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CK # 41714

DEC 10 2018 **APPEAL FORM**

Date Received: _____ Fee: \$5859⁰⁰
 City Clerk's Office/Rec'd by: CITY OF SANTA ROSA
CITY CLERK'S OFFICE *Sandra Bliss*
 Name of Appellant: Residence Inn by Marriott (Ajaib Bhadare)
 Business Address and Telephone Number: 3589 Round Board Blvd., Santa Rosa, California Phone: Don Cape
(702) 385-4988
 E-mail Address: abhadare@yahoo.com

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

The above named appellant does hereby appeal the following to the City Council:

The decision of the: (List Board/Commission/Dept./Official) Planning Commission
 Decision date: November 29, 2018
 Decision: (contract award recommendation; nonresponsive bid, denial, other) Denial of a Conditional Use Permit

The grounds upon which this appeal is filed are: (List all grounds relied upon in making this appeal. Attach additional sheets if more space is needed.)

1. Please see attached narrative.
2. _____

The specific action which the undersigned wants the City Council to take is: (Attach additional sheets if more space is needed.)

Please grant the appeal and approve the conditional use permit.

Except where an appeal procedure is otherwise provided in the City Code, any person dissatisfied with any final decision of any City commission, board or official may appeal such final decision to the City Council. Only final decisions may be appealed to the City Council. All appeals shall be initiated by filing with the City Clerk a written notice of appeal on a form provided by the City Clerk within 15 days of the date of decision, together with any applicable fees as determined by Council resolution. (Santa Rosa City Code §§ 1-20.010; 1-20.020.)

12-10-18

Appellant's Signature _____ Date _____
Ajaib Bhadare Owner
 Name and title (type or print)

**Attachment to Appeal of Planning Commission Denial
for the Conditional Use Permit for the Residence Inn by Marriott
File #PRJ17-045**

Date: November 10, 2018
Via Hand Delivery

Background

On November 29, 2018, the Santa Rosa Planning Commission approved a Hillside Development Permit for the Residence Inn by Marriott. Four commissioners voted in favor of the Hillside Development Permit, one abstained, and two voted against approving the Hillside Development Permit. The Commission then voted on a use permit and because one commissioner abstained from voting, there was a 3:3 tie vote, which is an effective denial. The purposes of this appeal are to ask the City Council to grant the appeal and approve the conditional use permit for the Residence Inn.

- A. This is an appeal from the City of Santa Rosa Planning Commission's procedural denial, caused by a tie vote, on a Conditional Use Permit application (PRJ # 17-045) for a Residence Inn by Marriot.
- B. Santa Rosa City Code section 20-62.03 authorizes an appeal of a Planning Commission decision to the Santa Rosa City Council.
- C. The grounds for this appeal are:
 - 1. The application meets or exceeds all requirements for approval and staff recommended approving it.
 - 2. 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 fire flow standards are typically established by State law, Santa Rosa has adopted fire flow requirements that are more stringent than State law.

The City's stringent fire flow standards require 2100 gall/min of flow and this development has 2500 gallons/minute of flow available. In response to a general question about fire risk from one commissioner, the City's Fire Marshal further stated that "the project is found to meet or exceed all required building standards."

The Commission asked Assistant Fire Marshal Hardage to comment on the risk to guests of the future hotel because these guests are a transient population, who may not be familiar with the area. In response, the Assistant Fire Marshal said: (a) the proposed development is close to Highway 1; (b) the street layout in this area is straightforward; (c) visitors will go towards the freeway and not towards the hills in an emergency; (d) the Fire Assistant Marshal had no evacuation concerns because the development site has two exits to Round Barn Road, and once on Round Barn, two ways to access Fountaingrove Parkway. Once on Fountaingrove Parkway, drivers have "hundreds of ways" to leave the area; and (e) the Assistant Fire Marshal was unaware of any confusion about evacuation routes under normal or unusual circumstances.

At the request of the Commission, the Assistant Fire Marshal commented on the adequacy of the width of Round Barn Road. According to the Assistant Fire Marshal, Round Barn is 30 feet wide, which is sufficient width for fire vehicle access, and takes parking on the side of the road into consideration.

Finally, the Assistant Fire Marshal stated that the winding path behind the development provides a natural fire break and allows for ladder set up. Further, the development has two aerial access points when only one is required.

3. The proposed development is consistent with the General Plan and the City's Zoning Ordinance.
4. 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.
5. 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.
6. 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 28, 2018 Planning Commission hearing.
7. Any other fact, reason, or ground allowed by law.

8. I have a blank check that I am ready, willing, and able to use to pay all appeal fees.