

RESOLUTION NO. RES-2023-145

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND APPROVING MINOR DESIGN REVIEW FOR THE CONSTRUCTION OF A THREE-STORY, 36-UNIT MULTIFAMILY DWELLING FOR THE 1650 W STEELE LANE APARTMENTS PROJECT LOCATED AT 1650 W STEELE LANE, SANTA ROSA, APN 041-042-012 (FILE NUMBER PRJ21-010)

WHEREAS, on April 15, 2021, an application was submitted for Minor Design Review for 1650 West Steele Lane Apartments, a 36-unit Multi-family housing project consisting of four units reserved for very low-income households, located the Project Site (proposed Project); and

WHEREAS, on January 25, 2023, the Zoning Administrator held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, on January 25, 2023, the Zoning Administrator considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing, and approved Minor Design Review with additional conditions, Resolution No. ZA-2023-006, for the 1650 W Steele Lane Apartments project; and

WHEREAS, on February 6, 2023, an Appeal application was submitted to the City of Santa Rosa, “based on the City’s approval of much-reduced parking for the project”; and

WHEREAS, City of Santa Rosa Zoning Code Section 20-16.070(A)6 requires that that the review authority for an appeal of any project submitted pursuant to Section 20-16.070 (Modifications to the Design Review process) is the City Council; and

WHEREAS, on May 23<sup>rd</sup>, 2023, the City Council of the City of Santa Rosa elected to continue the item to a date uncertain; and

WHEREAS, on August 8<sup>th</sup>, 2023, the Council adopted an Addendum to the Certified North Santa Rosa Station Area Specific Plan Environmental Impact Report, and further found that the proposed Project is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15182 because the project is consistent with North Station Area Specific Plan for which an Environmental Impact Report (EIR) was prepared; and

WHEREAS, on August 8<sup>th</sup>, 2023, the Council held a duly noticed public hearing and considered the appeal of the Zoning Administrator action approving Minor Design Review for 1650 W Steele Lane Apartments, a Multifamily dwelling development, all comments made at the public hearing, and all other information in the administrative record.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Santa Rosa hereby denies the Appeal and upholds the Zoning Administrator’s approval of Minor Design Review for 1650 W Steele Lane Apartments, a multi-family housing development, based on the

following findings:

1. The design and layout of the proposed development is of superior quality and is consistent with the General Plan, any applicable specific plan, applicable Zoning Code standards and requirements, the City's Design Guidelines, architectural criteria for special areas, and other applicable City requirements in that the proposed design and layout reflects careful consideration and incorporation of design guidelines from the North Station Area Specific Plan related to Site Development and Architectural Guidelines as described in the Staff Report.
2. The design is appropriate for the use and location of the proposed development and achieves the goals, review criteria and findings for approval as set forth in the Framework of Design Review in that the design responds to and integrates the natural and built environments as an expression of the design concept; uses form, massing, materials and detailing as an expression of the design concept; appropriately articulates and defines spaces with landscaping; and creates a sense of place by introducing design concepts that are described in Finding #1 above.
3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments in that the surrounding area consists of single- and multi-family residential development, in addition to commercial uses; and the proposed design and layout of the project is consistent with the existing multi-family residential development in the vicinity; and the approved concession that reduces the required side setback where the project site is adjacent to a commercial zoning district from 10 feet to five feet is consistent with the required setback for the multi-family residential development immediately to the south of the project site, which also abuts a commercial zoning district.
4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood in that the surrounding area consists of single- and multi-family residential development, in addition to commercial uses, and the proposed architectural design of the project is consistent with the existing multi-family residential development in the vicinity.
5. The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color and would remain aesthetically appealing and be appropriately maintained in that the architectural features and building materials are of super quality and would provide a pleasant sense of place for future residents by incorporating a community-oriented central plaza and locating future residents within walking distance of goods and services that satisfy every day human needs, in addition to regional transportation opportunities provided by Sonoma County Transit and SMART.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) in that an Addendum to the Certified Environmental Impact Report (EIR) for the North Santa Rosa Station Area Specific Plan (State Clearinghouse Number 20111022034) “Addendum” was prepared in compliance with CEQA Guidelines Section 15164. The Addendum was reviewed by City Staff and adopted by the Zoning Administrator after determining that the project would not cause new significant environmental effects or substantial increases in the severity of significant effects beyond those previously identified as part of the North Santa Rosa Station Area Specific Plan EIR. An Addendum to a Certified Environmental Impact Report may be prepared if no significant environmental effects will occur and none of the previously identified effects will increase in severity (CEQA Guidelines Section 15164).

None of the circumstances under CEQA Guidelines Section 15162 are triggered; therefore, no additional analysis is required. See “Addendum to the April 2012 North Santa Rosa Station Area Specific Plan Draft EIR and the June 2012 Final EIR” dated revised June 2022 for further analysis.

Per CEQA Guidelines Section 15164(c), an addendum need not be circulated for public review, but can be included in or attached to the final EIR or adopted mitigated negative declaration. Per CEQA Guidelines Section 15164(d), the decision-making body shall consider an addendum with the final EIR or adopted mitigated negative declaration prior to making a decision on the project. In addition, the Project is statutorily exempt from CEQA pursuant to CEQA Guidelines section 15182 because the project is consistent with North Station Area Specific Plan for which an Environmental Impact Report (EIR) was prepared.

BE IT FURTHER RESOLVED that this entitlement would not be granted but for the applicability and validity of each and every one of the below conditions and that if any one or more of the below conditions is invalid, this entitlement would not have been granted without requiring other valid conditions for achieving the purposes and intents of such approval. The approval of the project is contingent upon compliance with all the conditions listed below. Use shall not commence until all conditions of approval have been complied with. Additional permits and fees are/may be required. It is the responsibility of the applicant to pursue and demonstrate compliance.

1. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
2. Obtain building permits for the proposed project.
3. Hours of construction shall be limited to 8:00 am to 6:00 p.m. Monday through Friday; 9:00 a.m. to 5:00 p.m. Saturday; and no construction on Sunday or holidays. Exceptions may be made for large concrete pours or other constructions activities that must begin earlier in the day. In the event that an exception is necessary, the developer

shall provide a ten-day notice to all property owners and occupants of properties within 600 feet of the construction site.

4. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
5. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
6. No exterior signs are approved with this permit. A separate sign permit is required.
7. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that approved by the Planning Commission. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.
8. The design of all fencing, sound walls, carports, trash enclosures, and similar accessory site elements shall be compatible with the architecture of main buildings and shall use similar materials. The design must be approved by the Planning Division prior to issuance of a building permit.
9. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architecturally design element approved by the Planning Division.
10. Tree Preservation notes and protection during construction notes shall be shown on the improvement plans and building plans. The tree driplines shall also be shown on each drawing with the attendant protection instructions.
11. Prior to issuance of a grading or building permit for any clearing, excavation, construction, or other work on the site, a protection zone shall be established to protect natural vegetation and trees from construction activities. The following conditions and restrictions shall apply:
  - a. The zone shall encompass the "protected perimeter" which shall be either the root zone or other limit as established in this approval.
  - b. The zone shall be delineated with a brightly colored construction fence. Such fences shall remain continuously in place for the duration of all work undertaken on the site.
  - c. No storage or construction activities (including trenching, grading or filling) shall be permitted within the protected zone.

- d. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.
  - e. All brush, earth, and other debris shall be removed in a manner which prevents injury to the protected trees and/or shrubs.
  - f. No oil, gas, chemicals, or other substances that may be harmful to trees shall be stored or dumped within the protected perimeter or any other location from which substances might enter the perimeter of a protected tree.
12. The contractor(s) shall be notified in writing by the developer of the "Protection Zone." Copies of the letter shall be provided to the Planning and Building Divisions prior to issuance of a building or grading permit for any site work.
  13. The protection zone delineated with the brightly colored construction fence shall be posted with signs which state "Tree/Vegetation Protection Zone -- No Construction or Storage Permitted."
  14. Irrigation systems and plant varieties which require regular watering shall not be permitted within the dripline of an Oak tree which is to be preserved.
  15. No concrete or asphalt paving or compaction of soil shall be permitted within the root zones of protected trees.
  16. Any special work, including mitigation, within the "Protection Zone" must be done under the supervision of a City approved certified arborist.
  17. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
  18. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans, except where not required.
  19. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.
  20. Street trees will be required and shall be planted by the developer. Selection will be made from the City's approved Master Street Tree Plant List in coordination with the City Parks Division. Planting shall be done in accordance with the City "Standards and Specifications for Planting Parkway Trees." Copies of the Street Tree List and the Planting Standards are available at the Parks Division office.
  21. Compliance with the City's Outdoor Lighting Ordinance in Zoning Code Section 20-30-080.

22. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit.
23. Light sources shall be concealed from public view.
24. All lighting shall be directed toward the subject property and away from adjacent properties.
25. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.
26. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies.
27. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Planning and Economic Development to determine if the project as redesigned is consistent with the original approval. A project that the City determines is not consistent with the City approval shall not be granted subsequent entitlements, such as approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.
28. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.
29. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.
30. The following are a list of deferred plan submittal items that will be required by the Fire Department - additional items may be called out based on actual building permit submittal.
  - a. Private Underground Fire Main
  - b. Standpipe System
  - c. Fire Sprinkler System
  - d. Fire Alarm/Fire Sprinkler Monitoring System
  - e. Gates and barricades across fire apparatus access roads

31. Compliance with all conditions contained in Exhibit A: Engineering Development Services Conditions dated December 21, 2022.
32. The applicant shall enter into an Affordability Agreement with the Housing Authority of the City of Santa Rosa prior to the issuance of the building permit for the residential development. The affordability agreement shall be binding on all future owners and successors of interest of the residential development. The Affordability Agreement shall identify a minimum of four units dedicated to households earning less than 50% of area median income as affordable units under Zoning Code 20-31.110 (Density Bonus) and Section 21-02.050 (Inclusionary Housing), for a period of 55 years, and with, among others, the following provisions:
  - a. The type, size and location of each allocated unit;
  - b. The allocated units are to be rented only to households of the identified income group at no more than the identified maximum affordable rent during the term of the Agreement;
  - c. The Agreement shall be recorded by the Sonoma County Recorder against the parcel(s) that the allocated units are located on; and
  - d. The Agreement shall be reviewed and approved by the Executive Director of the City's Housing Authority and the affordability of the allocated units shall be monitored for compliance by the Housing Authority staff. The Housing Authority is expressly authorized to act as the City's agent to enter into the Affordability Agreement for the purpose of enforcing the terms of the agreement.
33. The operator will enforce the parking management plan, prepared by Ingrid Anderson, email dated 1/24/2023.
34. Prior to any ground disturbing activities or the issuance of grading or building Permits, the applicant shall provide an arborist's evaluation for trees on adjacent properties that will be impacted by the project. The report shall include, at a minimum, the species, height, DBH, health of the tree, and appropriate protective measures. Once approved by City staff, the protective measures shall be printed on all plan sets presented for grading and building permits.
35. Birds, their eggs and their nests are protected under the California Fish and Game Code and the Migratory Bird Treaty Act. Bird nesting season is between February 1 and August 31. If initial ground disturbing activities occur during that time, a qualified professional, such as a bird biologist or certified arborist with proper training, should perform a nesting survey of the tree(s) and grounds prior to commencement of tree work.

36. Bats are also protected. Prior to tree work (removal or aggressive trimming), a qualified professional should assess any open cavity in the tree(s) for bats. Alternatively, if no inspection is done, the tree work may be completed following a two-step removal process:
- a. In the afternoon of the first day, any limbs or branches would be removed using a chainsaw only. Any Limbs with cavities, crevices or deep bark fissures would be avoided.
  - b. On the second day, any additional would be completed, be it the final trimming or removal.
37. Tree protective measures 10 through 16 shall be printed verbatim on all plan sets submitted for grading or building permits.
38. Erect a sign on W. Steele Lane and Meadowbrook Court that provides contact information for the General Contractor/Site Superintendent, or designated representative, including a name, phone number and email address.
39. Respond to all construction related concerns/complaints within 24 hours.
40. The applicant shall remove all the existing striping in its entirety on West Steele Lane between Hardies Lane and 480' east of the Hardies Ln westbound limit line. Install new striping in the configuration as follows from the southern face of curb to the northern face of curb: 8' Parking, 5' bike lane, 11' travel lane (eastbound), 11' travel lane (westbound), and 5' bike lane. Parking east of the market driveway at the east end of the project can be eliminated to transition striping to match up to the current intersection striping. Red curb shall be installed on the southern curb 20' east of Meadowbrook for visibility. Red curb shall be installed 20' west of the market driveway for visibility. Existing no parking signs on the south side of West Steele can be removed between Meadowbrook and the market driveway once the new striping and red curb has been installed. All new on-street parking spaces shall comply with standards established by Zoning Code Chapter 20-36.

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BE IT FURTHER RESOLVED that the Council denies the appeal and approves Minor Design Review for the construction of the 1650 W Steele Lane Apartments Project, a 36-unit multifamily dwelling development.

IN COUNCIL DULY PASSED this 8th day of August, 2023.

AYES: (6) Mayor N. Rogers, Vice Mayor MacDonald, Council Members Alvarez, Fleming, C. Rogers, Stapp

NOES: (0)

ABSENT: (0)

ABSTAIN: (1) Council Member Okrepkie

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney

Exhibit A - Engineering Development Services, dated December 21, 2022