

RESOLUTION NO. RES-2021-138

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND UPHOLDING THE ZONING ADMINISTRATOR'S DESIGN REVIEW APPROVAL FOR CASA ROSELAND, A PROJECT THAT INCLUDES THE DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A 4-STORY, 75-UNIT MULTI-FAMILY AFFORDABLE HOUSING PROJECT, LOCATED AT 665 AND 883 SEBASTOPOL ROAD, SANTA ROSA, APN 125-101-031, AND -037 (FILE NO. DR21-001)

WHEREAS, on June 25, 2019, the City Council denied an appeal of the Planning Commission's February 28, 2019 action and approved the Roseland Village five-lot Tentative Map, for the subdivision of a 7.41-acre site consisting of two parcels into five simple lots, located at 665 and 883 Sebastopol Road, more particularly described as Assessor's Parcel Numbers 125-111-037 and 125-101-031, and on file in the Planning and Economic Development Department; and

WHEREAS, on June 25, 2019, the City Council approved a Density Bonus application requesting a thirty-two percent (32%) density increase and three concessions/incentives for the development of Roseland Village Neighborhood Center, a mixed-use project that includes 175 residential units, 75 of which are designated for very low and low income occupants, for the properties located at 665 and 883 Sebastopol Road, Assessor's Parcel Numbers 125-111-037 and 125-101-031; and

WHEREAS, the three development concessions granted with the approved Density Bonus include a concession from the current construction requirement that would allow the 100 market rate housing to be built in the second phase before the affordable units are built in the third Phase; a concession from the dispersal requirement would avoid having to mix the Affordable and Market Rate units in the planned Roseland Village project; and, an 18% parking reduction; and

WHEREAS, the Project site is located within the Roseland Priority Development Area (PDA), as described in Zoning Code § 20-16.070, Figure 1-1; and

WHEREAS, applications for Design Review for multi-family residential development for projects within the Roseland PDA are delegated to the Zoning Administrator, through the Minor Design Review process in accordance with § 20-16.070(A), subject to Conceptual Design Review by the Design Review Board for new development of 10,000 square-feet or more in total floor area and a pre-application Neighborhood Meeting as required by § 20-16.070(A)(2); and

WHEREAS, on December 21, 2017, the Design Review Board conducted a Conceptual Design Review, during which time the Design Review Board provided nonbinding comments to the applicant and the public as to how the application may meet the regulations, and those comments were recorded within the minutes of the subject meeting; and

WHEREAS, on March 14, 2018, the Planning and Economic Development Department held a pre-application Neighborhood Meeting to provide the opportunity for early input by the public prior to submittal of the required Planning entitlement application; and

WHEREAS, on January 8, 2021, an application was submitted for Design Review of Casa Roseland, a four-story, 75-unit, multi-family affordable housing project located at 665 and 883 Sebastopol Road, APNs 125-101-031 and -037 (“Project”); and

WHEREAS, on June 1, 2021, the Santa Rosa Zoning Administrator approved the Design Review Permit for the Project, subject to a 10-day appeal period; and

WHEREAS, an appeal of the Zoning Administrator’s action was filed by John Paulsen (Appellant), seeking review by the City Council pursuant to City Code Chapter 20-62.

NOW, THEREFORE, BE IT RESOLVED that after consideration of the appeal and the reports, documents, testimony, and other materials presented, and pursuant to the requirements of Chapter 20 of the City Code, Zoning Code Sections 20-46.040 and 20-46.080, and 20-62.030 (Processing of Appeals), the Council of the City of Santa Rosa denies the appeal, upholds the decision of the Zoning Administrator, and makes the following findings and determinations:

1. The design and layout of the proposed development is of superior quality, and is consistent with the General Plan, and the Roseland Area/Sebastopol Road Specific Plan, applicable Zoning Code standards and requirements, the City’s Design Guidelines, architectural criteria for special areas, and other applicable City requirements (e.g., City policy statements and development plans), and the matter has been properly noticed as required by Section 20-52.050.E.2.a, and a request for a public hearing has been acted upon; and
2. The design is appropriate for the use and location of the proposed development and achieves the goals, review criteria, and findings for approval as set forth in the Framework of Design Review (Design Guidelines, Introduction, Subsection C) in that the proposed design provides a vibrant, visual anchor with building height, form, and architectural details, the form, massing, materials and detailing express the design concept and building use. In addition, the landscape design is appropriate for the proposed use in that the design would reinforce a sense of place in the Roseland Village area as a place for urban living, and the design promotes sustainability through materials, site location, and use; and
3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments in that the design is appropriate for its location in the Roseland Village area because its main entrance will be on West Avenue, adjacent to the learning center, and includes an outdoor space with landscaped barbeque and play areas; and
4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood in that the building design is a contemporary interpretation of traditional Spanish style, employing simple, strong

massing and forms, with large sloped roof forms facing the streets, lowering the building height, and creating an intimate residential streetscape which is accented by undulating roof lines, with a dynamic silhouette of the corner building feature. The ground level units have private porches with street access, and the entire building sits across the street from the new proposed park; and

5. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity in that the project has been reviewed by City Building, Engineering, and Fire divisions and appropriately conditioned to comply with all local regulations currently in effect; and
6. The Project was determined to be exempt from further review pursuant to CEQA Guidelines section 15183, in that:
 - a. The Project is consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. The Project will implement residential uses at the intensity called for by the General Plan and Roseland Area/Sebastopol Road Specific Plan.
 - b. There are no project specific effects which are peculiar to the Project or its site, and which the General Plan or Specific Plan EIRs failed to analyze as significant effects. The project site is located in an area developed with commercial, institutional, and residential uses. The property does not support any peculiar environmental features, and the Project would not result in any peculiar effects.
 - c. There are no potentially significant off-site and/or cumulative impacts which the General Plan and Specific Plan EIRs failed to evaluate. The proposed Project is consistent with the density and use characteristics of the development considered by the General Plan and Specific Plan EIRs and would represent a small part of the growth that was forecast for build-out of the General Plan. The General Plan and Specific Plan EIRs considered the incremental impacts of the future development, such as the Project and planned Roseland Village project, and no potentially significant off-site or cumulative impacts have been identified which were not previously evaluated.
 - d. There is no substantial new information which results in more severe impacts than anticipated by the General Plan or the Roseland/Sebastopol Road Specific Plan EIRs. No new information has been identified which would result in a determination of a more severe impact than what had been anticipated by the General Plan or Specific Plan EIRs.
 - e. The project will undertake feasible mitigation measures specified in the General Plan or Specific Plan EIRs. The mitigation measures will be undertaken through Project design, compliance with regulations and ordinances, or through the Project's conditions of approval.

The Project's residential developments also qualify for an exemption under California Government Code Section 65457 and Section 15182 (Residential Projects Pursuant to a Specific Plan) of the State CEQA Guidelines. Pursuant to CEQA Guidelines Section 15182, the density, design, and infrastructure planned under the proposed Project is consistent with the adopted Specific Plan in that the level and intensity of the proposed developments and the locations of the developments are consistent with the Specific Plan. No special circumstances or potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the Specific Plan EIR (SCH #2016012030). The Specific Plan EIR adequately addressed environmental issues related to the development of the entire Specific Plan area, including the subject property.

NOW, THEREFORE, BE IT RESOLVED, the Design Review Permit for the Project is approved subject to each of the following conditions:

1. Compliance with the Development Advisory Committee (DAC) Report dated January 3, 2019 and revised on February 25, 2019, attached hereto as Exhibit A and incorporated herein.
2. Obtain a demolition permit for structures to be removed.
3. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
4. Obtain building permits for the proposed project.
5. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
6. The developer shall enter into an agreement with the City which provides that the developer, his heirs, successors, and assigns shall defend, indemnify, and hold the City, its officers, employees, and agents harmless from any and all claims, suits, and actions brought by any person and arising from, or in connection with, the design, layout, or construction of any portion of this subdivision, or any grading done, or any public or private improvements constructed within, or under, or in connection with this subdivision, whether on-site or off-site.
7. The approval of this project shall be subject to the latest adopted ordinances, resolutions, policies and fees adopted by the City Council at the time of the building permit review and approval.
8. The developer shall be in compliance with the Housing Allocation Plan (City Code Chapter 21-02) at the time of building permit issuance.
9. If applicable, the developer shall comply with the City Public Art Ordinance (City Code Chapter 21-08) as applied to the non-residential portions of the project.
10. 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.

11. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturdays. No construction is permitted on Sundays and holidays.
12. Projects shall be designed in compliance with established regulations adopted by the City of Santa Rosa affecting or related to structures, processes, premises and safeguards regarding the following:
 - a. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.
 - b. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.
 - c. Fire hazards in the structure(s) or on the premises from occupancy or operation.
 - d. Matters related to the construction, extension, repair, alteration or removal of the fire suppression or alarm systems.
 - e. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.
13. Fire service features for buildings, structures and premises shall comply with City adopted building standards.
14. Permit(s) shall be required as set forth in adopted California Building Code (CBC) Section 105, California Residential Code (CRC) Section R105 and California Fire Code (CFC) Sections 105.6 and 105.7. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional.
 - a. Construction documents shall be dimensioned and drawn on suitable material. Electronic media documents shall be submitted. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of adopted codes and relevant laws, ordinances, rules and regulations, as determined by the code official.
 - b. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with adopted codes and the construction documents and shall be

approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

- c. The construction documents shall show in sufficient detail the location, construction, size, and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of adopted codes. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
 - d. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The code official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.
 - e. Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus access roads and construction documents, hydraulic calculations and material specifications for fire hydrant, fire protection or detection systems shall be submitted to the fire department for review and approval prior to construction.
15. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except where approved alternative methods of protection are provided.
 16. For the purposes of prescribing minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations. building, facilities and premises in the course of construction, alteration or demolition, including those in underground locations shall be in compliance with CFC Chapter 33 and NFPA 241.
 17. New and existing buildings shall be provided with approved illuminated or other approved means of address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall not be spelled out. Character size and stroke shall be in accordance with CFC Section 505.1.1 through 505.1.2. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response in

accordance with this code and CFC Section 505.1.3. Where access is by means of a private road and the building cannot be viewed from the public way or when determined by the fire code official, a monument, pole, or other approved illuminated sign or other approved means shall be used to identify the structure(s). Address identification shall be maintained.

18. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction, in accordance with CFC Section 507 and Appendices B & C.
 - a. Fire-flow requirements for buildings or portions of buildings and facilities shall be determined by adopted CFC Appendix B.
 - b. Fire hydrant systems shall comply with adopted CFC Section 507.5.1 through 507.5.8 and Appendix C.
19. Fire apparatus access roads shall be provided and maintained in accordance with CFC Section 503 and Appendix D.
 - a. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
 - i. Should a gate be planned to serve the facility, the gate shall be automatic operating by strobe, equipped with a Knox Company key operated electric gate release switch with dual key option for the Police Department.
 - ii. During a power failure, gate shall release for manual operation OR be equipped with standby power or connected to the building emergency panel.
 - iii. In addition to sending the request to exit signal to the gate operator, the magnetic detection loop (when activated) shall prohibit the gate from closing upon fire apparatus.
 - b. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided in accordance with CFC D105. For purposes of this requirement, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. One or more of the required access routes meeting this

condition shall be located not less than 15 feet and not greater than 30 feet from the building and shall be positioned parallel to one entire long-side of the building as approved by the fire code official. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. There shall be no architectural features, projections or obstructions that would limit the articulation of the aerial apparatus.

- c. Multiple-family residential projects having more than 50 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
 - d. Required Fire Department access roads shall be signed “No Parking – Fire Lane” per current Fire Department standards.
 - i. Parking allowed only in designated spots. All curbs shall be painted red and posted “No Parking.”
 - e. A Fire Department key box shall be provided on the front of each structure for access to fire protection equipment within the building.
20. The provisions of the adopted CFC shall specify where fire protection and life safety systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems.
- a. Approved automatic fire sprinkler systems in new buildings and structures shall be provided in the locations described in adopted CFC Sections 903.2.1 through 903.2.20. Approved automatic fire sprinkler systems in existing buildings and structures shall be provided in locations described in adopted CFC Section 903.6.
 - i. Structure will be required to be protected by an automatic fire sprinkler system.
 - 1) If required Fire Department Connection (FDC) for the sprinkler and standpipe systems shall be located on the street side of the structure or facing approved fire apparatus access roads fully visible and recognizable from the street, and within 100 feet an approved fire hydrant.
 - 2) Automatic sprinkler system shall be installed prior to construction exceeding 40 feet in height above the lowest level of fire department vehicle access. Such automatic sprinkler system shall

be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

- b. Structure will be required to install a standpipe system in the building.
 - i. Not less than one standpipe shall be provided for use during construction. Such standpipes shall be installed prior to construction exceeding 40 feet in height above the lowest level of fire department vehicle access. Such standpipes shall be provided with fire department hose connections at floor-level locations adjacent to stairways as construction progresses, such standpipes shall be extended to within one floor of the highest point of construction having secured decking or flooring.

21. A Phase 1 Environmental Site Assessment shall be provided to the Fire Department Hazardous Material Program for review. Phase 1 shall be approved prior to issuance of any grading, demolition or construction permit.

22. The following are a list of deferred plan submittal items that will be required by the Fire Department—additional items may be called out based on proposed use(s) of commercial spaces:

- a. Private Underground Fire Main
- b. Standpipe System
- c. Fire Sprinkler System
- d. Fire Pump (to be determined)
- e. Fire Alarm
- f. Emergency Responder Radio System (to be determined)
- g. Gates and barricades across fire apparatus access roads

23. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.

24. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.

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

IN COUNCIL DULY PASSED this 3rd day of August, 2021.

AYES: (6) Vice Mayor N. Rogers, Council Members Alvarez, Fleming, Sawyer, Schwedhelm, Tibbetts

NOES: (0)

ABSENT: (1) Mayor C. Rogers

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Vice Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A – DAC Report