

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT TO ALLOW ADDITIONAL BUILDING HEIGHT FOR THE
CONSTRUCTION OF THE HAMPTON INN & SUITES, LOCATED AT THE NORTHERN
END OF AIRWAY DRIVE; APN: 058-011-018; FILE NUMBER PRJ17-076

WHEREAS, on June 14, 2017, a Design Review application was submitted to Planning and Economic Development for the Hampton Inn & Suites, a proposal to construct a 55-foot tall, four-story, 100-suite hotel with associated site improvements, to be located at Assessor's Parcel No. 058-011-018. On September 20, 2017, a companion Conditional Use Permit application for additional building height was submitted; and

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

WHEREAS, the Planning Commission has considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed hotel is allowed with a minor Conditional Use Permit within the CO-G-RC (Commercial Office, within the Gateway and Resilient City combining districts) zoning district and complies with all other applicable provisions of the Zoning Code and the City Code in that hotels are permitted with approval of a minor Conditional Use Permit in areas within the CO zoning district. As designed, the hotel exceeds the 35-foot allowable height. Pursuant to Zoning Code Section 20-30.070, a structure within a commercial zoning district may exceed the height limits with Conditional Use Permit approval; and
- B. The proposed use is consistent with the General Plan land use designation of Office which provides sites for administrative, financial, business, professional, medical, and public offices. On October 25, 2016, the City Council approved a Zoning Code Text Amendment to allow lodging uses (hotel or motel) within the CO (Commercial Office) zoning district with the approval a MUP. The Council found that a hotel use would have similar impacts to the uses considered in the scope of the General Plan 2035 Environmental Impact Report, certified by Council in 2009. The site is not within a specific plan area; and

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- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the hotel is located on the west side of the parcel, away from residential uses to the west and south. The Project plan includes emergency access along the southern boundary, and is surrounded to the north and east with similar structures and uses. The Project provides setbacks, circulation and design features compatible with the surrounding neighborhood; and
- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints. It is in an area that is fully developed, and the hotel structure is surrounded to the north, east and south by similar commercial uses. The Project plans have been reviewed by City staff and have been conditioned appropriately; and
- E. 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 entire project has been reviewed by City staff, outside agencies, and approval authorities and conditioned to minimize potential impacts; and
- F. The Project has been found in compliance with the California Environmental Quality Act (CEQA):
 - a. Pursuant to CEQA Guidelines Section 15183, the project is consistent with the General Plan and zoning, for which an Environment Impact Report (EIR) was certified by Council in 2009. The EIR analyzed impacts to traffic, air quality & greenhouse gases, and noise for implementation of the General Plan.

On October 25, 2016, the City Council approved a Zoning Code Text Amendment to allow lodging uses (hotel or motel) within the CO (Commercial Office) zoning district with the approval a MUP. The Council found that a hotel use would have similar impacts to the uses considered in the scope of the General Plan 2035 Environmental Impact Report.

The subject site is surrounded by commercial buildings with similar massing. The applicant has provided renderings which indicate minor visual impacts. Tree removal due to construction will be done in compliance with City Code Chapter 17-24, including trees that experienced fire damage in the October 2017 firestorm.

Based on the similar level of intensity of development evaluated under the Office land use designation and supplemental analyses of project-specific impacts, staff has determined that no further environmental review is necessary.

- b. Pursuant to CEQA Guidelines Section 15332, the Project qualifies for a categorical exemption as in-fill development.
 - The Project is consistent with the General Plan land use designation of Office, which allows development of administrative, financial, business, professional,

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medical and public facilities, and it complies with the CO-G-RC (Commercial Office, within both the Gateway and Resilient City combining districts) zoning district development standards (refer to discussion under CEQA Guideline Section 15183).

- It occurs on a site that is less than five acres within City limits, and is substantially surrounded by urban uses.
- The site has no value as habitat for endangered, rare or threatened species. In a Biological Resources Assessment prepared by Lucy Macmillan M.S., dated 1/2018, the site does not provide any value as habitat for endangered, rare or threatened species. The report does identify the site as having potential for nesting birds. The project has been required to qualified biologist shall perform a pre-construction survey for nesting birds within 14 days prior to any tree removal and/or ground-breaking activities, which is a standard condition of approval.
- Approval of the project would not result in any significant effects relating to traffic. A study conducted by W-Trans, dated December 27, 2017, found that the affected intersections are expected to continue operating acceptably with project traffic added. As discussed previously in this section (Guideline 15183), the EIR certified for the General Plan analyzed impacts air quality, greenhouse gases, and noise, for implementation of the General Plan. The project has been conditioned to comply with the City's Low Impact Development standards, which will treat stormwater runoff generated by a one-inch storm over a 24-hour period.
- The Project site is in area developed for commercial uses. It can be adequately served by all required utilities and public services. City staff has revised the plans and conditioned the Project appropriately.

BE IT FURTHER RESOLVED, that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

BE IT FURTHER RESOLVED that a Conditional Use Permit for additional building height, is approved subject to each of the following conditions:

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.

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2. All work shall be done according to the final approved plans dated September 13, 2017, unless otherwise modified by the Design Review Board.
3. The address shall be displayed in a prominent location on the street side of the property. The numbers shall be no less than 6-inches in height and shall be of a contrasting color to the background to which they are attached. The address shall be illuminated during hours of darkness per City "Premises Identification" requirements.
4. Comply with all Federal, State and local codes, disabled access included.

BUILDING DIVISION:

5. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
6. Obtain a building permit for the proposed project.

ENGINEERING DIVISION:

7. Compliance with all conditions as specified by the attached Exhibit "A" dated July 17, 2017, attached hereto and incorporated herein.

PLANNING DIVISION:

8. Any excavation or ground disturbing activities into previously undisturbed native soil shall be monitored by a tribal representative or qualified archaeologist.
9. The subject site experienced extensive fire damage during the October 2017 firestorm. Developer shall provide an updated (post-fire) arborist's evaluation with plan sets submitted for building permits. If any trees are identified to be replaced, an updated planting plan shall also be provided.
10. If construction activities commence between January 15 and August 31, a qualified biologist shall perform a pre-construction survey for nesting birds within 14 days prior to any tree removal and/or ground-breaking activities related to the project.
11. Any existing zoning or building violations must be cleared prior to or in conjunction with any new permits.
12. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturdays. No construction is permitted on Sundays and holidays, unless otherwise approved by the Director of Planning and Economic Development.
13. Should housing in-lieu fees be applicable, then this proposal shall be subject to the provisions of Ordinance No. 3526, (requirements for lower-income housing), as the same now exists or may be extended and as its provisions may be amended, revised, or re-enacted in the future.

14. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
15. PROJECT DETAILS:
 - A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and California Building Codes, as well as the City's Design Review Guidelines.
 - B. 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.
 - C. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architectural design consistent with the building architecture element approved by the Design Review Board or Planning Division.
 - D. All outdoor storage of materials and/or refuse bins/cans shall be maintained within a completely screened structure or area. The design of the screened structure or area shall be approved by the Planning Division prior to issuance of a building permit.
16. TREE PRESERVATION:
 - A. Tree Preservation notes and protection during construction notes shall be shown on the improvement plans and building plans. The tree driplines shall also be shown on each drawing with the attendant protection instructions.
 - B. Prior to issuance of a grading or building permit for any clearing, excavation, construction, or other work on the site, a protection zone shall be established to protect natural vegetation and trees from construction activities. The following conditions and restrictions shall apply:
 - i. The zone shall encompass the "protected perimeter" which shall be either the root zone or other limit as established in this approval.
 - ii. The zone shall be delineated with a brightly colored construction fence. Such fences shall remain continuously in place for the duration of all work undertaken on the site.
 - iii. No storage or construction activities (including trenching, grading or filling) shall be permitted within the protected zone.
 - iv. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.

- v. All brush, earth, and other debris shall be removed in a manner which prevents injury to the protected trees and/or shrubs.
 - vi. No oil, gas, chemicals, or other substances that may be harmful to trees shall be stored or dumped within the protected perimeter or any other location from which substances might enter the perimeter of a protected tree.
 - C. The protection zone delineated with the brightly colored construction fence shall be posted with signs which state "Tree/Vegetation Protection Zone -- No Construction Activities or Storage Permitted."
 - D. Irrigation systems, and plant varieties which require regular watering shall not be permitted within the dripline of an Oak tree which is to be preserved.
 - E. No concrete or asphalt paving or compaction of soil shall be permitted within the root zones of protected trees, which is defined by the Tree Ordinance as the area of ground around the trunk of a tree which includes the drip line and an additional ten-foot wide circular strip of ground around the outside of the drip line.
 - F. Any special work, including mitigation, within the "Protection Zone" must be done under the supervision of a City-approved certified arborist.
17. LANDSCAPING:
- A. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
 - B. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans.
 - C. 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.
18. LIGHTING:
- A. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit in accordance with the Design Review approval.
 - B. Light sources shall be concealed from public view.
 - C. All lighting shall be directed toward the subject property and away from adjacent properties.
 - D. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.

19. PARKING LOT AREA:

- A. The parking lot shall be paved to City standards.
- B. The parking lot shall be provided with concrete curbing around all planter areas unless specifically approved by the Planning & Economic Development Department in some other fashion.
- C. The parking lot shall be striped according to City standards and all handicapped and compact spaces shall be identified and marked accordingly.
- D. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.

20. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.

21. NATURAL RESOURCES:

- A. Advisement. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. The applicant shall acknowledge in writing receipt of the above advisement.
- B. The City's approval is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms and conditions set forth in in this approval. Any permit condition that requires project redesign shall trigger a review by the City of Santa Rosa Director of Planning & Economic Development to determine if the project as redesigned is consistent with the original approval. A project that the City determines is not consistent with the City approval shall not be granted subsequent approvals, including but not limited to approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.
- C. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.
- D. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.

FIRE DEPARTMENT

22. Per CA Fire Code Appendix D104.1, "Buildings or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure." This site has only one means of apparatus access via Airway Drive and private driveway. Applicant shall submit an Application for Alternate Means or Methods of Providing Fire Protection to the Fire Department for review and approval. Alternate to include two access to roof from protected stairwells, standpipe outlets at roof, and an enhanced fire sprinkler system (NFPA 13 rather than NFPA 13R).
23. Required Fire Flow for a 61,400 sf building of Type V-A construction is 4,500 gpm, which can be reduced by 50% to 2,250 gpm with installation of an automatic fire sprinkler system. A 2005 Fire Flow test of public fire hydrant #2911 (at north end of Airway Drive) indicates 2,646 gpm is available at a residual pressure of 20 psi. Multiple developments along this section of Airway Drive have been constructed since 2005. A new Fire Flow test of fire hydrant #2911 is required. Sprinkler system (per NFPA 13R) for this project shall be designed and hydraulically calculated before Improvement Plans are submitted for review so that water service to the project can be accurately assessed. A fire pump may be necessary.
24. Aerial apparatus access is required for buildings over 30 feet tall at the eave or parapet. Aerial access shall be provided along one entire side of the building: 26 feet wide, paved, at least 15 feet but not more than 30 feet from the face of building.
25. A Phase 1 Environmental Site Assessment shall be submitted at the Fire Department, including the review fee, and approved. Grading, demolition or construction permits shall not be issued until the Fire Department has reviewed and approved the Phase 1 study.
26. Buildings three (3) or more stories are required to provide a fire standpipe system. With fire sprinkler credit, the Class III requirement can be reduced to a Class I standpipe system per NFPA 14.
27. Fire department connections (FDC's) shall be located within 100 feet of a fire hydrant.
28. Required Fire Department access roads shall be signed "No Parking – Fire Lane" per current Fire Department standards.
29. Traffic calming measures on private property are not approved as a part of this review (i.e. speed bumps, humps, speed tables or undulations).
30. Provide a Fire Department key box (Knox box).
31. Twelve inch illuminated building address characters shall be provide per Fire Department standards.
32. Buildings exceeding 25,000 ft² shall comply with the "In Building Public Safety Radio System" requirement of CA Fire Code 510.

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33. Storage or use of any hazardous materials at the site will require a Hazardous Materials Inventory Statement to be submitted to the Fire Department for review. Materials in excess of the permit amounts will require a Hazardous Materials Management Plan to be submitted to the Fire Department for review and approval and may require payment of Hazardous Material Use or Hazardous Waste Generator fees.
34. Access roads and water supplies for fire protection shall be installed and made serviceable prior to storage or construction of any combustible materials.

RECREATION AND PARKS DEPARTMENT

35. The applicant shall pay park fees in effect at the time the building permit is issued
36. The Project shall comply with the City's Public Art requirements, pursuant to City Code Chapter 21-08.
37. The landscape median in the driveway entrance shall be maintenance privately. This entry median shall not be dedicated to the City for maintenance purposes.
38. Street tree will be required and planted by the developer. Selection will be made from the city's approved master plan list and inspected by the Parks Division. Planting shall be done in accordance with the City Standards and Specifications for Planting Parkway. Copies of the master street tree list and the standards are available at the Parks Division Office (707) 543-3770. This declaration shall be added to the General Notes of the improvement plans.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 10th day of May 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Chair

ATTEST: _____
Executive Secretary