

o'malleywilsonwestphal

October 24, 2016

Design Review & Cultural Heritage Boards
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

CITY OF SANTA ROSA
Santa Rosa, CA
OCT 24 2016
COMMUNITY DEVELOPMENT
DEPARTMENT

RE: DeTurk Winery Village: PR16-012
8 W 9th Street/ 806 Donahue Street

Dear Design Review & Cultural Heritage Board Members:

The following represents our response to the Resolution with amendments for the above referenced project from the Special Joint Design Review Board & Cultural Heritage Board meeting of October 6, 2016:

Motion: Continue the item to a date uncertain with direction to applicant to bring more information in regards to Materials Boards, Lighting Plans, more complete Landscape Plans.

1. The Boards would like to see more detail for the free-standing wall. More detailed drawings with dimensions.
In 2008 the freestanding wall and its bracing came before the DRB and the CHB for review and was approved. The details added to sheet A-9.8 are the same details from 2008. Susan Clark, our historian, reviewed that drawing, which reflects the same bracing previously done from the outside elevation when most of this wall was structurally updated in the early part of the 2000's.
2. Samples of proposed brick that would be used.
A material board showing samples of the brick and the paint colors, windows and patio railings will be presented at the next hearing.
3. To consider reducing the height along Donahue in consideration of neighborhood context.
The Boards have been instructed by City of Santa Rosa staff that height as an issue has been "taken off the table" when the applicant, under State law, used a concession for height/floor afforded the project under Density Bonus. The Density Bonus allows an increase in housing and the inclusion of 15 affordable units. We did make some adjustments to the Donahue Street elevations of both Buildings A & D to emphasize three story massing by eliminating the fourth floor railing and adding a partial height wall in the color of the third floor massing for the length of the building.

4. To revisit the industrial style and consider other elements from the geographical area. **Considerable time was taken to review historical as well as non-historical buildings in the District and when appropriate an element that was considered relevant was incorporated into the current design for this project. However, few elements were found that aided the applicant in this review since there is a limited number of buildings from the prior period. The applicant worked closely with the cultural historian, Susan Clark, in this search and what is being presented is in our opinion, and that of Susan Clark's, both attractive and consistent with Federal, State and local ordinances.**

Response from Susan Clark-Historian:

I would like to be pointed to three other buildings in the geographical area that are examples of "local industrial design". In do not understand what the board member had in mind when he wanted this project to reflect "local industrial buildings."

5. Add unit square footages to plans when they come back.
This information is now included on sheets A-6.1, A-7.1, A-8.1, A-9.1.
6. Consider changing the elevation on the east and west of Building B to add more windows or clerestory to break up the massing.
We added six clerestory windows to the east and west elevations of the new third floor walls.
7. Show any trash enclosures on the exterior of the building and show them in plan and elevation.
We added a new trash enclosures inside building C shown on sheets A-1 and A-8.1.
8. The landscape team shall look at providing ample root space for trees on the west side of the building to provide a buffer beyond the park.
The landscape architect feels the tree species is big and appropriate. A note was added to sheets 1-NORTH & 2-SOUTH calling for a minimum 500 cubic feet root zone using Silva cells or structural soils.
To clarify, the Consistency report, by the project's cultural historian, refers to the neighborhood park and the DeTurk Round Barn as providing a buffer, meaning that it helps to make a transition, between the predominately small single-family houses that make up the West End Preservation District and the prominent winery and new residential development.
Response from Susan Clark-Historian:
Need to understand meaning of the word "buffer" as used in this context and as questioned by DRB member.
9. Address unresolved building code issues, such as second exits and light and air for living spaces in units.
A second exit was added to Building C and sliding doors were added to bedrooms in Building A to allow for natural light and ventilation into the living spaces. As another option, these units can become studio units instead of 1-bedroom units.

10. Add to the request to revisit the industrial style to include differentiation between old and new which would include the brightly colored doors.
We reviewed this with our cultural historian when we originally designed the current version of the project. We used a bright color on the entry doors to provide a visual stimulus at the ground level. One of the earlier comments at the concept design review hearings on this project was that the color of the buildings was too loud, so we used softer colors and were careful not to accentuate the height of the building. We deferred making them any other color in deference to the standards that guide us through this process, which is why we had our cultural heritage consultant review this thoroughly.
Response from Susan Clark-Historian:
We have set back the fourth floor and attempted to make it as discrete as possible. Playing with, or introducing, color will emphasize it. Since some people object to its being there at all, I question the wisdom of drawing more attention to it.
11. Articulate the structural issues with the building, example of supports in the parking area.
We have indicated columns in the parking garages. This information will be developed further at the time of building permit submittal. We understand there is a possibility that we could need additional columns which could result in less parking spaces. Additionally the applicant has used a concession for parking afforded the project under Density Bonus and State law. Parking as an issue has been “taken off the table” for this project. The Density Bonus allows an increase in housing and the inclusion of 15 affordable units.
12. The landscaping can be further developed in a social context. Examples include the private and public spaces
The landscape architect added seat walls at the building entrance to create a quiet gathering area. The intent at the entrance is to provide landscaping that is low and open for safety. The accessible curb ramp at the street was adjusted to fall between the entry planters. A podium enlargement plan of the landscaping was added to sheet 3-PODIUM indicating the landscape areas in front of the units are to be semi-private for the podium level unit. Adding landscaping between the doors to the podium unit and third floor unit would clutter up these semi-private spaces.
13. In looking at the access issues along the 4th floor units of the Donahue side of the building, also consider the context of the Cultural Heritage concerns for the building height.
As stated by the applicant and City staff the issue of building height is “off the table” since the applicant has taken a concession allowed by Density Bonus under both City and State code. This is an issue that will have significant impact on the downtown development standards since most of the properties that will come in the future are in historic district and if three floors were the limit these other new projects just would not happen. The cultural historian on the project did not have an issue with the height of the buildings. However, we did make some adjustments to the Donahue Street elevations of both Buildings A & D to emphasize three story massing by eliminating the fourth floor railing and adding a partial height wall in the color of the third floor massing for the length of the building.

14. CHB: Project to include specific response to the character defining elements of the West End District.
We have considered the industrial designed buildings in the District and after review by our cultural historic consultant we deemed them not applicable to this project. There are very few buildings in the District that rise to a level of quality design. There are some attractive stone buildings but stone was one material eliminated by our historic consultant. We have the advantage of pulling design concepts from the historic resource on the subject property. We have incorporated detail items such as brick trim around openings, arched wall openings and round windows, wood shutters, and industrial sash windows that reflect the character of the historic resource. However, creating an Industrial residential building from the District does create some challenges when addressing current code issues, such as decks and porches, which are not consistent with the designs of the past.

Response from Susan Clark-Historian:

Yes, the West End design guidelines were compiled to assist owners and review boards when dealing with residential construction in that area. NEVER did we consider that the design guidelines for small residences be applied to the Round Barn or the Winery. The Barn and Winery acquired additional protection by being included in the district but their historic significance is significant enough for them to stand on their own as individual resources.

15. CHB: That the industrial look be based on the period of significance for the District.
Regulations call for new buildings and additions to historic buildings to differentiate themselves from the historic resource.

Sincerely,

Kevin P. O'Malley
Principal
KO\daw

Kevin O'Malley

From: Murray, Susie [SMurray@srcity.org]
Sent: Thursday, October 13, 2016 8:49 AM
To: Kevin O'Malley
Subject: FW: Existing Wall Support
Follow Up Flag: Follow up
Flag Status: Red

Kevin,

Please be sure this is included with the resubmittal.

Thanks.

Susie Murray | City Planner

Planning & Economic Development | 100 Santa Rosa Avenue | Santa Rosa, CA 95404
Tel. (707) 543-4348 | Fax (707) 543-3269 | smurray@srcity.org



From: Richard Deringer [mailto:rdodyssey@hotmail.com]
Sent: Wednesday, October 12, 2016 6:52 PM
To: Murray, Susie <SMurray@srcity.org>; Kevin O'Malley <kevin@omalleywilsonwestphal.com>
Subject: Fw: Existing Wall Support

Susan Clarks response to the structural issue for the CityHere is s

From: Susan M. Clark <sclark5@gmail.com>
Sent: Monday, October 10, 2016 9:05 PM
To: Richard Deringer
Subject: Existing Wall Support

Mr. Deringer,

I have reviewed the image and drawings for the proposed support system of the free-standing wall. Structural engineers MKM & Associates has designed a system which includes sunken piers, diagonal bracing and plate and bolt connectors. As a Architectural Historian I am reviewing the support plan in terms of its effect on the historic character and significance of the historic building. Does the proposed support of the free-standing wall compromise or reduce the significance of the winery?

The proposed system is appropriate for providing support for historic brick wall. The rectangular plates held in place with acorn head bolts are effective without detracting from the historic character of the wall. Passengers on the passing trains will appreciate passing by the historic wall while the wall provides privacy for those inside the building. The support plan does not negatively effect the character or integrity of the historic building.

Susan Clark

10/24/2016

Susan M. Clark, MA
Architectural historian
Clark Historic Resource Consultants
PO Box 198
Sea Ranch, CA 95497
(707) 785-2725

CITY OF SANTA ROSA
Santa Rosa, CA

OCT 24 2016

COMMUNITY DEVELOPMENT
DEPARTMENT

CITY OF SANTA ROSA
Santa Rosa, CA

OCT 13 2016

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DEPARTMENT

CLARK HISTORIC RESOURCE CONSULTANTS

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sclark5@gmail.com

October 8, 2016

Re: DeTurk Winery Village DRB and CHB hearing on Preliminary Design approval.

I attended the above referenced hearing of the Design Review Board (DRB) and the Cultural Heritage Board (CHB) of Thursday October 6, 2016. To my surprise and I might add bewilderment, I was asked not one single question about my opinion on the design consistency and compliment to the existing building. I did submit a very extensive and I may say exhaustive report outlining my professional opinion as to the consistency to Federal, State and local regulations. I do not take my role lightly and I place my professional integrity in the documentation I produce. I can only assume that the DRB and CHB must have agreed with my report, and my Summary conclusion, since not one question was raised to me about these issues at the hearing. If, however, if asked I would have stood by my Summary and the information outlined in the report and then highly touted the design and conformity to the regulations as to this project. For those who know of my many years and dedication to only the highest professional integrity in my field would know that my words were true and honest as to my review of this project.

I unfortunately was disappointed that I was not given time to expound on my opinion. I now understand that there will be a second meeting in November, to rehear the merits of this project. It is my understanding this will be for a Final Hearing approval. I unfortunately will not be able to attend that meeting, since I will be out of the Country. But I hope you will take this letter as my position on this project, which I strongly support based on an exhaustive review of the elevations of this entire project, which led to my Summary of this project. I looked at all four separate buildings and find that they all meet the conditions and requirements of the State, Federal and local government as to reuse standards associated with a Historic Buildings and the Historic District. The following is my Summary of my report, which I stand by when written and standby today.

SUMMARY

Mr. Richard Deringer of Railroad Square, LLC. Is undertaking an adaptive reuse project which will convert the historically significant DeTurk Winery into residential dwellings. DeTurk Winery Village will consist of 185 units of attached apartments, 15 of which are affordable housing, and limited commercial development. According to the California Environmental Quality Act (CEQA), Section 15064.5 (b) (1) (2) (3) the project must be reviewed for its consistency with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer. After

analysis the proposed project does not reduce the level of significance of the DeTurk Winery, the DeTurk Round Barn or the West End Preservation District.

The industrial design and materials proposed for the new development are consistent with the historic winery. A previously approved project for the site was three stories, but the current proposal contains a fourth story over part of the project. The current design is no taller than the earlier approved plan. Additionally the roof line over the historic winery itself has been dropped to further differentiate the original building from the new construction. The building materials are consistent with the Secretary of the Interior's Guidelines. The DeTurk Round Barn provides a transition between the small residential dwellings of the West End Preservation District and the DeTurk Winery. The proposed project does not detract from the residential street scrapes.

Upon review of the plans by Kevin O'Malley of O'Malley, Wilson and Westphal, dated May 19, 2016, sheets A-1, A-2, A-3, A-4 and A-5, as well as subsequent updates, the project is entirely consistent with federal, state and local preservation ordinances

I also want to state that my conclusion in this summary was given after an extensive and exhaustive review of other Downtown Industrial buildings in this District, especially to relating to defining elements found within the District, and those shown on the building drawings. Nothing found from my review takes away from the current design of the new additions to this project, all four buildings, which I personally feel complement the existing historic buildings.

Bldg's A and D reflect most of the new construction and was thoroughly reviewed for design elements to make sure that these new designs conformed and complimented the existing historic buildings. The defining elements on these projects, especially the black painted metal windows and railings are elements found in typical industrial designed buildings. The fourth floor residential addition, with its gray metal slats is strongly supportive of the entire project and is consistent with Industrial elements found on some of the finest designed projects of this kind.

Building B, a project that retains the existing brick façade, while providing new recessed third floor addition that conform to the elements of the industrial district. The Third floor setback metal slat design element just brings a new life and vitality to the building, without degrading the historic character of the building. Of especial interest to me was the changes the applicant made to the elevation of Building C, which in the past was significantly degraded with the addition of roll-up doors and the elimination of many of the character defining round windows. The new Building C design will bring back to life the characters of the original building design; with addition of new round windows, repair of the brick walls and elimination of most of the rollup doors. This, in my opinion, was a great addition that brought back the history and charm of this side of the project.

In spite of my absence to this meeting I know the CHB will do the right thing and support this project. There is never a perfect project but this current designed development comes as close as I feel possible in creating a beautiful and functional development in full compliance and conformance, in my opinion with all regulations of Federal, State and Local governmental agencies.

Sincerely,

Susan M. Clark

Susan Clark-Historian 10/10/16

Kevin O'Malley

From: Murray, Susie [SMurray@srcity.org]
Sent: Thursday, October 13, 2016 8:49 AM
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Thanks.

Susie Murray | City Planner

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Tel. (707) 543-4348 | Fax (707) 543-3269 | smurray@srcity.org

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From: Susan M. Clark <sclark5@gmail.com>
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Susan Clark

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To-DRB and CRB;
SUMMARY of Key Issues:

CITY OF SANTA ROSA
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COMMUNITY DEVELOPMENT
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- A. Building Height Concession. California Government Code Section 65915-65918 Density Bonus, grants the project up to two concessions. The Applicant has taken one of these concessions for Building Height. The state mandates this concession and it requires City government to adhere to these concessions, unless they can find specific findings as outlined in this Section 65915-65918. The applicant is confident these findings will not be achieved based on both the W-Trans study and the study by Susan Clark, our historian. In this project the Applicant is providing 15 very low income affordable units, where no affordable housing requirement is required by the City of Santa Rosa. Susan Clark, the Applicant's Cultural Historian further reviewed the elevations and height of these buildings and has stated the new construction is in conformity and consistent with Federal, State and local requirements. (Attached are both the original historical analysis and three separate responses by Susan Clark on issues raised at the last hearing. The Applicant points out that the height requirement in the Station Area plan call for up to four stories, with a transition down to three stories, in historic area's adjacent to housing. The Applicant has conformed to this allowance by setting back its fourth floor thus creating the transition that is allowed under this guideline. (See attached drawings). The Applicant did consider another option, to drop the building and create an underground parking garage. This option was eliminated for consideration by Applicant due to the estimated \$5 million cost, plus the concern of undermining the existing structural integrity of the historical structure. Thus staff's position is this issue has been removed from consideration by both Boards, due to this concession.
- B. Parking and Traffic Concession: The traffic consultant W-Trans has provided an extensive traffic and parking study. This study shows the project meets the Cities Code requirements for both transportation and parking, as well as the State requirements as stated below. In

addition, the Applicant has taken a second concession, relating to parking. Thus staff deems this issue resolved. State law, specifically under AB 744, and Government Code Section 56915 takes control of this issue. This project exceeds State mandated parking guidelines in areas that are within ½ mile of a transit Facility (SMART train). AB 744 is a mandated provision by the State throughout California and was recently enacted for the purpose of creating needed housing and especially affordable housing in Downtown areas adjacent to transit hubs (Train and Busses).

- C. "Vacating of right away"-By selling this land to the Applicant, the City and the local community will receive 42 parking spaces that will be available to the general public and for the project commercial parking needs. Elimination of this sale from the City to the Owner would reduce housing by 23 units, and also the elimination of 15 very low income affordable units, which is not in the spirit of the City's efforts to create housing, especially affordable housing. Outside of Density Bonus the project is not required to provide any affordable units and can elect to pay an in-lieu fee instead. This sale will be reviewed and dealt with by the City Council. In addition, the Owner will be removing or encapsulating an existing toxic pipe under the street and also paving and creating gutters and landscaping in the "Vacation Area" at owner's cost.
- D. Design of Buildings (Bldg. A and D)-The Applicant has designed this project four separate times, with the current version being the last version. In the second concept hearing the Applicant received strong support from the Boards to design the buildings to reflect an Industrial look. The Applicant added black wrought iron industrial windows and black metal railings similar to elements of industrial development. The coloring of this project, after reviewing the local industrial sites led us to add a brick element and two separate tones of gray paint on cementitious siding. The fourth floor was changed to a metal siding painted gray. Various other schemes were reviewed by Applicant and its Architect plus its Cultural Historian. The current design reflects the elements we deemed appropriate, especially in consideration of the adjacent red brick historic buildings. Wood

Shutters were added back to the brick historic building, which was what was originally shown on the buildings from 1872. We have looked at various color options for the fourth floor, but we have determined the existing color layout for the buildings is the most appropriate look for the building. (We will provide other color options considered at the upcoming hearing).

- E. Housing and Affordability: There has not been a Downtown housing project in the last 13 years the Applicant has been involved with this project. With the new Passenger Train arriving in the winter of 2016 there will be a strong need for housing to meet the needs of these users and to meet the dire need for housing from the existing Santa Rosa community. Both the City of Santa Rosa and the State of California have created some of the above items to address this dire shortage. Without housing new jobs for the City will suffer, especially since other local communities, in Petaluma, Windsor, etc. will start filling this vacuum, leaving the City of Santa Rosa suffering the loss of residents forced to these other communities. Creating 185 housing units and 20,000 sq. ft. of commercial space, will have a significant impact on this shortage.

A handwritten signature in blue ink, consisting of a large, stylized 'R' followed by a smaller 'e' and a trailing line.

In applying the criteria of adverse effect and using the Secretary of the Interior's Standards for the Treatment of Historic Properties, what happens with new construction in a historic district (§800.5(a)(2)(ii))?

The effect of the new construction on the district would have to be evaluated using the adverse effect criteria relating to "physical destruction of or damage to all or part of the property," "change of the character of the property's use or of physical features within the property's setting that contribute to its historical significance," and "introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features." If none of these criteria are met, it is possible that new construction that conforms to the applicable Secretary's Standards could be treated as a no adverse effect situation.

(2) Examples of adverse effects. Adverse effects on historic properties include, but are not limited to:

- (i)** Physical destruction of or damage to all or part of the property;
- (ii)** Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary's standards for the treatment of historic properties (36 CFR part 68) and applicable guidelines;
- (iii)** Removal of the property from its historic location;
- (iv)** Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- (v)** Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;
- (vi)** Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and

Original Building from 1875 shows roof structure and mechanical room with 45 ft. height. Set back 15 feet from east and west exterior walls. The Tower and some buildings were destroyed in 1906 earthquake.



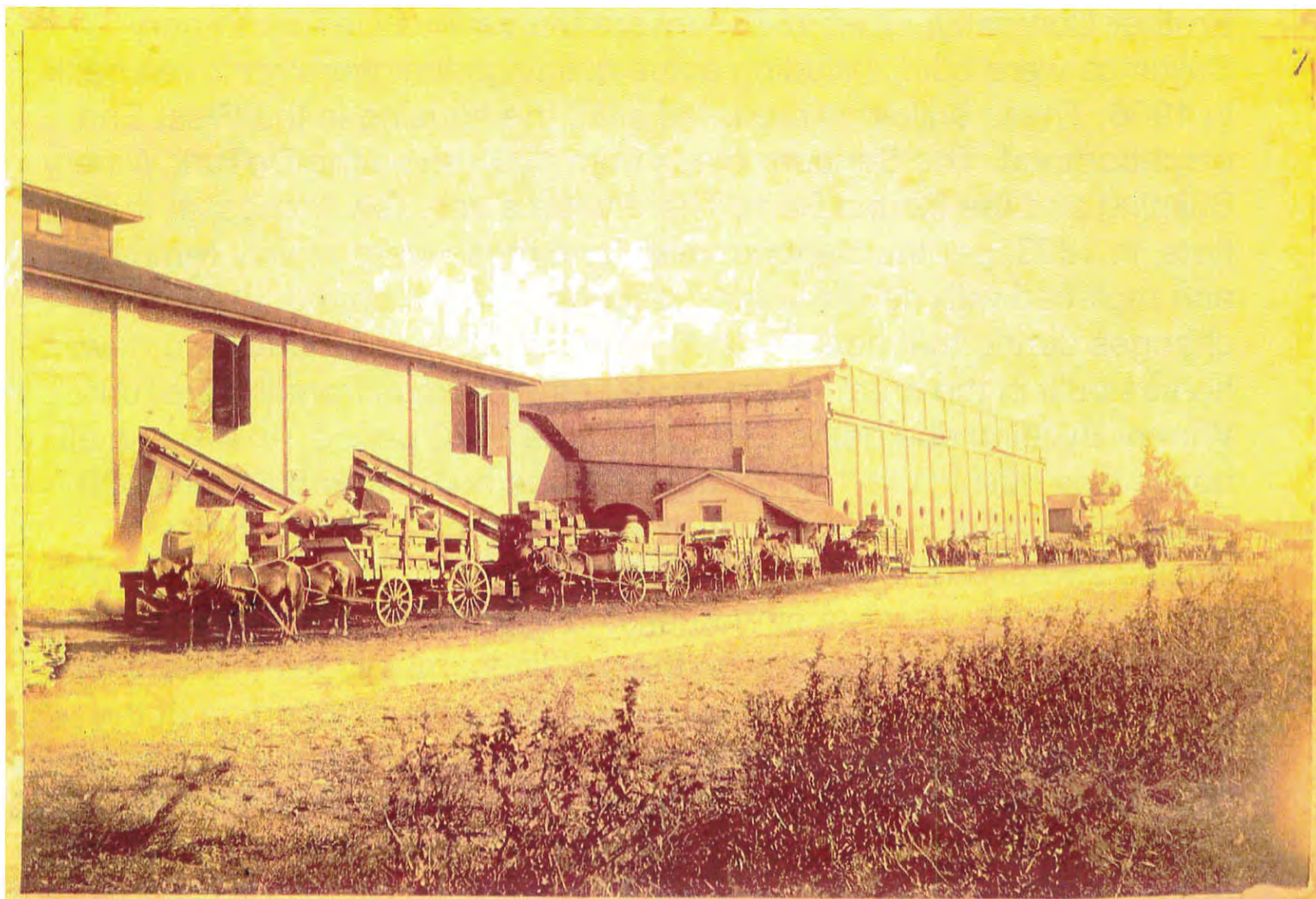
DeTurk Village-Neighborhood Site Aerial



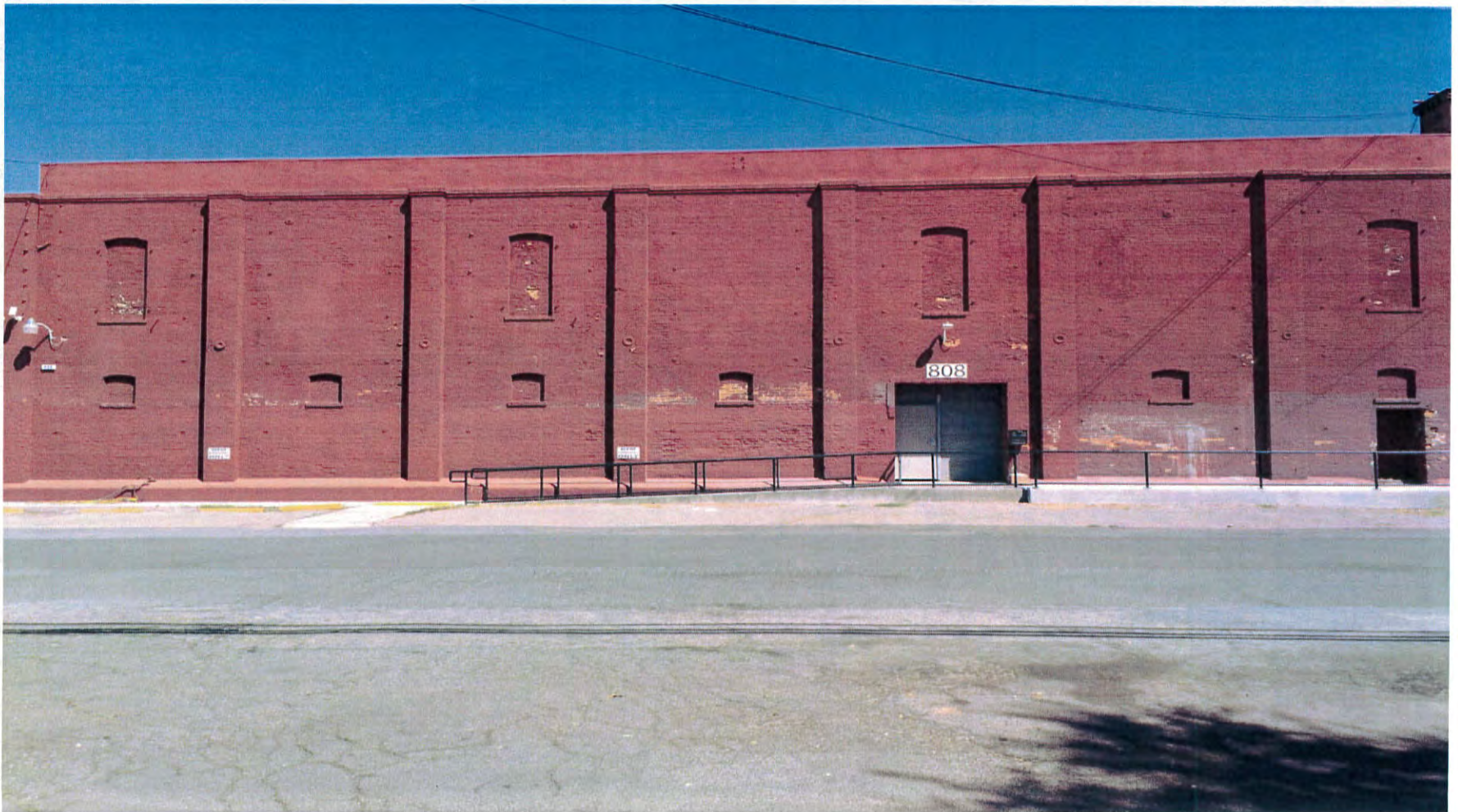
Historic Review

- About 1870 the DeTurk family acquired the DeTurk Winery and Round-Barn property. Years later these buildings were sold to the Grace Brother Company. From 1875 forward the various DeTurk Winery Buildings were built, including some buildings that were removed back in 1906. These buildings predated all of the housing in the West End neighborhood. The Sanborn maps from 1893 show the DeTurk Winery Building and the Round Barn. There were a very few homes, at that time, in 1893, per the Sanborn map, and these were mainly removed and replaced with newer homes, especially to accommodate lot line changes during that period. Starting in 1940 forward there were new homes built in the area. Of the three homes across from the DeTurk Winery Building one home was built in the 1940 period, another small house was built in the 1959 period and one home was built about 20 years ago. There is a Round Barn and Park and at Prince Street around 250-300 feet from the DeTurk project was build in the late 1990 period. In 1906, after the earthquake, in which DeTurk Winery survived, there was substantial repairs on the buildings, mainly relating to brick replacement. During the earthquake the parapets of a portion of the historic building fell and was not replaced in full, which the Owner now is requesting be repaired and replaced. The original building height is up to 45 feet high, per submitted Historic Resources Inventory from the State Registry.

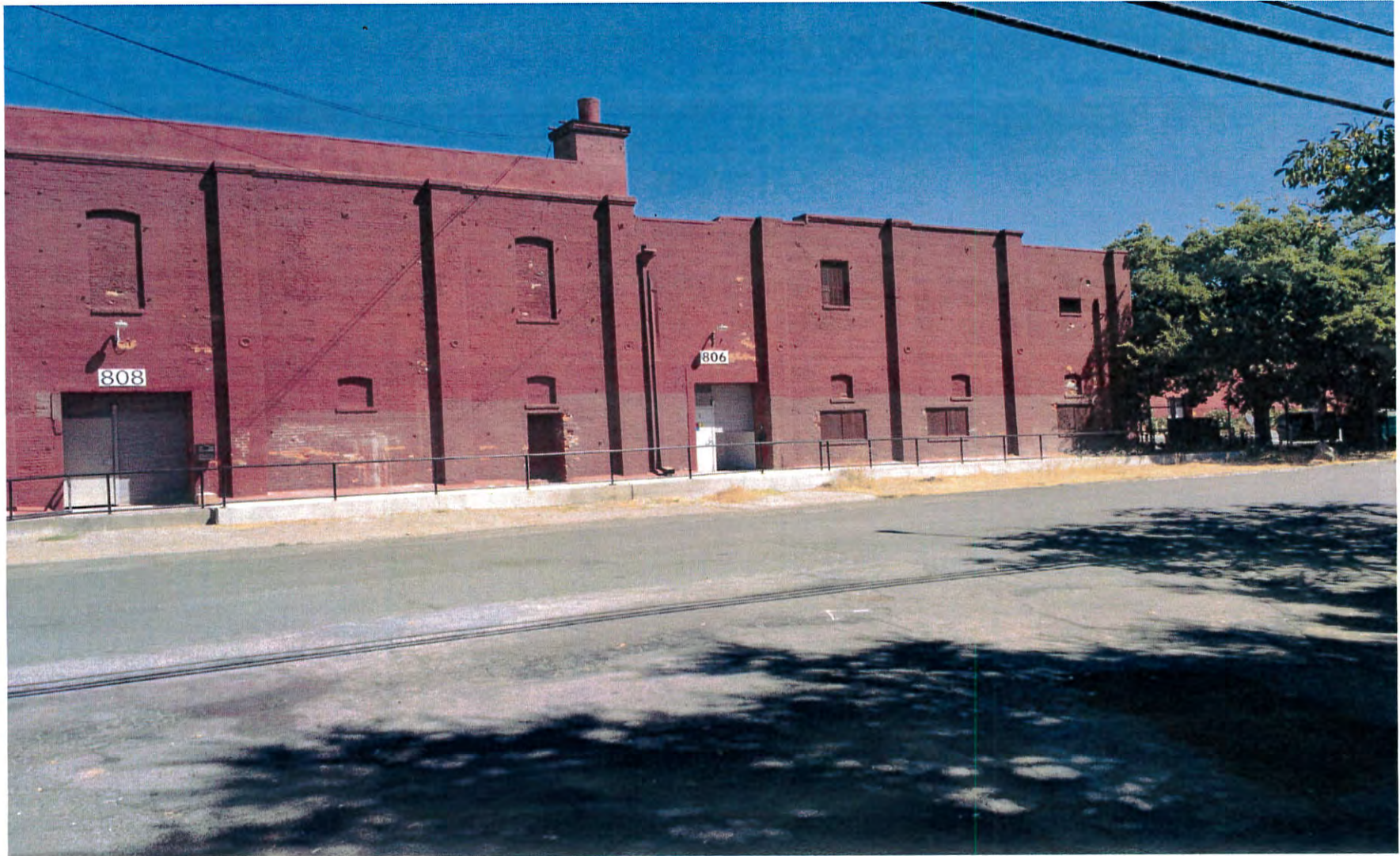
Original DeTurk Winery Building-Owner plans to restore, repair and Rehabilitate the original historic building. Repair of the brick façade has been an ongoing effort by the owner as to repairing damaged brick and mortar to maintain the integrity of the buildings elevation.



Owner is planning to open all closed windows on the front (Donahue)-Primary wall of historic building. These windows were bricked up during earthquake retrofit on or about 2,000. The height of this building is approximately 35 foot, however about 5 feet of Parapet was destroyed in prior earthquake period. Owner plans to rebuild this parapet to restore to original building period. Part of this parapet remains today. Wood shutters, which were on the building will be added back to conform to the original history of the building. There are 15 rollup doors that were added to this building and they will all be removed and these openings will be restored.



Window and doors will be restored, including removing brick that was added into the windows for structural work, adding back the original shutters and rebuilding the parapet to original. Roll-up doors will be removed and the openings will be restored by adding original wooden doors with brick insertion. The three bottom windows, which originally were doors, will be restored.



Up-close view of Donahue Primary wall.



Owner has implemented a maintenance of the existing brick wall by removing paint, replacing damaged brick and repairing grout joint (re-pointing) before repainting the repaired brick.



MAINTENANCE WORK

- Brick maintenance WILL BE HANDLED AS FOLLOWS:
(Ongoing process for the last ten years and will continue forward, which required daily review.
 1. Remove the existing paint on the building either by water blasting and from scraping with equipment that will minimize any damage to the brick.
 2. Remove damaged grout (re-pointing) due to weathering damage. Replace with new grout.
 3. Replace damaged brick, as needed with new brick of similar shape and design to be consistent with the exiting brick currently on the building.
 4. Before re-painting the repaired area's clear bonding liquid will be placed on the repaired brick to help seal the brick and allow the new paint to bond properly to the brick area.
 5. Paint the repaired brick area (Red paint) to match the color and quality of the existing brick area.

MKM Engineering is currently preparing a maintenance plan for the work to be done. A maintenance building permit will be filed shortly.

The area where a block wall was added in the 1960 period will be removed to expose the original historic building. Original windows and doors behind this block extension will be restored including adding back the original wood shutters. 9th Street Block Building will be removed and replaced with a new building 40 foot high.



Block addition to be removed and the original building behind this wall will be replaced by opening existing closed window and door openings. Wood shutters which were a defining element of the original building will be added back.



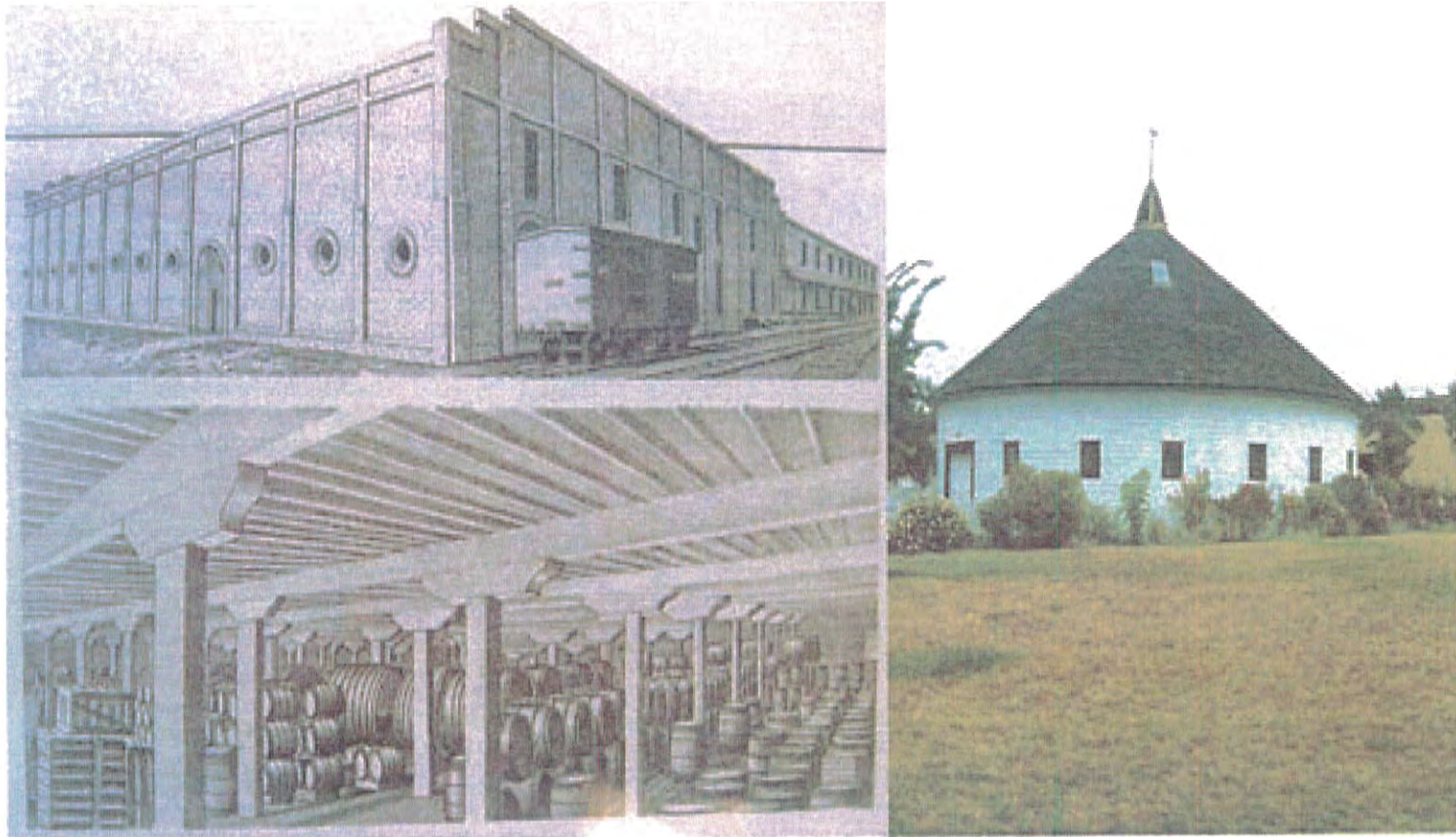
The 9th Street Block Building will be removed and replaced with a new Building.



The Norther Wall, the Secondary wall as outlined in the Secretary of Interior guidelines, will be restored by removing all but one rollup door and filling in with brick and then replacing the original round windows (6 replaced missing window) as original shown on the historic picture of the building, The Blue stucco will be removed. Owner plans to raise the round windows about 2 feet from existing height to allow for better visibility.



Original North side of the historic Building. Replacing round window and removing all but one rollup door. Filling in these doors with brick and a wooden door similar to the original doors.



North wall round windows. These are openings with plastic behind the opening, which was not original. These will be restored and replaced by round window glass treatment.



Building "B" Primary wall-Roll up doors, which is an add-on will be removed and replaced with new opening and addition of brick to bring this wall back to its original look.



Building “B” currently has doors around the existing building that has been filled in with block and or brick. These doors will be restored by removing this block or brick in the openings. The North and South walls of this Building “B” are secondary and not visible from Donahue. The doors and windows shown on the architectural designs for the building will be added, consistent with the prior approved project.



Building "B" walls in the interior that will be opened and replaced with matching brick and doors as shown on architectural drawings.



Opening of Building “B” showing the area that was original. These area’s were filled in with block and brick and will be restored per drawings.



There are two homes located across from Building “A” and one home across from Building “D”, which home faces the side street, not Donahue Street. There is a Park and the Round-Barn across from the existing historic building but most of these homes are about 300 feet from the historic building. The Park creates a buffer. These homes were built in the 1990 period.



One of two homes on 8th Street facing the historic Building.



Second home on 8th Street facing the historic building and Building “A”. This building is being used as a commercial use.



Roof Parapet and Mechanical Room-45 ft. tall-Runs the entire roof area w/multiple mechanical rooms, East to West, and sets back from front parapet by about 15 feet.



Santa Rosa 1875 Year DeTurk Built-Shows project location and neighborhood



Building “C and D” Donahue Elevation as approved in 2007 showing approved door and window openings. These opening will remove the block and or brick that were placed in existing windows and doors closed in 1988 during seismic upgrade



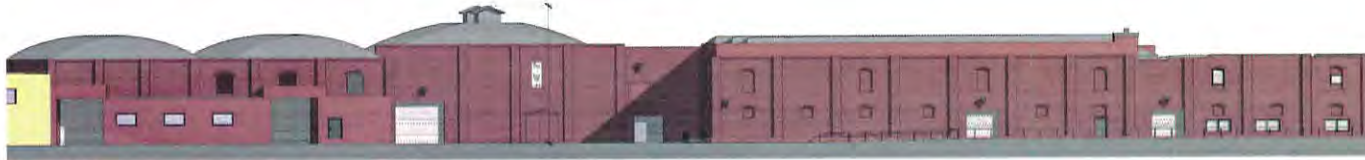
DeTurk Opportunity site issues and project constraint response”

Under the guidelines of the Station Area Plan there is anticipated hundreds of new residential units to be built and provided to the residents of the City. However, the majority of the “Opportunity Sites” outlined in this study reside in Historic Districts. These properties, with few exceptions, contain Historic Buildings on their sites making development of these projects problematic, especially relating to “Height and Parking” constraints. Most of these projects have little land available for parking which makes any rehabilitation of these historic buildings difficult since parking normally will need to reside within the buildings. Meeting the current Station Area Plan Density for these properties are hamstrung, especially related to meeting “Density Bonus” alternatives as well as inclusion of “Affordable Housing”. This requires seeking “out of the box” alternatives, such as offered in the DeTurk Winery Village proposal. Without these alternative methods of development this 185 unit apartment and approx. 20,000 sq. ft. commercial project with 15 affordable housing units, would drop to 137 housing units, with no affordable units. There would also be a substantially lower number of neighborhood serving commercial space since without Density Bonus more than 100 additional parking spaces would be required. This will thus have a significant impact on creation of housing, especially affordable housing in this area. Limiting these buildings to three stories, with one floor of parking, will create an economic failure for creating these units. Therefore, if the City as desperate for housing opportunities the DeTurk Winery project should move forward to final approval as submitted. The Design of the DeTurk project received unanimous approval from the Design Review Board and was favorably reviewed by the Cultural Heritage Board as well, except the CHB resisted the fourth floor, even though it was set back 10-15 feet from the front Donahue wall. The following is a visual representation of the existing height of the current Historic Buildings which rise to 45 feet, five feet higher than the proposed development.

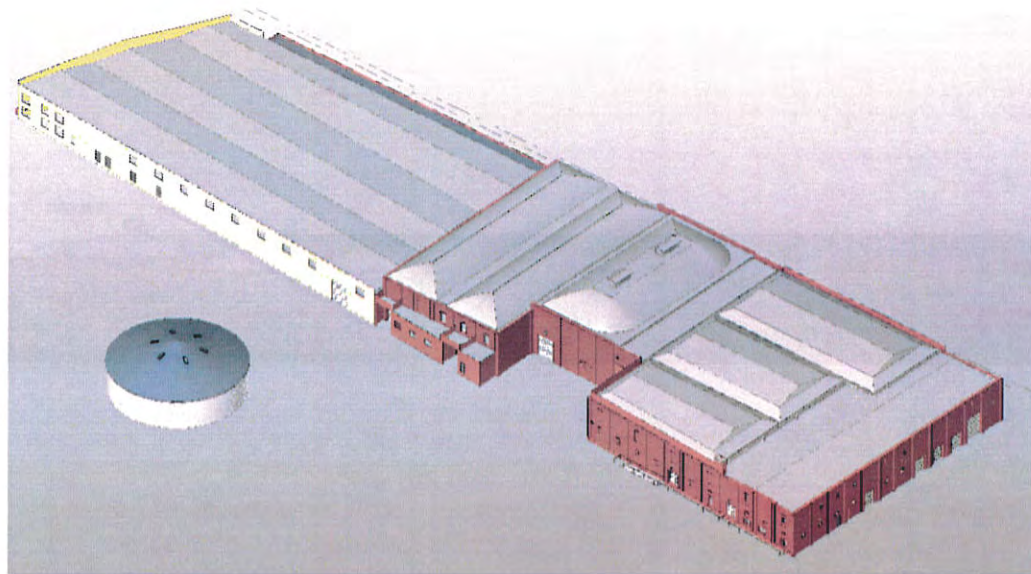


These Historic Building sites are within or adjacent to Historic Districts and make up “Major Opportunity” Sites, identified by the City for Future Station Area Plan Development, as Housing opportunity sites. All are seriously constrained of any parking, except for the Smart Project site, and will require these projects to most likely use the first floor of their buildings for parking, especially since underground parking is normally non-economical to create. This makes height and Density Bonus critical for the future Development of these projects. Being adjacent to single family housing also creates additional constraints for Ind. prop’s

Building "C & D"-Existing 45 ft. 6 inches Height. Note-From Resolution no. 07-759 Resolution of DRB and CHB on 2007 approved tentative map project, which is 10-15% higher in height and larger in Massing when you compare the proposed development to the 2007 approved tentative map project. As stated from the 2007 CHB and DRB hearing; -"The proposed maximum height of the development, at 45', is consistent with the purpose of the H Combining District in that the height is compatible with the heights of other buildings within the West End Preservation District and therefore will enhance and contribute to the District".



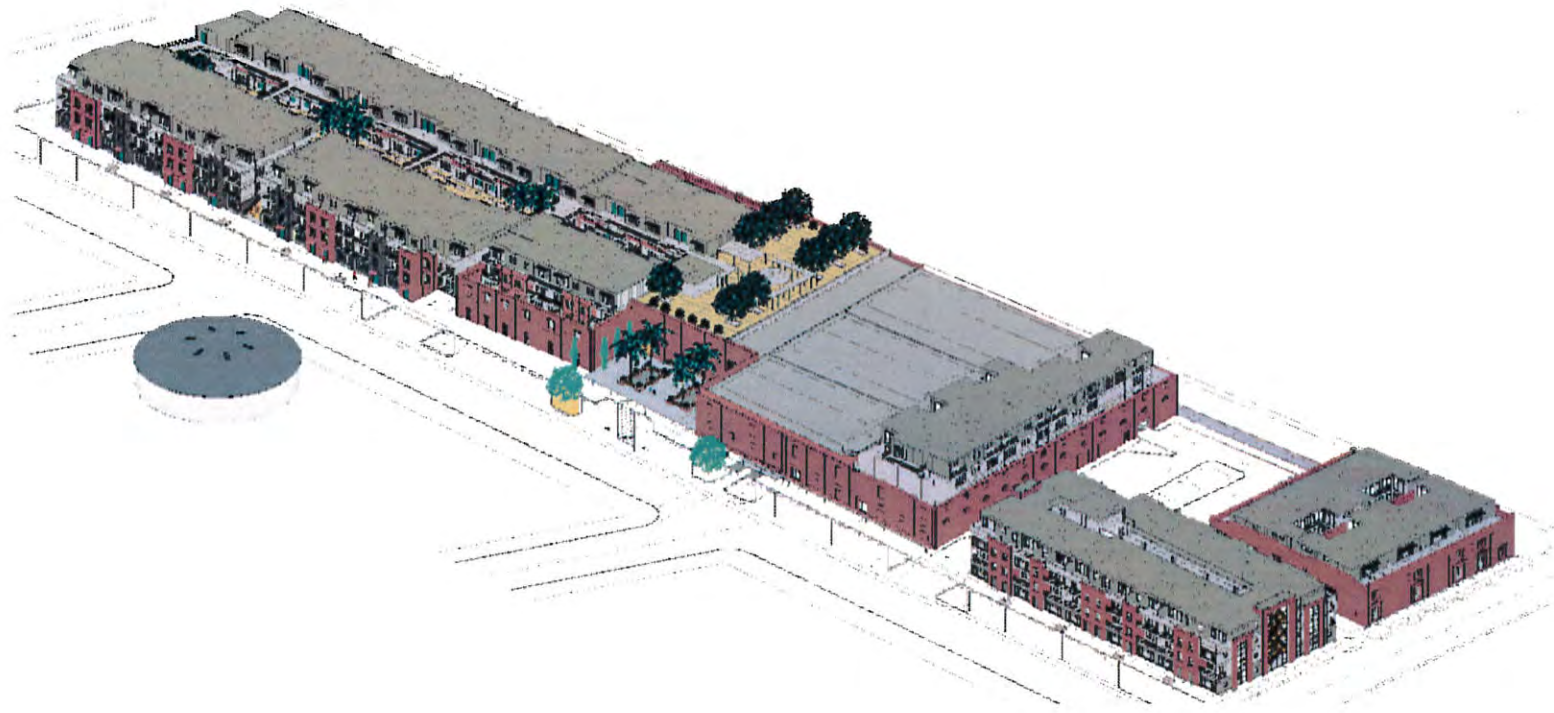
Building "C & D"-Current Roof Plan with roof rising up to 45 ft. 6 inches.



Building "D" Donahue Elevation showing existing roof height. Roof height over existing brick building rises to 45 ft. 6 inches.



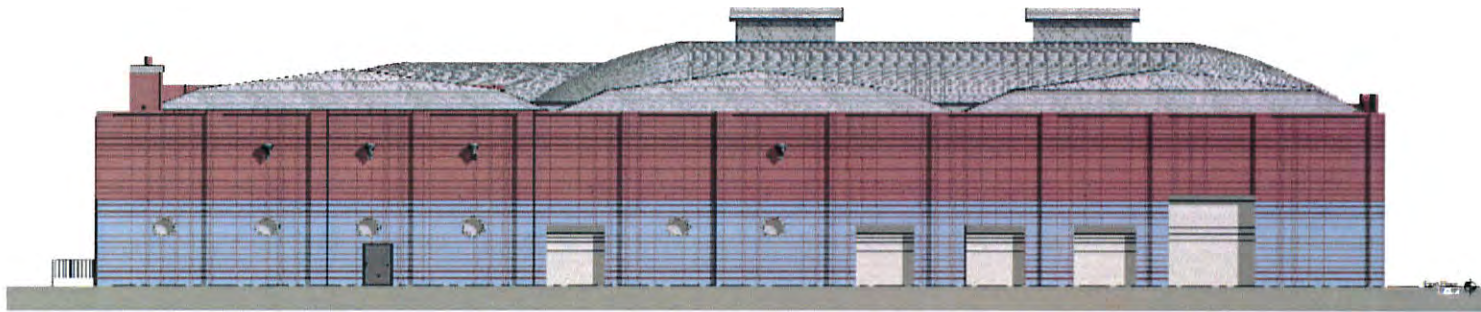
Existing Donahue Elevation-Buildings “A-B-C and D”. Aerial View.



Current rooftop structure set back 3 feet from the parapet wall in all directions. 14 ft. 6 inches Height from roof. This element is about 5 ft. taller and 10-15% larger in massing than the proposed fourth floor residential element, which is 40 ft. tall.



Building "C"-South Side of the Buildings-Current view. Four roll-up doors to be removed and four new round windows replaced that were previously removed.



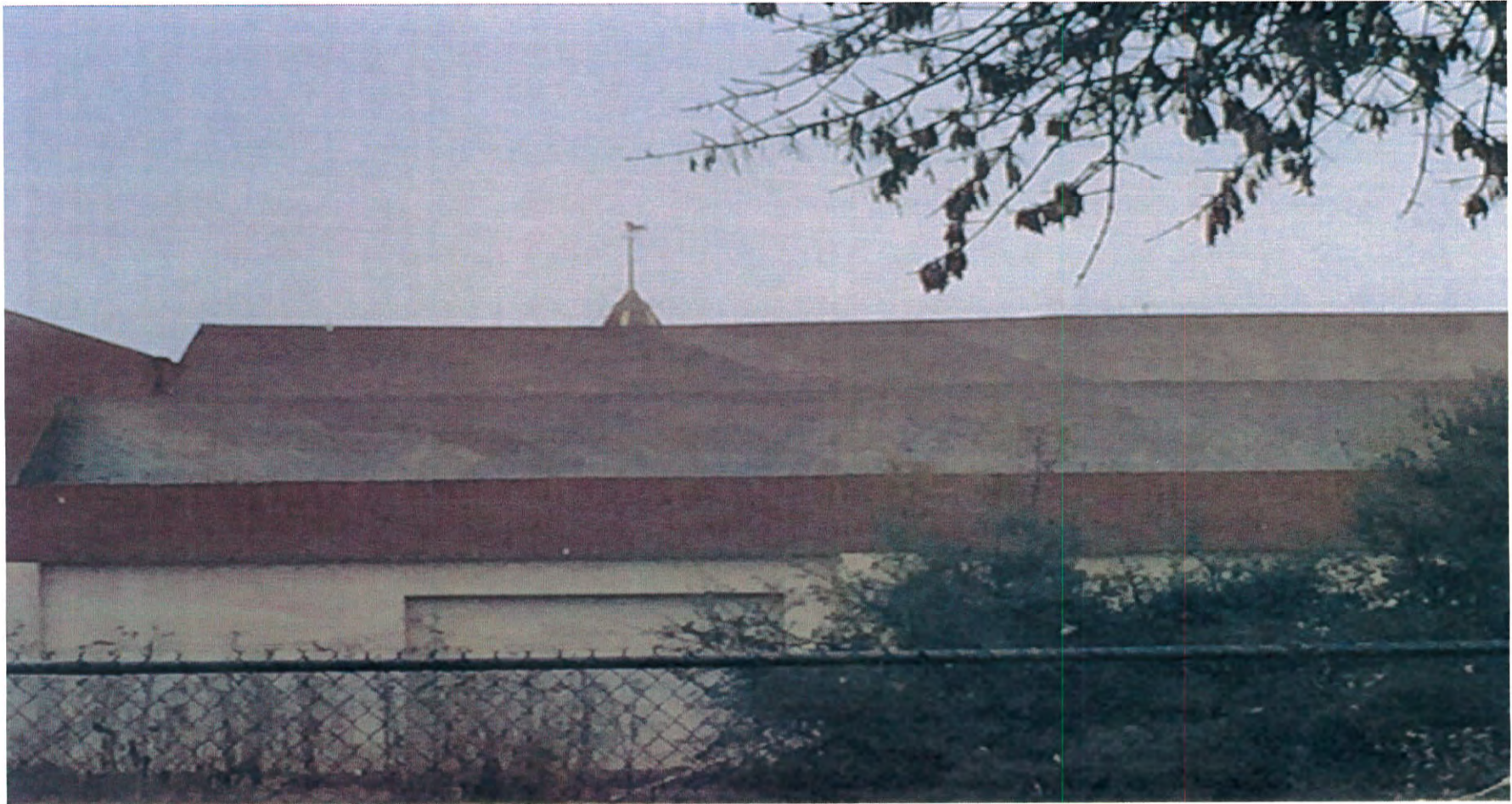
View from Western Farm property in a Northerly direction showing the roof system of Existing Historic Building Buildings "C and D" shown.



Existing Historic Building showing roof element to 45.6 feet in Height/View from Railroad tracks looking West



View from Railroad Tracks facing Westerly, shows 40+ foot high Round-barn Cupola. Shown at Street level from Wilson Street



APPEAL OF REJECTION OF APPROVAL FOR DETURK VILLAGE PROJECT 11/7/16

On October 3, 2016, the Design Review Board (DRB) and the Cultural Heritage Board (CHB) met and rejected approval of the Preliminary Design Approval for DeTurk Winery Village development. Initially the DRB did unanimously vote approval for the development with certain recommended conditions. However, the CHB unanimously voted against this project.

Grounds for rejection:

"Deny as proposed due to the CHB not being able to make findings as to items, "Resolution of the CRB of the City of Santa Rosa approving a Landmark Alteration Permit for DeTurk Winery Village Item A, C, D, E and F, based on "Basis of Processing Review Procedure Part II" and based on City Goals 4.7 & 3g, and due to "Secretary of State Standards" site as to standards for "New Buildings and Neighborhood standards".

Response to the Denial from Applicant: (grounds for appeal):

1. In the CRB hearing Board Member Appie Garrett stated that she had strong reservations against approving this property due to height issues (Fourth Floor issue). Even though she was informed by staff that the fourth floor issue related to a concession the applicant took, under Density Bonus, which took this issue out of the review process of CRB. She stated that the station area plan mandated a three-story building in historic areas. However, the rule is, "four story building transitioning to three stories when there are historic properties across from the project". The applicant did provide a substantial set back on the fourth floor, more than 10 feet on average, thereby creating a situation that only a small portion of the fourth floor could be seen from the street. Due to this issue she was unable to approve this project. This concession was taken under the density bonus concession policy of the City and State and her statements are a violation of State Law. She rejected staff's position on this matter and claimed it was the CRB's responsibility on height.

2. CRB Board Member Margaret Purser: Ms. Purser seconded Ms. Garrett's position that removing the height from the CRB purview, due to the Density Bonus concession was in her opinion a bad precedence for the CRB. She stated she could not support this project due to the height. She did not agree with staff that this issue was not in the purview of the CRB and she said she would either vote her conscious or she would have to withdraw from participating on the Board. (This is a violation of State law). She also felt that the project needed to review the relationship of this property to the historic West End neighborhood.
3. Board Member Stacy Deshazo: Felt that she could not move forward until the current Historic Report from Susan Clark analyzed all 10 "Secretary of the Interior's Standards of Rehabilitation". She also wanted to obtain information on whether the historic properties were "Listed" on the State Register. She also questions certain issues in Susan Clark's historian report, which were originally dealt with, (see Below), relating to what our guidelines for this project are as to historic preservation. She further requested a peer review of Susan Clarks historian report. In addition she stated the Applicant tried too hard to differentiate the new portion of the project instead of making it more compatible. She also the applicant to review the proposed project as to the remaining area of the West End Historic District.
4. The other Board Members: They had similar reservations about the implication of the importance of being a "listed" property, or not.

Issues of consideration:

- a. The two buildings that contain the fourth-floor element are Building A, which is a new building located about 35 feet from the historic building, (Historic Buildings are eligible for inclusion but have not been studies for conformity and inclusion as of this date). Building D is located adjacent to the Historic Building but is a new building that is replacing a building deemed not historic. The fourth-floor elements are set back from the lower floors on average 10-12 feet and the applicant has stated they could set back even further making the fourth floor not visible from the

street below. The applicant is unaware why there was so much time taken at the hearing since neither of these buildings are deemed historic. It is important to point out that we accommodated the request of the DRB to split the elevation on Donahue Street into two separate buildings thus reducing the massing of the project. It is also important to point out that the front elevations of the buildings are 10% less than the original tentative map approved project.

- b. There exists "conditions" from our original negative declaration for our 2008 tentative map development and for the Negative Declaration for the Re-Zoning of the property to residential. This was part of our Consistency Report submitted to the City of Santa Rosa for the current project. The conditions in that document state the following, which we accepted in 2008 and we accept now for the new project.

Mitigation Measure CUL-1: Preserve Historic Qualities of DeTurk Winery and U.S. Bonded Warehouse Buildings. The applicant shall comply with the secretary of Interior's Standards for the treatment of Historic Properties regarding all changes to be made. The applicant shall incorporate the following improvement, which are based on the Secretary of Interior's Standards for the treatment of Historic properties, into the design plans.

1. The segmental arched windows along the west elevation and the string of round windows along the south elevation of the DeTurk Winery shall remain visible from the street.
2. The segmental arched windows added along the western elevation of the southern section of the DeTurk Winery shall be retained, even though historic photographs indicate they were original circular windows.
3. The new buildings shall be harmonious with the old in scale, proportion, materials and color. The buildings shall be readily distinguishable from the older buildings to protect the visual qualities that made the older buildings eligible for listing as a historic building.

4. The new buildings will be constructed in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
5. Changes to the existing DeTurk Winery or US Bonded Warehouse buildings that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings shall not be undertaken.
6. The blue stucco along the south elevation of the DeTurk Winery building shall be removed.
7. Where applicable, the bricks covering the arched windows and doors of the DeTurk Winery and US Bonded building shall be removed.
8. A qualified Architectural Historian, as approved by the City (Susan Clark) shall review the final set of plans to ensure that these provisions have been incorporated into the final plans for construction. If the Architectural Historian finds that the improvements have not been included in the plans, the applicant shall revise the plans.
9. The applicant shall have a licensed contractor inspect the masonry walls for deuteriation. If such deuteriation is found, the contractor shall prepare a written recommendation for repair of the walls, which shall be incorporated into the building plans. If it is determined that replacement of a portion or a complete wall is necessary for structural safety, the wall shall be repaired in kind.

The applicant is aware that they are bound by these conditions, which should make the CRB concerns less relevant.

- c. The applicant has submitted a report from Susan Clark, our historian, which addresses all relevant requirements of the Secretary of Interior's Standards of Rehabilitation".
- d. One of the reasons for the denial relates to the CRB concerns about the relationship to the neighborhood. The following address this issue. First, in 2008 the DRB and the CRB reviewed and

address this issue. They stated that the DeTurk Buildings predate the housing in this area by more than 60+ years. The Sanborn maps from 1893 show the DeTurk Buildings was surrounded by land and the DeTurk Round-Barn but only a few homes were located within the neighborhood. Most the homes being built in this area around the 1950-60 period. Most these homes built at the later period were 1 story cottages even though some homes were two story. The West End Historic District was proposed in the late 1980's but did not become a district until after 1990. During the period before and after this District formation homes were built with no consideration to the fact that the first historic element to the area was the DeTurk Winery buildings. Over the last ten years two new homes were built across from the DeTurk Winery property and their design reflected nothing that comes close to the design styles of DeTurk. The DeTurk Winery Buildings are currently up to 35 feet tall and the building on 9th Street, which was built in the 1960 period, is about 33 feet tall. Trying to relate the DeTurk Winery building to the neighborhood would be virtually impossible, especially since DeTurk is an original/commercial building. This was recognized in 1989 when the North Railroad District, which included the area bordering the rail tracks from Wilson Street to Donahue Street were proposed for inclusion in a separate district reflecting the industrial/commercial presence of these building. It was recognized that this area, that incorporates the DeTurk Building(s) did not fit into the West End Historic District since that district was dominated only by low height cottages. Thus our ability to reflect on the West End Historic District is virtually impossible and downplays the original historic element, our buildings, which have been ignored throughout this district in reviewing new additions or modifications to these homes in this area. The only other tall buildings in the District, is the Round Barn which exceeds 30 feet in height and the Western Farm property, which has buildings up to 35 foot tall. There currently is only 4 homes within 100 feet of the DeTurk Winery Building. Then there is a group of fairly new

homes on the other side of the DeTurk Park but that's more than 300 feet from the DeTurk Winery Buildings.

Station Area Plan Considerations: Height: The Station Area Plan calls for the maximum height to be four stories in this area. There is a provision that within Historic Districts that height should transition down to three stories. This is a critical issue since the entire Station Area Plan is located in Historic Districts and located across from some homes. If three story buildings are eliminated from the Station Area Plan area than very little new homes will be built, especially since it will be difficult to meet maximum density needs and will eliminate all together all Density Bonus opportunities as well as any affordable housing potential. Transitioning down is a definition that has been used in such other urban markets, such as San Francisco, Oakland and Emeryville, especially related to mixed use housing potential. It has been handled by these communities by setting back the top floor in question, normally 10-15 feet to reduce any visual impact from the street. This is what we have done and in fact it will be difficult to see this addition from the street or across the street from this project, where the Round-Barn and a very few homes are located. Shadow studies show that the DeTurk project will not shadow the neighbors across from the property. The applicant was willing to set back another 5 feet which will almost render the fourth floor un-visible to the street.

Density Bonus Issues: The applicant is requesting Density Bonus of 35% based on providing 15 very low income housing units. The applicant took two concessions one for parking, to allow for the inclusion of AB744 Parking Standards. The other concession is for height. This grants us an additional floor (fourth floor) even though we feel that the transitioning we did on the fourth floor is proper and aesthetically acceptable. The State of California has mandated to the City that the concession, to create more housing and especially affordable housing, makes this concession mandatory. The DRB and the CRB gave general comments in their rejection of this project for Preliminary Design approval but they did not provide specific findings, which are required by State Law, showing why this rejection was approved. (Without findings that are accepted by the City and State this rejection due to height concern fails). The City staff

cautioned in the hearing that specific conditions must be provided, but no specific findings were offered making this rejection improper and more importantly a violation of State Law. The applicant is in the process of requesting, which is offered by the State, for State representation on this issue, especially since this rejection could impact the maximization of housing and affordable housing to the City of Santa Rosa. In the last 13 years, the applicant has been involved with this project not one downtown housing project has been approved, making this decision critical for the growth of the Downtown area and the production of housing and jobs upon the arrival of the new Passenger Train. The fact that at least two or more CRB Members stated that the building height was their primary reason for turning down this project only enforces our appeal and provides clear evidence of a violation of State law. It's important to again point out that Building D was a replacement of an unreinforced block building 33 feet tall with a brand-new building. Building A is a brand-new building sitting on a vacant lot currently being used as parking.

Prior Tentative Map approval: There currently exist an active tentative map approval from 2008. That approved project created two new buildings, which are now called Buildings A and D. On March 1, 2006 the following came from the joint Hearing of the DRB and CRB. Its important to point out that that project has a front elevation on both buildings that was about 10% smaller than the current proposed project. The tentative map buildings were 42 feet in height compared to 40 feet, which is our current proposed project. The original project has a design that was more traditional. The new building design is more reflective of the Industrial era, which is the conditions requested of applicant in the two prior concept hearings. In fact in the second concept hearing the DRB and the CRB, on a very similar to current design format, stated that height, massing and bulk were fine, they just wanted to see some additional material samples. In the 2006 hearing the CRB stated the following about the buildings,

- A. CRB Comments –Maintain the original character of the DeTurk Winery Building,
- B. Supported the adaptive reuse of the Industrial structure for housing,

- C. The mansard roof style, which was approved, does not fit well. This mansard roof was removed for the new proposed project.
- D. Support the streetlights and the sidewalk scoring,
- E. Commended the developer for a project design that does not turn its back on the West End neighborhood.
- F. Encourage the applicant to remember and memorialize the first Sonoma County Winery and its connection to the round-barn.
- G. Cultural Heritage Board Historic Guidelines indicate that existing doors and window openings (Page 52) should be maintained where possible and not to introduce openings into historic structures,
- H. Porthole Windows on the brick structure are to be retained.
- I. DRB-Comment: Appreciate the development as a critical connector in the urban core linking the West End and Railroad Square and the Smart site. Project should interface with the DeTurk Round-Barn and the Park,

Susan Clark Historic analysis: This report is reflective of the current historic conditions and recommendations of the current project. This report only supplements what was filed with our original negative declaration for our prior tentative map project. That report was peer reviewed by SCS Engineers and they supported the finding of Ms. Clark. Susan Clark has more than 30 years of experience as a Historian and she is registered as a qualified Historian in the State of California. She was involved in both the work done on the West End Historic District formation and in the review of both the original DeTurk Winery Village and the current version. The report was accepted by the City of Santa Rosa and we object to any further Peer Reviews on this project especially since one would think that the Members of the CHB are qualified to review her opinions. In the first Preliminary Design hearing not one Member of the CRB asked Susan Murry one question on this project. Unfortunately Susan was in Mexico when the second hearing occurred which is why she was unable to educate the CRB with the rules and actions related to this project. Also, when Susan Clarks report is viewed in conjunction with the conditions outlined in our environmental study from 2007, and our current consistency report, all issues have been addressed as to the Secretary of the Interior's Standards of Rehabilitation.

West end Historic District conflict issues: The City of Santa Rosa rezoned the DeTurk Winery Village properties to Housing from its prior classification of Industrial. To accomplish this the City must have recognized the imbedded conflict created by City Code 4.7, which is used in this rejection of approval for Preliminary Design and ultimate Final Design. By rezoning to residential and placing a 40 unit per designation, to increase density, this ran in direct conflict with the West End Historic District. This must have been discussed in the planning process and one would expect that the City considered these 35 foot tall existing historic buildings out of the framework of the Section 4.7, otherwise the City would be placing an unachievable direction on these properties, basically handicapping these projects from being able to move forward. What adds to this issue is that they projects pre-date by 60-75 years or more the introduction of housing into the West End Neighborhood and the West End Historic District. The City knew this when they rezoned yet it appears they never updated City code 4.7. This update would have been, and should have been done when the properties were stripped of their industrial and commercial zoning for the requirement of building high density housing. Thus when CRB claimed this is one of the reasons for rejecting this project they overstepped their authority and they placed a substantial burden on these industrial projects, yet these projects were there first and should have been placed in a separate category. The North Railroad District that follows the west/east railroad tracts tried to recognize this disparity and this district should have moved forward but the Planning Department let this District move into Limbo, adding to the frustration we are facing. The applicant spent considerable time in the Station Area Plan hearing process and staff indicated this rezoning, which occurred about the same time as the Station Area Plan would deal with and assimilate these projects into a process that would address these issues. If this section is used against us than we feel the re-zoning of these buildings to residential is in violation of Planning and Zoning regulations. Worse, the entire Station Area Plan locations is one big potential conflict when reviewed under the category of 4.7 and 3g. This conflict would make the station area plan moot since the ability of any of these projects in this area, when conflicted by these historic districts, will severely reduce the ability of any project to meet the density requirements

of the station area plan. It get increased in severity when you look at vacant land in the station area plan area, with no pre-dated building envelope showing existing height build-up. How do you propose a new building in a historic district greater than 3 stories in height? This is why we felt that planners considered this issue when they added to the station area plan the "transitioning of buildings from four story to three story. We thus object to being rejected due to a condition that was ignored by the planners when they rezoned our property and placed us in conflict with the provisions of the historic district. Even more frustrating for us is the fact that as to our property we are about 300 feet or more from almost all of the existing housing in the area due to the round barn and the park which pushes the bulk of these residences a substantial distance from our property. Also, the statements by CRB relating to protecting the integrity of the round barn, which is an empty building that is about 30 feet tall is puzzling to us. This building was originally owned by the original owners of the DeTurk Winery Village and when sold one would assume the seller would have anticipated some sort of protection for the main Winery Building. This seems to be ignored in these statements.

Amendment to filing of Appeal of Cultural Heritage Board (CHB) Denial of DeTurk Winery Village project: (Including Landmark Alteration approval) and Design Review Board (DRB) Denial:

Appealing Resolution of CHB of the City of Santa Rosa approving the Landmark Alteration approval, and the Resolution of the CHB and DRB of the City of Santa Rosa granting Preliminary and Final Design review approval for DeTurk Winery Village project. Staff recommended approval of this project and remains strongly supportive of this development. DRB initially approved Preliminary Design Review Approval.

Applicant Responses:

The main reason this project should be approved and moved forward to completion is: It produces 185 residential apartment units, and more than 20,000 sq. ft. of Commercial existing space, with a child care facility and the anticipation of a local community Charter School. Plus there are 15 very low income residential units. There has not been a proposed development in many years that has taken advantage of the Density Bonus provisions which increase housing opportunity as well as creating affordable housing opportunity. This is the first Downtown project to offer this opportunity, which supports the guidelines and standards of the Station Area Plan.

History of the project and support info for approval of this project:

The original land for this building was acquired in 1872, and on or about 1875 the DeTurk Winery Village building started construction and was finished about 12-15 months later. The DeTurk Winery buildings were recognized as the second oldest winery in the County, when finished. Drawings from 1875 show that only one home was in the area, now known as the West End Historic Preservation District, (WE), which makes the DeTurk Winery the second building built in this District. However, the first home was destroyed in the 1906 earthquake making DeTurk Winery Village the oldest remaining building in the District, and the only Industrial Building. In 2007, during the final DRB and CHB hearings on the approved tentative map project, it was pointed out at the hearing by these boards, that there was no identifiable direct link to the existing single family West End Historic District and more emphasis should be placed on providing elements from the existing historic DeTurk Winery, and other nearby

Industrial projects as to the design of the new additions to the adjacent buildings, those buildings identified in the North Railroad Historic Preservation District-NRHD. (DeTurk Winery Village is located in two Preservation Districts, the West End Historic District and the NRHD).

The current DeTurk Village Winery is in two Historic Districts, one being the WE, which was formed on or about 1990. Prior to this District being formed the North Railroad District, (NRHD), and was submitted by Ann Bloomfield and Dan Peterson in 1989 for inclusion in the State Registry. The NRHD is a strip of commercial and industrial buildings along both sides of Wilson Street and the Northwestern Pacific Railroad tracks just north of the Railroad Square National Railroad District. The DeTurk Winery Village is listed as one of the building(s) located within this district. This District was considered a potential National Registry of Historic Places (National Register) district and was assigned to National Registry Category 4 indicating that it could become eligible in the future. In the current coding system, some contributing properties have been listed as 7N. (DeTurk Winery Village is included in this district). (From the Station Area Plan, cultural heritage study: It states "Furthermore, it was determined that eight buildings in the Santa Rosa North Railroad District that include 802 Donahue Street, 806 Donahue Street, 812 Donahue Street, 807 Ripley Street, 21 West Seventh Street, 625 Wilson Street, 717 Wilson Street (Pullman Loft Project), and 99 Sixth Street appear eligible for the NRHD as individual properties through survey evaluation". We raise this issue because the CHB and the DRB stated they wanted to see the additions designed in an Industrial concept. In fact during the second concept hearing the DRB and its Chairman stated that the height and massing of these buildings were appropriate, once we made the changes they requested. The Boards asked us to consider the other Industrial Buildings in our District (NRHD) so we could incorporate elements from buildings in this district. This is one of the instructions we received by the Boards that impacted our design choices.

In 2005 the NRHD was deemed eligible by the State of California. The WE includes one industrial building, the DeTurk Winery Village. The original Round Barn, previously owned by the owners of the DeTurk Winery Village when built, was constructed for training of the DeTurk family horses. We are not aware of any other commercial use for this building except for the

current use of a local event facility and City Park. All other properties in the District are residential, with 10, of a few hundred homes, being shown on the National Registry due to their age of construction. None of these 10 homes, which are all one-story cottages, have a visual view of the DeTurk Winery Village, including its setback fourth floor. There is a new project that just recently approval by the DRB to build a 73-unit project just about 80 feet from our project. (Pullman Lofts). That project was approved at a height of 50 feet, which is nearly 10 feet higher than what we are proposing for our new additions, which in our opinion makes this issue, to us, even more difficult to define.

DeTurk Commons-32 unit single family housing project;

This project was approved in 1999 at 717 Prince Street. The front units of this project face the existing Deturk Winery Village, about 300 feet from the DeTurk Winery Village project. This project are mainly small one and two story homes that were approved without any environmental review as to cultural issues. At the time it was deemed too far from the DeTurk project to require cultural study but this project is within the West End Preservation District. At the time of this approval no consideration what so ever was placed on the fact that this project was 300 feet from the Historic DeTurk Winery buildings. No character defining elements of this project reflected any character defining elements of the DeTurk Winery Village. In fact over the last 20 years no consideration was given to any new housing unit built or remodeled in the West End Historic Distract that took into consideration any element of design, or the fact of the DeTurk Winery Village being the first building built in this neighborhood community, more than 50 years earlier than the building of residential housing in the West End area. We have attached a drawing from 1875 showing no housing located in the location of the DeTurk Winery Village property. The Sanborn maps from the later 1890 period through 1940 show only a few residential units built near our property. The point being that it appears disingenuous to us to be judged by the relationship to the West End neighborhood residential character when no past consideration of housing additions were required to consider our presence.

2007 DRB and CHB hearing approval for the initial approved DeTurk Winery Village project.

Findings from 2007 DRB/CHB final approval of the DeTurk Winery Village Tentative Map Hearing: (Still active). We bring these facts forward for this appeal hearing since the very same issues were dealt with at this 2007 hearing on a very similar project. The new proposed development is substantially lower in height, (5 feet), and building massing, (10-15% less) as discussed below, which makes our position even more relevant.

1. Prior DRB and CHB hearing approval. The DRB and the CHB, in 2007, made the following statements about the prior approved tentative map project, which as of this date is still active. A Negative Declaration was prepared for this earlier project and ratified for the 2007 hearing, but also on the re-zoning of the property to Housing. Note: This prior approved project was taller (45foot-tall-5 feet higher than the current proposed project), had a larger elevation (More than 10-15% larger as to building massing than the current project). (This was achieved by our current proposed project by lowering the building height and creating a 20-foot separation between "Buildings "D" elevation). The historic building remodel and repairs, as shown on our current project drawings are the same as 2007 tentative map proposed project, which were approved in 2007 by both boards. Also, even though the 2007 project had only 73 units approved in that project, these were mainly three bedroom townhomes. This bedroom count from 2007 closely resembles the number of bedrooms being provided in our current proposed development.

The DRB and the CHB voted unanimous approval of that the prior 2007 approved project and found in their approval documentation;

- a. The project design and the preservation and rehabilitation of the Historic Design Winery Village elements, is consistent with the architectural character and defining elements of the West End Preservation District;
- b. The project is compatible with other structures and landmarks in the preservation district; and
- c. The proposed colors, textures, materials, fenestration, decorative features and details are compatible with the time-period of the original building's construction, and with nearby structures;

- d. The project will not destroy or adversely affect an important architectural feature or features;
- e. The project complies with the Secretary of Interior Standards for Rehabilitating Historic Buildings (1983 Revision); and
- f. The project complies with the Design Guidelines for Historic Properties Pages 40-42 that address design compatibility of new construction in a preservation District.
- g. "The proposed maximum height of the development, at 45', is consistent with the purpose of the H Combining District in that the height is compatible with the heights of other buildings within the West End Preservation District and therefore will enhance and contribute to the District".

We raise this issue here since this project, a former active and approved Tentative Map project, could have been used or slightly modified to the new proposed development, which we tried to accomplish in our original concept design project. However, the Board(s), stated in our initial concept hearing that they wanted the project to reflect an Industrial Design concept, not the prior approved design concept. Redesigning this project, as we did, at the request of these Boards, was costly and added at least six months of additional time to our processing. Our frustration is being asked to redesign our project in this manner, just to have these Boards turn down this proposed project. This, in our opinion, shows a disregard to our efforts to build housing in the Downtown area of Santa Rosa, as needed desperately by the City of Santa Rosa. It also ignores the 15 very low income units we are providing. The last three housing projects approved in the City of Santa Rosa provided no affordable housing, which in our opinion, provides additional support for our project approval. None of these other projects requested "Density Bonus" allowance thus reducing the potential housing they could provide the City. Putting conditions before us, just to establish a reason not to approve this project, seems to us irresponsible, especially when you consider that City Staff strongly favors this new project, so do the neighbors. Additionally, State Law, that has final control over this project, due to the inclusion of Density Bonus concessions, further states that once the Density Bonus concessions are taken one of the other main benefits of this option is "Relaxed Building Design Standards", especially when it's needed to create housing in transit village areas. The Density Bonus

guidelines, under State and local law states, A "concession" or "incentive" includes, "a reduction in site development standards, or a modification of zoning code or architectural design requirements, including reductions in otherwise mandated setbacks, square footage, height, and parking ratio requirements, resulting in identifiable, financially sufficient and actual cost reductions". We followed the guidelines of the City Code and the Station Area Plan guidelines and specifically relied heavily on staff direction and support, which we have on this project. We had numerous neighborhood meeting, including one with the City in attendance and we modified our design, as requested by the Boards, to supply the quality of housing the neighborhood supported. This is why we strongly support our design concepts, which we feel the neighbors and the Boards welcomed from this process.

2. Concept Hearing and Preliminary Design Approval Hearings-Design issues. There were two concept hearing held on this project. The minutes of the March 3, 2016 concept hearing stated the following; "The applicant was encouraged, by the Boards, to lighten the feel of the residential units and simplify the design, to avoid creating a massive wall between east and west sides, and to revisit the building entry. The Board suggested looking at existing industrial buildings for design context. The Design Review Board encouraged the applicant to bring an Industrial character to the new buildings to celebrate the old industrial character of the area while incorporating the new, and "let the historic building be historic". This required a total redesign of the proposed project, which cost us another few hundred thousand dollars to accomplish. The applicant was encouraged by the Boards and the neighbors to seek design concepts for the new additions from elements found in the other historic buildings in the NRHD. The applicant took that to mean the North Railroad District, which is the only historic district that contains Industrial Buildings, especially remaining from after the 1906 earthquake period. There were only 7 buildings that remained after the 1906 earthquake. Four of these were brick buildings and three of these are stone or block buildings. The elements we determined relevant were 1. Brick façade, 2. Industrial small pane black metal windows typical to industrial design, 3. Wrought iron railings, 4. Wood doors and shutters. We used these items in our re-design, which is what we were requested to accomplish from the Boards. The Boards specifically felt that trying to design our project, looking at the existing single family homes in

the WE, should be discouraged. There were some additional individual comments from Board Members such as Ms. Anderson, "Broaden the interpretation of learning from Industrial patterns-color accents such as the bright green door; or "Revisit the Industrial style and consider other elements from the geographic area". And "Revisit" the Industrial style and consider other elements from the Geographic area". Statements were made at this meeting by the Board praising the design changes we provided at these initial hearings, including providing elements that differentiate from the original historic building, a requirement of the Secretary of State Interior Standards. The neighbors strongly, in our opinion, supported the design of this project. We had numerous meeting with these neighbors during the Concept Hearing process. The neighbors were very favorable to the way we designed our deck system for the residential apartment units, which is a requirement of the code to provide. We could have stuck decks onto the building like virtually every other developer to save cost. However, we determined, and the neighbors supported, recessing the decks into the structure and adding closets on the decks for storage for things like bikes, etc. This allowed the project not to suffer from the typical problem of too much clutter on the deck, that would be seen by the neighbors. The neighbors appreciated this amenity. A prior letter from Guy Dean, addressing the deck inclusion, he stated, "It created eyes on the street with little obstruction to the WE neighbors". We also deemed this issue important since we believe any deck added to the wall is a safety problem with serious health and safety compromise, especially if the deck is not sealed and bolted properly.

In the second concept design meeting, we received many statements, mainly relating specifically to design issues. We again were encouraged to design this in an Industrial manner, using elements from other Industrial and Warehouse buildings in the "District", which we interpreted came from the recognition we were in the North Railroad District, especially since we are the only industrial building located in the West End Historic District. We have also been told by the Boards in the past, and by review of the Secretary of Interior Standards, that encouraged and recommended us to differentiate the new building from the Historic Building, not reproduce the Historic Building. The original historic Building, as stated in the Bloomfield and the Dan Peterson reports for these properties were up to 45 feet tall. Part of these walls were damaged after 1906 and the Owners plan to

rebuild these parapet walls back to the original style and height, which is 5 feet higher than the walls of the new additions.

3. Preliminary Hearings-The First Preliminary hearing before the Boards was on October 2016. In the October hearing a comprehensive Historical Analysis was presented to the Boards from our well known and respected Historian, Susan Clark. That report clearly established that the historic buildings and the new additions were compatible and met the conditions of the Secretary of Interior, for such development projects, and established there was no "Adverse Impacts" created by this development. At that October hearing no Member of the CHB had a single question of our Historian, who attended the hearing to answer questions.

The last hearing on this project came on November 3, 2016. In this hearing, we did initially receive unanimous approval of the DRB on our design, but the CHB voted unanimously to reject the project, which forced both Boards to have to reject this project. There were certain statements, mainly by the CHB relating to their review that we adamantly disagree with. Three of the CHB Board Members stated they could not vote for approval of this project because of the height of the building, even though they were aware, from statements from Staff, this was the purview of the Planning Commission. All three of those that spoke of the height of the buildings stated they resented being told they would need to let the Planning Commission make this decision. The CHB Members ignored the fact that the total building height of the Historic Building varied but was at 45 feet for most of the wall structures currently. You cannot see this unless you step back from the street almost to Prince Street, $\frac{3}{4}$ of a block from the building. That's because the roof element is not visible from the street or from the round barn. Also-one of the CHB Members claimed that the building height for this property was limited to 3 stories. But that is not correct. Zoning code for TV-R zoning concerning height states: "4 stories, except for properties that abut residential and historic residential uses and zoning districts, maximum height shall transition down to a max. of 3 stories adjacent to the residential property. If the City wanted it to be 3 stories they would have stated this. The work "transition down" is recognized in every major City in California to allow for a top floor set back, which is a transition method. In fact, the Secretary of Interior Standards addresses the manner and application of top floor transitioning and we

followed those guidelines in designing the fourth-floor residential units. Also, there are four homes on Donahue Street. One of these homes is a small cottage that faces Decker Street and only the restroom window has a view of our property addition. The other three homes are on Donahue Street off 8th Street. Two of these homes are only a few years old and when built they did not have to go through any historic review by CHB and in fact are totally out of character to our Historic Building. One of these homes is also a small cottage that has been converted to a commercial building for a Massage studio.

All five of the CHB Board Members were told in the hearing that the applicant was taking a design standard concession, which these Board Members ignored since they felt that height was their purview, even though State Law states otherwise. A few of the CHB Board Members stated we did not address the relationship of the Round-barn which was confusing to us, especially since the Round barn was built after the DeTurk Winery and the original design was significantly modified to allow the rebuilding of that structure in 2014. The height of the Round Barn height also is at 40 ft., the same height of the new additions. This was never an industrial building, but a horse shelter for the DeTurk family. In addition, in this Preliminary Design hearing, statements were made that we did not relate our designs for the new additions to the surrounding WE neighborhood. This was certainly difficult at best to accomplish when the Boards instructed us to design the Buildings in an Industrial design character, using elements from our Historic Building, and other Industrial/Warehouse buildings in our District. Again, we related that to the NRHD, since the only Industrial Building in the WE district is the DeTurk Winery Building.

Lastly the CHB made statements about removing historic materials from the Historic building which they claimed we could not do. It appears the CHB did not read the totality of what we originally submitted to staff on this remodel. The Primary wall, as defined under the Secretary of Interior Standards, on Donahue Street was being repaired only, and any brick that was being removed was being replaced by doors and windows previously located in the original design of the building when built. That included rebuilding the parapet wall that partially fell in 1906, which we planned to rebuilt to the original design concept. This included the windows and doors previously closed in the early period of 1990, when the buildings were

brought up to seismic levels. We also planned to remove roll-up doors added in 1991 so we can repair the walls to the original design look. The changes we proposed for the Donahue Historic Building were in fact approved in 2007 by the CHB and DRB for the prior approved tentative map project and were deemed acceptable by those boards on a unanimous vote. This included all the changes that were approved to Building "B" in 2007 with a unanimous vote of both Boards. And, the changes to the secondary wall (Southern Wall), (as defined by the Secretary of Interior Standards), which is not seen from the street, once the project is built. We did propose raising the windows about 2 feet higher but we also included adding back the approximate 5 missing windows that were removed in 1991, under City permit, when six roll-up doors were installed in the southern end of the Historic Building. The Secretary of Interior standards allow these changes to Secondary walls of a historic building, which is why the prior Board hearing on the 2007 tentative map project approved this change.

4. Discussion of State Law: Overturning DRB and CHB Denial Required Under California Density Bonus Law (Government Code Sections 65915- 65918) and Housing Accountability Act (Government Code Section 65580 – 65589.8)

The State of California has declared that the availability of housing is of vital statewide importance, and that attaining this goal requires the cooperation of local government and private builders to expand housing opportunities and accommodate the housing needs of Californians of all economic levels. State Law Dictates - Local governments have a responsibility to facilitate the development of housing to address regional housing needs, and must consider how their approval process affects the economics of proposed housing (Government Code Section 65580, et seq.)

The proposed project is meant to address a portion of the housing needs of the City, as expressed in the City General Plan and as stated in the City Station Area Plan (SAP). It contains 15 units for Very Low Income households, which qualifies the project for a density bonus under state law. As a critical part of its statewide housing program, the Legislature has

enacted the Density Bonus law to "contribute significantly to the economic feasibility of lower income housing in proposed housing developments" (Government Code Section 65917).

The California Legislature, in its passage of an amendment to the Density Bonus Law last year (AB 744), found that (1) the cost of building affordable housing in California is expensive due to local opposition, changes imposed by local design and review, and requirements for on-site parking and (2) minimum parking requirements are often excessive given infill development characteristics, especially infill near transportation and pedestrian amenities. The legislature further determined that reducing parking requirements in infill development would (i) lead to the production of more housing, and specifically, more affordable housing, (ii) help decrease dependence on cars and demand for parking, (iii) be consistent with AB 32 and SB 375, regarding state policy to promote transit-oriented infill development to reduce greenhouse gas emissions and (iv) reduce the effects long observed resulting from excessive parking requirements in transit-oriented, infill areas that reduce the viability of transit by limiting the number of households or workers that can live near transit, increasing walking distances, and degrading the pedestrian environment. As articulated in the Station Area Plan (SAP), it appears consistent with the aforementioned goals of the California Legislature, however, denial of the Project would be inconsistent with both the SAP and such findings of the CA Legislature.

Under California Government Code Section 65915, when a development proposes to include the construction of 11% of its units to be rent restricted to be affordable to Very Low Income households, a city is *required* to provide a density bonus of 35% and two concessions. To ensure that the density bonus can be achieved, Section 65915(e) provides that a city may not apply any development standard that will physically preclude construction of a development with the densities and concessions allowed by the Density Bonus Law. Section 65915(o)(I) specifically provides that reductions in height and parking ratio standards must be provided to avoid physically precluding construction of a development in compliance with the state law.

The California Density Bonus Law and Housing Accountability Act are both applicable because the Project provides at least 11% of its units for Very Low Income Households. The DRB/CHB Denial must, in our opinion, be overturned because it violates multiple provisions of the Density Bonus Law and Housing Accountability Act, as confirmed below. The parking and height adjustments sought are necessary to avoid physically precluding construction of the Project, and therefore must be provided.

Below please find a brief analysis of the California Density Bonus Law as applicable to the Project.

- A. Section 65915(b)(1) and fb(Z)- Provides basis for application of the Density Bonus Law.

Analysis:

The Project is zoned for 40 density units without the application of the Density Bonus Law. Per the law, if 15 units are built to be rent restricted for Very Low Income Households, then the Project is entitled to a 35% density bonus and subject to other protections of the law. (185 total).

Section 65915(e) • "(1) In no case may a city or county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section and may request a meeting with the city, county or city and county...Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific adverse impact as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact".

Note: "Specific adverse impact" comes from the Housing Accountability Act, specifically, "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date of the application was deemed complete". Further the findings would need to address, "a "specific adverse impact" upon health and safety or the physical environment that cannot be mitigated without rendering the development unaffordable to low- and moderate income households". The DRB and CHB were highly supportive of our designs, which can be observed by the unanimous approval of the DRB for approval of this project, but still was rejected once the CHB stated they could not approve this project if the fourth floor was not removed. Even though this issue was explained by staff to come under the purview of the Planning Commission at, least two CHB Members stated they would have to withdraw from the Board if they could not vote on this restriction, a clear violation of both City and State law on this issue. The fact that this new project was 3-5 feet lower in height of the prior tentative map project, was more than 10-15% smaller in massing as well, contained only 6 additional parking spaces than what has been approved for this current project, this makes it difficult to us to understand the rationale of the Boards. It is further interesting to point out that our new additions adjacent to the historic building are lower than a large portion of the original historic building parapet walls, that are being repaired under our development profile and we are about 10 feet lower in height than the adjacent Pullman Loft project, which is about 80 feet from our project. This Loft project was just increased in height on November 17, 2016 by the DRB. The length of this Loft project is about 750 feet long. In addition, this Loft project is located within the North Railroad District, and eligible district under the California Registry, but received no CHB review.

Analysis:

As previously indicated, it would be physically impossible to build the Project at the State mandated density without both a height and parking adjustment. Therefore, we hereby once again request such adjustments

as originally requested about the Project's application. The analysis of the Project is relatively straight forward due to the unique site characteristics and existing building characteristics, the development standards that must be waived (to accommodate a development complying with the Density Bonus Law) expressly include height and parking ratio adjustments.

Section 65589.5(d)(2) provides as follows: "a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety."

Analysis:

a. It is possible for a city to deny reduction in development standards, however, the necessary conditions have not been, and cannot possibly be, satisfied.

b. The city failed to provide ANY "specific, "adverse impact" in accordance with the foregoing definition. This provision requires "objective" and "written", "public health or safety" standards in place "on the date the application was deemed complete".

c. The definition of "specific, adverse impact" expressly states "inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety".

d. Almost all reasons cited for denying the project are based on zoning regulations, and would wherefore not constitute public health or safety. This provision is very clear and does not mean that inconsistency with zoning shall not "necessarily" constitute a specific, adverse impact upon public health and safety (i.e. it could possibly constitute a specific, adverse impact). It means that such inconsistency is not a

specific, adverse impact on public health and safety. I.e. zoning issues are not eligible to be considered adequate grounds for denial.

e. Even if the City had properly found a public health and safety reason to deny the project, the City further failed to perform the second part of the required analysis, notably *"and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low & moderate income households."*(Note-1)

f. When the City passed the Station Area Plan (SAP), it required a finding that it would be in the best interest of the City's health, safety and general welfare to consider /promote parking and height concessions in this area. The Denial requires a finding that, not only are such concessions inappropriate, but such concessions are detrimental to the health and safety of its citizens (i.e. the exact opposite finding). Our project meets the conditions of the SAP, as reflected by staff in their consistency report on this project.

g. Please also be aware that the DRB/CHB's analysis was backwards regarding whether there was a specific, adverse impact on public health and safety posed by the Project. After all, DRB/CHB had spoken and some had indicated that they could not support the project (because, for example, too tall, which they stated was "inconsistent with the neighborhood", it didn't comply with their subjectively interpreted "spirit of the law"), the DRB/CHB then tried to establish why this could arguably be detrimental to public health and safety. This analysis occurred backwards with State law being an afterthought.

Note 1/ Financial Analysis: If the proposed development removed the fourth floor of the buildings there would be a loss of 55 units, which would bring the total unit count to about 130 units, less than the maximum density required in this zoning classification. It would eliminate Density Bonus; it would eliminate all 15 very low income units and it would increase the parking requirement by more than 100

additional cars needed since AB744 parking reduction would no longer become available.

B. Section 65915(d)(1) - A City may only deny concessions with findings like those required under Section 65915(e)(1). For the reasons outlined above, the City has failed to make the findings required to deny the request for height concession.

C. Section 65589.5(d) - Under the Housing Accountability Act, the City may not deny a Project for very low income households unless findings like those required under Section 65915(e)(1) have been provided. For the reasons outlined above, the City has failed to make the findings required to deny the Project under the Housing Accountability Act.

d. Requirements of written "findings" required by opposing governmental agency: Written findings showing "The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision; or The concession or incentive would have a "specific adverse impact", as defined in paragraph (2) (Note 2) of subdivision (d) of Section 65589.5,(a) upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or The concession or incentive is contrary to state or federal law. Neither the DRB nor CHB in the Preliminary Design Approval Hearing provided any written findings as required by State Law. In fact, the only proposed new housing being built within the Historic Buildings were the same as designed and approved by the former DRB/CHB Boards for the 2007 tentative map approval hearings, which received unanimous support from the Boards and the neighborhood.

(Note 2): Paragraph (2) of subdivision (d) of §65589.5 states: "[A] 'specific, adverse impact' means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety

standards, policies, or conditions as they existed on the date the application was deemed complete." (b) This requirement is in §65915(d)(3).

DRB/CHB incorrectly interpreted the language precluding concessions for building height and parking adjustments, which is in the purview of the Planning Commission, not the DRB/CHB, as staff instructed these Boards prior to the hearing. In spite of this instruction from staff, these Boards ignored this instruction, which became a part of their reason for rejecting this project. However, the DRB and the CHB provided no required "FINDINGS" for these concessions. Also, the DRB and CHB accepted Section 6. Of the Resolution of the Cultural Heritage and the Design Review Board for the DeTurk Winery Village, ("The proposed project will not be detrimental to the public health, safety and welfare or materially injurious to the properties in the vicinity in that the project was reviewed by requisite City Staff and conditioned appropriately"). This provision further relates to State Law conditions for a requirement relating to Density Bonus concessions.

As indicated herein, the parking and height standard reductions are consistent with the SAP and the Density Bonus regulations and are separately required by state law.

1. Shared Parking Reduction. Parking is provided as shown on the Traffic and Parking analysis provided by W-Trans, the Companies traffic consultant. Parking under Density Bonus regulations were taken based on this project is located within 1/2 mile of the Railroad Smart station, which developments receive a parking reduction based on AB744.

2. Mixed-Use Parking Reduction. By approving an administrative use permit, the Planning director may reduce the parking requirement for projects that share parking by up to twenty-five (25%) percent, in addition to the shared parking reduction, for a total maximum parking reduction, as shown on the W-Trans report upon finding that the times of maximum parking demand from various uses will not coincide."

3. The current project provides 175 parking spaces, which is 6 more than the prior approved tentative map development from 2007.

Recent Appeal Hearing San Luis Obispo on same issues as rejected in our project.

APPEAL REVERSALS FOR CONSIDERATION-OTHER SIMILAR CASES:

We have forwarded to City staff a recent "Appeal Reversal" by the council of the City of San Luis Obispo. The significance of this appeal relates to the facts that their project, and our project, (Both) were rejected for the same issues.

1. Both projects sought a 35% Density Bonus increase by supplying 11% very low income as part of the project.
2. Both projects took the Parking reduction offered under AD 744 for projects located within a half mile from a transit facility.
3. Both projects asked for a height concession and both providing a fourth-floor addition. However, our proposed project alone offered and provided a 12-15 foot fourth floor setback.
4. Both projects were in historic downtown neighborhoods surrounded by low commercial buildings and single family homes.
5. Both projects provide high Density infill housing and mixed use options, and both will set the tone for future projects in the Downtown area of their community, which help set the tone of future development.

In the San Luis Obispo project the City Council reversed the rejection of their project and approved this project. We raise this issue since its becoming clear throughout California, especially with the urgent need for housing and especially affordable housing, it is being recognized by these cities that approval of these projects is critical to meeting the housing needs within their cities. In the SAP area, nearly all locations for possible future housing opportunities are in Historic Districts surrounded by housing and communities, who would rather see new housing in locations other than their own neighborhood. In fact, one "opportunity site" identified in the SAP was the Western Farm property, which we have the option to

purchase. This was anticipated by us for future housing needs of the City. But the reality facing the City, and the entire Santa Rosa community, is housing is needed and being within a half mile from the new passenger train is the most advantageous location for such construction of new projects.

In addition to the reversal of the San Luis Obispo Appeal, on the same reasons raised by the DRB/CHB for our proposed project, there have been more than four litigations filed to the State Court on these Bonus Density issues. San Francisco was one of these cities. San Francisco has elected not to fight this litigation, and instead increased by three additional floors the maximum height of buildings in their downtown area, to meet required State Law housing needs. The other Cities litigations were resolved in the favor of the Plaintiff's, (applicants), supporting the applicant's motions and one of these dropped the suit to mitigate their extensive legal fees mitigating this matter. We see no valid reason why the City of Santa Rosa would not and should not embrace the DeTurk Winery Village project, as submitted for Final Design approval. This will be the largest accumulation of housing that can be built in 2017, if approved, in Downtown Santa Rosa, especially affordable housing, in a City that has a severe shortage of housing needed under State Law. The DeTurk project is currently surrounded on three sides by industrial projects that will offer the ability to add more housing for the future. One side of the building faces the railroad tracks and the fourth side does face the houses in the WE (Four homes only across from the building about 100 ft. from the building). There is a Round-Barn and City Park buffering the Historic Building from the neighborhood then about 250-300 feet away are additional homes. Many these homes were built around 1998. No historic review was done on that subdivision and our Historic Building was ignored, as to design consideration when these units were built. The Round Barn and the City Park provide a significant buffer between the WE homes and the DeTurk Winery Village project.

Appeal North Street Apartments 1108 14th Street-File no. MJP15-004:

This appeal on a 20 unit residential application had very similar issues raised before the Council. Warren Hedgpeth the architect of this project

made certain relevant statements on this project, such as, "There is no City mandate to decrease the density and in fact the project moves towards filling a drastic shortage of rental housing in our community". "The ability to integrate the pedestrian, the cyclist, and the automobile are given an opportunity by the City desire to allow densities and mixed use to be implemented. This project chooses to utilize human scale elements, and provide design features that engages its residents with the urban fabric around it, rather than turn the project inward". He also addressed the contrast from the local single family neighborhood and the adjacent industrial area, by saying, "The area is quite eclectic, and the introduction of two and three story multifamily units is intended to provide scale transition from the warehouses to the east and animate the area with architecture that is current, yet respectful of its industrial roots". Warren was faced when designing this project with the fact that he had single family homes surrounding this property as well as adjacent industrial buildings provided during the railroad era of this area. To this he stated in hearing: "He took his inspiration more from the area's industrial past-the site was the former home of Southern Pacific depot-than the surrounding homes". Mr. Hedgepeth emphasized that as to the design, "while some residents argue the apartments should reflect the character of the surrounding homes, he rejected that idea, fearing the "synthetic quality" of projects like the Windsor Town Green". He further stated, "Santa Rosa does not need banal, (so lacking in originality as to be obvious and boring), lifeless higher-density housing, nor does it need forced history". Hedgepeth writes in his response to the Appeal, that he took inspiration for the buildings more from the Industrial history of the area than past residential styles. This project had dozens of neighbors opposing this project which is different than what we have in our approval process, we submitted letters of support from dozens of local neighbors and there were just four neighbors opposing the project, mainly as to height.

In Council Member Coursey's statement on his rejection of the appeal he stated, In this case, I think that the neighborhood folks are asking for this project to conform to a conformity that just does not exist". Ultimately the council rejected the appeal, even though there was extensive

neighborhood objection to the property, since the Council felt the overriding concern for lack of housing superseded these concerns.

CULTURAL HERITAGE CONSIDERATIONS:

Susan Clark-Our Historian for this project. Susan Clark, who was one of our Historian's in 2007 was also our Historian for this new proposed development. Susan has 35 years of experience in this industry and is considered by everyone in her field as being one of the most qualified historian within the entire Sonoma County and Santa Rosa area. She has developed many publication and historic reviews throughout her many years as a Registered Historian. She was involved in the creation of the West End Historic District and the North Railroad Historic District. Ms. Clark has provided an extensive Historic review of the DeTurk Winery Review. In 2007 she was praised at the CHB in the Final Design Review hearing for the earlier hearing. I have previously spoken to Stacy Deshazo, who is the Chairwoman for the CHB. She provided me with a list of exceptional Historians but she noted if we could retain Susan Clark again for the new proposed project that would be the best alternative for us. She praised Susan Clark and stated we could not find a better Historian for this project especially based on her prior work done on this project in 2007.

Ms. Clark has submitted an extensive Historical analysis for this proposed project, including recent updates to her report. Her conclusions were there is no "Adverse Impact" on the adjacent Historic Building or for the neighborhood, including the Round barn. Her report states that the new additions compliment and are consistent with the Historic Building, including when reviewed with the fourth floor included. Nothing in her report would or should give anyone concern about both the new additions adjacent to the Historic Building or as to address directly the Historic Building. Most significant in her report is her statement, "The project as proposed is consistent with the Secretary of the Interior's Standards and will not "adversely affect" or "decrease the significance" of the Historic DeTurk Winery". She further stated, "the proposed alterations to the Winery is compatible in height with the historic Winery's and the nearby Bonded Warehouse". A thorough review of her reports, clearly show that this proposed project meets the standards of the Secretary of Interior

Guidelines, and fits into the neighborhood, which is what was determined accurate by the DRB and CHB in the 2007 approval. It's also important to remember it was the DRB who unanimously supported approval in the Preliminary Design Hearing recently for this project.

We therefore request the City Council to reverse the DRB and CRB rejection and approve this project, with a final Design Review approval, so that this project can proceed to Planning Commission as to Density Bonus approval. The rejection of this project will have significant impact on the development of the Downtown area, especially since we are only 800 feet from the Smart Train Terminal. This project will help set the standards for future development, especially since almost all the potential housing options Downtown are in Historic neighborhoods. Also, unlike most projects in the Station Area Plan area, our project is a "clean" site that has already had removal of toxic tanks, and can be built as soon as the project is fully approved. This is unlike the "Smart" site that has significant environmental issues to clear, making this project many years away from completion.

Thanks, Richard Deringer Applicant.