

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: AMY NICHOLSON, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT
SUBJECT: APPEAL OF PLANNING COMMISSION ACTION ON A
CONDITIONAL USE PERMIT (CUP) FOR THE PROPOSED
RESIDENCE INN BY MARRIOTT HOTEL AT 3558 ROUND BARN
CIRCLE, ASSESSOR'S PARCEL NUMBER 173-020-008; FILE
NO. PRJ17-045 AND CUP18-162

AGENDA ACTION: RESOLUTION

RECOMMENDATION

The Planning and Economic Development Department recommends that the Council, by resolution, grant the appeal of the Planning Commission's decision and approve a Conditional Use Permit (CUP) for the proposed Residence Inn by Marriott hotel.

EXECUTIVE SUMMARY

The Residence Inn by Marriott/Ajaib Bhadare proposes a four-story, 114-room hotel in the Fountaingrove Resilient City Zoning District at 3558 Round Barn Circle, adjacent to Highway 101 and Old Redwood Highway in northeast Santa Rosa. A 92,100 square foot, 48-foot 10-inch tall, building would occupy the undeveloped 4.6-acre project parcel. In addition to hotel rooms, the project includes a fitness facility, outdoor swimming pool and lawn area. One hundred sixteen (116) on-site parking spaces are proposed. Project construction required Planning Commission (Commission) Conditional Use Permit and Hillside Development Permit approval and subsequent Design Review Board approval.

On November 29, 2018, the Commission denied a Conditional Use Permit (CUP) for the proposed Residence Inn by Marriott by voting 3 ayes, 3 noes and 1 abstention on a motion to approve the CUP. The Commission approved by a 4-2-1 vote a Hillside Development Permit to allow development slopes exceeding 10 percent.

On December 10, 2018, Residence Inn by Marriott/Ajaib Bhadare, the applicant/appellant, timely filed an appeal of the Commission's action to deny the CUP. The grounds for the appeal include the following: the application meets or exceeds all requirements for approval, the project is consistent with the General Plan and Zoning

Ordinance and the application is supported by staff, the proposed development meets all fire-related and height requirements, the project incorporated input from two Design Review Board pre-application meetings and is exempt from CEQA.

On February 12, 2019, the City Council held a public hearing on the item and following presentations, public comments, and questions, directed staff to return after a resolution had been reached between applicant/appellant and St. Joseph Health along with members of the public regarding the proposed building height. On June 21, 2019, the applicant/appellant submitted to the City a document outlining the resolution with St. Joseph Health. This resolution includes, but is not limited to, a three-foot reduction in the finished floor of the hotel, lessening the building height as viewed from surrounding properties, including the St. Joseph Health cancer treatment center east of the site.

BACKGROUND

1. Project Description

The proposal includes a new hotel development with 114 guest rooms, a 116-space parking lot and outdoor improvements, including an amenity lawn and pool area. The 92,100 square foot hotel includes shed roofs with a maximum height of 48 feet and 10 inches as viewed from Old Redwood Highway. The revised plans achieve a reduced building height appearance by reducing the finished floor level by three feet. Materials for the building are a mixture of earth tones, and include metal and cement siding, stone veneer, and simulated wood.

The hotel's architectural elements include articulation, variable relief, and balconies and terraces, which break up the large massing and length of the structure. The proposed landscaping incorporates a variety of native plants including coast live oak and valley oak trees to partially screen the hotel from public vantage points, while providing a natural transition to the existing oak grove on-site. Ornamental plants are utilized to comply with the City's orchard parking requirement and enhance the developed areas. Public improvements are limited to two driveway aprons, as the frontage of the site was previously improved with sidewalk, curb and gutter, as a part of the Fountaingrove Executive Center Subdivision in 1990.

Project development required Commission Conditional Use Permit approval for the proposed hotel use and Hillside Development Permit approval for development on slopes exceeding 10 percent. The Hillside Development Permit approved by the Commission was not appealed and remains valid. Subsequent Design Review Board approval is required for project construction should the Council grant the appeal of the Commission's denial and approve the CUP.

2. Surrounding Land Uses

North: Office

South: Currently vacant - commercial and hotel uses prior to the Tubbs Fire

East: Office

West: Vacant site and Old Redwood Highway and Highway 101

The project site was previously surrounded by a variety of commercial and office uses prior to the Tubbs Fire (Fire) in October 2017. The Fountaingrove Inn and Hilton Hotel located on parcels directly south were destroyed in the Fire. Office buildings are located to the north and east of the site.

3. Existing Land Use – Project Site

The 4.6-acre parcel is undeveloped and slopes west toward Highway 101. Property grades range from under 10 percent to above 25 percent, with elevation changes from 227 feet near Round Barn Circle to 190 feet on the western portion of the property. A large pad was graded on the southeast portion of the site, in anticipation of a development in 1990. Substantial grading also occurred throughout the site to provide additional stability to Round Barn Circle (see attached approved Improvement Plan). Vegetation on the site is sparse and consists primarily of native grasses, with the only trees located on the western downslope portion of the site. These trees are primarily coast live oaks, some of which suffered fire damage. Upon evaluation by a biologist, it was not determined if the foliage would regenerate. Thus, the project has been conditioned to provide additional analysis by an arborist or biologist, prior to building permit issuance. Should it be determined that the trees will not regenerate, the applicant's tree planting plan shall be amended to include trees that will result in a comparable screening, subject to approval by Planning staff.

4. Project History

On April 14, 1990, Improvement Plans for the Fountaingrove Executive Center were approved. These plans show the specifications for the private street (Round Barn Circle), underground utilities, frontage improvements, and mass grading on the six created lots. As shown on the Fountaingrove Executive Center improvement plan (see Attachment 13), a building pad was created on the subject site, but no building was constructed.

On September 9, 2016, City staff held a Pre-Application meeting with the applicant team for the proposed hotel.

On October 20, 2016, the proposal went before the Design Review Board for Concept Design Review. The Board requested additional information regarding views from Highway 101, retaining walls, orchard parking, materials, conceptual grading, sections and visuals, and a concept landscape plan. The Board suggested a strong sense of entry, more or taller glazing, shade at the pool area, plantings at the retaining wall, suggested lowering the structure height and breaking up the massing, and the use of natural stone veneer or other natural materials. The Board recommended returning for another Concept Design Review before going to the Planning Commission.

On February 11, 2017, the proposal returned to the Design Review Board with modifications and additional materials for review. The Board focused on the building height exceeding 35 feet based on the language of the Policy Statement requiring design excellence and preservation of natural features. The Board recommended changes including a varied roofline, larger shrubs at the retaining walls, richer colors and materials variety, and to break up the building mass, soften the corners, and increase fenestration. The Board also wanted special attention paid to the west elevation, as viewed from Highway 101 and Old Redwood Highway, and suggested planting more oak trees of varied sizes to tie into the existing oak grove.

On June 9, 2017, an application for a Hillside Development Permit, Conditional Use Permit and Design Review were submitted to the Planning and Economic Development Department. The plans had been modified based on Design Review Board input to provide a greater variety of natural materials, revised color scheme, and enhanced architectural features on the western elevation including balconies, terraces, and additional glazing on corners. Dark paint and materials were applied to the upper level of the building to reduce the appearance of the overall height. The landscape plans were modified to include additional oak trees adjacent to the existing grove.

On November 29, 2018, the Planning Commission approved by resolution a Hillside Development Permit, but a motion to approve a Conditional Use Permit failed to pass by a 3-3-1 vote, resulting in a denial of the CUP.

On December 10, 2018, the Residence Inn by Marriott/Ajaib Bhadare filed with the City Clerk's Office an appeal of the Planning Commission's denial of the CUP. The appellant's grounds for the appeal include that the application meets all requirements, staff recommended approval, the project meets all fire-related requirements, the project is consistent with the General Plan and Zoning Ordinance, the project meets all height requirements and incorporated input from two Design Review Board pre-applicating meetings, and the project is exempt from CEQA.

On February 12, 2019, the City Council held a public hearing on this item and following public comments, directed staff to return after a resolution had been

reached between applicant/appellant and St. Joseph Health. Trends in public comments focused on the proposed building height and its impact on the existing cancer treatment center and current parking constraints.

On June 21, 2019, the applicant/appellant submitted a document outlining the resolution with St. Joseph Health. This resolution includes but is not limited to reducing the finished floor of the hotel by three feet, lessening the proposed building height as viewed from the St. Joseph cancer treatment center.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

1. General Plan

The General Plan specifies a Retail and Business Services land use designation for the project area to accommodate retail and service enterprises, offices and restaurants, and therefore, several Economic Vitality and Land Use policies are relevant. As the project is proposed in a hillside area, several Urban Design and Open Space and Conservation policies are also applicable.

Economic Vitality:

- EV-A-5 Maintain diversity in the types of jobs available in Santa Rosa to lessen the impact of economic cycles.

- EV-B Facilitate the retention and expansion of existing businesses and provide sufficient land for business expansion and attraction of new employers that utilize the area's existing labor pool.

- EV-D-6 Pursue expansion of the number of hotel rooms and conference facilities in order to attract more meetings and conventions to the city. Aggressively promote the city to the visitor and convention markets.

Land Use and Livability:

- LUL-I-1 Provide a range of commercial services that are easily accessible and attractive, that satisfies the needs of people who live and work in Santa Rosa and that also attracts a regional clientele.

Urban Design:

- UD-A Preserve and enhance Santa Rosa’s scenic character, including its natural waterways, hillsides, and distinctive districts.
- UD-H-3 Prohibit grading of slopes that are greater than 25 percent. During review of development plans, ensure that necessary grading respects significant natural features and visually blends with adjacent properties.
- UD-A-4 In new developments, minimize overall grading by limiting site grading to the minimum necessary for driveways, parking areas, and understructure areas.
- UD-A-5 Require superior site and architectural design of new development projects to improve visual quality in the city.
- UD-A-9 Prohibit development on hillsides and ridgelines where structures would interrupt the skyline.
- UD-A-10 Relate landscape design to the natural setting. Require that graded areas within new development be revegetated.
- UD-A-11 Require structures within new developments to step with the slope of the site. Absorb site topography through use of split-level designs.

Open Space and Conservation:

- OSC-E Conserve significant vegetation and trees.
- OSC-E-2 Preserve and regenerate native oak trees.

The proposed hotel development would help to replenish the supply of hotel rooms lost during the Fire, while attracting a regional clientele and providing a diversity of job types. The architecture, site, and landscape plans demonstrate a development respectful of natural features that utilize native plants, limit unnecessary grading, and include a foundation that generally steps to grade. See the “Issues” section of this report for further discussion related to the above-mentioned goals and policies.

2. **Zoning**

The project site and abutting parcels are within the Fountaingrove Ranch Planned Development Zoning District (PD72-001) and the Resilient City (-RC) combining district. The Fountaingrove Ranch zoning district is intended to support a variety of land uses based on the location, as specified on the map included in the Policy Statement. The project site is within the Highway -Tourist - Office - Commercial land use area, intended to provide for a range of “specialty”

commercial uses, including highway and tourist-oriented uses. Although hotels are envisioned for this area, all uses in the Fountaingrove Ranch Planned Development require approval of a Minor Conditional Use Permit. As the Planning Commission is the review authority for Hillside Development Permit, staff elevated the Minor Use Permit to the Commission. The Resilient City combining district applies to all properties impacted by the Tubbs and Nuns Fires.

Parking

Consistent with Table 3-4 of the Zoning Code, one vehicle space for each guest room, plus required spaces for accessory uses such as restaurants and conference space, is required for lodging uses. The prescribed parking supply for the 92,100-square foot building would therefore be 114 off-street spaces, as no accessory uses are proposed. The project proposes 116 on-site parking spaces compliant with Zoning Code requirements. The Zoning Code requires 12 bicycle parking spaces, which will be demonstrated prior to building permit issuance.

Development Standards

The Fountaingrove Ranch Policy Statement (Policy Statement) does not provide standards for building setbacks. It instead relies on the Conditional Use Permit to set these standards. However, as the Hillside Development Ordinance requires more restrictive setbacks for development on slopes exceeding 10 percent than would typically be applied to a commercial area, the Hillside Development setback standards have been applied to this proposal. The hotel exceeds the required 15-foot side, 20-foot front, and 15-foot rear setback. The project is also consistent with the maximum lot coverage of 50 percent, by proposing a building footprint area of approximately 14.1%. The Policy Statement allows building heights exceeding 35 feet from grade based on design excellence and preservation of natural features. Consistent with the Policy Statement, the proposed 48-foot 10-inch maximum height will be reviewed and acted upon during the future Design Review meeting.

Resilient City Combining District

The project site is within the -RC (Resilient City) combining district which the City Council established on October 24, 2017 through Urgency Ordinance (Ordinance) No. 2017-018, to facilitate the reconstruction and resilience of areas impacted by the Tubbs and Nuns fires. The -RC district does not include any zoning provisions that are applicable to the Commission's action on the project. However, the City Council's recent approval of the Resilient City Development Measure Ordinance delegates Preliminary and Final Design Review approval of this hotel to the Zoning Administrator, after a required Concept Design Review meeting with the Design Review Board. This reduced review authority would be applicable to this project because it a hotel proposed within the Mendocino

Avenue Priority Development Area. However, based on the level of interest in the hotel and because the project went to the Design Review Board (DRB) for Concept Review prior to approval of the ordinance, Staff has determined that DRB approval is required.

ISSUES

Impacts to Private Views

As previously indicated, impacts to the existing views enjoyed by private properties have been cited as a concern. Based on the currently undeveloped nature of the site, the proposed development would alter the private views enjoyed by the existing development directly across the project site on Round Barn Circle. Obstruction of private views is not considered a significant environmental impact. (*Ocean View Estates v. Montecito Water District*; *Mira Mar Mobile Community v. City of Oceanside*).

Planning staff has assessed the impacts to public views, in particular, those from major public vantage points, including Highway 101, as required by Chapter 20-32 of the Zoning Code, and as discussed in the City's Design Guidelines. In addition, compatibility of the proposed development with the existing area has been considered. The development height is consistent with the existing buildings when viewed from across Round Barn Circle. In addition, based on the topography of the site, the hotel is four stories only as viewed from the Old Redwood Highway/Highway 101 vantage point. With the exception of the shed roofs, the hotel development fronting Round Barn Circle, is consistent with the 35-foot requirement in the Policy Statement.

Parking and Site Access

A neighboring medical group has specified concerns regarding the number of parking spaces for the hotel. The proposed 116 parking spaces exceeds the 114 total spaces based on the Zoning Code Section 20-36 requirement of 1 space per room for lodging. The parking requirements in the Zoning Code consider the parking demand necessary to support the entire use, including employees and any other supportive uses. The width of the existing private road was also cited as an issue for medical patients to navigate with added traffic, and for safety personnel to access. The City's Fire Department has reviewed and approved the plans, finding that the existing road is adequate.

Adequacy of Environmental Review

Issues regarding the environmental review were detailed in writing and verbally during the Planning Commission and City Council public hearings. As indicated

in the ENVIRONMENTAL REVIEW section of this report, Planning staff determined that the CEQA Class 32 (Infill) Categorical Exemption and the CEQA Guidelines section 15183 exemption applied to the project, and proceeded with the appropriate analysis of technical documents.

Development within the Wildland-Urban Interface (WUI)

Several members of the public cited the Project site's location within the Wildland-Urban Interface (WUI) as a serious concern. Prior to the Planning Commission public hearing, City staff found, or conditioned, the proposed project to be consistent with fire and building code. Items related to fire and building code include water pressure and site access. Further, the project will be required to comply with all elements of the current California Building Code, which requires specific materials and practices for construction with WUI areas.

In addition, the applicant/appellant has provided an evacuation plan (see Attachment 19), which outlines a number of strategies in the event of a wildfire. Should this appeal be approved, the evacuation plan would be completed and reviewed during the building permit process.

PLANNING COMMISSION HEARING & ACTION

On November 29, 2018, the Planning Commission held a public hearing on the project and considered both a Hillside Development Permit and a Conditional Use Permit. Following discussion, the Planning Commission approved by resolution a Hillside Development Permit, but a motion to approve a Conditional Use Permit failed to pass by a 3-3-1 vote.

Planning Commissioners Cisco, Kalia and Weeks voted in support of the Conditional Use Permit, indicating through individual comments that the project met fire department requirements and had fire department support, the application was filed in good faith prior to the Tubbs Fire and meets City codes, the project meets the City's existing Climate Action Plan, there is no moratorium for building in the fire area, the project represents rebuilding and replaces lost hotel rooms and the project complies with the - RC overlay district and is a good project.

Planning Commissioners Peterson, Groninga and Duggan voted against the Conditional Use Permit, indicating through individual comments that the project represented a location within a wildfire hazard area, presented a concern for the safety of visitors in the event of a nighttime evacuation, and lacked an evacuation plan. One Commissioner indicated that they would have supported the use if it was an office building, but that they had a problem with putting people in beds in this area. Commissioners further cited traffic and street parking issues, particularly with delay times at Bicentennial Drive and Old Redwood Highway. Other comments included that the project failed to take into consideration the quality of life for patients at the cancer center and the concerns of cancer center staff.

Fire Protection and Evacuation

Following the Planning and Economic Development planning staff presentation, the City's Assistant Fire Marshal addressed the Commission's questions regarding fire safety concerns expressed related to water supply/fire flow, evacuation and roadway adequacy.

With respect to water supply and fire flow, staff indicated that the State adopted minimum fire flow requirements for all buildings, new and existing, which would require for this project 1,100 gallons per minute (GPM) based upon the construction type, square footage and the fire protection. The City has amended the requirements to make them more restrictive than the state minimum, resulting in a required minimum fire flow of approximately 2,100 gallons/minute, while the project provides over 2,500 GPM and therefore meets and exceeds fire flow requirements.

The Fire Department is required to evaluate development based on state and locally adopted fire ordinances and requirements. Staff indicated that the Fire Department has found the project to meet and/or exceed all building standards.

Staff also addressed concerns related to any potential evacuation for hotel guests in the event of a fire. Staff indicated that the site is relatively close to the freeway and that typically, that is the route people will use to evacuate. The orientation of the street layout is pretty straightforward--there are two ways to go, either back to the freeway or up into the hills and the intuitive route is to the freeway. There are two ways out from Round Barn and two ways out from Fountaingrove and then various combinations to get to other arterials. Staff did not see any evacuation concerns and was unaware of any confusion people would have on a normal basis.

With respect to the adequacy of the roadway, staff indicated that a minimum standard of 20' unobstructed width is required and the existing road standard there allows for both parking and the required 20' width.

Staff additionally indicated that because the building height exceeds 30 feet, the Fire Department is requiring the design to accommodate the aerial access fire truck. A widened pathway behind the building will be provide for set up of ground ladders and to provide a fire break.

Compliance with CEQA

Assistant City Attorney responded to Commissioner questions about compliance with the California Environmental Quality Act (CEQA). Staff indicated that the project was Categorically Exempt from CEQA under CEQA guidelines section 15332 (Class 32) and also exempt under CEQA guidelines Section 15183. The legislature has looked at categories of projects that can be considered categorically exempt. Class 32 Exemptions apply where projects meet certain conditions including that the project is

consistent with the general plan and zoning, the project occurs within city limits on a project site no more than five acres surrounded by urban uses, the project site has no value as habitat for endangered rare or threatened species, the site can be served by all required utilities and public services, and approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality.

Staff further explained that impacts to private views are not an impact under CEQA.

Staff indicated that the City has a valid, adopted Climate Action Plan (CAP.) Staff provided material to the Planning Commission showing that the project is consistent with City's Climate Action Plan. Additionally, there is no current requirement to analyze Vehicle Miles Traveled (VMT) as part of project review.

Public Hearing Comments

Members of the public expressed concerns with the project, including project impacts, building height and its obstruction of view from the cancer treatment facility, the applicant's unwillingness to amend the project, the lack of offered mitigations, fire risk/prevention/cumulative impact, lack of adequate CEQA analysis, lack of City consultation with Sonoma County/CalTrans, failure to comply with the CAP, and greenhouse gas emissions. A speaker indicated that there was a lack of opportunity for business travelers in Santa Rosa and this project would offer economic vitality.

The Planning Commission also received written comments (see Attachments 18 and 19) for the November 29, 2018 hearing, including concerns about the proposed hotel height and its impact on patient views from the cancer treatment center located across Round Barn Circle and the adequacy of the existing road to accommodate project traffic and parking. Additional public concerns were expressed in opposition to the hotel citing inconsistency with required use permit findings, fire safety concerns, evacuation plan concerns, CEQA review adequacy, Climate Action Plan consistency, lack of consultation with the County of Sonoma and CalTrans and project exacerbation of housing crisis. The Commission received an email supporting the development of additional hotel rooms and meeting spaces.

APPEAL STATEMENT AND COUNCIL OPTIONS

Pursuant to Zoning Code Chapter 20-62, the Council shall be the appeal body for appeals of decisions made by the Planning Commission on a Conditional Use Permit. The Council may:

- Affirm, affirm in part, or reverse the action, the determination, or decision that is the subject of the appeal; or
- Adopt additional conditions of approval, that may address issues or concerns other than the subject of the appeal; or
- If new or difference evidence is presented on appeal, the Council may

refer the matter back to the Planning Commission for further consideration.

Required Conditional Use Permit Findings

Decisions on conditional use permits are based on the six discretionary standards found in Zoning Code Section 20-.52.050(F) as follows:

- a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and the City Code;
- b) The proposed use is consistent with the General Plan and any applicable specific plan;
- c) The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;
- d) The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
- e) Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
- f) The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

The appellant has provided the following grounds for the appeal--the complete appeal statement is provided in Attachment 2:

- The application meets or exceeds all requirements for approval and staff recommended approving it.
- The development meets or exceeds all fire-related requirements. According to Ian Hardage, the City of Santa Rosa's Assistant Fire Marshal who reviewed and is familiar with the proposed development, stated that the development meets or exceeds all applicable Fire Code and the requirements for "fire flow." While the fire flow standards are typically established by State law, Santa Rosa has adopted fire flow requirements that are more stringent than State law.
- The proposed development is consistent with the General Plan and the City Zoning Ordinance.
- The dissenting votes by Planning Commissioners failed to recognize the findings contained in the Staff Report demonstrating the application

complies with the city land use requirements as well as incorporating the input from two pre-application concept Design Review Board hearings.

- The structure complies with all height requirements. City staff, including the City Attorney, correctly stated that CEQA does not consider impacts to private views; it only requires analysis of impacts to public views, which occurred here.
- The development is exempt from CEQA, for the reasons set forth in the November 29, 2018 Staff Report to the Planning Commission and the reasons articulated by staff during the November 29, 2018 Planning Commission hearing.
- Any other fact, reason, or ground allowed by law.

STAFF RESPONSE TO APPEAL

Planning staff recommended that the Planning Commission approve the Conditional Use Permit application to allow a hotel with 114 guest rooms and a parking lot with 116 parking spaces and continues to consider that the mandatory findings can be made to approve the CUP. The attached resolution (Attachment 20) provides findings to uphold the applicant's appeal and to approve the CUP. The applicant's grounds for the appeal and staff's response to the grounds are as follows:

- The application meets or exceeds all requirements for approval and staff recommended approving it.

Staff response: Agreed. See Planning Commission Staff Report dated November 29, 2018 and City Council Staff Report.

- The development meets or exceeds all fire-related requirements.

Staff response: Agreed. See applicant's Attachment to Appeal of Planning Commission Denial and City Council Staff Report Section NOVEMBER 29, 2018 PLANNING COMMISSION HEARING.

- The proposed development is consistent with the General Plan and the City Zoning Ordinance.

Staff response: Agreed. See City Council Staff Report Section ANALYSIS General Plan and Zoning.

- The dissenting votes by Planning Commissioners failed to recognize the findings contained in the Staff Report demonstrating the application complies with the city land use requirements as well as incorporating the input from two pre-application concept Design Review Board hearings.

Staff response: The grounds for Planning Commissioners voting to deny the project can be found in the NOVEMBER 29, 2018 PLANNING COMMISSION HEARING section of this report.

- The structure complies with all height requirements. City staff, including the City Attorney, correctly stated that CEQA does not consider impacts to private views; it only requires analysis of impacts to public views, which occurred here.

Staff response: Agreed. See City Council Staff Report Sections Zoning Development Standards, NOVEMBER 29, 2018 PLANNING COMMISSION HEARING and ENVIRONMENTAL IMPACT.

- The development is exempt from CEQA, for the reasons set forth in the November 29, 2018 Staff Report to the Planning Commission and the reasons articulated by staff during the November 29, 2018 Planning Commission hearing.

Staff response: Agreed. See City Council Staff Report Sections NOVEMBER 29, 2018 PLANNING COMMISSION HEARING and ENVIRONMENTAL IMPACT.

As expressed above, staff finds that the November 29, 2018 Planning Commission staff report, the information staff presented at that hearing and this staff report support the City Council upholding the appeal and approving the CUP.

FISCAL IMPACT

Approval or denial of this project will not have a direct fiscal impact on the General Fund. However, the new hotel rooms from this project would contribute to the City's Transient Occupancy Tax in addition to job creation and economic growth from development of the site.

ENVIRONMENTAL IMPACT

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 32 exemption pursuant to CEQA Guidelines Section 15332. The project meets the criteria for the Class 32 (Infill) exemption in that it is consistent with the applicable General Plan designation and all applicable General Plan polices as well as with applicable zoning designation and regulations, in that the General Plan envisioned commercial development of the site, and the development is consistent with development standards required.

The site is located within city limits on a project site of no more than five acres, surrounded by urban uses. Consistent with the "Infill site" definition in Public Resources Code Sections 21061.3 and 21072, prior to the fire, the 4.6-acre site was bounded by a

variety of commercial developments to the north, east, and south, with Old Redwood Highway to the west.

Further, the site has not been identified as habitat for endangered, rare or threatened species, based on the Biological Assessment by Ms. Lucy Macmillan, M.S., dated February 2018. Consistent with the recommendations of the Biological Assessment, the project has been conditioned to perform surveys and any provide necessary exclusion zones, prior to the commencement of construction activities.

In addition, approval of the project would not result in any significant effects relating to traffic. W-Trans assessed potential impacts to traffic in its Traffic Study, dated August 8, 2018, which determined no significant impact impacts to the existing intersections upon construction of the project under present or future conditions. Although the current level of service for the Mendocino Avenue/Fountaingrove Parkway intersection is unacceptable, and the future with the project would create a delay of more than 5 seconds, the vehicle volume to capacity ratio does not increase by more than 2 percent, which is the City's standard for assessing an impact to an already unacceptable intersection.

The project is anticipated, and required, to operate within acceptable levels of sound as listed in the General Plan and the City's Noise Ordinance. Impacts to air quality and water quality are expected to be less than significant based on the project's consistency with the City's Climate Action Plan. Further, based on the City Engineering Development division's review of the project plans and Stormwater Plan prepared by Adobe Engineering, dated June 6, 2017, impacts related to stormwater and drainage will be less than significant.

The City has further determined that no exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines Section 15300.2.) This determination is based on the previous grading of the proposed site, and the development primarily being located on the flat portion of the site and substantially surrounded by development.

Additionally, pursuant to CEQA Guidelines Section 15183, the project is consistent with the City's General Plan and Zoning, which envisioned the commercial development of the subject site and surrounding area. The Retail and Business Services land use is anticipated to provide regional servicing uses, including hotels. The General Plan further encourages the expansion of hotel rooms to visitor and convention markets. In addition, the Fountaingrove Policy Statement categorizes the area as a Highway-Tourist-Commercial area, intended for hotel developments.

Therefore, no further environmental review is required.

NOTIFICATION

Zoning Code Section 20-62.030(E)(4)(b) stipulates that the Council must hold a public hearing on an appeal if a public hearing was required before making the decision being appealed.

Per this requirement, City Council hearing on this project was noticed as a Public Hearing per 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 – Residence Inn by Marriott/Ajaib Bhadare Appeal
- Attachment 3 – Location and Neighborhood Context Map
- Attachment 4 – Site Plan
- Attachment 5 – Elevations, Floor Plans and Sections
- Attachment 6 – Renderings
- Attachment 7 – Landscape Plan
- Attachment 8 – Grading Plan
- Attachment 9 – Project Narrative and Visual Analysis
- Attachment 10 – Slope Analysis
- Attachment 11 – Traffic Study, prepared by W-Trans, dated August 9, 2018
- Attachment 12 – Biological Resources Assessment, prepared by Ms. Lucy Macmillan
- Attachment 13 – Climate Action Plan Appendix E: CAP New Development Checklist
- Attachment 14 – Improvement Plan for Lot 6 of Fountaingrove Executive Center
- Attachment 15 – February 2017 Concept DR Plans and Minutes
- Attachment 16 – October 2016 Concept DR Plans and Minutes
- Attachment 17 – Policy Statement for PD 72-001
- Attachment 18 – Public Correspondence
- Attachment 19 – Resolution 11923 of Planning Commission
- Attachment 20 – Amended Grading Plan
- Attachment 21 – Amended Elevations and Sections
- Attachment 22 – Applicant/Appellant Summary of Resolution
- Attachment 23 – Economic Impact Analysis
- Attachment 24 – Late Correspondence

Draft Resolution – Approving the Appeal and Conditional Use Permit

CONTACT

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Planning and Economic Development Department

RESIDENCE INN BY MARRIOTT
PAGE 17 OF 17

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