

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: CLARE HARTMAN, DIRECTOR
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: TIERRA DE ROSAS TENTATIVE MAP TIME EXTENSION
APPEAL

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council, by resolution, deny the appeal and uphold the decision of the Planning Commission to approve a one-year time extension for the Tierra de Rosas Tentative Map to subdivide two parcels of approximately 7.41-acres into five lots at 665 and 883 Sebastopol Road.

EXECUTIVE SUMMARY

On June 25, 2019, the City Council (Council) approved the Tierra de Rosas project (Project), formerly known as Roseland Village Neighborhood Center, which included a tentative map and a density bonus to subdivide a 7.41-acre site into five lots. On September 29, 2020, Assembly Bill 1561 became effective, which automatically extended the expiration of all housing development entitlements issued and in effect prior to March 4, 2020, by eighteen months, extending the expiration date for the Tierra de Rosas Tentative Map to December 25, 2022. On March 23, 2023, the Planning Commission unanimously approved a Tentative Map Extension that would extend the Map to December 25, 2023. On March 30, 2023, an appeal of the Planning Commission's action was filed by Robert Paulsen regarding the circulation and parking easement agreement with the adjacent property.

BACKGROUND

1. Project Description

The applicant requested a tentative map extension for the future development of Tierra de Rosas. Approval of the Time Extension by the Planning Commission has extended the deadline to file the Final Map until December 25, 2023.

Tentative Map: The tentative map will establish the lot configuration, subdivision infrastructure, and street circulation needed to support the proposed phased and individual ownership, financing, development, and management of each lot or parcel. The lots are depicted in the Attachment 5 and their acreage and future use are listed in the following table.

The submitted tentative map shows subdivision infrastructure including water, sewer, and storm drains will be developed to support planned mixed-use development within the project site. West Avenue will extend north through the site and is designed to serve as the public road and service corridor that will support future development on the vacant land north of the Joe Rodota Trail. The side roads –Street A, Street B, and Street C – will provide circulation between uses within the project site as well as access to the commercial uses on the Paulsen property to the east and the private access road – D Street – that serves commercial properties to the west.

Proposed sidewalk improvements throughout the project site and West Avenue will create a direct public access link between Sebastopol Road, the Joe Rodota Trail, and the Paulsen property to the east. The proposed one-acre plaza located along the Sebastopol Road street frontage will be open to the public and serve as the Roseland community-gathering hub.

Roseland Village Neighborhood Center		
Lot	Acres	Planned Future Use
1	1.53	One Apartment Building - Affordable Housing – 75 Units (Casa Roseland)
2	2.10	Two Apartment Buildings - Market Rate Housing with ground floor Retail – 175 Units
3	0.35	Civic Building
4	0.22	Mercado Food Hall
A	0.86	Public Plaza (Plaza Temporal)

2. Project Timeline

The master development known as Tierra de Rosas (formerly known as Roseland Village Neighborhood Center) will be developed in phases. The first phase established the Plaza Temporal, known as Mitote Food Park, which is currently operating. The second phase is expected to start in Fall 2023 after the demolition of the existing single-story commercial structures (former Dollar Tree

store and former hardware store). The backbone infrastructure and streets are expected to start in September 2023 and end in Fall 2024. At the end of this phase, the Plaza Permanente (Parcel A) will be installed to replace the Plaza Temporal. The affordable housing on Lot 1, Casa Roseland, is also expected to start construction in September 2023 and complete in early 2025. Once the infrastructure work is complete, the final phases of the Tierra de Rosas master development will include the Market Rate Apartments (Lot 2), as well as the Civic Building (Lot 3) and the Mercado (Lot 4) as these are funded or sold for development.

3. Surrounding Land Uses

North: Joe Rodota Trail/Highway 12 Corridor
South: Commercial retail and restaurants
East: Commercial retail and restaurants
West: Restaurant/gas station/industrial uses

The project site is surrounded on three sides by developed properties of differing uses and intensities primarily featuring single-story commercial development and commercial uses such as retail and restaurants. The Joe Rodota trail borders the project site immediately to the north. The nearest residential uses can be found approximately 250 feet south of the project site. Industrial uses and outdoor storage areas can be found further afield to the west of the project site on the north side of Sebastopol Road.

4. Existing Land Use – Project Site

The 7.41-acre project site was annexed into the City in November 2017 and is comprised of two parcels owned by the Sonoma County Community Development Commission (CDC). 665 Sebastopol Road, APN 125-111-037, is a 6.81-acre property, With a single-story commercial retail building, which is currently occupied by a retailer and the Mitote Food Park. The other parcel (883 Sebastopol Road/APN 125-101-031) is a 0.60-acre flat property site that is developed with a commercial building and a parking lot.

5. Project History

Below is the project history from the Planning Commission approval of the Tentative Map in 2019 through the application for a time extension (see attachment 11 for history prior to 2019):

On February 28, 2019, the Planning Commission approved, by resolutions, the proposed tentative map, MAJ17-006, and density bonus, DB19-030, by a vote of 5 ayes, 0 noes, and 2 absent. (PRJ17-075)

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On March 7, 2019, an appeal was filed with the City Clerk's Office regarding the recorded reciprocal access and parking easement over Roseland Village Neighborhood Center.

On June 25, 2019, City Council denied the appeal and upheld the Planning Commission's approval for DB19-030 and MAJ17-006 (PRJ17-075).

On October 3, 2019, the applicant submitted an application for Improvement Plans and a Final Map (ENG19-011).

On January 16, 2020, at a requested Public Hearing, the Zoning Administrator approved the Mitote Food Park (DR19-030) as the first Phase of the Roseland Village Neighborhood Center. The Mitote Food Park is to be later replaced by the .82-acre Public Plaza and the 5,000-square-foot Market.

On January 23, 2020, an appeal was filed with the City Clerk's Office regarding the recorded reciprocal access and parking easement over Roseland Village Neighborhood Center.

On June 18, 2020, the Design Review Board denied the appeal and upheld the approval for DR19-030 for the Mitote Food Park.

On June 1, 2021, the Zoning Administrator approved the Minor Design Review for Casa Roseland (DR21-001).

On June 10, 2021, an appeal was filed with the City Clerk's Office regarding the recorded reciprocal access and parking easement over Roseland Village Neighborhood Center.

On August 3, 2021, City Council denied the appeal and upheld the Zoning Administrator's approval of DR21-001.

On August 29, 2022, the Applicant submitted an application for Building Permits to construct 75 affordable housing units as part of Casa Roseland and for the grading and site work for the location.

On August 30, 2022, the Applicant submitted an application for Minor Design review for the Tierra de Rosas .86-acre Public Plaza (DR22-041).

On December 16, 2022, the Applicant submitted an application for the extension of the Tentative Map (EXT22-0019) prior to its expiration.

On March 23, 2023, the Planning Commission approved the Tentative Map Extension for EXT22-0019.

On March 30, 2023, an appeal for EXT22-0019 was filed with the City Clerk's Office regarding the circulation and parking easement agreement with the neighboring property.

PRIOR CITY COUNCIL REVIEW

See the above Project History section of this report.

ANALYSIS

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

The Appellant sets forth the following grounds or points in the appeal statement filed on March 30, 2023. The appeal statement and supplemental information are provided in Attachment 13 and Attachment 19.

Appeal Statement: The Project violates a recorded easement for parking and circulation.

Staff response:

The Roseland Village Shopping Center (Center) was developed in 1954 on five parcels totaling approximately 8.9 acres. The Grant of Reciprocal Easement recorded September 12, 1956 (easement), includes the main parking lot and driveways that provide access to the commercial buildings within the Center. The CDC now owns the 6.7-acre (+/-) parcel (APN 125-111-37) on the west side of the Center. This parcel is entirely within the easement and was once developed with five buildings, totaling approximately 85,000 square feet. Two buildings, totaling 35,000 square feet (+/-), remain on the CDC property at this time. Mr. Paulsen owns the east side of Center, which consists of four parcels that total 4.5-acres (+/-). The easement occupies about half or 2.14 acres (+/-) of his property, which extends further east. Three of the five buildings on his property occupy about 34,000 square feet of the easement area. The other buildings are located outside the easement.

The original construction of the Center included a large multi-tenant commercial building straddling the CDC Property and Paulsen Property. The portion of this building located on the CDC parcel was demolished in 2014. The remainder of the Center is currently developed with smaller commercial buildings around the perimeter, and existing parking spaces and driveways serve the businesses located within the Center.

The CDC Property and Paulsen Property owners share access to and use of the Center's parking lot and driveways by and through the easement. The easement is a private agreement between the property owners, the CDC and Paulsen, to share access and parking within the Roseland Village Shopping Center. The City is not party to the agreement, nor is the City's authority to regulate land use limited by the easement. MidPen and the CDC, as applicants, are required to disclose all easements or other covenants that may restrict development or use the property at the time of the tentative map and density bonus application. The applicants and their legal counsel have stated that the easement does not restrict the applicants' ability to proceed with project development on the CDC Property.

There is a pending appeal of the judgment granted in favor of the CDC regarding the easement. Currently the parties are drafting briefs regarding the appeal.

FISCAL IMPACT

Not applicable.

ENVIRONMENTAL IMPACT

The project is consistent with the Roseland Area/Sebastopol Road Specific Plan. On November 2016, the City Council, concurrent with the adoption of the Roseland Area/Sebastopol Road Specific Plan, certified the Roseland Area/Sebastopol Road Specific Plan EIR (SCH 2016012030). The density, design, and infrastructure plan 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 has been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the Specific Plan EIR. The Specific Plan EIR adequately addressed environmental issues related to the development of the entire Specific Plan area, including the subject property.

Pursuant to the California Environmental Quality Act (CEQA), CEQA Guidelines section 15162 provides that no additional review is required where an EIR is certified or a negative declaration has been adopted for a project and there are no substantial changes to the project or changed circumstances which will result in new or more severe environmental impacts and there is no new information showing the project will have significant effects not discussed in the negative declaration.

No changes in the project are proposed in connection with this time extension; there have been no changes in circumstances resulting in new or more severe impacts; and there is no new information indicating that the project will have one or more significant effects not discussed in the previous negative declaration. Therefore, further environmental review is not required.

The proposed project is also statutorily exempt from CEQA pursuant to CEQA Guidelines section 15182 and Government Code section 65457 which applies to land subdivisions for residential, commercial and mixed-use projects that are consistent with a specific plan for which an EIR was prepared.

NOTIFICATION

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

ATTACHMENTS

- Attachment 1: Disclosure Form
- Attachment 2: Location Map
- Attachment 3: Neighborhood Context Map
- Attachment 4: Project Description
- Attachment 5: Approved Tentative Map and Development Plan, dated February 2019
- Attachment 6: Tentative Map Resolution – City Council RES-2019-085
- Attachment 7: Density Bonus Resolution – City Council RES-2019-086
- Attachment 8: Final Traffic Impact Study
- Attachment 9: Mitote Food Park DRB RESOLUTION 20-1009
- Attachment 10: Casa Roseland Resolution – City Council RES-2021-138
- Attachment 11: Staff Report – 2019-06-25 City Council
- Attachment 12: Extension Resolution PC-2023-007
- Attachment 13: Appeal Form
- Attachment 14: City Council Appeal Staff Report 2019-06-25
- Attachment 15: County Counsel Legal Opinion
- Attachment 16: County Counsel and Appellant Correspondence
- Attachment 17: Superior Court of the State of California Sonoma County Verified
- Complaint
- Attachment 18: Recorded Easement
- Attachment 19: Appellant Presentation
- Resolution / Exhibit A and DAC Report

PRESENTER

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