RESOLUTION NO. CUP19-095

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT TO ALLOW BURBANK AVENUE SUBDIVISION, A 75-PARCEL SMALL LOT SUBDIVISION WITH ATTACHED HOUSING - LOCATED AT 1400 BURBANK AVENUE, ASSESSOR'S PARCEL NOs. 125-331-003, 125-361-003, 125-361-006, 125-361-007; FILE NO. PRJ19-031 (CUP19-095)

The Santa Rosa Zoning Administrator has completed the review of your application. Please be advised that your Minor Conditional Use Permit to allow a 75-parcel small lot subdivision with attached housing has been granted based on your project description and official approved exhibit stamped received on December 9, 2019, and January 9, 2020. The Santa Rosa Zoning Administrator has based this action on the following findings:

- 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 no request for a public hearing has been received; and

- 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, provides a variety of housing types, and the project's density is 10 units per acre; and

- The design, location, size, and operating characteristics of the proposed small lot subdivision with attached housing would be compatible with the existing and future land uses in the vicinity. 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 similar to the existing residential uses; and

- The site is physically suitable for the type, density, and intensity of the proposed small lot subdivision with attached housing, including access, utilities, and the absence of physical constraints in that the project is a residential project with an average of 10 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, and a portion of a new City street that will connect future residential developments, and will be serviced by City Utilities; and

- 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 in that the project plans have been reviewed by City staff, outside agencies, and approval authorities and conditioned to minimize any potential impacts to less than significant levels; and

- 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; and

- 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 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 Environmental Consistency Determination Memorandum prepared for the project, the project does not contain conditions, nor would it result in effects that:

a. Are peculiar to the project or the parcel on which the project would be located,
b. Were not analyzed as significant effects in the General Plan EIR
c. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan; or
d. 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.

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 intents of such approval. The approval of the project is contingent upon the approval of the tentative map associated with this project and 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.**

Conditions of Approval

1. The Small Lot Subdivision Conditional Use Permit for this Project is approved contingent upon the applicant(s) obtaining approval of the Tentative Map and Design Review associated with the Project.

2. The project shall comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit approval.

3. Comply with City Code Section 21-02, Housing Allocation Plan, through (a) provision of the appropriate number of on-site affordable units, (b) payment of housing impact fees, or (c) an alternative compliance proposed in accordance with City Code Section 21-02.070 and approved by the Director of Planning and Economic Development. For purposes of this condition, the Director of Planning and Economic Development is designated as the review authority for review and acceptance of innovative Housing Allocation Plan compliance strategies under City Code Section 21-02.070(D).

4. The project is approved with the small lot subdivision development standards required by Zoning Code 20-42.140 Residential Small Lot Subdivisions with the following modification:

    a. Second story side yard setback of minimum seven (7) feet on one side

5. Fencing greater than three-feet in height on Lot 73 shall be setback 10 feet from back of sidewalk with landscaping required to be maintained by owner.
6. Fencing greater than three-feet in height on Lot 74 shall be setback five-feet from back of sidewalk with landscaping required to be maintained by owner.
7. The height of the three-story multi-family structures shall be limited to 35 feet.

This Minor Conditional Use Permit for the Burbank Avenue Subdivision, a 75-parcel residential small lot subdivision with attached housing is hereby approved on this 5th day of February 2020, for the duration of use provided conditions are complied with and use has commenced within two years from approval date. The approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: _____

ANDY GUSTAVSON, ZONING ADMINISTRATOR

RESOLUTION NO. DR19-054

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A DESIGN REVIEW APPLICATION FOR THE BURBANK AVENUE SUBDIVSION, A 138 UNIT SMALL LOT SUBDIVISION FOR 62 SINGLE-FAMILY DETACHED, 12 SINGLE-FAMILY ATTACHED DUETS, AND A 64-UNIT MULTI-FAMILY APARTMENT COMPLEX ON 75 LOTS LOCATED AT 1400 BURBANK AVNEUE, SANTA ROSA, APNs: 125-331-003, 125-361-003, 125-361-006, 125-361-007; FILE NO. PRJ19-031 (DR19-054)

The Santa Rosa Zoning Administrator has completed its review of your application. Please be advised that your Design Review to provide 12, two-story attached duets on individual lots and 64 multi-family units has been granted based on your project description and official approved exhibit dated February 4, 2020. The Santa Rosa Zoning Administrator has based this action on the following findings:

- The project was reviewed by the Design Review Board as a Concept Item on November 7, 2019, and received the following applicable recommendations: consider redesigning the architectural pattern on the multi-family apartment complex; 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-gamily residential units; consider horizontal massing; consider alternatives to the site's perimeter fencing; consider incorporating sound dampening technologies;

- 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 no request for a public hearing has been received;

- 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 the attached duets and the updated multi-family housing units are of superior design as they provide unique and uniform designs without clashing with the surrounding residential area. The duets provide a unique design pattern including hip and gabled roofs, the use of horizontal and vertical siding, and both covered and wrap around porches creating a variety of elevation designs within a single overall design palette. The multi-family apartment complex has be redesigned to achieve a superior design that includes form and massing that provides adequate space between the multi-family buildings and includes an additional five feet of separation from the existing single-family residences to the south. The third story element has been reduced to two stories with a single story roof element abutting the adjacent single-family residences to the south to incorporate the transition between the single-family residential and the new

multi-family units. The landscaping area has been increased and incorporated larger evergreens including Live Oaks and fruitless olive trees;

- 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 project site is currently a vacant parcel with existing residential developments to the north, south, east, and west of the site. Circulation is provided with development of new public roads throughout the site and provide connections to future roads as designated in the Roseland Area/Sebastopol Road Specific Plan that will alleviate traffic burdens already existing in the area. Right-of-way improvements are provided for this site that will enhance the surrounding neighborhood by developing a Class II bicycle lanes on Burbank Avenue. The project implements City of Santa Rosa goals of *Safe Routes to Schools* by including a pedestrian path on the southeast corner of the site that connects to the existing Sheppard Accelerated Elementary School, while enhancing the public right-of-way on Burbank Avenue that provides a greater connectivity to Roseland Creek Elementary;

- The architectural design of the proposed development is compatible with the character of the surrounding neighborhood in that the project is located in a residential area with existing small lot subdivisions for single-family homes as well as multi-family homes with varied architectural designs. The proposed architectural features create a character that compliments the surrounding residential neighborhood with varied housing types. Additionally, the updated multi-family apartment complex includes recommendations by the Design Review Board received on November 7, 2019. The buildings are moved five feet north of the previous location that increases the spaces between the existing residential units to the south, while adding more landscaping in the setback area. The roof forms have been changed along the southern façade to feature more low eaves to minimize projecting gable ends. Half of the tucked under parking has been removed to reduce the height of the building portions that face the single-family residential from three stories to two stories. The apartments were reworked to create more relief in the facades including one story shed sections at the ends of all projecting wings and a greater recess at the center of each building;

- 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 design incorporates horizontal and vertical wood siding for the duet and multi-family apartment's siding materials adding a texture similar to the single family homes surrounding the project site. The apartment complex has been moved five feet north to create a wider landscape buffer along the southern property while adding diverse street trees and incorporated native valley oaks. The paint options allow for a unique but unified color palette and landscaping that provides a desirable exterior visible from the public right-of-way. The outdoor spaces have been simplified to allow for more flexible uses by the future residents of the site for small and large gatherings;

- 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 proposed design has been reviewed by City Staff and does not create an unsafe urban environment and will comply with all Building and Fire Codes required by the City; and

- 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 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 Environmental Checklist prepared for the project, the project does not contain conditions, nor would it result in effects that:

  a. Are peculiar to the project or the parcel on which the project would be located,
  b. Were not analyzed as significant effects in the General Plan EIR
  c. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan; or
  d. 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.

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. This Preliminary Design Review Permit is approved contingent upon the applicant(s) obtaining approval of the Tentative Map and Conditional Use Permit associated with the project.
2. This project must comply with all Conditions of Approval of the Conditional Use Permit, the Tentative Map, and the DAC Report dated January 13, 2020, attached as Exhibit "A" to the Tentative Map.
3. The applicant shall obtain Final Design Review at or before the project's Building Permits.
4. The height of the three-story multi-family structures shall be limited to 35 feet.

This Design Review Design Review to provide 12 two-story attached duets on individual lots and 64 multi-family units in two-and-three-story apartment in four buildings on one lot is hereby approved on this 5th day of February 2020. 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