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APPEAL FORM

Date Received: 3/8/19

Fee: \$7,911

City Clerk's Office/Rec'd by: N. Trupiano

Name of Appellant: Trumark Homes

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

The above named appellant does hereby appeal to your Honorable Body the following:

The decision of the: (List Board/Commission/Dept.) Planning Commission

Decision date: 2/28/2019

Decision: (approval, denial, other) Denial of General Plan Amendment, CUP, & Tentative Map.

Name of Applicant/Owner/Developer: DM Associates LLC / Hearn Avenue LLC / Trumark Homes

Type of application: (Rezoning, Tentative Map, etc.) General Plan Amendment, CUP and Tentative Map.

Street address of subject property: 2650, 2666, 2684 Dutton Meadow and 1112 & 1200 Hearn Ave.

The grounds upon which this appeal is filed are: (List all grounds relied upon in making this appeal. Attach additional sheets if more space is needed.)

1. see attached appeal letter from applicant's attorney.

2. \_\_\_\_\_

The specific action which the undersigned wants the City Council to take is: (Attach additional sheets if more space is needed.)

see attached letter

Appeals shall be submitted in writing.....on a City application form within 10 calendar days after the date of the decision. The time limit will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.

Applicant's Signature: [Signature] Date: 3/7/19

Robin Miller for Trumark Homes Applicant's Name (type or print) Address: 3001 Bishop Dr. Ste 100 San Ramon, CA 94583

Daytime Phone Number: 925-999-3975 Home Phone Number: \_\_\_\_\_

KRISTINA D. LAWSON  
PARTNER  
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DIRECT FAX (925) 746-8490  
E-MAIL [klawson@hansonbridgett.com](mailto:klawson@hansonbridgett.com)



March 7, 2019

VIA HAND DELIVERY

Honorable Mayor Tom Schwedhelm  
and Members of the City Council  
City of Santa Rosa  
City Hall  
100 Santa Rosa Avenue  
Santa Rosa, CA 94504

Re: **Notice of Appeal of Planning Commission Decision: DUTTON MEADOW  
SUBDIVISION - GENERAL PLAN AMENDMENT, CONDITIONAL USE PERMIT,  
TENTATIVE MAP -2684 DUTTON MEADOW - PRJ18-039 (GPAM18-003, CUP18-101,  
MAJ18-006)**

Dear Honorable Mayor Schwedhelm and Members of the City Council:

This office represents Trumark Homes ("Trumark") in connection with its proposed Dutton Meadow residential subdivision (the "Project"). Pursuant to section 20-62.030 of the Santa Rosa City Code, and all applicable law, this correspondence, together with the attached City appeal application form and required filing fee, shall serve as Trumark's appeal of the Planning Commission's February 28, 2019 decision to deny the Project in its entirety. Residential development of the Project site has been contemplated for many years, and the Project presents a unique opportunity to provide the community with desirable new housing stock at a time of critical need.

#### Pertinent Facts

The Project is proposed to be located on an 18.4 acre parcel within the Roseland area of Southwest Santa Rosa. The Project site was originally entitled for residential development by Trumark in 2006 – almost thirteen years ago. Due to market conditions, the originally approved project was not able to be developed and the 2006 entitlements expired. Last year, Trumark submitted a new application for entitlements to develop the site proposing to subdivide the site to accommodate 130 single-family dwellings and 81 accessory dwelling units. 20 of the accessory dwelling units are proposed as deed-restricted, affordable housing units. On- and off-site improvements proposed as part of the Project include an extension of the Northpoint Parkway and Street A, to provide access to the 130 lots, lot-specific and visitor parking spaces, and both private and common landscaping.

The requested entitlements for the project include a General Plan Amendment (GPAM18-003) to modify the regional circulation shown in the Roseland Area Specific Plan and the City's General Plan, a tentative subdivision map to create 130 separate lots (MAJ18-006), and a conditional use permit to authorize lot sizes less than 6,000 square feet (CUP18-101).

**Hanson Bridgett LLP**

425 Market Street, 26th Floor, San Francisco, CA 94105 [hansonbridgett.com](http://hansonbridgett.com)

15311368.1

In the staff report prepared in advance of the February 28, 2019 Planning Commission meeting, City staff recommended the Planning Commission deny the Project based on concerns about potential anticipated impacts to regional circulation. After a lengthy public hearing, the Planning Commission ultimately adopted staff's recommendation.

Basis for Appeal/Grounds Upon Which Trumark Relies In Making The Appeal

Trumark appeals the Planning Commission's decision for the reasons and on the grounds set forth below.

The proposed Project advances important public interests and the denial of the project prior to the completion of the Project environmental review or development of conditions of approval was arbitrary and capricious and deprived Trumark and the public of a complete and fair vetting of the relevant issues.

There is an urgent need for housing in Santa Rosa and this project presents the opportunity to add more than 210 desperately needed new housing units to the City's housing stock. In a time of extraordinary housing need, the City is currently on track to replace less than 5% of the housing units lost in the Tubbs Fire of 2017. The City has also permitted less than 25% of the units allocated under the most recent state regional housing needs allocation, and has been deemed by the California Department of Housing and Community Development to have made insufficient progress towards certain key housing targets.

In recognition of the severe housing crisis in Santa Rosa, four of the five priorities identified by the City Council in 2017 and 2018 were aimed toward spurring housing development within the City. As an example, in 2017 the City adopted a new accessory dwelling unit ordinance to allow the development of ADUs on lots designated for single family residential development. The Project proposes exactly what the ADU ordinance was intended to facilitate and is consistent with the housing production goals established by the City Council.

Staff's recommendation to deny the Project focused on the need to modify the proposed circulation plan for the area originally developed in 2006, and the Planning Commission's denial appeared to be based on concerns that a modified street network would result in unanticipated impacts to future projects. While the Project has proposed a street network that is different than the configuration that was developed more than a decade ago, Trumark and its traffic consultants have studied the potential impacts and are confident that the Project's roadways will meet or exceed City standards and will address important safety considerations. As a practical matter, without development of the Project site, the City cannot begin to address the traffic and circulation concerns that exist today in the Roseland area. The circulation plan as approved in the Roseland Specific Plan and adopted into the General Plan can only be implemented if the Dutton Meadow Project is approved and built, and the Dutton Meadow Project cannot be built because of the result of the impacts created by the approved circulation plan.

Residential development of the Project site has been contemplated for more than a decade and the time to move forward is now. The need is critical, Trumark's proposed development plan is reasonable and forward-thinking, and if approved this Project can be financed and constructed, on an expedited basis.

Honorable Mayor Tom Schwedhelm and Members of the City Council  
March 7, 2019

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Specific Action Requested

On behalf of Trumark, we respectfully request the City Council to overturn the decision of the Planning Commission and to direct staff to return to the City Council by a date certain the necessary documentation for the City Council to properly consider the Project for approval.

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We appreciate the City Council's consideration of this matter and look forward to the opportunity to discuss this matter with you in more detail. As the appeal moves forward, we reserve the right to present additional supplemental information in writing and at any public hearings held in the future.

Very truly yours,



Kristina D. Lawson

KDL

cc: City Clerk  
Trumark Homes

## Robin Miller

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**From:** Nicholson, Amy <anicholson@srcity.org>  
**Sent:** Friday, March 1, 2019 11:32 AM  
**To:** Robin Miller  
**Subject:** RE: Dutton Meadow  
**Attachments:** Appeal Form Council.pdf

Hi Robin,

The deadline to appeal to the City Council (form attached) is the close of business on Monday, March 11<sup>th</sup>. The appeal form is filed with the City Clerk's Office, and the fees are as follows:

\$5,859 – Appeal by applicant to the City Council  
\$2,052 – Public Hearing fee for the City Council

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### Amy Nicholson | City Planner

Planning and Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404  
Tel. (707) 543-3258 | Fax (707) 543-3269 | anicholson@srcity.org



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**From:** Robin Miller <rmiller@trumarkco.com>  
**Sent:** Thursday, February 28, 2019 8:12 PM  
**To:** Nicholson, Amy <anicholson@srcity.org>  
**Subject:** Dutton Meadow

Hi Amy

Great presentation tonight. Can you tell me when is our deadline for appeal to City Council? Thanks

**Robin Miller**  
Director of Development

*Direct: (925) 999-3975*  
*Mobile: (415) 497-4536*  
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Trumark Homes  
3001 Bishop Drive  
Suite 100  
San Ramon, CA 94583

Sent via iPhone