

RESOLUTION NO. RES-2017-013

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA GRANTING AN APPEAL AND APPROVING PRELIMINARY DESIGN REVIEW FOR DETURK WINERY VILLAGE LOCATED AT 806 DONAHUE STREET AND 8 W. 9<sup>TH</sup> STREET IN THE WEST END PRESERVATION DISTRICT, ASSESSOR'S PARCEL NUMBERS 010-091-001 AND 010-091-007, FILE NUMBER PRJ16-012

WHEREAS, on November 5, 2015, the Cultural Heritage and Design Review Boards conducted the first of two Joint Concept Design Review meetings for the proposed DeTurk Winery Village project located at 806 Donahue Street and W. 9<sup>th</sup> Street ("DeTurk Winery Village project" or "project"); and

WHEREAS, on February 24, 2016, a Neighborhood Meeting was held at the DeTurk Round Barn to introduce the conceptual project plans to the surrounding neighborhood; and

WHEREAS, on March 3, 2016, the Cultural Heritage and Design Review Boards conducted the second Joint Concept Design Review meeting at which point they provided direction, in terms of project design and materials, to the project applicant; and

WHEREAS, on April 19, 2016, the City Council adopted Resolution No. 28768 stating its Intention to Consider Vacation of Public Right-of-way for a 18,725 square foot area along the east side of Donahue Street, between W. 8<sup>th</sup> Street and W. 9<sup>th</sup> Street; and

WHEREAS, on May 24, 2016, the DeTurk Winery Village project applications were submitted to Planning and Economic Development; and

WHEREAS, on October 6, 2016, the Cultural Heritage and Design Review Boards of the City of Santa Rosa held a duly noticed public hearing to consider Preliminary Design Review for the project; and

WHEREAS, at that meeting on October 6, 2016, the Cultural Heritage and Design Review Boards of the City of Santa Rosa received written and oral reports of staff, testimony, and other evidence presented by all those who wished to be heard on the matter; and

WHEREAS, at that meeting on October 6, 2016, the Design Review Board cited thirteen (13) action items and the Cultural Heritage Board cited two (2) action items for the project. The meeting was continued to a date uncertain; and

WHEREAS, on November 3, 2016, the Cultural Heritage and Design Review Boards of the City of Santa Rosa held a duly noticed public hearing to further consider Preliminary Design Review for the DeTurk Winery Village project; and

WHEREAS, at that meeting on November 3, 2016, the Cultural Heritage and Design Review Boards of the City of Santa Rosa received written and oral reports of staff, testimony, and other evidence presented by all those who wished to be heard on the matter; and

WHEREAS, at that meeting on November 3, 2016, the Design Review Board voted unanimously in favor of the then-current design of project, subject to eleven (11) action items. At the same meeting, the Cultural Heritage Board voted unanimously opposing Preliminary Design Review, on the grounds of not being able to make two of the seven required findings under City Code section 20-52.030(J), findings 4 and 5, which read:

Finding 4: The architectural design of the proposed development is compatible with the character of the surrounding neighborhood.

Finding 5: The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color, and would remain aesthetically appealing and be appropriately maintained.

Recognizing that they had failed to reach consensus between the two Boards and thus had failed to meet the requirements for approval of Preliminary Design Review under the City Code, the Cultural Heritage and Design Review Boards of the City of Santa Rosa, after due consideration, investigation, and study made by itself and on its behalf and due consideration of all evidence and reports, denied Preliminary Design Review; and

WHEREAS, on November 10, 2016, an appeal, filed by the applicant, Richard Deringer, of the DeTurk Winery Village project, was submitted to the City Clerk; and

WHEREAS, the applicant has further revised the design of the DeTurk Winery Village project to address the action items identified by the Design Review Board and has provided additional information to address concerns raised by the Cultural Heritage Board; and

WHEREAS, on January 31, 2017, the Council of the City of Santa Rosa, held a duly noticed public hearing to consider the appeal application; and

WHEREAS, after due consideration, investigation, and study made by itself and on its behalf and due consideration of all evidence and reports offered, the Council of the City of Santa Rosa does find and determine the following:

- A. The design and layout of the proposed development is of superior quality, and is consistent with the General Plan, the Downtown Station Area Specific Plan, applicable Zoning Code standards and requirements, the City's Design Guidelines, architectural criteria for special areas, and other applicable City requirements (e.g., City policy statements and development plans); and
- B. The design is appropriate for the use and location of the proposed development and achieves the goals, review criteria and findings for approval as set forth in the Framework of Design Review (Design Guidelines, Introduction, Subsection C). The site plan provides a layout that shows required development standards have generally been met. The project proposes to include a Density Bonus and, as such, will offer 15 units designated for very-low income occupants. These units represent eleven percent (11%) of the maximum allowable density, which would entitle the applicant to two concessions.

The applicant has requested two concessions with respect to development standards: (i) deviation from the maximum height development standard, and (ii) modified parking requirements. The Density Bonus application and the requested concessions will be considered by the Planning Commission for recommendation and the Council for final action at a later date; and

- C. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments. The site is located within one-half mile of the Downtown SMART Station and is designated by the General Plan land use diagram as Transit Village Medium (25-40 units per acre), an area selected for high density residential development. The project is compatible with adjacent proposed high density residential development and is buffered from lower density housing in the West End Neighborhood by the DeTurk Round Barn and DeTurk Park; and
- D. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood. In response to direction from both the Cultural Heritage Board and Design Review Board at a Joint Concept Design Review meeting held on March 3, 2016, the proposed project incorporates heavy materials in keeping with the industrial history of the DeTurk Winery complex. A Historic Evaluation prepared by Susan Clark, M.A., Architectural Historian, dated September 2016, and an addendum to the report, also prepared by Susan Clark, dated November 29, 2016, concluded that the DeTurk Round Barn and neighborhood park provide an adequate buffer between the predominately single-family residential West End neighborhood and the subject site, making it possible for these two types of development to be in proximity to each other; and
- E. The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color, and would remain aesthetically appealing and be appropriately maintained. During a Joint Concept Design Review meeting held on March 3, 2016, the Cultural Heritage Board and Design Review Board directed the project applicant in terms of design and materials, with the intent to celebrate the historic industrial use of the site while introducing the new residential use. Those recommendations have been incorporated into the project; and
- F. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity in that the project was reviewed by requisite City staff and conditioned appropriately; and
- G. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
  - Pursuant to CEQA Guidelines Section 15183, the project is consistent with the General Plan, the Downtown Station Area Specific Plan, and zoning, for each of which an Environment Impact Report (EIR) was certified. No further environmental review is necessary as analysis has confirmed that there are no new environmental effects, or environmental effects of greater severity, peculiar to the parcel or the project that were not analyzed and addressed in a prior EIR.

- Pursuant to Section 15332, the project is exempt from CEQA as In-fill Development.
  - a. It is consistent with the General Plan land use designation of Transit Village Medium (25-40 units per acre) and complies with the TV-R-H-SA (Transit Village Residential within the Historic and Station Area combining districts) zoning district requirements.
  - b. It occurs on a site less than five acres within City limits, surrounded by urban uses.
  - c. The site has no value as habitat for endangered, rare or threatened species.
  - d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality that weren't previously considered in the scope of review of the Downtown Station Area Specific Plan EIR, certified by City Council Resolution No. 26949, dated October 9, 2007.
  - e. The site can be adequately served by all required utilities and public services.
- Pursuant to Section 15330, the project is exempt from CEQA in that it involves a minor cleanup effort to eliminate the threat of release of known contamination along Donahue Street through excavation and offsite disposal of contaminated soils.
- Pursuant to Section 15331, the project is exempt from CEQA as maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources, in that it involves restoration efforts removing stucco from the exterior brick walls, opening up arched windows and doors, and replacing in kind of extensively deteriorated or missing features on the historic structures. In a historic evaluation, prepared by Susan Clark, dated September 2016, these restoration efforts are recommended and have been found to be consistent with the Secretary of Interior's Standards.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa does hereby grant the appeal and approve Preliminary Design Review for the DeTurk Winery Village project subject to the following conditions:

## **PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

### **GENERAL:**

1. That the developer shall enter into an agreement with the City which provides that the developer, his heirs, successors, and assigns shall defend, indemnify, and hold the City, its officers, employees, and agents harmless from any and all claims, suits, and actions brought by any person and arising from, or in connection with, the design, layout, or construction of any portion of this project, or any grading done, or any public or private improvements constructed within, or under, or in connection with this project, whether on-site or off-site.

2. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
3. The developer shall pay fees at the time of building permit issuance, including but not limited to Housing Impact Fees, unless a later time is otherwise allowed by City Code.
4. All work shall be done according to the final approved plans stamped received on October 24, 2016.
5. Site addressing shall be shown on plans submitted for building permits and approved by the Fire Department.

**BUILDING DIVISION:**

6. Obtain building permits for the proposed project.
7. Provide a geotechnical investigation and soils report with the building permit applications. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
8. Comply with all Federal, State and local codes, disabled access included.

**ENGINEERING DIVISION:**

9. If the project receives approval from the City Council for a thirty-five percent (35%) Density Bonus and receives approval from the City Council for vacation of public right of way along the east side of Donahue Street between 8<sup>th</sup> and 9<sup>th</sup> Streets, the project shall comply with all conditions as specified by the attached Exhibit "A" dated September 26, 2016 (revised January 24, 2017), attached hereto and incorporated herein. If the project does not receive those approvals from the City Council, the project shall be revised accordingly and referred back to the Engineering Division for appropriate modification of conditions.

**PLANNING DIVISION:**

10. Approval of a thirty-five percent (35%) Density Bonus shall be obtained from the City Council. Any such Density Bonus shall be conditioned in compliance with City Code Chapter 20-31, including but not limited to the following:
  - A. The units designated for very-low income occupants will be substantially the same as market rate rental units, and shall remain substantially the same through repairs and improvements for the entire 55-year period in which these units are designated for very low income occupants.
  - B. The applicant shall enter into an agreement with the Housing Authority to provide fifteen (15) units designated for very-low income occupants, for a period of fifty-five (55) years.

- C. There shall be four (4) community vehicles provided at no cost to DeTurk Winery Village residents. These vehicles shall be kept in good condition for the life of the project.
  - D. Residential parking spaces shall be unbundled from residential units for the life of the project. Unbundled parking, as defined by the Zoning Chapter 20-70, are spaces that are separated from the cost of housing, meaning that residents with no vehicles would realize a cost savings by not leasing a parking space.
- 11. There shall be no access to the SMART right-of-way adjacent to the property.
  - 12. Approval of the Vacation of Public Right-of-way for the 18,725 square foot area located along the east side of Donahue Street between W. 8<sup>th</sup> Street and W. 9<sup>th</sup> Street shall be obtained from the City Council.
  - 13. A qualified archaeologist and tribal monitor shall be on-site to monitor initial ground disturbing activities. This condition should be printed on all plans submitted for permits.
  - 14. Noise generating construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday. Non-noise generating construction activities are permitted on Saturday from 8:00 a.m. to 5:00 p.m. No construction is permitted on Sundays and holidays. Construction hours shall be noted on all pages of plans submitted for grading and building permits.
  - 15. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that shown on the project plans stamped received on October 24, 2016.
  - 16. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
  - 17. The design of all fencing, sound walls, carports, trash enclosures, and similar accessory site elements shall be compatible with the architecture of main buildings and shall use similar materials. The design must be approved by the Planning Division prior to issuance of a building permit.
  - 18. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architectural design consistent with the building architecture element shown on the project plans stamped received on October 24, 2016.
  - 19. All refuse bins and storage areas shall be maintained in good condition, and kept out of public view.
  - 20. LANDSCAPING:
    - A. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.

- B. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.
21. LIGHTING:
- A. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit in accordance with the Final Design Review approval.
  - B. All lighting shall be directed toward the subject property and away from adjacent properties.
  - C. The mounting height of lighting fixtures in outside parking areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.
22. SIGNING:
- A. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.
  - B. Building permits for sign installations shall be separate permits from other building permits issued for construction.
23. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.

#### **FIRE DEPARTMENT**

24. All bedrooms below the fifth floor shall have an emergency egress window which opens upon a Yard or Court with access to the public way for the purpose of evacuating occupants via a Fire Department ladder. Alternatively, project may be built as CBC Type II-A, III-A, or IV construction and fully sprinklered per NFPA 13.
25. Per local amendment to CA Fire Code, standpipes are required in all buildings three stories or more in height. Due to the extended configuration of this building, additional hose outlets connected to the standpipe system are required at the podium level and may be required at some 4<sup>th</sup> Floor bridges at the determination of the Santa Rosa Fire Department. Class 1 standpipes shall be located per CA Fire Code and designed and installed per NFPA 14.
26. Remediation requirements for residential projects are stricter than those for industrial/commercial uses, so on-site redevelopment for residential use may require additional site mitigation. The applicant shall provide an analysis that indicates the level of contamination is below the threshold allowable for residential uses. If the applicant is not able to produce the required analysis, a plan will be required to be reviewed and approved by Santa Rosa Fire Department and the North Coast Regional Water Quality Control Board to address the clean-up objective.

27. Reports indicate that there is still underground piping and contaminated soil in or adjacent to the site, along Donahue Street, between W. 8th Street and W. 9th Street, associated with this property. As detailed in a letter authored by Scott Moon, Fire Marshall, dated April 9, 2013, the developer shall follow the Remedial Objectives that are outlined on Page 20 and the Recommendation on Page 32 of the "Revised Feasibility Study/Corrective Action Plan" dated January 20, 2011.

Alternatively, the applicant may provide a more current report that focuses on the development boundary and propose a new Corrective Action Plan to be reviewed and approved by the Santa Rosa Fire Department and the Regional Water Quality Control Board.

Prior to work commencing at the site, a permit shall be obtained from the Santa Rosa Fire Department.

#### **POLICE DEPARTMENT**

28. Install a security camera or similar recording device at the entrances and exits to the complex, including parking garages;
29. Fencing along the railroad tracks should be constructed from cut-resistant material and should be a minimum of eight (8) feet in height; and
30. The eastern elevation of the building shall be finished with an anti-graffiti coating where possible.

IN COUNCIL DULY PASSED this 31st day of January 2017.

AYES: (7) Mayor Coursey, Vice Mayor Tibbetts, Council Members Combs, Olivares, Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Interim City Attorney