

UNITEHERE! Local 2850

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June 19, 2017

Mr. Patrick Streeter, Senior Planner
 Planning and Economic Development
 City of Santa Rosa
 100 Santa Rosa Avenue, Room 3
 Santa Rosa, CA 95404

Dear Mr. Streeter:

I am writing to express UNITE HERE Local 2850's opposition to the parking reduction and Conditional Use Permit for off-site parking for the proposed AC Hotel (CUP17-031). Local 2850 is the union of hotel and food-service workers in the East Bay and North Bay. Local 2850 and its sister organization, UNITE HERE Local 49, together represent several hundred hospitality workers in Sonoma County. Throughout North America, UNITE HERE works diligently to promote responsible and sustainable hotel development. The success of these efforts depends in large part on local agencies' respect for zoning regulations, the California Environmental Quality Act (CEQA), and other regulations and processes that govern development. We oppose the recommended action on CUP17-031 for the simple reason that it plainly and brazenly violates the spirit and letter of the City of Santa Rosa's Zoning Code, the Downtown Station Area Specific Plan, the Santa Rosa General Plan 2035, and CEQA.

Zoning

According to Section 20-36.070 of the Zoning Code, the AC Hotel project requires a Conditional Use Permit (CUP) to provide the vast majority of its required parking off-site. According to the ratios provided by Table 3-4 of the Zoning Code, the hotel is required to provide 154 shared parking spaces. The project proposes to provide 26 on-site parking spaces and 102 off-site parking spaces at 201 Sixth Street. This proposal is inconsistent with the Zoning Code in multiple ways.

First, the proposed off-site parking lot is not an allowed use on the site where it is proposed, at 201 Sixth Street. The proposal for the off-site parking lot is clearly a commercial parking facility, as defined in the Zoning Code. The zoning designation at 201 Sixth Street is TV-R-SA, which is a residential zoning district in which commercial parking facility is not an allowed use. The Zoning Code is very clear on this point, and on this basis alone the CUP must be denied.

The memo from J. Kapolchok & Associates in support of the proposal makes a creative attempt to avoid this straightforward conclusion. The memo notes that the TV-R-SA zoning allows "health and fitness facilities, meeting rooms, general retail and

restaurants,” all of which are included in the hotel project. The implication is that the proposed parking facility is merely an accessory use to the project a block away which it is intended to serve, and that the uses in that project—not the parking facility itself—are the uses that should be evaluated for compliance with the TV-R-SA zoning regulations. This argument doesn’t pass the laugh test, as any person walking down the street would look at the proposed parking facility and see a parking facility. All of the relevant impacts would be the same as those of any other commercial parking facility. Furthermore, according to the Zoning Code, a use can only be considered an accessory to a primary use if it is on the same parcel. Finally, the argument fails even on its own terms, because the primary use included in the hotel project – *hotel* – is not allowed in the TV-R-SA zoning district.

The second way in which the proposed parking facility is inconsistent with the Zoning Code is that it is not a residential use. According to Zoning Code Section 20-22.020(D), “residential uses are required” in any new development of the site. As such, development of the site as a parking facility with no residential units is clearly not allowed. The Kapolchok memo attempts to avoid this conclusion by pointing out other parking lots that exist in residential zoning districts elsewhere in Santa Rosa. However, the fact that legal nonconforming uses exist elsewhere, perhaps because they predate the current zoning regulations, does not mean that a new nonconforming use may be allowed. The requirement is restated in Section 20-22.050(D)(1): “Each new development shall be a residential project.”

The third reason the proposed parking facility is not allowed is that it is inconsistent with the development regulations of the “-SA” combining district. According to Section 20-28.060(D), this section of Sixth Street is designated “Shop Front” street type. According to Table 2-15, which governs the “Shop Front” street type, development must include residential or “Activity Generating” use on the ground floor. Furthermore, Section 20-28.060(E)(2)(b), “no parking shall be permitted within 20 feet of the street frontage or back of sidewalk, whichever is greater.” The proposed site plan shows parking spaces located within 15 feet of the back of the sidewalk.

Specific Plan and General Plan

In addition to the specific regulations of the Zoning Code, the proposal is inconsistent with three major goals of the Downtown Station Area Specific Plan: to encourage residential development near transit, to encourage a pedestrian-friendly streetscape in the Station Area, and to preserve an adequate supply of public parking spaces.

Goal SP-LU-1 of the Specific Plan is to “ensure land uses that promote use of transit.” Accordingly, Policy SP-LU-1.1 is to “establish appropriate land use designations and development standards which will result in a substantial number of new housing units within walking distance of the Downtown SMART Station site.” The Transit Village Medium land-use designation implements this policy by encouraging medium-density housing development within a half mile of a transit facility. Development in the

Transit Village Medium classification is *required* by both the Specific Plan and the General Plan to include residential units. (See Specific Plan page 4-10 and General Plan page 2-11.) Such residential development is supposed to be in the range of 25 to 40 units per acre. The proposed parking facility is located in the Transit Village Medium land-use classification, and according to the City's GIS system, the two parcels occupy a combined 0.57 acres. As such, the site should accommodate 14 to 22 residential units, which represent 4 to 6 percent of the development capacity of the Railroad Square sub-area, not an insignificant amount. In order to encourage transit-oriented residential development, the General Plan, Specific Plan, and Zoning Code explicitly require new development on this site to provide these units. Development of this site as a parking facility would hinder the accomplishment of Specific Plan Goal SP-LU-1 and violate Policy SP-LU-1.1.

The proposed surface parking lot also runs counter to the Specific Plan's goals regarding pedestrian-friendly development. Specific Plan Policy SP-LU-1.2 is to "improve pedestrian, bicycle and bus transit connections from surrounding areas to the Downtown SMART Station site as well as between neighborhoods surrounding the SMART Station site." Policy SP-LU-1.3 is to "create pedestrian friendly environments and provide convenient connections to the transit facility for all modes of transportation." Policy SP-LU-4.1 is to "maintain and extend the positive qualities of the downtown area's traditional development pattern by requiring activity-generating uses such as retail at street level throughout the Courthouse Square and the Railroad Square Sub-Areas," and Policy SP-LU-4.2 is to "Require new development to include activity generating uses such as retail at the street level along Sixth Street, A Street and Seventh Street." To these ends, Sixth Street is designated a Shop Front Street Type, which is intended to encourage ground-floor retail and other pedestrian-friendly uses. In order to encourage a pedestrian-friendly environment, new development is to be a minimum of two stories and buildings are to be built to the property line. The Zoning Code's prohibition of parking within 20 feet of the sidewalk flows from this Specific Plan guideline. (See Specific Plan page 5-10.) Furthermore, the Specific Plan singles out the point at which Sixth Street crosses under Highway 101 for special treatment to improve the pedestrian environment (page 5-11). To develop this site as a surface parking lot would worsen the pedestrian experience of Sixth Street at Highway 101 and undermine all of these goals and policies.

Parking supply

Not only do the General Plan, Specific Plan and Zoning Code clearly prohibit the development of the parking facility at 201 Sixth Street, the Specific Plan also argues against the proposed parking reduction for the hotel, regardless of where the parking spaces are located. The hotel site, 210 Fifth Street, is currently operated as City parking lot #15 and provides approximately 60 metered public parking spaces. Goal SP-T-4 of the Specific Plan is to "ensure appropriate levels of parking are provided in association with new development," and Policy SP-T-4.7 provides that "future development of City-owned parking facilities should result in no net loss of public parking spaces and should increase the supply of public parking spaces."

The parking analysis that was prepared by W-Trans for the Downtown Station Area Specific Plan acknowledged that the public parking facility at 210 Fifth Street, which the City operates pursuant to a lease with the private landowner, was always intended to be temporary, but it forecast a deficit in the parking supply in the Railroad Square Sub-Area largely due to the expected loss of these 60 parking spaces. The strategy that W-Trans identifies for mitigating this shortfall is a shared parking approach that involves large developments providing parking spaces that would be shared with smaller developments on more constrained sites that are not able to provide their own parking: “Ideally, the largest mixed-use projects would provide paid parking garages with a pool of shared parking spaces” (Parking Analysis, page 14); and “larger mixed-use projects in Railroad Square that provide shared parking may, with approval from the City, be able to enter into agreements with smaller developments to provide a parking supply that meets the combined requirements for both projects.” To this end, the Zoning Code Section 20-36(C)(4)(e) provides for alternative methods of providing required parking in the Station Area, including: “Projects that are unable to provide the total number of required on-site parking spaces may consider paying for the use of shared spaces within other parking facilities, in-lieu of applying for a parking reduction or variance. A parking study shall be submitted verifying that use of shared spaces in another parking facility shall not create a parking shortage for the business associated with that facility.” This is the concept behind the parking requirements for the Courthouse Square subarea in Table 3-4 of the Zoning Code, which, as previously stated, require 154 *shared* parking spaces for the proposed project. Contrary to this expectation, the project proposes 128 valet-only parking spaces exclusively for the guests of the hotel. This is reserved parking, not shared parking. As such, the proposed parking satisfies neither the numerical requirement of Table 3-4, nor the requirement that such parking be shared with other businesses in the Railroad Square area. (The Zoning Code defines “shared parking spaces” as “those spaces that are available to the public, and not reserved for one specific use.”)

The Zoning Code allows for the approval of reduced parking requirements in the Station Area pursuant to a parking study. (It is not clear that the requirement of shared rather than reserved spaces may be waved.) However, the parking study prepared for the project to support this reduction errs by only taking into account the parking demand generated by the hotel and the small associated restaurant and retail uses on the site. Because the site of the proposed hotel is one of the largest potential development sites in the Railroad Square sub-area, it provides one of the best opportunities for the shared parking strategy identified by the Specific Plan parking analysis. As such, the parking study should have taken into account the parking demand that will be generated by smaller projects incapable of providing on-site parking—i.e., other retail and restaurant businesses nearby—as well as the reduced supply of public parking spaces available for the customers of such businesses due to the removal of City parking lot #15.

In summary, by removing 60 public parking spaces and providing only the bare minimum number of parking spaces to accommodate the project itself, the project would exacerbate the parking shortfall in the Railroad Square area. For this reason, even if the site were rezoned to accommodate a parking facility, or an alternative site for the parking facility were identified, the requested parking reduction should not be approved.

CEQA

The project claims to be exempt from CEQA analysis pursuant to CEQA Guidelines Section 15183 for projects consistent with a community plan, general plan, or zoning. The project is not eligible for this exemption because it is very clearly inconsistent with the Santa Rosa Zoning Code, the Santa Rosa General Plan 2035, and the Downtown Station Area Specific Plan, as discussed above.

The project also claims a categorical exemption from CEQA for infill projects, pursuant to CEQA Guidelines Section 15332. However, one of the conditions of this categorical exemption is that the project be “consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.” As discussed above, the project does not meet this condition, and therefore does not qualify for this exemption either.

The project’s ineligibility for these two CEQA exemptions is not a mere technicality. The project site is reserved by the General Plan, Specific Plan, and Zoning Code for medium-density, transit-oriented residential development. The development of this site as a surface parking lot, which will need to be maintained in perpetuity to accommodate the operation of the hotel, and therefore precludes future residential development on the site, has potential impacts on various environmental factors that should be considered under CEQA, including Land Use/Planning, Population/Housing, Transportation/Traffic, Air Quality, Greenhouse Gas Emissions, and Aesthetics. As such, amendments to the General Plan, Specific Plan, and Zoning Code necessary for the project may not be approved prior to the preparation of an Initial Study and the completion of the appropriate level of CEQA analysis.

Conclusion

Local 2850 is obviously not opposed to hotel development *per se*. Responsible development in the hospitality industry can be an important source of good jobs. However, responsible and sustainable development depends on respect for applicable planning documents, zoning regulations, and environmental review requirements. We trust that Santa Rosa City staff, Planning Commissioners, and members of the City Council are equally committed to respect for these important policies and the rule of law. We urge you to deny CUP17-031 for this reason.

Sincerely,



Ty Hudson
Senior Research Analyst

