

RESOLUTION NO. DR19-028

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A DESIGN REVIEW APPLICATION FOR DUTTON FLATS MULTI-FAMILY DEVELOPMENT FOR THE PROPERTY LOCATED AT 208 W. 3RD ST., SANTA ROSA, APN: 125-061-026

WHEREAS, the Zoning Administrator granted a five-unit density bonus, including five development concessions or waivers for building height, building setbacks, general setback requirements, alternative vision triangle, and driveway design, in compliance with Zoning Code Chapter 20-31, for Dutton Flats, a 5-story, 41-unit, multi-family development of which at least 30 percent of units will be designated for low-income owners; and

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

The Santa Rosa Zoning Administrator has completed its review of your application. Please be advised that your Design Review to develop a 5-story, 41-unit, multi-family development of which at least 30 percent of units will be designated for low-income owners, has been granted based on your project description and official approved exhibit dated April 15, 2019 and June 15, 2019. The Santa Rosa Zoning Administrator has based this action on the following findings:

- The design and layout of the proposed development is of superior quality and is consistent with the General Plan and the City's Design Guidelines and the matter has been properly noticed as required by Section 20-52.050.E.2.a and a request for a public hearing has been acted upon;
- The design is appropriate for the use and location of the proposed development and achieves the goals, review criteria and findings for approval as set forth in the Framework of Design Review in that use creates a strong relationship with the multi-family development located diagonally across the intersection, and the building's ground-level community amenities spaces feature storefront designs that reflect nearby commercial retail uses, thus uniting existing development on all corners of the intersection. Site connectivity is enhanced by access to vehicular, transit, bicycle, and pedestrian networks, and the site will provide a bus-pullout and building-integrated bus shelter.
- The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments in that the building form is a 5-story 'L' shape that bounds the edges of both streets with the base along these arterial streets comprised of an ~ 14-foot high cementitious base with storefront openings placed equally to provide a sense of balance. All required onsite parking is located behind the 'L' shaped building that fronts Dutton Avenue and W. 3rd Street. Parking areas are only visible from the Decoe Street drive entryway. A building entrance is located at the street sidewalk emphasizes the project's pedestrian orientation, and a small plaza area creates an inviting space at the intersection that is framed by the building's architecture.

- The architectural design of the proposed development is compatible with the character of the surrounding neighborhood in that residential units are distinguishable by projected vertical planes comprised of side-by-side windows and deck openings stacked, and the elevations are further differentiated by vertical bands of color that help to identify residential units and add visual interest with other exterior finish materials including metal and stucco panels and fiber cement siding. Balconies and operable windows located at the upper levels and on portions of the ground floor express quality living of a home.
- The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color and would remain aesthetically appealing and be appropriately maintained in that the building is an identifiable and meaningful expression of the building's function, the double height intersecting cube of ~ 18-feet at the entry with a storefront that serves as the main entry to the project anchor the building and entire project on the street corner and respond meaningfully to the large, active intersection, and plant and tree materials are integrated with site conditions;
- 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 residential use is a permitted use, the minimum amount of required parking is provided, and a focused traffic study prepared by a licensed professional engineer indicates negligible impact on existing traffic conditions;
- The proposed Project has been found exempt from the provisions of the California Surface Mining and Reclamation Act of 1975 because all proposed excavation and earthmoving activities can be identified as a necessary and integral part of a construction project; and
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for an exemption under California Government Code Section 65457 and Section 15182 (Residential Projects Pursuant to a Specific Plan) of the State CEQA Guidelines. These provisions apply to residential Projects where a public agency has prepared an Environmental Impact Report (EIR) on a specific plan. On October 9, 2007, the City Council, concurrent with the adoption of the Downtown Station Area Specific Plan (Specific Plan), certified the Specific Plan EIR (SCH 2006072104). The density, design, and infrastructure plan under the proposed project is consistent with the adopted Specific Plan in that the level and intensity of the proposed developments and the locations of the developments are consistent with the Specific Plan. No special circumstances or potential new impacts related to the Project has been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the Specific Plan EIR. The Specific Plan EIR adequately addressed environmental issues related to the development of the entire Specific Plan area, including the subject property. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15182, and California Government Code Section 65457, no further environmental review is required.

The Project qualifies for a Class 32 exemption under California Government Code Section 15332 (In-fill Development Projects) of the State CEQA Guidelines in that:

- The Project is consistent with Santa Rosa General Plan 2035, the Downtown Station Area Specific Plan, and the current City of Santa Rosa Zoning Code;
- The Project is located within City of Santa Rosa jurisdiction, on a project site of no more than five acres substantially surrounded by urban uses;
- The Project site has been previously developed and has no value as habitat for endangered, rare or threatened species;
- The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- The Project site is located in a developed area where it can be adequately served by all required utilities and public services. City staff has reviewed the plans and conditions the project appropriately.

No exceptions to the exemption apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines Section 15300.2.)

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

1. An approved Lot Merger application for parcels addressed as 206, 208, and 214 W. 3rd St. is required prior to submittal of building permit application.
2. The proposed building-integrated bus shelter facilities shall include a bus stop sign, a bicycle rack near the shelter, a trash can, and power and data connections for a realtime arrival display.
3. A minimum 25 percent transparency is required on all street-facing storefront windows and glass entry doors of the ground floor entry and community amenities spaces.
4. Tree removal mitigation in accordance with the approved landscape plan is required. Street trees shall be no greater than 15 feet in height and shall not extend beyond the curb line.
5. A survey of subject trees for nesting raptors shall be conducted no more than 72 hours prior to tree removal activities. The survey must be completed by a certified ornithologist, licensed biologist, or licensed arborist. If the survey detects the presence of nesting raptors, tree removal activities must be placed on hold until a time determined by the licensed professional.

6. Street lights conforming to City street light standards are required for any street lights located within the public right-of-way. Street lights identified in the plan set may only be used at locations not within the public right-of-way.
7. Consider providing “active” play equipment for potential youth residents ages 2-5 and 5-12 years in the designated Tot Lot.
8. Consider providing a free or subsized Santa Rosa CityBus transit pass program for residents to encourage transit use.
9. A building permit is required.
10. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall be performed under the direction of a state licensed Geotechnical Engineer and/or a Certified Engineering Geologist. shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations. The investigation shall include the following elements.
 - The subsurface investigation shall include drilling, logging and sampling of boreholes to a minimum depth of 25 feet below the ground surface to evaluate soils for their susceptibility to seismically induced ground failure.
 - If a seismically unstable subsurface material is encountered, the engineer shall identify specific measures to mitigate the impact of seismic ground shaking. Mitigation measures may include soil stabilization techniques such as pressure grouting, specific foundation design measures such as pile foundations or other methods identified by the engineer.

The Project shall comply with the results of site specific Geotechnical Investigation.

11. 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.
12. Pursuant to the City of Santa Rosa Stormwater Management Plan (SWMP); grading, erosion control and stormwater ordinances; and National Pollutant Discharge Elimination System (NPDES) requirements, submit a Storm Water Pollution Prevention Plan(s) (SWPPP) to City Planning prior to submittal of building permit application. The Project SWPPP shall include the following mitigation measures for the construction period:
 - Erosion control/soil stabilization techniques such as straw mulching, erosion control blankets, erosion control matting, and hydro-seeding, shall be utilized, in accordance with the regulations and recommendations outlined in the Santa Rosa Area Standard Urban Storm Water Mitigation Plan (SUSMP) adopted by the City of Santa Rosa, Sonoma County, and the Sonoma County Water Agency. Silt fences used in combination with fiber rolls shall be installed down slope of all graded slopes. Fiber rolls shall be installed in the flow path of graded areas receiving concentrated flows and around storm drain inlets.
 - “Best management practices” (BMPs) shall be implemented for preventing the discharge of other construction-related NPDES pollutants beside sediment (i.e. paint, concrete, etc) to downstream waters.

- After construction is completed, all drainage facilities shall be inspected for accumulated sediment, and these drainage structures shall be cleared of debris and sediment.

Long-term mitigation measures to be included in the Project SWPPP shall include, but are not limited to, the following:

- Description of potential sources of erosion and sediment at proposed project site. Industrial activities and significant materials and chemicals that could be used at the project site should be described. This will include a thorough assessment of existing and potential pollutant sources.
- Identification of BMPs to be implemented at the project site based on identified industrial activities and potential pollutant sources. Emphasis shall be placed on source control BMPs, with treatment controls used as needed.
- Development of a monitoring and implementation plan. Maintenance requirements and frequency shall be carefully described including vector control, clearing of clogged or obstructed inlet or outlet structures, vegetation/landscape maintenance, replacement of media filters, regular sweeping of parking lots and other paved areas, etc. Wastes removed from BMPs may be hazardous, therefore, maintenance costs should be budgeted to include disposal at a proper site. Parking lot areas shall be cleared of debris that may enter the storm drain system on a daily basis.
- The monitoring and maintenance program shall be conducted at the frequency agreed upon by the RWQCB and/or City of Santa Rosa. Monitoring and maintenance shall be recorded and submitted annually to the SWRCB. The SWPPP shall be adjusted, as necessary, to address any inadequacies of the BMPs.
- The applicant shall prepare informational literature and guidance on industrial and commercial BMPs to minimize pollutant contributions from the proposed development. This information shall be distributed to all employees at the project site. At a minimum the information shall cover: a) proper disposal of commercial cleaning chemicals; b) proper use of landscaping chemicals; c) clean-up and appropriate disposal of hazardous materials and chemicals; and d) prohibition of any washing and dumping of materials and chemicals into storm drains.

All applicable components shall be contained in the Project specific SWPPP, and implement for each individual development or redevelopment project site to protect water quality during and after construction.

13. Implement control measures for construction and demolition-related air emissions to ensure that each project sponsor and contractor reduces particulate, ROG and NOx emissions by complying with the BAAQMD policies and guidelines. Each project sponsor and contractor shall implement the following control measures:

- Cover all trucks hauling construction and demolition debris from the site.
- Water on a continuous as-needed basis all earth surfaces during clearing, grading, earthmoving and other site preparation activities.
- Use watering to control dust generation during demolition of structures or break-up of pavement.

- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas.
- Sweep daily (with water sweepers) all paved areas and staging areas.
- Provide daily clean up of mud and dirt carried onto paved streets from the site.
- Renovation, demolition activities, removal or disturbances of any material that contain asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations.
- Properly maintain all construction equipment.
- Reduce equipment idling time.

For construction near sensitive receptors:

- Install wheel washers for all exiting trucks, or wash off the tires or tracks of trucks and equipment leaving the site.
 - Suspend dust-producing activities during periods when instantaneous gusts exceed 25 mph when dust control measures are unable to avoid visible plumes.
 - Limit the area subject to excavation, grading and other construction or demolition activity at any one time.
14. Archeological monitoring shall be conducted during earth-disturbing activities. If construction personnel locate buried cultural materials, work shall be halted and a qualified archaeologist shall be contacted to determine proper treatment of the find.
 15. A qualified wildlife biologist shall conduct pre-construction surveys. If an active bird nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300 feet for raptors; or (b) 75 feet for other non-special-status bird species. Disturbance of active nests shall be avoided to the extent possible until it is determined that nesting is complete and the young have fledged.
 16. Developers shall ensure that construction equipment be well maintained and used judiciously to be as quiet as practical. The following measures, when applicable, will be required from developers to reduce noise from construction activities:
 - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
 - Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
 - Prohibit unnecessary idling of internal combustion engines.
 - Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
 - Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
 - A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites.

- This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
 - Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 a.m. to 7:00 p.m.
 - Businesses, residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. Designate a “construction liaison” that will be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.
17. Submit a noise assessment/mitigation study with the building permit application. The noise mitigation recommendations shall include information about how the dwelling units will need to be constructed so that the sound levels within the dwelling units do not exceed City General Plan and State mandated noise levels. Comply with all noise mitigation measures contained in the noise study.
 18. No signs are approved as part of the Project. Signs will require separate Planning and Building permits.
 19. Comply with all conditions of approval contained in Engineering Development Services Exhibit “A” attached hereto and incorporated herein.
 20. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
 21. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.

This Design Review for a 5-story, 41-unit, multi-family development of which at least 30 percent of units will be designated for low-income owners, is hereby approved on this 20th day of June, 2019. If conditions have not been met or if work has not commenced within two years from approval date, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration. The approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: _____
ANDY GUSTAVSON, ZONING ADMINISTRATOR