

RECEIVED

APPEAL FORM

SEP 16 2019

Date Received: 9/16/19 CITY OF SANTA ROSA CITY CLERK'S OFFICE Fee: \$5,094

City Clerk's Office/Rec'd by: Sandi Bliss

Name of Appellant: David Carpenter

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

The above named appellant does hereby appeal to your Honorable Body the following:

The decision of the: (List Board/Commission/Dept.) Cultural Heritage Board

Decision date: 9/9/19

Decision: (approval, denial, other) Denial

Name of Applicant/Owner/Developer: David Carpenter

Type of application: (Rezoning, Tentative Map, etc.) Major Landmark Alteration

Street address of subject property: 715 Tupper St & 25 Rae St

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. see attached: Benefits outweigh the risks

2. The decision is not consistent with prior approvals: CHB resolutions (03) 157, 2 story detached new 111 Brown St, (06) 223 713 Tupper - add a story, (11) 279 second floor addition 700 Tupper St (16) 319 second story addition 331 S E St

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

allowance per Cequ Article 19 15303 Class 3(b) - duplexes

Appeals shall be submitted in writing.....on a City application form within 10 calendar days after the date of the decision. The time limit will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.

Applicant's Signature [Signature] Date 9/16/19

Applicant's Name (type or print) David Carpenter Address 715 Tupper St & 25 Rae St SR

Daytime Phone Number 707 688 3342 Home Phone Number same

ZONING CODE PROVISIONS RELATING TO APPEALS:

NOTE: "DRB" refers to the Design Review Board, "CHB" refers to the Cultural Heritage Board, and "Commission" refers to the Planning Commission.

ARTICLE 20-62 - APPEALS

\$5094.00

20-62.030 - Filing and Processing of Appeals

- A. Eligibility.** Any action by the.....DRB, CHB, or the Commission in the administration or enforcement of the provisions of this Zoning Code may be appealed by any aggrieved person in compliance with this Article.....

- B. Timing and form of appeal.**
 - 1. General appeals.** Appeals shall be submitted in writing, and filedon a City application form within 10 calendar days after the date of the decision. The time limit will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.

20-62.030 - Filing and Processing of Appeals

- 3. Place for filing**
 - c. Appeals from the decisions of the DRB, CHB, or Commission shall be addressed to the Council and filed with the City Clerk.

- 4. Pertinent facts.** The written appeal shall state the pertinent facts of the case and shall specify the following:
 - a. The decision appealed from (e.g., City assigned case number).
 - b. The basis for the appeal.
 - c. The specific action which the appellant wants taken in the appeal.
 - d. Each and every ground upon which the appellant relies in making the appeal.

- 5. Filing fee.** Appeals shall be accompanied by the required filing fee, in compliance with the Council's Fee Schedule.

09/15/2019

Dear City Council,

The recent Cultural Heritage Board denial of LMA15-13 was an unfair decision to which I want to appeal to City Council. The urban cottage development would add a 2-story duplex behind the contributing house at 715 Tupper St and on the vacant lot at 25 Rae St. There were only 4 board members present, 2 members absent, 1 vacancy. All 4 votes were required for approval and the vote was 2 to 2. The 2 nay votes came from members who live in the Burbank Gardens Historic District and seemingly based their decisions on neighborhood input before the meeting without visiting the site or referencing the application materials. They also failed to follow the direction of the chairman that density and height were outside of their review. The speakers at the public hearing presented many misconceptions that were repeated by the 2 board members, while the validity of my rebuttals were considered untrue. I realize that the neighbors, especially the one to the west face risks to their quality of life and property values and I have addressed their concerns with every version of the project over the last 12 years. I believe that the risks to the neighbors are outweighed by the benefits to the community and seek your approval. This project represents an attempt to design and build an affordable-by-design net zero carbon neutral home that meets the stated goals of the State of California, Sonoma County and the City of Santa Rosa. Below are lists of the benefits to the community, risks to the neighbors and a synopsis of the 12-year process of mitigating their concerns.

Benefits to the community:

- Use of overgrown vacant land, mitigating the harboring of nesting sites for urban vermin.
- Paving of Rae street along Rae park, connecting Hendly Street to Brown Street.
- Eyes on monitoring the graffiti on the high fences facing Rae park.
- Increase property taxes received by the city.
- Increase of water and sewer fees received by the city.
- Addition of rental housing to the downtown area.
- Transit oriented housing, within a quarter mile of the city's main transit center.
- Housing free of asbestos and lead.
- Housing that is adaptable for the disabled community.
- Housing that is earthquake resistant.
- Housing that is fire resistant.
- Net zero housing that back feeds the neighborhood grid during peak hours.
- A community example of net zero carbon neutral housing on a small footprint.
- Addition to the resiliency and sustainability of the community.
- Research into the feasibility of carbon neutral, net zero construction for Santa Rosa's climate.

• Risks and their mitigation:

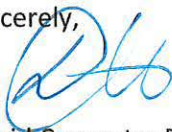
- The historic streetscape would be impacted. M: Units have a front setback of 72'.
- Parking impact on the neighborhood parking district. M: Onsite parking provided.

- Low rent tenants that blight the neighborhood culture. **M:** All tenants are screened by a third party.
- Density is too high. **M:** Zoning requires the midpoint of development (duplex each parcel).
- Units are too high. **M:** 2019 CBC requires PV array & Net Zero dictates the roof area required. The units are lower than the neighbors to the West, South and East with no unit to the North.
- The attic could be renovated into another unit. **M:** That requires additional access, parking and a permit.
- The units overlook the neighbor's rear yard. **M:** This was not considered when the CHB allowed 713 Tupper St to add a story and have their dining room look down into my bedrooms. The added duplexes overlook the neighbors non-conforming detached second units, rear yards and a Bethlehem Tower's parking lot.

Response to the neighborhood requests:

- 2007 1st version: 3 stories with garages. **R:** Units are too high.
- 2009 2nd version: Detached 2-story with garages. **R:** No second-floor decks overlooking the fence line and attached required.
- 2011 3rd version: Attached 2 story duplexes with garages. **R:** The units are too massive.
- 2013 4th version: Detached 1 story units, no covered parking. **R:** Covered parking and attachment required. Net zero requires more roof area.
- 2015 5th version: 2 story 3-bedroom units with carports. **R:** Project is too dense and high.
- 2019 6th version: 1 ½ story 1-bedroom duplexes with carports **R:** Too high and dense.
- Possible 7th version: Planning would not allow less dense detached units per LUL-F-2. CBC & Net zero will not allow less roof area or orientation, therefore no development is possible. An alternative would be a 3-story apartment with underground parking using the 45' height limit and 0' side setbacks and the density increase due to the proximity to transit, allowing 8 units or 10 units if 20% are affordable, developing the parcel to the fullest use allowable by the general plan.

Sincerely,



David Carpenter PMP LEED AP

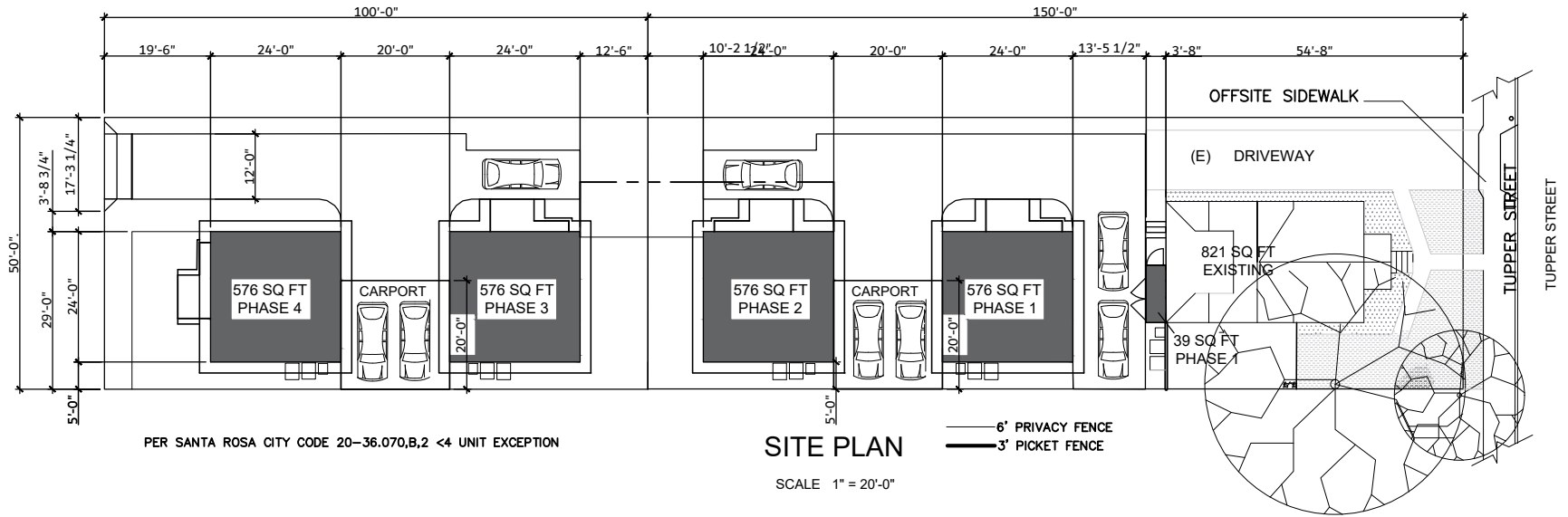
CA Architect and General Contractor

3 terms and Past Chairman of Santa Rosa's Board of Building Regulations Appeal.

APN 003-201-004
5000 SQ. FT. DRAIN TO RAE ST

APN 009-201-009
4615 SQ. FT. DRAIN TO TUPPER ST

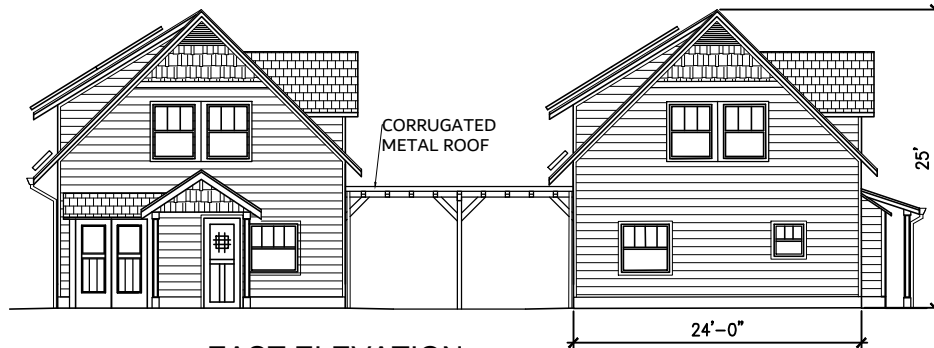
2885 SQ. FT. EXISTING TO REMAIN



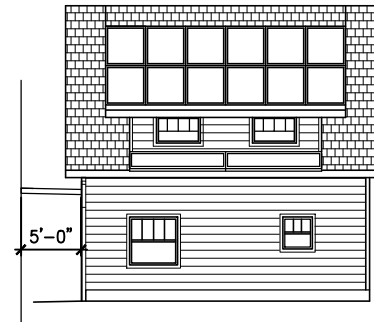
PER SANTA ROSA CITY CODE 20-36.070,B,2 <4 UNIT EXCEPTION

SITE PLAN

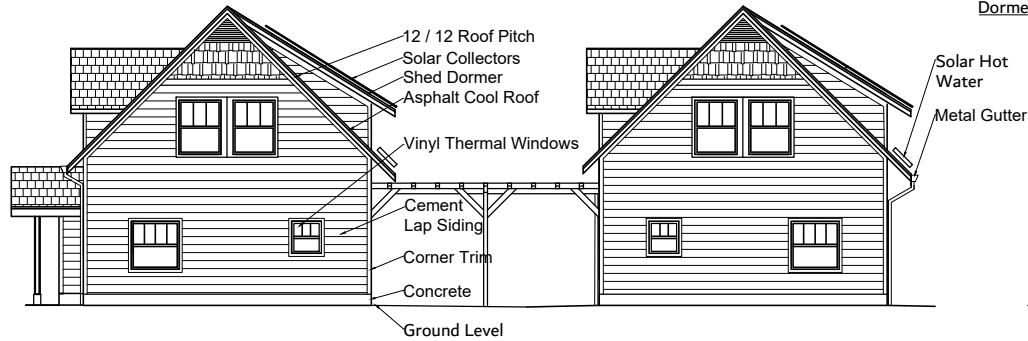
SCALE 1" = 20'-0"



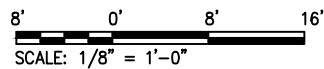
A EAST ELEVATION



B SOUTH ELEVATION



C WEST ELEVATION
 <25% OPENINGS



D NORTH ELEVATION
 FACING RAE PARK

2/25/2020

Dear City Council,

I am appealing the recent Cultural Heritage Board denial of approval for LMA 15-13, a small development project in the Burbank Gardens Historic Neighborhood for the following reasons:

1. The benefits to the neighborhood and community outweigh the impacts
2. The CHB decision was not consistent with previous decisions made for projects on the same street and in the same neighborhood.
3. The project meets the housing and land use development goals stated in Santa Rosa's General Plan.

Reason 1

Below is a list of the benefits to the community, impacts to the neighbors and a synopsis of the 12-year process of mitigating their concerns.

Benefits to the community:

- Additional housing in the downtown area.
- Transit oriented housing, within a quarter mile of the city's main transit center.
- Eyes on monitoring Rae park for the safety of the neighborhood
- Addition to the resiliency and sustainability of the community
- A community example of net zero carbon neutral housing on a small footprint.
- Housing that is adaptable for the disabled community.
- Housing free of asbestos and lead, that is earthquake resistant and fire resistant
- Paving of Rae street along Rae park, connecting Hendly Street to Brown Street, adding connectivity to the neighborhood.
- Increased property taxes received by the city and increased water and sewer fees received by the city.
- Use of overgrown vacant land, mitigating the harboring of nesting sites for urban vermin.

Impacts to the neighborhood and their mitigation:

These concerns were voiced at some of the neighborhood meetings and from the 8/7/2019 CHB meeting.

- The historic streetscape would be impacted. Mitigation: Units have a front setback of 72' on Tupper Street and 20' on Rae Street. Currently Rae is a vacant lot and the units will improve the streetscape there.
- Parking impact on the neighborhood parking district. Mitigation: Onsite parking is provided.
- Low rent tenants that blight the neighborhood culture. Mitigation: All tenants are screened by a third party.
- Density is too high. Mitigation: Zoning requires the midpoint of development or higher (duplex each parcel).

- Units are too high. Mitigation: The units are lower than the neighbors to the West, South and East with no unit to the North. 2019 CBC requires PV array & Net Zero dictates the roof area required.
- The attic could be renovated into another unit. Mitigation: That requires additional access, parking and a permit, which is not being requested.
- The units overlook the neighbor's rear yard. Mitigation: The units do not overlook the neighbor's living spaces. Only the attic overlooks the neighbor's rear yard. With an urban infill project, some reduced privacy will happen and this project has the least impact.

Response to the neighborhood requests over the years:

- 2007 1st version: 3 stories with garages. Response: Units are too high.
- 2009 2nd version: Detached 2-story with garages. Response: No second-floor decks overlooking the fence line and attached required.
- 2011 3rd version: Attached 2 story duplexes with garages. Response: The units are too massive.
- 2013 4th version: Detached 1 story units, no covered parking. Response: Covered parking and attachment required. Net zero requires more roof area.
- 2015 5th version: 2 story 3-bedroom units with carports. Response: Project is too dense and high.
- 2019 6th version: 1 ½ story 1-bedroom duplexes with carports Response: Too high and dense.

Reason 2

These are past approvals of projects within 2 blocks of this proposed project, all within the same height as this project.

- Resolution 157 (2003): Approval of a 2-story new-construction unit at 111 Brown Street.
- Resolution 223 (2006): Approval of wrap around porch which included raising the entire house ¾ of a story at 713 Tupper Street.
- Resolution 279 (2011): Approval of a second story addition at 700 Tupper Street.
- Resolution 319 (2016): Approval of a second story addition at 331 South E Street.

Reason 3

This urban infill cottage development would add a 2-story duplex behind the contributing house at 715 Tupper St and on the vacant lot at 25 Rae St. This project includes four net zero carbon neutral homes that meet the stated goals of the State of California, Sonoma County and the City of Santa Rosa. Specifically, this project meets the stated goals and policies in Santa Rosa's General Plan in several ways.

- LUL-A: to foster a compact rather than scattered development pattern in order to reduce travel, energy, land, and materials consumption while promoting greenhouse gas emissions reductions citywide.
- LUL-E: promoting a livable neighborhood by requiring compliance with green building programs to ensure that new construction meets high standards of energy efficiency and sustainable material use.
- LUL-F-2: the development is at the mid-point or higher for the Medium Density Residential category of the property

In the Cultural Heritage Board Guidelines for new construction in an historic district, one of the stated goals is that new construction needs to reverse blighted conditions including overgrown lots such as the lot on Rae Street. New construction can also increase housing opportunities for the City, bringing new people into the neighborhood who will enjoy the established urban setting and become involved in neighborhood activities. The transition between historic districts and the downtown varies in Santa Rosa and it seems appropriate that the transition from the Burbank Gardens Neighborhood and the downtown be one of cottages that reflect the scale of the neighborhood. This project does just that.

Sincerely,

David Carpenter PMP LEED AP

CA Architect and General Contractor

3 terms and Past Chairman of Santa Rosa's Board of Building Regulations Appeal.