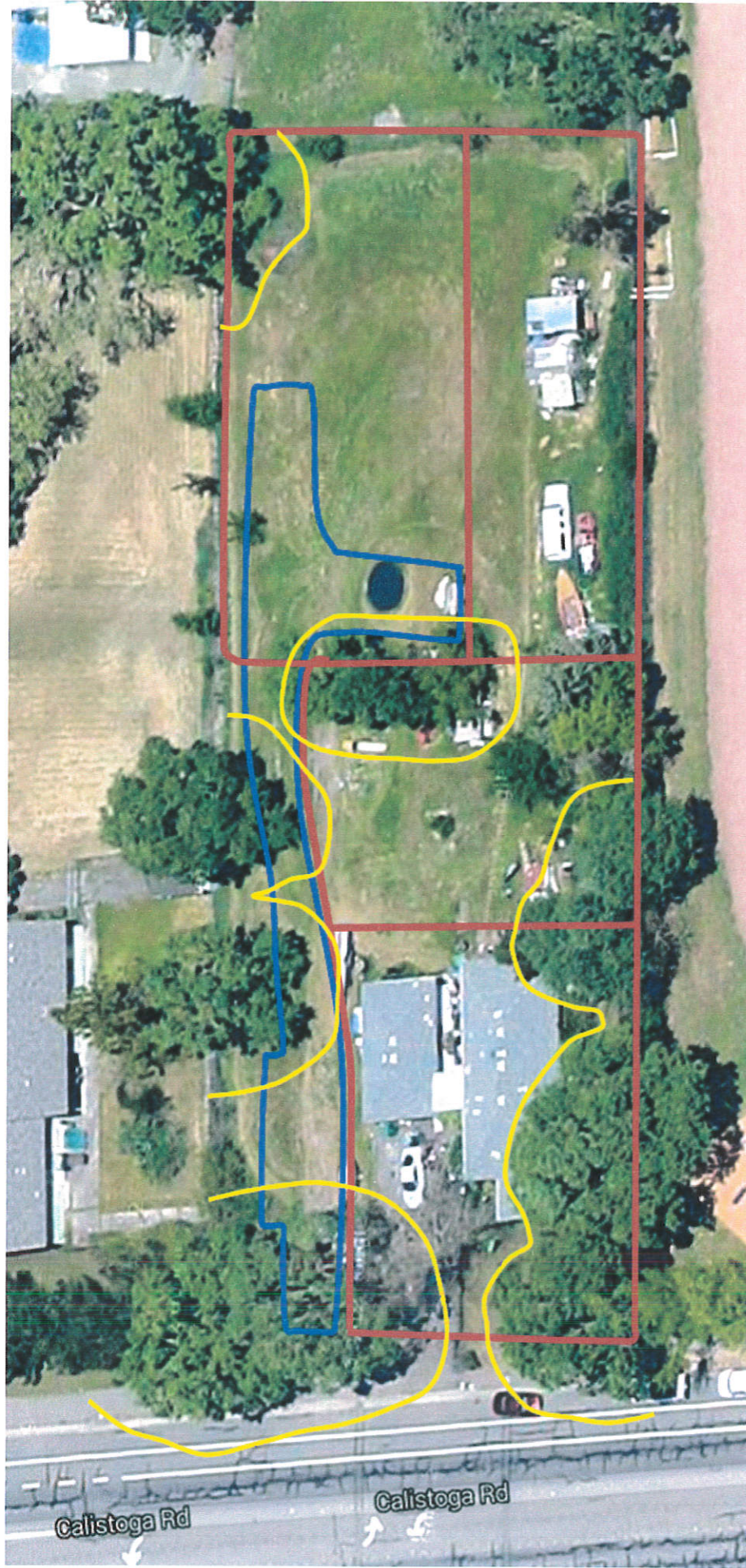


# Proposed Driveway Invades Drip Lines of Heritage Oak Trees



# Aerial View of Heritage Valley Oak Drip Lines

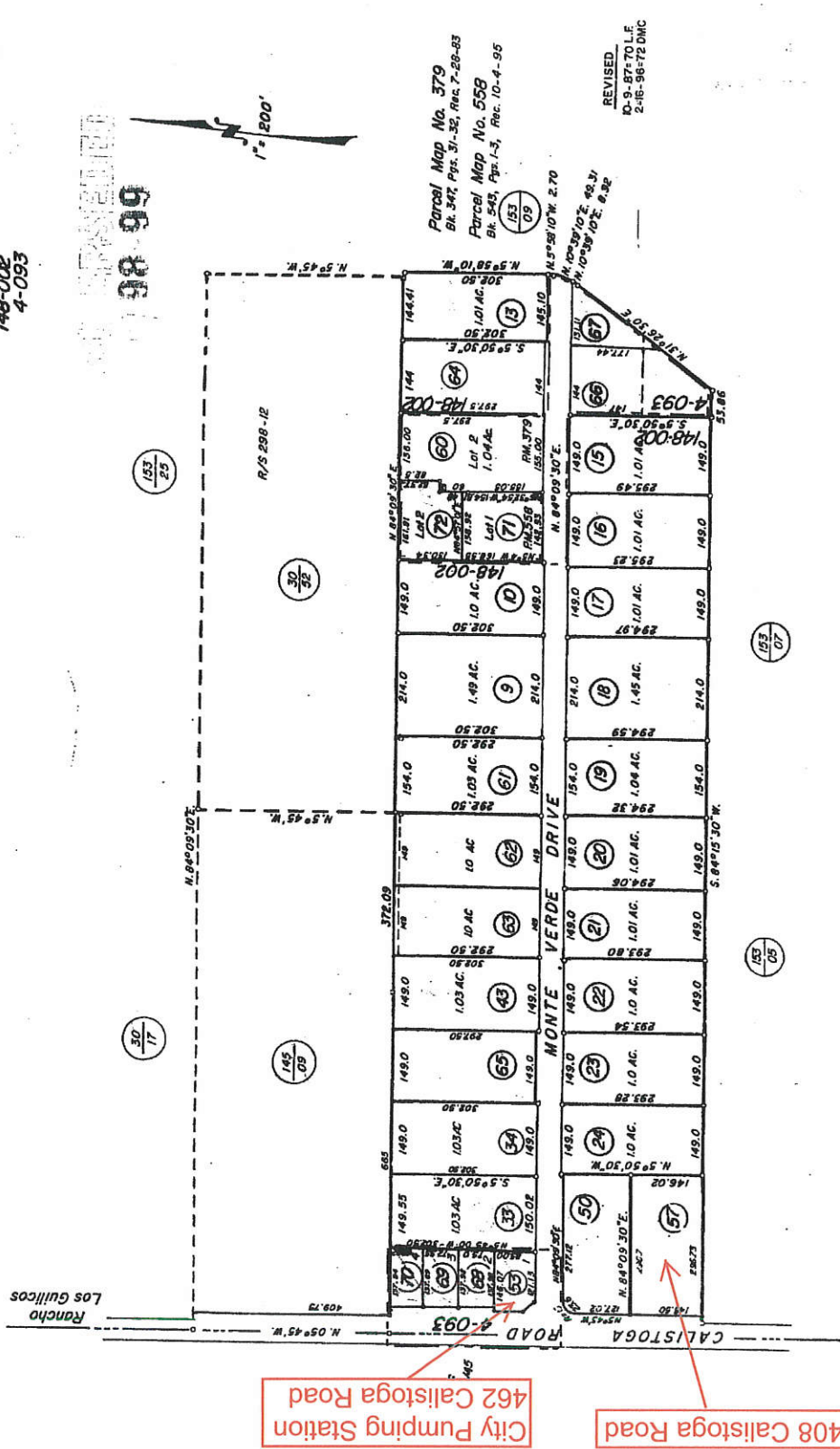
- Root zones of protected heritage oak trees
- Common driveway proposed
- Property lines proposed



COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA  
149-002  
4-093

30-16



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY, NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREON.

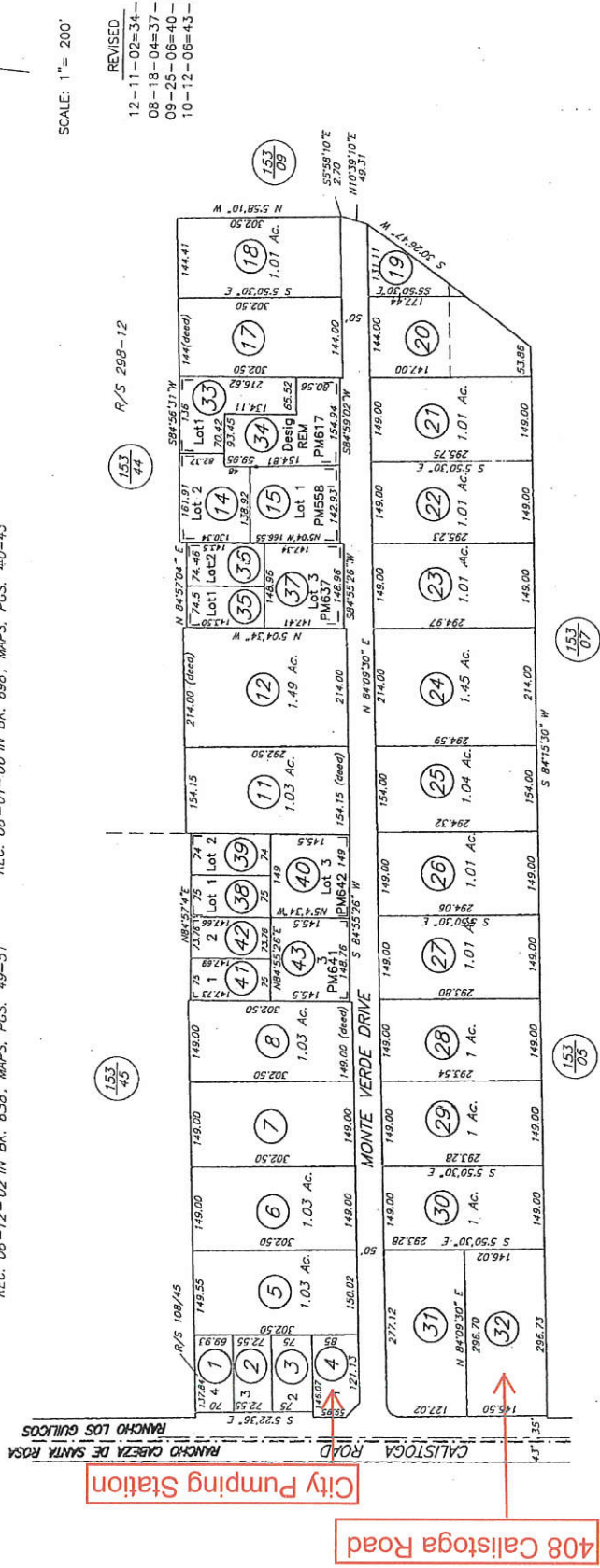
Assessor's Map Bk:30 Pg 16  
Sonoma County, Calif.

# COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA  
4-093

153-43

- Pcl. Map No. 379 REC. 07-28-83 IN BK. 347, MAPS, PGS. 31-32
- Pcl. Map No. 558 REC. 10-04-95 IN BK. 543, MAPS, PGS. 01-03
- Pcl. Map No. 617 REC. 08-12-02 IN BK. 638, MAPS, PGS. 49-51
- Pcl. Map No. 637 REC. 04-30-04 IN BK. 661, MAPS, PGS. 01-04
- Pcl. Map No. 641 REC. 08-01-06 IN BK. 668, MAPS, PGS. 36-39
- Pcl. Map No. 642 REC. 08-01-06 IN BK. 698, MAPS, PGS. 40-43



NOTE: This map was prepared for Assessment purposes only and does not indicate either parcel boundaries or ownership. The information is assumed for the accuracy of the data delineated. The acreages are based on the information supplied to the Assessor (i.e., recorded survey maps, recorded deeds, prior assessment maps, etc.)

NOTE: Assessor's parcels do not necessarily constitute legal lots. To verify legal parcel status, check with the appropriate city or county community development or planning division.

Assessor's Map Bk. 153, Pg. 43  
Sanama County, Calif. (ACAD)  
KEY 11/13/07 RL

## Bliss, Sandi

---

**From:** Murray, Susie  
**Sent:** Thursday, November 13, 2014 3:07 PM  
**To:** Bliss, Sandi  
**Subject:** CC - Opposed to 4-Lot Subdivision at 408 Calistoga Road

### Susie Murray | City Planner

Community Development | 100 Santa Rosa Avenue | Santa Rosa, CA 95404  
Tel. (707) 543-4348 | Fax (707) 543-3269 | smurray@srcity.org



---

**From:** Meg Carr [mailto:megcarr@sbcglobal.net]  
**Sent:** Thursday, November 13, 2014 7:14 AM  
**To:** Bartley, Scott; Swinth, Robin; Wysocky, Gary; Carlstrom, Erin; Combs, Julie; Olivares, Ernesto; Ours, Jake; Murray, Susie; Griffin, Terri  
**Cc:** Meg Carr; Bryan Carr (home); paulebussard@gmail.com; Idenley-bussard@comcast.net; karinev@sbcglobal.net  
**Subject:** Opposed to 4-Lot Subdivision at 408 Calistoga Road

Dear Mayor, Vice Mayor, City Council members, City Planner and City Clerk,

I have lived in Rincon Valley with my family since 2003 and moved to Monte Verde Drive approximately 2 years ago. The charm and unique character of the street first drew us here, and we continue to enjoy the beauty of the area and our neighbors. It is a favorite location for bicyclists, pet walkers, walkers, and runners of all ages, further giving the area a sense of healthy community. We have 3 young children who attend the local school and can safely walk down Monte Verde and turn onto Calistoga Road without having to cross a busy intersection or manage a congested driveway. If you are not familiar with this area, I urge you to take a walk on the street prior to the November 18 meeting to see the unique quality and understand the safety of our neighborhood. I would be happy to personally show you the planned location, where you will see that a 4-lot subdivision will create congestion and chaos for the adjacent school and surrounding neighborhood.

I am alarmed and disappointed that this safe and unique neighborhood is at jeopardy because a developer "will not make as much money" by following the current Monte Verde zoning. If you approve to bend the rules and allow the 4-lot subdivision in this area, where else will the rules be modified to fill the pockets of a real estate developer?

I ask you to **PLEASE:**

- Stand by the original decision to not allow a change in the zoning,
- Require that the developers follow the rules under which they purchased the property, and
- Support the established Monte Verde community.

We all agreed to the zoning rules when we signed the purchase documents, which were established to protect our community and our families.

Thank you for your support in this important effort to preserve our neighborhood and community.

Sincerely,  
Meg Carr  
5410 Monte Verde Drive  
707-480-3700