

RESOLUTION NO. RES-2019-110

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA GRANTING THE RESIDENCE INN BY MARRIOTT/AJAIB BHADARE APPEAL AND APPROVING A CONDITIONAL USE PERMIT APPROVAL FOR THE RESIDENCE INN BY MARRIOTT HOTEL PROJECT AT 3558 ROUND BARN CIRCLE; APN: 173-020-008- FILE NUMBER PRJ17-045 AND CUP18-162

WHEREAS, an application was submitted on June 9, 2017 to the Planning and Economic Development Department requesting approval of a Conditional Use Permit (CUP18-162) for the proposed Residence Inn by Marriott (Project), a 114-guest room hotel, located at 3558 Round Barn Circle, also identified as Sonoma County Assessor's Parcel Number 173-020-008; File Number PRJ17-045 and CUP18-162; and

WHEREAS, the Project is located within the boundaries defined in the Fountaingrove Ranch Planned Community District Policy Statement, adopted by the City Council in September of 1981 by Ordinance No. 2196, which has been determined to be consistent with the City's General Plan; and

WHEREAS, on November 29, 2018, 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, on November 29, 2018, the Planning Commission approved a Hillside Development Permit (4 ayes, 2 noes, 1 abstain) for the Project by Resolution No. 11923 which remains valid as it was not appealed; and

WHEREAS, on November 29, 2018, Planning Commission voted 3 ayes, 3 noes, 1 abstention on a motion to approve the Conditional Use Permit for the Residence Inn by Marriott hotel thereby resulting in a procedural denial of the application; and

WHEREAS, Residence Inn by Marriott/Ajaib Bhadare, the Project applicant, filed an appeal of Planning Commission's action on the Conditional Use Permit in a timely manner on December 10, 2018, which indicated that "the purposes of this appeal are to ask the City Council to grant the appeal and approve the conditional use permit for the Residence Inn." The appeal cites seven grounds for the granting of the appeal, including: 1) the application meets or exceeds all requirements and staff recommended approval; 2) the development meets or exceeds all fire-related requirements; 3) the project is consistent with the General Plan and Zoning; 4) dissenting Planning Commissioner votes failed to recognize staff report findings related to incorporating Design Review Board input; 5) the project complies with height requirements and only public view analysis, not private, is required; and 6) the project is Categorically Exempt from CEQA; and

WHEREAS, on February 12, 2019, the City Council 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, on February 12, 2019, following a Staff report, applicant/appellant presentation, question period, and a public hearing, the City Council continued a decision on the item to a date uncertain, directing the applicant/appellant to work with St. Joseph Health toward a resolution regarding the proposed building height; and

WHEREAS, on June 21, 2019, the applicant/appellant submitted a summary of the resolution reached with St. Joseph Health, to the Planning and Economic Development Department, which included, but was not limited to a reduction in the proposed building height by three feet; and

WHEREAS, on June 21, 2019, revised grading, section, and elevation plans were submitted to the Planning and Economic Development Department which demonstrated a finished floor reduction by three feet.

NOW, THEREFORE, BE IT RESOLVED that after consideration of the appeal and the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit) and 20-62-030 (Processing of Appeals), the Council of the City of Santa Rosa grants the appeal filed by Residence Inn by Marriott/Ajaib Bhadare and affirms the recommendation of the Planning and Economic Development Department staff, and makes the following findings and determinations:

- A. The proposed use, a 114-room hotel, is allowed within the Planned Development (PD) district, as regulated by the Fountaingrove Ranch Planned Community Policy Statement and Development Plan and complies with all other applicable provisions of the Zoning Code and the City Code in that the Policy Statement for this PD district allows the proposed use and development standards to be determined as part of the Conditional Use Permit. Further, as the development is proposed on slopes exceeding 10 percent, the Planning Commission has approved a Hillside Development Permit and found development consistent with Zoning Code Chapter 20-32 which regulates Hillside Development.
- B. The Project is consistent with the City's General Plan in that hotels are permitted in the Retail and Business Services land use designation, which is intended to accommodate retail and service enterprises, offices and restaurants. The proposed hotel development would help to replenish the supply of hotel rooms lost during the Tubbs and Nuns Fires, while attracting a regional clientele and providing a diversity of job types. The architecture, site, and landscape plans demonstrate a development respectful of natural features that utilize native plants, limit unnecessary grading, and include a foundation that generally steps to grade, consistent with the Urban Design and Open Space and Conservation elements of the General Plan.
- C. The design, location, size, and operating characteristics of the Project would be compatible with the existing and future land uses in the vicinity in that the Project is consistent with the Fountaingrove Ranch Planned Community District development plan which envisions a Highway, Tourist, Office land use area in the vicinity of the Project

site. Further, the Project site is located away from residential uses, and provides setbacks, circulation and design features compatible with the surrounding neighborhood.

- 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 in that the proposed Project is located in a developed area with access to City services and has been reviewed by City staff and conditioned to include improvements as necessary to support the project and its associated uses.
- E. The Fire Department has reviewed this application and found that the project meets or exceeds all fire safety requirements related to water supply/fire flow, evacuation and roadway adequacy. The State minimum fire flow would require 1,100 gallons per minute (GPM) for this project and the City of Santa Rosa has adopted minimum fire flow requirements of approximately 2,100 gallons/minute, which are more stringent than the State minimum of 1,100 gallons/minute, while the project will provide over 2,500 GPM thereby exceeding both State and local fire flow requirements; and
- F. The project does not present any potential adverse impacts related to any possible need for guest emergency as the site evacuation is proximate to the freeway and the street orientation for an evacuation is evident. The existing roadway is adequate for fire access to the site as it provides for both on-street parking and the required 20-foot roadway travel width for fire vehicles; and
- G. The City has a valid, adopted Climate Action Plan (CAP) and the project is consistent with the City's CAP. The City is not required to analyze Vehicle Miles Traveled (VMT) as part of project review; and
- H. Granting the Conditional Use Permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located in that the Project is buffered from surrounding development by steep slopes, vegetation, and open space areas. 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
- I. The project 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
- J. The mandatory findings can be made to approve the applicant/appellant appeal and the proposed Conditional Use Permit and in support of the applicant's grounds for approving the appeal, including that the development meets or exceeds all fire-related requirements. Further, the applicant has provided a scope for an evacuation plan, that will be completed as a part of the building permit submittal. Staff has found that the project meets all

requirements for approval, including height requirements, that the project is consistent with the Zoning and General Plan and is categorically exempt from CEQA. CEQA does not consider impacts to private views, it only requires analysis of impacts to public views; and

- K. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 32 exemption pursuant to CEQA Guidelines Section 15332. A project that qualifies for an exemption does comply with CEQA. Class 32 Exemptions must meet specific requirements, including General Plan consistency and that all utilities are provided and there are no requirements to look at other impacts such as views, only those items specifically referenced in CEQA to qualify for a Class 32 Exemption. Private views are not an impact under CEQA. The project is consistent with the applicable General Plan designation and all applicable General Plan polices as well as with applicable zoning designation and regulations, in that the General Plan envisioned commercial development of the site, and the development is consistent with development standards.

The site is located within city limits on a project site less than five acres and substantially surrounded by urban uses. Prior to the Tubbs Fire, the 4.6-acre site was bounded by a variety of commercial developments to the north, east, and south, with Old Redwood Highway to the west. Further, the site is immediately adjacent to parcels that are developed with qualified urban uses pursuant to Public Resource Code Sections 21072 and 21061.3.

The site has not been identified as habitat for endangered, rare or threatened species, based on the Biological Assessment by Ms. Lucy Macmillian, M.S., dated February 2018. Consistent with the recommendations of the Biological Assessment, the project has been conditioned to perform surveys and any provide necessary exclusion zones, prior to the commencement of construction activities.

In addition, approval of the project would not result in any significant effects relating to traffic, in that impacts to traffic were reviewed in the W-Trans Traffic Study, dated August 8, 2018, which determined the project would not result in any significant impacts to the existing intersections under present or future conditions.

The project is required to operate within acceptable noise levels as listed in the General Plan and the City's Noise Ordinance. Impacts to air quality and water quality are expected to be less than significant based on the project's consistency with the City's Climate Action Plan. Further, based on the City Engineering Development division's review of the project plans and Stormwater Plan prepared by Adobe Engineering dated June 6, 2017, impacts related to stormwater and drainage will be less than significant.

The City has further determined that no exceptions to the exemptions 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 determination is

based on the previous grading of the proposed site and the development primarily being located on the flatter portion of the site and substantially surrounded by development.

Additionally, pursuant to CEQA Guidelines Section 15183, the project is consistent with the City's General Plan and Zoning, which envisioned the commercial development of the Retail and Business Services area. Therefore, no further environmental review is required.

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 the Residence Inn by Marriott, is approved subject to each of the following conditions:

PLANNING AND 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.
2. All work shall be done according to the grading plans dated received June 21, 2019, except as modified by Design Review Board project review.
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.

EXPIRATION AND EXTENSION:

4. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
5. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.

BUILDING DIVISION:

6. Provide a geotechnical investigation and soils report with the building permit application(s). The investigation shall include subsurface exploration and the

report shall include grading, drainage, paving and foundation design recommendations.

7. Obtain a building permit for the proposed project.

ENGINEERING DIVISION:

8. Comply with all conditions listed in the Engineering and Development Services conditions document, dated July 24, 2018.

PLANNING DIVISION:

9. The project evacuation plan must be reviewed and approved by the City's Fire Department prior to building permit issuance.

10. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080.)

11. **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 architecturally design element approved by the Design Review Board or Planning Division.
- D. All outdoor storage of materials 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.

12. **TREES:**

- 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 contractor(s) shall be notified in writing by the developer of the "Protection Zone." Copies of the letter shall be provided to the Planning and Building Divisions prior to issuance of a building or grading permit for any site work.
- D. The protection zone delineated with the brightly colored construction fence shall be posted with signs which state "Tree/Vegetation Protection Zone -- No Construction or Storage Permitted."
- E. 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.
- F. No concrete or asphalt paving or compaction of soil shall be permitted within the root zones of protected trees.
- G. Any special work, including mitigation, within the "Protection Zone" must be done under the supervision of a City approved certified arborist.
- H. The burned coat live oak trees on the downslope western portion of the site require additional analysis by an arborist or biologist, prior to building permit issuance. Should it be determined that the trees will not regenerate, the applicant's tree planting plan shall be amended to include trees that

will result in a comparable screening, subject to approval by Planning staff.

13. 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, except where not required.
- 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.
- D. Street trees will be required and shall be planted by the developer. Selection will be made from the City's approved Master Street Tree Plant List in coordination with the City Parks Division. Planting shall be done in accordance with the City "Standards and Specifications for Planting Parkway Trees." Copies of the Street Tree List and the Planting Standards are available at the Parks Division office.

14. 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.

15. PARKING:

- A. The parking lot shall be constructed to City standards.
- B. The parking lot shall be provided with concrete curbing around all planter areas unless specifically approved by the Planning and 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.

16. SIGNAGE:

- A. No exterior signs, banners, or the like are approved with this permit.
- B. A planning sign permit application is required for all signs.
- C. Sign permit approval shall be obtained prior to application for a building permit.
- D. Building permits for sign installations shall be separate permits from other building permits issued for construction.

17. 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. Mitigation requirement. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Planning and 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 entitlements, such as 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.

NOW, THEREFORE, BE IT RESOLVED that the Council 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.

IN COUNCIL DULY PASSED this 16th day of July, 2019.

AYES: (5) Mayor Schwedhelm, Vice Mayor Rogers, Council Members, Fleming
Olivares, Tibbetts

NOES: (1) Council Member Combs

ABSENT: (0)

ABSTAIN: (1) Council Member Sawyer

ATTEST: _____ APPROVED: _____
Acting City Clerk Vice Mayor

APPROVED AS TO FORM:

City Attorney