

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
June 11, 2020

PROJECT TITLE

Burbank Avenue Subdivision

APPLICANT

Joe Ripple

ADDRESS/LOCATION

1400 Burbank Avenue

PROPERTY OWNER

SB Land Company LP

ASSESSOR'S PARCEL NUMBER

125-331-003, 125-361-003, 125-361-006,
125-361-007

FILE NUMBER

PRJ19-031 (CUP19-095)

APPLICATION DATE

August 13, 2019

APPLICATION COMPLETION DATE

January 9, 2020

REQUESTED ENTITLEMENTS

Minor Conditional Use Permit

FURTHER ACTIONS REQUIRED

None

PROJECT SITE ZONING

R-1-6-SR, R-1-6

GENERAL PLAN DESIGNATION

Medium-Low Density Residential

PROJECT PLANNER

Adam Ross

RECOMMENDATION

Deny Appeal and Approve the Minor
Conditional Use Permit

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR CISCO AND MEMBERS OF THE COMMISSION
FROM: ADAM ROSS, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT
SUBJECT: BURBANK AVENUE SUBDIVISION MINOR CONDITIONAL USE
PERMIT APPEAL

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department and the Zoning Administrator that the Commission, by resolution, deny the appeal and approve the Minor Conditional Use Permit for a residential small lot subdivision for the Burbank Avenue Subdivision, located within the Roseland Priority Development Area, that would allow development of 62 single-family units, 12 duets, and 64 multi-family apartments.

EXECUTIVE SUMMARY

The proposed development includes a residential small lot subdivision that would allow development of 62 single-family units, 12 duets, and 64 multi-family apartments totaling 138 new housing units. The single-family homes and duets will be on individual lots and the multi-family apartments will be on one lot.

On February 5, 2020, the Zoning Administrator (ZA) held a duly noticed public hearing during a ZA Special Meeting pursuant to the Resilient City Development Measures for the Minor Conditional Use Permit (CUP19-095). The ZA received a presentation from staff, a presentation from the applicant team, heard public comments, and made findings for the approval of the Minor Conditional Use Permit. An appeal to the ZA's decision was filed by Mark Henry Parrish with the Planning and Economic Development Department on February 18, 2020.

Staff is recommending that the Commission deny the appeal to based on the Zoning Administrator's (ZA) approval on February 5, 2020, as well as the Project's compliance with Zoning Code requirements and consistency with the General Plan and Roseland Area/Sebastopol Road Specific Plan policies associated with land use compatibility, range of housing types, and proximity to services and amenities.

BACKGROUND

1. Project Description

The proposed development includes residential small lot subdivision for 138 new housing units on a 14.25-acre site over four (4) existing lots that would subdivide them into 75 new lots. The 62 single-family detached homes will be on lots 1 through 62 that are centrally and easterly located throughout the development. Lots 1 through 16 will abut the small lot subdivision to the east. The duets will be located on lots 63 through 74 on the northwest corner of the site, oriented north toward a new public road and served by two new auto courts. The multi-family apartment complex will be located on a 90,198 square-foot lot at the southwest corner of the subdivision. The single-family lots range in size with the smallest at 2,729 square feet, 8,517 square feet for the largest lot, and the average lot size of 4,687 square feet.

The site will take access from Burbank Avenue, via two new public roads. The roads will then connect to four internal public roads serving the single-family detached units and three private roads serving the multi-family apartment building.

The site is located within the Roseland Area/Sebastopol Road Specific Plan which outlines the need for a variety of housing types. Refer to the General Plan Analysis Section in this report for more information.

The original Project submittal dedicated the 64 multi-family units to very low-income residents and a State Density Bonus for potential Concessions. On January 21, 2020, prior to the first ZA public hearing, the affordable component was removed by the applicant. However, the Applicant has expressed their intent to still develop the multi-family component as fully affordable to low-income residents and on February 11, 2020, Council approved, by Resolution, for the submittal of a joint application to the State of California Department of Housing and Community Development's Infill Infrastructure Grant Program with the Burbank Avenue Apartments.

The site is subject to the Resilient City Development Measures which allows a reduced review authority for small lot subdivisions within Priority Development Areas (PDA). Zoning Code Section 20-42.140(A)(D) requires the Minor Conditional Use Permit for a small lot subdivision be approved prior to approval of a Tentative Map. As such, the Zoning Administrator held a special meeting on February 5, 2020, and considered and approved the Minor Conditional Use Permit (File No. CUP19-095) and Minor Design Review (DR19-054) for the Project. On February 13, 2020, the Commission held a duly noticed public hearing for the Major Subdivision Tentative Map and made findings for approval (MAJ19-003).

An appeal was filed for the Minor Conditional Use Permit and the Minor Design Review on February 18, 2020. The Minor Design Review Permit appeal hearing will be reviewed by the Design Review Board and is scheduled for June 4, 2020. On February 24, 2020, an appeal was filed for the Major Subdivision Tentative Map with the City Clerk's Office. The Major Subdivision Tentative Map appeal hearing will be reviewed by City Council on June 16, 2020.

2. Surrounding Land Uses

North: (R-1-6-SR) Single-family residential/personal storage
South: (R-1-6-SR) Single-family residential/vacant
East: (PD 96-002/R-1-6/PI) Single-family residential/public school
West: (PI-SR/R-1-6-SR) Roseland School District/single-family residential/assisted living facility

The project is located at 1400, 1690, and 1780 Burbank Avenue, across four (4) parcels totaling 14.25 acres in Southwest Santa Rosa between Hughes Avenue and Liana Drive, which is within the Roseland Area/Sebastopol Road Specific Plan and Roseland Priority Development Area. Single-family detached homes and a personal storage facility abut the north side of the site; west of the site includes Roseland School District with Roseland Creek running through their parcel site, single-family homes, and an assisted living facility; vacant lots and single-family homes are immediately south of the site; single-family homes and Sheppard Accelerated Elementary School is to the east of the site.



3. Existing Land Use – Project Site

The 14.25-acre project site has frontage on Burbank Avenue. The site has one (1) existing home and five barn storage buildings. There is no permanent pedestrian path on Burbank Avenue.

The site is located within the California Tiger Salamander habitat (CTS habitat). The Biological Resource Assessment prepared by WRA, Inc., dated June 2019, indicates that the, "Study Area does not provide any wetlands or seasonal aquatic features suitable for CTS breeding, and as such the persistence of a population there and on adjacent properties north of Hearn Avenue is highly unlikely." Additionally, future CTS movement onto the site is unlikely because the surrounding land uses and infrastructure acts as a barrier. However, the project is

subject to Conditions of Approval 8 and 9 in the Development Advisory Committee Report dated January 13, 2020, which require consultation with the Department of Fish and Wildlife and compliance with their requirements.

4. Project History

July 31, 2018	Pre-Application Neighborhood Meeting was held (PRAP18-090)
Aug 13, 2019	Application was submitted to the Planning and Economic Development Department
Aug 21, 2019	The Project was referred to City departments, applicable jurisdictions, and Tribal review
Nov 7, 2019	Concept Design Review Board Meeting was held
Dec 11, 2019	A second referral was sent out to City departments
Jan 9, 2020	Application was deemed complete
Feb 5, 2020	The Zoning Administrator held a Public Hearing and approved the Minor Conditional Use Permit and Minor Design Review Permit Applications for the Project
Feb 11, 2020	Council approved, by Resolution, for the submittal of a joint application to the State of California Department of Housing and Community Development's Infill Infrastructure Grant Program with the Burbank Avenue Apartments
Feb 13, 2020	The Planning Commission held a Public Hearing and approved the Tentative Map
Feb 18, 2020	An Appeal was filed by a Mark Henry Parrish for the Minor Conditional Use Permit and the Minor Design Review Permit
Feb 24, 2020	An Appeal was filed by a Mark Henry Parrish for the Tentative Map approved by the Planning Commission

PRIOR REVIEW

1. Appeal Statement, Staff Response and Commission Options

Pursuant to Zoning Code Chapter 20-62, appeals of decisions made by the Zoning Administrator shall be evaluated by the Commission. The Commission may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for appeal.

With respect to the Minor Conditional Use Permit, the Commission may:

- Affirm, affirm in part, or reverse the action, the determination, or decision that is the subject of the appeal; or
- Adopt additional conditions of approval, that may address issues or concerns other than the subject of the appeal; or
- If new or different evidence is presented on appeal, the Commission may refer the matter back to the Zoning Administrator for further consideration.

The appellant has provided the following two grounds for the appeal. The full appeal Statement is provided as an attachment. Staff and Zoning Administrator responses follow each item.

- 1) *This appeal is based on the lack of information given to the public about the project, known as Burbank Ave. Subdivision. Both before and during the Public Hearing of the Zoning Administrator for the City of Santa Rosa, there was inadequate information available to the public at the meeting. The meeting was held without any of the relevant documents available to the public at the time as the City Planner Adam Ross told the public he had left the plans in his office. Further, the meeting was held without keeping minutes or recording the meeting as was requested by a member of the public in attendance, Mr. Duane De Witt.*

The Zoning Administrator, Mr. A. Gustavson stated, "This is a neighborhood in transition" but did not provide any proof to the public as to what will be occurring regarding the building of roads, stormwater infrastructure, and the traffic impact and cumulative effects on the existing community by such a project. Repeated efforts by myself, Mark Parrish, and others, to obtain information about the project by repeated email communications to the city staff have not brought any useful responses. Regarding the Santa Rosa City Council policy 002-20 (Citizen Participation, dated Aug. 18, 1987) there have been important information withheld from the public. This is an inadequate response by the city and therefore we neighbors feel it is cause for overturning the Zoning Administrator's decision for the project to be approved.

We seek the invalidation and reversal of the Zoning Administrator decision and ask for all of the relevant materials concerning the proposed project be made available to the public in hard copy printed format before, and during, the Zoning Administrator hearing so adequate and informed public comment is a permanent part of the record as the matter goes to the City Planning Commission. Further, we seek to have minutes and recording be kept of the meeting to be accessible to members of our community who do not have the ability to come to city meetings.

Staff Response:

The Resilient City Development Measures approved by Council provides a streamlined path to a reduced review authority and modifications to the Design Review process in Priority Development Areas for certain projects. In this case, a Minor Conditional Use Permit instead of a Major Conditional Use Permit (ZC

Section 20-16.060(B)(14)) and a Minor Design Review Permit in lieu of a Major Design Review Permit, after the project receives comments and considerations from the Design Review Board as a Concept Item (ZC Section 20-16.070). Zoning Code Sections 20-52.030(C)(Table 5-2) and 20-52.050(C)(2) identifies the ZA as the review authority for Minor Design Review and Minor Conditional Use Permits. In relation to the Tentative Map, City Code Section 19-24.070 identifies the Planning Commission as the review authority.

The ZA public hearing for the Project was noticed in accordance with Section 20-66.020 of the Zoning Code. Notices of the ZA meeting were mailed on January 24, 2020, before the Special ZA meeting on February 5, 2020. The public had access to the file, plans, and attachments at City hall, as stated in the notice. During the ZA Meeting, the plans were in the Project folder and a presentation showing the plans, public improvements, and recommendations were presented.

- 2) *Heritage Tress need to be protected and out private roadway must also be protected. We have never been contacted by the developer of this project except when we see them in the city.*

Staff Response:

City Code Section 17-24.050(A) requires that:

All development proposals and subdivision applications shall clearly designate all trees on the property by trunk location and drip line, and shall indicate those trees which are proposed to be altered, removed, or relocated and those trees proposed to be designated protected trees. The reasons for the proposed removal of any tree shall be stated in writing. The development plan or tentative subdivision map shall indicate the genus and species, the shape, the drip line and the trunk circumference of each tree and heritage tree. These tree delineations must also be shown on every page of the development and improvement plans where any work is proposed within the root zone of any tree. The owner of the property and the person in control of the proposed development shall protect and preserve each tree and heritage tree situated within the site of the proposed development during the period the application(s) for the proposed development is being considered by the City.

Sheet No. 2 of 6 of the Tentative Map (Attachment 3) identifies trees and heritage trees to be removed from the site. Zoning Code Section 20-28.050(F)(2) reads:

Special care shall be taken to preserve the maximum number of trees possible, including exempt trees. Prior to the approval of a project the applicant shall demonstrate that each tree proposed for removal shall not have a negative impact on the scenic quality of the corridor, or that the tree

is a hazard or unhealthy, as determined by a certified arborist.

In this case, the trees being removed are necessary to build the required public right-of-way improvements. These improvements include new sidewalk, street trees, bike lane, and curb and gutter. See Attachment 2 – Project Narrative for further explanation. In addition to this, the Development Advisory Committee (DAC) Report has several Conditions of Approval for additional Tree Protections as required by the Mitigation Monitoring and Reporting Program (MMRP) associated with the Roseland Area/Sebastopol Road Specific Plan Environmental Impact Report (EIR). Please refer to Condition 10 of the DAC Report dated January 13, 2020, for further review.

The Project does not include private roadway improvements or additional access to the private roadway south of the project site. Furthermore, City Code does not require additional public outreach other than what is required by City Code, (i.e., Neighborhood Meeting) and all required public noticing has been satisfied for this project.

ANALYSIS

1. General Plan

The General Plan designation for the site is Medium-Low Density Residential, which allows residential development at a density of 8 to 13 units per acre. The parcels in the surrounding area vary between the same or similar land use designation with the exception of Public Institutional for the adjacent Roseland School District facilities. The project's proposed density is 9 units per acre and is within the allowed density range. The following General Plan goals and policies are most relevant to the proposed project:

Land Use

- LUL-E-2 As a part of planning and development review activities, ensure that projects, subdivisions, and neighborhoods are designed to foster livability.
- LUL-F Maintain a diversity of neighborhoods and varied housing stock to satisfy a wide range of needs.
- LUL-F-1 Do not allow development at less than the minimum density prescribed by each residential land use classification.
- LUL-F-3 Maintain a balance of various housing types in each neighborhood and ensure that new development does not result in undue concentration of a single housing type in any one neighborhood.

- LUL-S Develop an attractive, safe, and extensive network for pedestrian and bicyclist movements.
- LUL-S-3 Link pedestrian and bicycle paths to community destinations (parks, etc.), the surrounding rural countryside trail system, and the downtown area.

Urban Design

- UD-F-3 Encourage creative subdivision design that avoids walling to neighborhoods abutting regional/arterial streets with long monotonous stretches of fencing or walls.

Transportation

- T-D Maintain acceptable motor vehicle traffic flows.
- T-D-3 Require traffic studies for development projects that may have a substantial impact on the circulation system.
- T-J Provide attractive and safe streets for pedestrians and bicyclists.

Roseland/Sebastopol Road Specific Plan

- AH-1 Provide a variety of housing types and densities to support a diverse population.
- AH-1.2 Encourage new residential development to include a mix of housing types, such as single-family residences with duplexes and triplexes, townhomes, and apartment units, for all income levels.
- AH-1.3 Encourage the development of quality, well-built, attractive market-rate and below- market-rate housing units that contribute to neighborhood character and quality of life.
- AH-1.5 Encourage residential development that meets the special needs of population groups including seniors, large and small families, low- and middle-income households, and people of all abilities.
- RN-1.2 Require dedication of right-of-way and related street improvements or new streets as identified in the Circulation Plan when properties develop.
- PBN-1.5 Require dedication of right-of-way for improvements and/or expansion of pedestrian and bicycle facilities where insufficient right-of-way currently exists.
- PBN-2.2 Implement streetscape improvements resulting in attractive, functional

streets with overall enhanced access, lighting, and safety for pedestrians, bicyclists, transit users, and motorists.

Staff Response:

The project furthers a number of goals and policies of the General Plan and the Roseland Area/Sebastopol Road Specific Plan. The subdivision fosters livability by designing the lots to accommodate single-family attached and detached housing and provides diversity within the residential neighborhood. The project is within the allowable density range and does not require any special accommodation for density.

The project design orients units facing inward toward the development. Overall the project site incorporates small lots that include single-family detached and single-family attached units, while the 64 multi-family units furthers the General Plan and Roseland Area/Sebastopol Road Specific Plan's goals and policies with a variety of housing types.

The project provides safe and attractive streets including right-of-way dedications, street improvements, and new public and private roads. Further, new Class II bicycle lanes and sidewalk will be provided on Burbank Avenue fronting the site and is incorporated throughout the new internal public roads.

2. Zoning

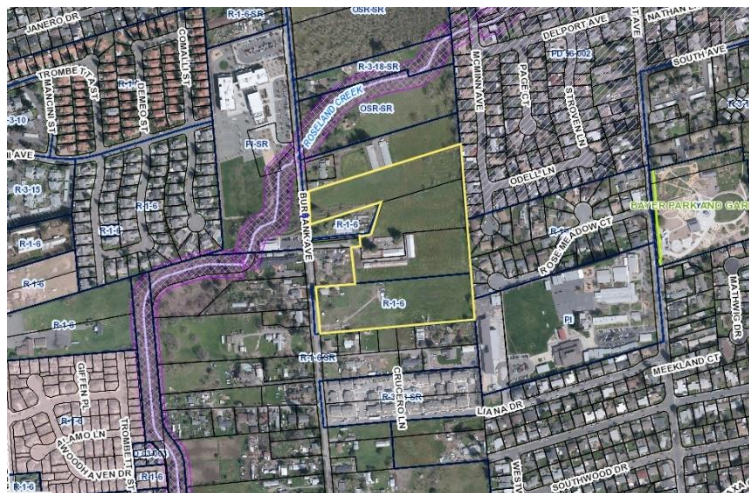
North: (R-1-6-SR) Single-family residential/personal storage

South: (R-1-6-SR) Single-family residential/vacant

East: (PD 96-002/R-1-6/PI) Single-family residential/public school

West: (PI-SR/R-1-6-SR) Roseland School District/single-family residential/assisted living facility

The subject site is within the R-1-6-SR (Single Family Residential-Scenic Road Burbank Avenue) zoning district. The Burbank Avenue Scenic Road requires a 25-foot setback measured from edge of pavement to a two-story or greater structure or element, or one-story structure or element with height over 25 feet. This project proposes a setback



greater than 25 feet. Additionally, the Burbank Avenue Scenic Road overlay district (Zoning Code Section 20-28.050(F)(2)) requires tree removal for new development within 100 feet of a scenic road comply with the following:

Special care shall be taken to preserve the maximum number of trees possible, including exempt trees. Prior to the approval of a project the applicant shall demonstrate that each tree proposed for removal shall not have a negative impact on the scenic quality of the corridor, or that the tree is a hazard or unhealthy, as determined by a certified arborist.

In this case, the trees being removed are necessary to build the required public right-of-way improvements. These improvements include new sidewalk, street trees, bike lane, and curb and gutter. See Attachment 2 – Project Narrative for further explanation. In addition to this, the DAC Report has several Conditions of Approval for more Tree Protections for this project as it utilizes the Mitigation Monitoring and Reporting Program, from the Roseland Area/Sebastopol Road Specific Plan Environmental Impact Report (EIR). Please refer to Condition 10 of the DAC Report dated January 13, 2020, for further review.

Further, the project is in compliance with all applicable zoning standards with approval of a Minor Conditional Use Permit for small lot subdivisions.

Lot Size

As part of a residential small lot subdivision, the minimum lot size is determined by Minor Conditional Use Permit pursuant to Zoning Code Section 20-42.140.

Building Height

The maximum building height proposed for the multi-family apartments is 35 feet, which is the maximum allowable building height in the R-1-6 zoning district (Zoning Code 20-22.050 Table 2-4).

Setbacks

The site is subject to the residential small lot subdivision setback requirements in Zoning Code Section 20-42.140, which is allowed in the R-1-6 zoning district, as well as the -SR combining district for Burbank Avenue (Zoning Code Section 20-28.050(10)(a)).

A residential small lot subdivision allows alternative setbacks as compared to the standard R-1-6 zoning district and is determined by the Minor Conditional Use Permit. Some of the alternatives include 4-foot single-story side setbacks, 8-foot two-story portion side setback, and 10-foot front setback. Alternatives to these setbacks can be approved by the review authority at the request of the applicant. Specific to this project, the subdivision includes a second-story side yard setback of 7 feet and is included as a Condition of Approval in the Minor Conditional Use Permit.

Because this project has two- and three-story elements, a setback of 25 feet from the edge of pavement on Burbank Avenue is required (Zoning Code Section 20-28.050(10)(a)). The duets and multi-family units that front Burbank Avenue have setbacks greater than 25 feet from edge of pavement.

3. Neighborhood Comments

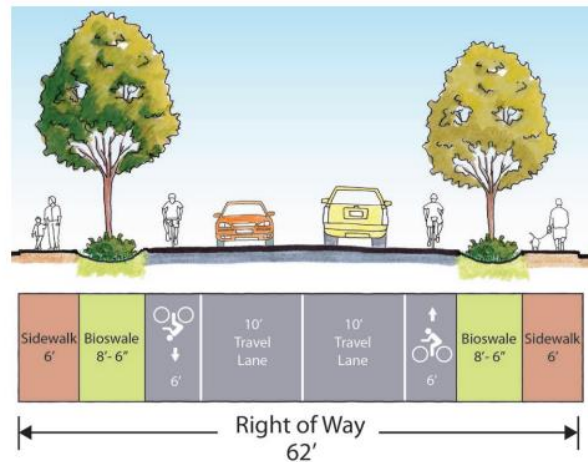
Staff has received Public Comments, both at the Neighborhood Meeting and in writing, from several interested parties. The following public comments and concerns were received by Staff:

- The height of the three-story apartment is not cohesive with the existing single-family homes throughout the neighborhood.
- There will be an increase in traffic associated with the new residential units.
- Concerns about the proposed streets and how they would connect to Crucero Lane in the future.
- The future connection between the new City streets and the existing Crucero Lane appear to run straight through existing private properties.
- The density of the subdivision, particularly the multi-family units, does not fit into the context of the surrounding single-family residential neighborhoods.
- The duets on the north side of the Project site does not fit into the context of the surrounding single-family residential neighborhoods.
- The lack of parking throughout the existing neighborhood will be negatively impacted by the new subdivision.
- What are the street improvements along Burbank Avenue going to be?
- Concerns over the location of the multi-family units; they should be located centrally instead of fronting Burbank Avenue and abutting existing single-family residential units.
- Concern over phasing the project.
- No solid wall separating the multi-family parking area from the existing residential homes to the south.
- Lack of traffic enforcement from police.
Impacts to California Tiger Salamanders.

4. Public Improvements/On-Site Improvements

The project will include development of 3.86 acres of Public Right-of-Way. Burbank Avenue will be widened from approximately 50 feet to 62 feet and include two 10-foot vehicle travel lanes, six-foot wide Class II bicycle lanes, an 8.5-foot bioswale, and a six-foot sidewalk. Additional public improvements include five new public streets providing circulation throughout the site; two of the public streets will take access off of Burbank Avenue; one will provide a future stub to connect to Crucero Lane while the north side would provide a Class II Bicycle Lane that would provide to a future connection for bicycles to a planned Bike Route to the SMART Path entrance off of Burbank Avenue.

Southern Section Street Design



Parking and Traffic

450 parking spaces are provided where 421 parking spaces are required, pursuant to Zoning Code section 20-36.040, Table 3-4. The table below outlines the specific parking requirements relative to the particular land use.

Table 10 – Parking Analysis Summary

Land Use	Units	Supply (spaces)	City Requirements	
			Rate	Spaces Required
1 bdr Apartment	17 du	64 covered sp 32 tandem sp 58 open sp	1.0 covered sp/unit 0.5 visitor sp/unit	17 covered sp 9 visitor sp
2+ bdr Apartment	47 du		1.0 covered sp/unit 1.5 visitor sp/unit	47 covered sp 70 visitor sp
Duplex	12 du	24 covered sp 24 tandem sp	1.0 covered sp/unit 1.5 visitor sp/unit	12 covered sp 18 visitor sp
Detached Single-Family Dwelling	62 du	124 covered sp 124 tandem sp	1 covered sp/unit 3 additional sp/unit	62 covered sp 186 other sp
Total		450		421

Notes: du = dwelling unit; bdr = bedrooms; sp = space

Finding – The proposed parking supply for the project would be adequate to meet the City's parking requirements.

The Project includes a Traffic Impact Study (Traffic Study) prepared by W-Trans, dated December 11, 2019. The Study indicates that, "Two of the study intersections are expected to continue operating acceptable overall during both

peak hours upon the addition of project-related traffic to Baseline volumes. However, the operation at Hearn Avenue and Burbank Avenue would drop from Level of Service (LOS) D to E during the a.m. peak hour.” As identified in the City of Santa Rosa’s Traffic Impact Study Guidelines interpretation of General Plan Section 5.8, Policy T-D-2, when an intersection LOS changes from a D to an E or F, and has a larger than five second delay, a traffic signal is required. Because of the impact to the LOS at Hearn Avenue and Burbank Avenue, the project includes a Condition of Approval that requires the applicant pay a *fair share contribution* of \$96,000 towards a traffic signal at the affected intersection.

FINDINGS REQUIRED FOR A MINOR CONDITIONAL USE PERMIT

The review authority may approve a Conditional Use Permit or Minor Conditional Use Permit only after first finding all of the following:

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code.

Staff Response: The proposed small lot subdivision is allowed within the R-1-6 (Single-Family Residential) and R-1-6-SR (Single-Family Residential-Scenic Road) zoning districts and complies with all other applicable provisions of this Zoning Code and the City Code. The matter has been properly noticed as required by Zoning Code Section 20-52.050.E.2.a; and

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Staff Response: The proposed small lot subdivision with attached housing is consistent with the General Plan Land Use Designation and Roseland Area/Sebastopol Road Specific Plan Land Use Designation of Medium-Low Density Residential, which allows residential development at a density of 8-13 units per acre. The proposal provides a variety of housing types at a density of 9 units per acre; and

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

Staff Response: The project site is located within walking distance of public transit, schools and recreation. The site takes access off Burbank Avenue and establishes four new public roads while providing a location for a future connection to existing transitional and collector streets. A fair share agreement between the applicant and the City of Santa Rosa Traffic Engineering Department has been established providing a 30% fee for a traffic signal on Hearn Avenue and Dutton Meadow. The site plan provides circulation, setbacks, and design features compatible with the surrounding neighborhood and similar to the existing residential uses; and

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints

Staff Response: The project is a residential project with an average of 9 units per acre, surrounded by existing and future residential uses, and includes the use of existing City streets, the development of four new City streets. A portion of a new City street that will connect future residential developments, and will be serviced by City Utilities; and

5. Granting the 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.

Staff Response: The project plans have been reviewed by City staff, outside agencies, and approval authorities and conditioned accordingly; and

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Staff Response: See Environmental Impact section below for CEQA analysis.

FINDINGS REQUIRED FOR A MINOR CONDITIONAL USE PERMIT FOR A FENCE GREATER THAN SIX FEET IN A SIDE CORNER SETBACK

1. The design, location, size and operating characteristics of the proposed fence would not be compatible with the existing and future land uses in the vicinity except as modified to accommodate a five-foot and 10-foot landscaped area between the sidewalk and fence as codified in Conditions of Approval Nos. 5 and 6 below, in that the fence is constructed of wood, consistent with adjacent neighborhood fences and would provide improved screening and privacy for the duet units from the public on Burbank Avenue while maintain the rural element of Burbank Avenue; and
 - The site is physically suited for the type, density, and intensity of the proposed fence, including access, utilities, and the absence of physical constraints and would provide private open space for the future residents; and
 - The issuance of the permit is reasonably necessary, by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights or the full use and enjoyment of the property in that the 6-foot solid fence on Lots 73 and 74 would provide private open space for the future residential units, and a 5-foot and 10-foot landscaped strip to be maintained by the owner preventing the fence from

protruding into the Vision Triangle or dominating the new sidewalk;

- The proposed fence will not create a safety hazard to pedestrians or vehicular traffic in that the fence will be constructed well outside the vision triangle and the six-foot portion of the fence in the exterior yard facing Burbank Avenue on Lots 73 and 74 will include a landscaped planter strip; and
- The appearance of the proposed fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood in that the fence is of wood material similar to other fences in the neighborhood; and
- The proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures in that the fence design incorporating the design of the fences on neighboring properties; and
- The orientation and location of the proposed fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood in that fencing along Burbank Avenue on Lots 73 and 74 are to allow the future units to have a usable backyard for private open space and is setback 10 feet on Lot 73 and 5 feet on lot 74 from the back of sidewalk and will not overwhelm the neighborhood characteristics of wooden fences along property lines;
- The proposed fence will be of sound construction.

ENVIRONMENTAL IMPACT

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). The project is statutorily exempt from CEQA pursuant to Government Code Section 65457 and CEQA Guidelines Section 15182(a)(c) in that the project would develop a residential land use that is undertaken to implement, and is consistent with, the Roseland Area/Sebastopol Road Specific Plan. The EIR prepared for the Specific Plan was certified by the City Council in 2016 and no events subsequent to certification have required a supplemental EIR pursuant to Public Resources Code section 21166.

The Project also qualifies for an exemption pursuant to CEQA Guidelines section 15183 in that the project is consistent with the City's General Plan for which an EIR was prepared and certified by the Council on November 3, 2009, As evidenced by the Burbank Avenue Subdivision Consistency Determination Memorandum prepared for the project by FirstCarbon Solutions, dated December 18, 2019, which determines that the project does not contain conditions, nor would it result in effects that:

- Are peculiar to the project or the parcel on which the project would be located,

- Were not analyzed as significant effects in the General Plan EIR
- Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan or
- Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On November 7, 2019, the project was reviewed as a Concept Item by the Design Review Board (DRB). The DRB had the following comments/recommendations:

- Consider redesigning the + pattern on the multi-family apartment complex.
- The multi-family residential building's color is dark. Consider using a color scheme more similar to the proposed single-family units.
- Maximize the gathering areas and further develop the courtyard renderings to utilize a diverse array of amenities.
- Consider different street trees more in tune with the surrounding neighborhood and native to Santa Rosa.
- Consider lowering the apartment building to two stories.
- Provide greater screening between the north and south property lines to screen the existing single-family residential units.
- Consider horizontal massing.
- Consider alternatives to the site's perimeter fencing.
- Consider incorporating sound dampening technologies.

On February 5, 2020, a Special Zoning Administrator Meeting was conducted pursuant to Resilient City Development Measures (20-16.090). During that meeting, a Public Hearing was held, and approval was granted for the Minor Design Review and Minor Conditional Use Permit (CUP19-095 and DR19-054) for the Project. An Appeal was filed by Mark Henry Parrish for the Minor Conditional Use Permit and the Minor Design Review Permit on February 18, 2020.

On February 13, 2020, the Planning Commission approved a corresponding Tentative Map. On February 24, 2020 an appeal was filed by Mark Henry Parrish for the Tentative Map approved by the Planning Commission.

NOTIFICATION

The project was noticed as a public hearing per the requirements of Chapter 20-66 of the City Code. Notification of this public hearing was provided by posting an on-site sign, publishing notice in a newspaper of general circulation, mailed notice to surrounding property owners, electronic notice to parties that had expressed interest in projects taking place in this geographic area of Santa Rosa, and bulletin board postings at City Hall and on the City website. Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities.

These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

ATTACHMENTS

- Attachment 1 – Disclosure Form
- Attachment 2 – Amended Project Narrative received on January 30, 2020
- Attachment 3 – Tentative Map received January 9, 2020
- Attachment 4 – School Access Exhibit received December 24, 2019
- Attachment 5 – Setback Exhibit, received January 6, 2020
- Attachment 6 – Landscape Plans received February 4, 2020
- Attachment 7 – Architectural Plans received February 4, 2020
- Attachment 8 – Architectural Plans received April 17, 2020
- Attachment 9 – Multifamily Architectural Plans received February 4, 2020
- Attachment 10 – Multi-Family Architectural Plans received April 17, 2020
- Attachment 11 – Burbank Ave Subdivision Consistency Memo with EIR
- Attachment 12 – Roseland Area Sebastopol Road Specific Plan Consistency Determination
- Attachment 13 – Final Traffic Impact Study dated December 11, 2019
- Attachment 14 – Biological Resources Assessment dated December 2019
- Attachment 15 – Wetland Delineation Report dated August 6, 2018
- Attachment 16 – Air Quality and Greenhouse Gas Emissions Analysis Report dated December 18, 2019
- Attachment 16a – Air Quality and Greenhouse Gas Emissions Analysis Appendix A
- Attachment 16b – Air Quality and Greenhouse Gas Emissions Analysis Appendix B
- Attachment 16c – Air Quality and Greenhouse Gas Emissions Analysis Appendix C
- Attachment 17 – Noise Impact Analysis Report dated December 18, 2019
- Attachment 18 – Planning Commission Amended Resolution No. 12005
- Attachment 19 – Public Correspondence
- Attachment 20 – Signed Resolutions CUP19-095 and DR19-054
- Attachment 21 – Appeal received February 18, 2020
- Attachment 22 – Applicant Response to Appeal Letter dated March 30, 2020
- Attachment 23 – Waterstone confirming purchase of multi-family units dated May 21, 2020

Development Advisory Committee Report dated January 13, 2020
Draft Resolution – Denying the appeal and approving the Minor Conditional Use Permit Presentation

CONTACT

Adam Ross, City Planner
Planning and Economic Development
100 Santa Rosa Avenue, Room 3
(707) 543-4705
ARoss@SRCity.org