

CITY OF SANTA ROSA  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR DESIGN REVIEW BOARD  
**JUNE 18, 2020**

**PROJECT TITLE**

DR19-030 Plaza Temporal – Mitote Food  
Park Appeal

**ADDRESS/LOCATION**

665 Sebastopol Road

**ASSESSOR'S PARCEL NUMBER**

125-11-1037

**APPLICATION DATE**

April 14, 2019

**REQUESTED ENTITLEMENTS**

Minor Design Review

**PROJECT SITE ZONING**

General Commercial (CG)

**PROJECT PLANNER**

Shari Meads

**APPLICANT**

Sonoma County Community Development  
Commission

**PROPERTY OWNER**

Sonoma County Community Development  
Commission

**FILE NUMBER**

DR19-030

**APPLICATION COMPLETION DATE**

August 15, 2019

**FURTHER ACTIONS REQUIRED**

Building and Encroachment Permit

**GENERAL PLAN DESIGNATION**

Retail and Business Services / Medium  
Density Residential

**RECOMMENDATION**

Deny appeal and grant Minor Design  
Review approval

CITY OF SANTA ROSA  
DESIGN REVIEW BOARD

TO: CHAIR KINCAID AND DESIGN REVIEW BOARD MEMBERS  
FROM: SHARI MEADS, CITY PLANNER  
PLANNING AND ECONOMIC DEVELOPMENT  
SUBJECT: APPEAL OF ZONING ADMINISTRATOR APPROVAL OF A  
MINOR DESIGN REVIEW APPLICATION FOR PLAZA  
TEMPORAL – MITOTE FOOD PARK, A TEMPORARY PLAZA  
AND GATHERING SPACE INCLUDING A COUNTER SERVICE  
RESTAURANT, OUTDOOR SEATING, ALCOHOL SERVICE,  
CUSTOMER RESTROOMS, THREE DEDICATED SPACES FOR  
ROTATING MOBILE FOOD VENDORS, LANDSCAPING, AND  
SITE IMPROVEMENTS ON 12,730-SQUARE FEET (+/-) OF A  
6.8-ACRE (+/-) PARCEL LOCATED AT 665 SEBASTOPOL  
ROAD, SANTA ROSA, CA, 95407, ASSESSOR'S PARCEL  
NUMBER 125-11-1037, FILE NUMBER DR19-030.

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

The Planning and Economic Development Department and the Zoning Administrator recommend that the Design Review Board, by resolution, deny the John Paulsen appeal and grant Minor Design Review approval for Plaza Temporal – Mitote Food Park.

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EXECUTIVE SUMMARY

The Sonoma County Community Development Commission proposes the Plaza Temporal – Mitote Food Park, a temporary plaza and gathering space in the General Commercial zoning district, at 665 Sebastopol Road. The proposal includes a counter service restaurant, outdoor seating, alcohol service, customer restrooms, three dedicated spaces for rotating mobile food vendors, landscaping, and site improvements. The Plaza Temporal – Mitote Food Park will occupy 12,730-square feet (+/-) on a 6.8-acre (+/-) parcel within the approved Roseland Village mixed use development.

Restaurants are allowed by right in the General Commercial zoning district. Minor Design Review, subject to Zoning Administrator approval, is required based on the Plaza Temporal – Mitote Food Park total floor area encompassing less than 10,000-square feet. Floor area, pursuant to Zoning Code section 20-70.020, is defined as the entire area within the walls of a building, measured in a horizontal plane from the outside edge of exterior wall to exterior wall, in square feet. The Zoning Administrator, by resolution DR19-030, granted the Plaza Temporal – Mitote Food Park Minor Design Review approval at a January 16, 2020, public hearing.

On January 23, 2020, John Paulsen filed a timely appeal of the Zoning Administrator's approval. The appellant owns the properties that comprise the eastern half of the Roseland Village Shopping Center, located directly adjacent to Roseland Village, which comprises the western half of the Roseland Village Shopping Center. Mr. Paulsen provided the following grounds for his appeal which are cited verbatim:

- 1. The existing recorded and prescriptive easements for Roseland Village lessees and patrons will be destroyed. The conceptual plan intentionally omits the proposed northly street width, currently since 1956 being 27 feet.*
- 2. The County has shown gross indifference to maintenance of its property the last nine years. There are neither community safeguards nor care of conditions for the security and cleanliness. Relocate project to old Lucky concrete pad and obey recorded and prescriptive easements.*

Pursuant to Zoning Chapter 20-62.030(B)(2), the Design Review Board is the appeal body for Design Review applications that have been approved by the Zoning Administrator.

## BACKGROUND

### 1. Project Description

The Plaza Temporal – Mitote Food Park (Project) is a proposal to develop 12,730-square feet (sf) on an approximately 6.8-acre (+/-) parcel as a temporary plaza and gathering space including a counter service restaurant, outdoor seating, alcohol service, customer restrooms,



Figure 1 Conceptual Site Plan

three designated spaces for rotating mobile food vendors, landscaping, and other site improvements.

*Project context:*

The Project is a component of the approved Roseland Village mixed use development (Roseland Village) which in its entirety will occupy five lots on a 7.41-acre site consisting of two parcels located at 665 and 883 Sebastopol Road, Assessor's Parcel Numbers 125-111-037 and 125-101-031. Roseland Village includes four multi-family residential / commercial lots and one common parcel (Lot A). Roseland Village will be constructed in three phases after the removal of an existing single-story commercial building (Dollar Tree) and playground.

Phase one construction will establish the Plaza Temporal – Mitote Food Park on a portion of Lot A while subdivision infrastructure and streets are developed. The Project is intended to act as an interim community gathering space at the start of construction of the larger Roseland Village development. The Plaza Temporal – Mitote Food Park will be removed for the completion of the plaza and Mercado components in Phase 3.

Roseland Village		
Lot	Acres	Planned Future Use
1	1.53	Affordable Housing Apartment Building
2	2.10	Two Market Rate Apartment Buildings with ground floor Retail
3	0.35	Civic Building
4	0.22	Mercado Food Hall
A	0.86	Plaza

Figure 2. Roseland Village Uses

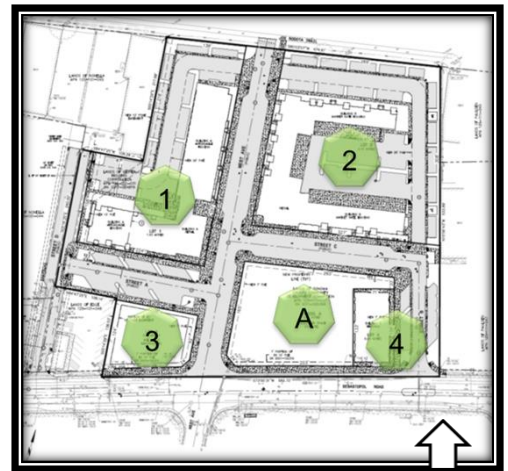


Figure 3. Roseland Village Approved Tentative Map

Surrounding Land Uses

North: Joe Rodota Trail and Medium Density Residential currently vacant or developed with existing non-conforming Light Industrial uses

South: Sebastopol Road and commercial retail and restaurants

East: Commercial retail and restaurants (eastern half of Roseland Village Shopping Center; Paulsen Property)

West: Retail/Restaurant/gas station/industrial uses

The parcel is surrounded on three sides by developed properties of differing uses and intensities primarily featuring single-story commercial development and commercial uses such as retail and restaurants. The Joe Rodota Trail borders the parcel immediately to the north. The nearest residential uses are approximately 250-feet south of the site.

### 3. Existing Land Use –Project Site

The Plaza Temporal – Mitote Food Park will occupy 12,730-square feet on an approximately one-acre paved and currently vacant lot within the Community Development Commission (CDC)-owned 6.8-acre (+/-) parcel, Assessor's Parcel Number 125-111-037. The site fronts Sebastopol Road and access to the Project will be taken from the signalized Sebastopol Road and West Avenue intersection.

Mobile food vendors will use West Avenue to arrive at the site and will pull into their spaces through a vehicle gate, from the future C Street right of way as shown on the Temporary and Future Circulation Plan Site Plan (see Figure 4 below). Waste and recycling pickup vehicles will take a similar path and proceed through the parking lot to exit after collecting the trash, recycling, and compostable waste. The food park is located so that the streets surrounding the site can be constructed without impacting or disrupting the facilities and to allow access from various sides as phased construction occurs.

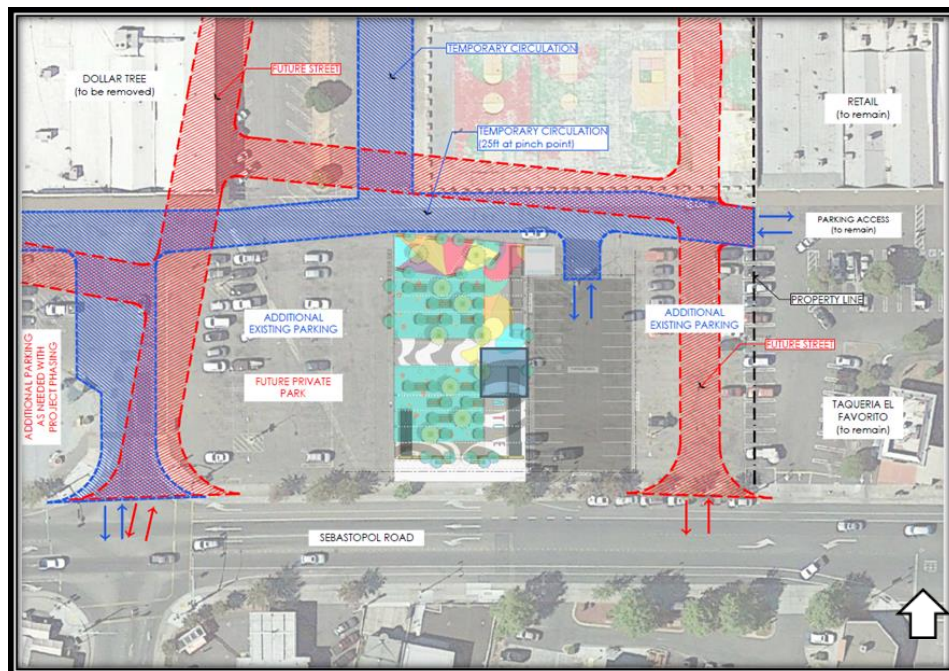


Figure 4. Roseland Village Temporary and Future Circulation Plan

#### 4. Project History

On March 18, 2011, the CDC acquired the 665 Sebastopol Road property with Sonoma County Community Redevelopment Agency funds. The Sonoma County Community Redevelopment Agency was dissolved as of February 1, 2012. On February 1, 2012, the Sonoma County Community Development Commission (CDC) became the Housing Successor Agency for the former redevelopment agencies of the County

In 2014, the CDC convened a project task group to help conduct the community engagement process for the planning and redevelopment of the property. With the assistance of the task group, the CDC also commenced a series of community forums to allow community members to contribute to the plans for the development of the parcel.

In August 2016, MidPen began a series of three community engagement workshops to help inform and define the public aspects to be developed on the project site – particularly the public plaza.

On November 1, 2017, the Local Agency Formation Commission approved the Roseland Area Annexation. After the annexation, the County determined in December 2017, that the City should process and analyze required entitlement applications.

On March 14, 2018, A neighborhood meeting was held on-site at the Roseland library. The attendees voiced concern about traffic generation, parking availability, and the programming of the public plaza area.

On January 3, 2019, the Development Advisory Committee (DAC) reviewed the proposed Tentative Map to subdivide the 7.41-acre site into four residential/commercial parcels and one common parcel with streets and infrastructure and recommended that the Planning Commission approve the Tentative Map, subject to conditions listed in the accompanying DAC Report. The recommended DAC conditions were revised on January 31, 2019, and again on February 20, 2019, in response to applicant comments, but consistent with City development regulations.

On February 28, 2019, the Planning Commission approved, by resolution, the proposed Tentative Map and Density Bonus by a vote of 5 ayes, 0 noes, and 2 absent.

On March 7, 2019, an appeal of the Planning Commission's action was filed with the City Clerk's Office by John Paulsen. The Appellant provided supplemental information on March 20, 2019, regarding the recorded reciprocal access and parking easement over Roseland Village Shopping Center.

On April 18, 2019, CDC submitted an application and related exhibits requesting Minor Design Review for Plaza Temporal – Mitote Food Park.

On June 25, 2019, the Council, by resolution, denied the Paulsen appeal, affirming the Planning Commission action to approve the Tentative Map and Density Bonus.

On August 26, 2019, a postcard Notice of Application for the Plaza Temporal – Mitote Food Park was sent to property owners and tenants located within 600-feet of the project site.

On November 18, 2019, property owners and tenants located within 600-feet of the project site were mailed notice of the December 5, 2019 Zoning Administrator public meeting pursuant to Zoning Code section 20-66.020.

On December 1, 2019, staff received a written request to elevate the item to a public hearing.

On January 3, 2020, the item was re-noticed as a public hearing pursuant to Zoning Code section 20-66.020.

On January 16, 2020, the Zoning Administrator granted Minor Design Review approval for the Plaza Temporal – Mitote Food Park project. The Appellant and his legal counsel, Robert A. Nellessen, provided at the meeting Written Declarations in opposition to the project.

On January 23, 2020, John Paulsen filed an appeal of the Zoning Administrator's action in a timely manner.

#### PRIOR COUNCIL, COMMISSION, OR BOARD REVIEW

On February 28, 2019, the Planning Commission approved, by resolution, the proposed Roseland Village Tentative Map and Density Bonus.

On June 25, 2019, the Council, by resolution, denied the Paulsen appeal of the Tentative Map and Density Bonus, affirming the Planning Commission action.

#### ANALYSIS

##### 1. General Plan

The General Plan specifies a Retail and Business Services/ Medium Density (8-18 units per acre) land use designation for the Project site to accommodate retail and service enterprises, offices and restaurants and/or residential neighborhoods with medium and higher residential densities. The Project furthers the following General Plan goals and policies:



**Land Use and Livability:**

- |         |   |
|---------|---|
| LUL-G   | Promote mixed use sites and centers   |
| LUL-1   | Maintain vibrant, convenient, and attractive commercial centers.  |
| LUL-I-1 | Provide a range of commercial services that are easily accessible and attractive, that satisfy the needs of people who live and work in Santa Rosa, and that also attract a regional clientele. |
| LUL-Y   | Create a pedestrian friendly streetscape with a distinctive ambiance on Sebastopol Road from Stony Point Road to Olive Street.  |
| LUL-GG  | Support a vibrant commercial corridor along Sebastopol Road with a mix of uses and activities that celebrate the area's uniqueness.   |
| LUL-MM  | Provide new social and cultural services and amenities to meet the needs of the Roseland Area/Sebastopol Road Specific Plan area and the larger community.                                      |

**Urban Design:**

- |        |   |
|--------|---|
| UD-D   | Avoid strip patterns of commercial development. Improve the appearance and functioning of existing commercial strip corridors, such as Santa Rosa Avenue and Sebastopol Road. |
| UD-D-2 | Maintain a uniform setback of structures from the street. Require parking areas to be placed to the side or rear of structures, not in front.                                 |
| UD-E   | Create a framework of public spaces at the neighborhood, city, and regional scale.  |
| UD-E-1 | Provide for new open space opportunities throughout the city, especially in neighborhoods that have less access to public spaces.   |
| UD-G-1 | Establish a defined center – such as a park, school, neighborhood shopping center, or a transit stop – at the core of large residential projects.                             |

**Economic Vitality**

- |      |  |
|------|--|
| EV-A | Maintain a positive business climate in the community.   |
| EV-B | Facilitate the retention and expansion of new employers that utilize the area's existing labor pool. |

**Art and Culture**

- |        |  |
|--------|--|
| AC-A-2 | Develop outdoor locations that encourage cultural events for the enjoyment of the citizens as well as attract tourism. |
|--------|--|



## 2. Other Applicable Plans

The Project is located within bounds of the Roseland Area/Sebastopol Road Specific Plan (Specific Plan) planning area and the Roseland Priority Development Area. The Specific Plan was adopted in November 2016, in support of a unified, vital, healthy, and livable Roseland Community. The Specific Plan, in conjunction with the General Plan and the Zoning Code, provides a framework for development of properties in the Roseland/Sebastopol Road area. The Specific Plan incorporates community preferences regarding land use plan and streetscape improvements from the Sebastopol Road Urban Vision Plan. The Plaza Temporal – Mitote Food Park project furthers the following Specific Plan visions, goals, and policies:

### **Visions**

- 2.1 Create a welcoming community that is clean, safe, affordable, and inviting.
  - Enhance vitality, the area's multicultural identity, and the sense of community.
- 2.2 Enhance pedestrian, bicycle, and transit connections throughout the Specific Plan area.
  - Accessible to all transportation modes and users, especially pedestrians, cyclists, and transit users.
  - Convenient to get around by foot, bike, bus, and automobile.
  - Vibrant and engaging with pedestrians walking along tree-lined sidewalks, perusing attractive storefronts, or enjoying outdoor dining.
- 2.4 Provide community gathering spaces, parks, recreational opportunities, and healthy food options.
  - Community gathering spaces where residents can relax, be active, and/or attend social events.
- 2.5 Encourage economic development with good local jobs and prosperous, locally owned businesses.
  - Unique, locally owned small businesses flourish.
  - Vibrant storefronts and dining establishments line the Sebastopol Road corridor.
- 2.6 Celebrate the area's diversity by promoting cultural opportunities.
  - A unique place in the region as a diverse, colorful, and vital community.

### **Goals and Policies**

#### **Retail Land Use:**

- GOAL RET-2 Enhance quality of life by providing community amenities in commercial areas.
- Policy RET-2.1 Provide social gathering places in commercial areas.
- Policy RET-2.2 Encourage small-scale, local-serving, and active retail uses, that encourage, walking, browsing, and social interaction.
- GOAL RET-3 Retain and encourage businesses that promote Roseland's unique identity.
- Policy RET-3.1 Preserve the rich cultural uniqueness and sense of place as new development occurs through encouragement of site and architectural design that is unique to the Roseland area.
- Policy RET-3.2 Preserve local character and maintain existing businesses in the plan area by promoting and encouraging locally run businesses and working with existing businesses to ensure that they remain viable and thrive.

#### **Sebastopol Road Land Use**

- GOAL SR-1 Support a vibrant commercial corridor along Sebastopol Road with a mix of uses and activities.
- Policy SR-1.2 Encourage outdoor dining along Sebastopol Road
- GOAL SR-2 Encourage local small-scale businesses that celebrate the area's uniqueness.
- Policy SR-2.1 Celebrate the multicultural identity of the area and create a unique sense of place with an international village and marketplace.
- Policy SR-2.3 Allow for a variety of businesses while remaining oriented to small and local businesses.
- Policy SR-2.5 Allow mobile food vendors at off-street locations along Sebastopol Road.

#### **Economic Development**

- GOAL ED-1 Promote economic activity that creates jobs and supports local businesses.
- Policy ED-1.3 Continue to support existing businesses and future entrepreneurial opportunities along Sebastopol Road.

The Project implements the vision of the General Plan and the Roseland Area/Sebastopol Road Specific Plan in that it will provide opportunities for outdoor dining along Sebastopol Road, allows mobile food vendors at off street locations along Sebastopol Road, encourages local-serving retail, and provides social gathering places, among others.

### 3. Zoning

The site is located within the General Commercial (CG) zoning district.

Zoning districts for surrounding properties include:

North: R-3-18 (Multi-family Residential) zoning district.

South: General Commercial (CG) zoning district

East: General Commercial (CG) zoning district

West: R-3-18 (Multi-family Residential) zoning district and General Commercial (CG) zoning district.

Zoning Code Section 20-23.020(B) describes the CG zoning district as appropriate for a range of retail and service land uses that primarily serve residents and businesses throughout the City, including shops, personal and business services, and restaurants. The CG zoning district is consistent with the General Plan Retail and Business Services land use classification.

#### *Development Standards*

The CG zoning district does not provide for a minimum or maximum lot size or lot dimension, and there are no required setbacks for projects that are not adjacent to a residential zone. Maximum lot coverage within a CG zone is 100-percent, and the maximum height limit is 55-feet. The Plaza Temporal – Mitote Food Park will be located within Lot A of the approved Roseland Village Tentative Map and will comply with required development standards.

#### *Parking*

The Zoning Code establishes parking minimums based on land use and area. On June 25, 2019, City Council affirmed the Density Bonus parking concession approved by the Planning Commission on February 28, 2019, for the Roseland Village project. The Roseland Village project in its entirety was granted an 18% parking reduction from 393 to 323 spaces.

Customer parking will be provided within the existing Roseland Village Center parking with a lot adjacent to the site, accessed from the existing signalized intersection at West Avenue and Sebastopol Road.

The Plaza Temporal – Mitote Food Park fits within the overall parking plan for the Roseland Village project and therefore no additional parking study is required. The Project will provide 25 standard and two Americans with Disabilities Act (ADA) accessible parking spaces as well as 14 bicycle parking spaces. The site's Sebastopol Road frontage also offers a substantial amount of on-street parking.

#### 4. Design Guidelines

Pursuant to Zoning Code 20-52.03, the project requires Design Review. Due to the type and size of the development, the review authority is the Zoning Administrator.

The Zoning Administrator and staff reviewed the project and determined it to be consistent with the following City of Santa Rosa Design Goals and Guidelines:

##### *Neighborhood Design*

- 1.2 I F To encourage all elements of the streetscape; adjacent buildings, medians, vehicle lanes, bikeways, parking, intersections, sidewalks, tree canopies, landscaping, street furniture, lighting, and signs to be thought of as a complete package that works together.

##### *Retail Centers & Commercial Districts*

- 3.3 I A To encourage "superior design" in retail centers and new buildings in our commercial districts.
- 3.3 I B To ensure that retail centers of all types and commercial districts integrate with their neighborhood while protecting the neighborhood from negative environmental impacts such as noise, traffic and overspill of lighting.
- 3.3 I F To provide vehicular as well as a direct and safe pedestrian bicycle access and within retail centers and to neighboring uses.
- 3.3 II B 3 A commercial center should be easily accessible to residents and employees in the area. Pedestrian access should be as direct as possible and should be located and designed to provide a pleasing and safe pedestrian environment and should be designed to avoid negative impacts to residents and businesses.
- 3.3 II B 4 Provide attractive and inviting pedestrian scale features, spaces and amenities. Configure entrances and parking lots to be functional and inviting with walkways, conveniently tied to logical destinations. Consider bus stops and drop-off /pick-up points as integral parts of the configuration.

- 3.3 II B 7 Building materials adjacent to pedestrian walkways are to be pedestrian friendly, authentic, rich in detail with visual interest, and durable.
- 3.3 II B 9 Provide barriers to protect the pedestrian from moving vehicles between walkways, driveways and streets.
- 3.3 II F 1 Provide a uniform lighting level which assures safety and security at night.
- 3.3 II F 5 Illuminate pedestrian pathways with a light source that is closer to the ground than parking lot lighting.
- 3.3 III A 1 Design buildings specifically for the sites they are intended to occupy.
- 3.3 III A 2 Design buildings to fit into the character and context of the surrounding area in terms of scale, style, use of materials, form, and so on.
- 3.3 III A 9 Design main entries to be prominent and easy to identify and that are distinguishable from the storefront.
- 3.3 III A 15 Develop a sense of architectural continuity.
- 3.3 III B 1 Use high quality, durable, and low maintenance materials.
- 3.3 III B 2 Select building colors to establish continuity and compatibility with the neighborhood.
- 3.3 III B 3 Use complimentary buildings, materials, colors, and textures within a retail center.
- 3.3 III D 1 Areas for outdoor storage, truck parking, trash collection or compaction, and loading, shall be screened from customers, abutting streets, and adjacent uses.
- 3.3 III D 8 Screen all exterior trash and recycling from view wherever possible.

*Special Design Considerations*

- 4.1 I B To provide visual enhancement of sites by creating a harmonious visual composition in combination with the architecture.
- 4.1 I E To develop landscaping that is easily maintained and conserves water.
- 4.1 I F To provide visual screening where applicable
- 4.1 II 1 Integrate landscaping into all site development.

- 4.1 II 2 Provide special attention to incorporation of trees in all landscape design.
- 4.1 II 3 Provide landscaping that exhibits a strong design concept and creates a harmonious composition.
- 4.1 II 5 Landscaping incorporated in a development should reflect or improve on the landscaping already present in the neighborhood.
- 4.1 II 6 Select landscape materials and plants that are appropriate in scale and function to the locations in which they are placed.
- 4.1 II 8 Utilize planting areas to break up large expanses of paving, to visually separate masses of parked cars, and to provide a shade canopy
- 4.1 II 10 Select planting materials that are appropriate for local climactic conditions and historic continuity.
- 4.1 II 12 Maintainability is an important consideration in landscape design. To this end care should be taken to ensure that plants are selected which, at maturity, do not outgrow their planting site. Other factors to be considered include exposure, microclimate, soil condition and type, irrigation to be used, and the impact of plantings on pedestrian traffic.
- 4.2 II A 6 Provide for bicycle parking

## 5. Neighborhood Comments

A Notice of Application was mailed to all property owners within 600-feet of the project site. Staff received three written and four telephone inquiries about the project from neighbors who live in the residential neighborhoods that are located across Sebastopol Road. Neighbor concerns relate to alcohol service, food packaging waste and other litter, noise, Sebastopol Road being oversaturated with mobile food vendors, and concerns that the project is not representative or inclusive of Roseland's multi-cultural heritage. Multiple residents cited concerns about general security related to the facility and the potential for attracting criminal activity to the area (Attachment 6).

The Appellant and his legal counsel provided written comments in opposition to the Project claiming that it will destroy a recorded Reciprocal Easement for access and parking. The Appellant also submitted a list of questions relating to safety and security, required insurance, maintenance and operation of the premises, parking, and access, among others (Attachment 7). The Applicant provided staff with written responses to the questions which were forwarded to the Appellant (Attachment 8).

6. Public Improvements/On-Site Improvements

The public sidewalk along Sebastopol Road will be brought into compliance with Americans with Disabilities Act (ADA) regulations and the designated parking area will be repaved and restriped. Street frontage and other onsite improvements required by the Tentative Map are not required until permanent improvements are installed.

Engineering Development Services has provided a comprehensive list of required improvements which are detailed in Zoning Administrator Resolution Number DR19-030, attached to this report (Attachment 9).

7. Zoning Administrator Hearing and Action

The Zoning Administrator public hearing was held on January 16, 2020. Following discussion, the Zoning Administrator granted Minor Design Review approval.

*Public Hearing Comments*

The public hearing was well attended by neighbors of the proposed project who raised questions primarily related to: alcohol service and the potential for increased incidences of disorderly conduct; food and packaging waste; increased traffic on Sebastopol Road; the Project tenant having potential competitive advantage over existing mobile food vendors and local brick and mortar restaurants; Roseland being the only community where mobile food vendors are permitted to line a main street; Roseland being oversaturated with mobile food vendors; general safety and security issues; monoculturalism; noise; selection process for the three rotating food trucks; and disappointment that the Project “does not promote a family atmosphere.”

The Zoning Administrator and staff were presented with written Declarations from the appellant John Paulsen and his legal counsel Robert Nellessen at the public hearing, copies of which are attached to this report (Attachments 10 & 11).

*Staff Response:*

- The alcohol consumption area will have a controlled perimeter and alcohol will be served only when food is being offered for sale. The Project is subject to all California Department of Alcoholic Beverage Control licensing requirements for on-site alcohol consumption and sales.
- Trash, recycling, and compost receptacles will be distributed throughout the fully enclosed site. An enclosed and screened trash, recycling, and compost area will be provided adjacent to the food truck entry gate. Food trucks will be encouraged to avoid the use of single use plastics and provide food containers made from



recycled or compostable materials. Uniform application of Santa Rosa Zoning Code Section 20-30.120, Solid waste and Recycling Storage Facilities, will help to ensure that trash does not become a nuisance.

- The *Traffic Impact Study for the Roseland Village Project Final Report* (W-Trans dated June 14, 2018 and received August 27, 2018) finds that “traffic operation is anticipated to remain acceptable” after considering the Roseland Village project in its entirety.
- The Project will be subject to all City Code Chapter 17-16, Noise, requirements.
- Santa Rosa Zoning Code Chapter 20-42.210, Mobile Food Vending, provides conditions and requirements under which mobile food vending may be permitted. As currently adopted, the ordinance specifies mobile food vending facilities may be proposed only on private property located within the General Commercial (CG) zoning district that have street frontage on Sebastopol Road, between Stony Point Road and Olive Street.
- Applicant has expressed a desire to work with existing mobile food vendors and restaurants in a mutually beneficial manner.
- Applicant intends to include mobile food vendors that offer diverse cuisine options.
- The design concept is to make the site very visible. The site will be fully enclosed by a wood and wire mesh fence measuring 48” in height. Sebastopol Road frontage will feature low planters flanking the entry gate and the main pedestrian entrance. The site will be lit with strung garden style lighting. There is existing parking lot lighting which will continue to be utilized. Emergency exit lighting will be provided as part of a life safety system at the site gates and entries. The applicant will evaluate and provide for additional security measures as needed.
- Plaza Temporal – Mitote Food Park will provide a temporary space for gathering and the enjoyment of food and beverages while the Roseland Village Master Plan is implemented. It will be replaced by a one-acre plaza that will serve as Roseland’s community gathering hub and provide a public venue for community events, arts and culture, the farmers market, neighborhood commerce, and recreation.
- Restaurant operator will conduct a mobile food vendor screening process for the three rotating spaces. Only mobile food vendors possessing all required permits and licensing and any other City and County agency requirements will be considered.
- Easement comments are addressed in the following appeal-related section.

### APPEAL STATEMENT AND DESIGN REVIEW BOARD OPTIONS

Appeals of a Zoning Administrator action on a Design Review application shall be evaluated by the Design Review Board pursuant to Zoning Code Chapter 20-62. The Design Review Board 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 Design Review Board may refer the matter back to staff or the Zoning Administrator for further consideration.

The Appellant has provided the following grounds for the appeal. Staff responses follow each item.

- 1(a). *The existing recorded and prescriptive easements for Roseland Village lessees and patrons will be destroyed.*

#### Staff response:

City and County legal staff reviewed easement-related information that was provided by the appellant and the appellant's legal counsel prior to the Planning Commission and City Council review and approval of the Roseland Village Tentative Map and Density Bonus. City staff, with consultation from the City Attorney's Office, does not concur with the appellant's conclusions regarding the easement. The following paragraphs provide contextual basis for the City's position regarding the subject easement.

The Roseland Village Shopping Center (Center) was developed in 1954 on five parcels totaling approximately 8.9 acres. The Grant of Reciprocal Easement recorded September 12, 1956 (easement), includes shared vehicular parking and access for the main parking lot and driveways to the commercial buildings within the Center. CDC now owns the 6.8-acre (+/-) parcel (APN 125-111-037) on the west side of the Center. The appellant owns the east side of Center, which consists of four parcels. The easement occupies about half of the appellant's property. Three of the five buildings on his property occupy about 34,000 square feet of the easement area with the remaining two buildings located outside of the easement.

Original construction of the Center included a large multi-tenant commercial building straddling the CDC property and Paulsen property. The portion of this building located on the CDC parcel was demolished in 2014. The remainder of the Center is currently developed with smaller commercial buildings around the perimeter, and

existing parking spaces and driveways that serve the businesses located within the Center. The CDC property and Paulsen property owners share access to and use of the Center's parking lot and driveways by and through the easement.

The approved Tentative Map for the Roseland Village project requires CDC to maintain access between the CDC property and Paulsen property by providing a new 24-foot wide commercial driveway entrance at the corner of two new public collector streets. This driveway entrance is aligned with the parking lot driveway on the Paulsen property. The planned extension of West Street from Sebastopol Road to the Joe Rodota Trail and the new public collector streets provided by the Roseland Village project will maintain access and circulation over the CDC property. The Tentative Map also shows that a row of new parking spaces on Lot 2 will block an existing gated driveway along the north side of the main building on the Paulsen property. The City will require the applicant to quitclaim or remove any easement over this driveway, should one exist, before site improvements may be constructed on Lot 2.

The easement states: "the parties hereto desire to grant to each other reciprocal easements over that portion of said real property which has been, and will be in the future, set aside for vehicular parking lots and driveways." By and through this language, the parties granted each other a "non-exclusive easement to use and to allow the use of vehicular parking lots and driveways which presently exist or will be developed hereafter." The easement contemplates future development of the Center and describes a scenario under which the parties will share non-exclusive access over each other's properties. The easement does not describe a specific location for vehicular parking or driveway uses on the CDC property or Paulsen property.

The easement is a private agreement between the property owners, CDC and Paulsen, to share access and parking within the Roseland Village Shopping Center. The City is not party to the agreement, nor does the City have authority to regulate land use limited by the easement. The Sonoma County Community Development Commission has stated that the easement does not restrict the applicants' ability to proceed with project development on the CDC property.

Please see Attachment 12 for the Office of County Counsel legal opinion on the matter. It is the conclusion of the Office of County Counsel that the terms of the Easement do not prevent or limit the development of the Roseland Village (to include the Plaza Temporal – Mitote Food Park site) on the Commission Property.

1(b). *The conceptual plan intentionally omits the proposed northly street width, currently since 1956 being 27 feet.*

Staff response:

Applicant submitted new civil drawings which include temporary and future circulation plans. See Circulation Exhibit (Attachment 13).

2. *The County has shown gross indifference to maintenance of its property the last nine years. There are neither community safeguards nor care of conditions for the security and cleanliness. Relocate project to old Lucky concrete pad and obey recorded and prescriptive easements.*

Staff response:

Garbage, recycling, and compost collection bins will be distributed throughout the site. An enclosed and screened trash, compost, and recycling area will be provided adjacent to the mobile food vendor entry gate. Mobile food vendors will be encouraged to avoid the use of single use plastics and to provide instead food containers that are made from recycled or compostable materials.

The restaurant operator will maintain the area within the boundaries of the food park and the applicant will continue to be responsible for the parking lot and will provide cleaning and security measures as needed. The project must comply with all local, State or Federal law, regulation, or order, including those of the California Department of Alcoholic Beverage Control.

### **Required Design Review Findings**

Design Review decisions are based on the seven discretionary standards found in Zoning Code Section 20-52.030(J) as follows:

1. The design and layout of the proposed development is of superior quality, and is consistent with the General Plan, any applicable specific plan, applicable Zoning Code standards and requirements, the City's Design Guidelines, architectural criteria for special areas, and other applicable City requirements (e.g., City policy statements and development plans);

Staff Response: The project as proposed is consistent with the General Plan and the Roseland Area/Sebastopol Road Specific Plan. The site complies with all applicable Zoning Code standards for restaurants in the General Commercial zoning district and incorporates elements of the Design Review Guidelines for Retail Centers & Commercial Districts.

2. 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 (Design Guidelines, Introduction, subsection C);

Staff Response: The site is located in an area developed with commercial, institutional, and residential uses and the Project includes gateways to a public space for socializing, gathering, and the enjoyment of local cuisine. The use of landscaping, building placement, and fencing help to create a vital community hub for the Roseland area.

3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments;

Staff Response: The project as proposed is consistent with the General Plan and the Roseland Area/Sebastopol Road Specific Plan. The primary entrance to the Project is street facing with parking located on the east side of the site and access provided from the existing signalized intersection at West Avenue and Sebastopol Road. The site will be full enclosed by fencing.

4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood;

Staff Response: The proposed structures, materials, and landscaping provide unique and uniform designs without clashing with the surrounding commercial area and represent an interim use of the Plaza space to create the initial phase of the planned Roseland Village.

5. 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;

Staff Response: The Project makes effective use of complimentary materials, textures, and colors throughout the site. The structural elements of the Project are minimal with an existing concrete surface retained. The proposed intermodal shipping containers are durable by design and the enclosed site incorporates seating areas, planter boxes and box trees for shade and aesthetic value and utilizes catenary lighting to define space.

6. 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; and

Staff Response: The Project has been reviewed by City staff and conditioned to minimize potential impacts. Parking and circulation will provide adequate fire access, and entry and exit to the site is provided via an existing signaled intersection. Parking area signing and striping will comply with Santa Rosa Zoning Code Section 20-36.060 Parking Requirements for the Disabled. Uniform application of Santa Rosa Zoning Code Section 20-30.120 Solid waste and Recycling Storage Facilities will help to ensure trash does not become a nuisance. Project lighting will meet City requirements for safety pursuant to Santa Rosa Zoning Code Section 20-30.080 Outdoor Lighting. The project is subject to all California Department of Alcoholic Beverage Control licensing requirements for on-site alcohol sales and consumption, and the design is compatible with the Roseland Area/Sebastopol Road Specific Plan guidelines for the site.

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

Staff Response: The Project qualifies for a Class 4 exemption pursuant to CEQA Guidelines Section 15304 (e). The Project meets the criteria for the Class 4 (Minor Alterations to Land) exemption in that the Project is temporary and will have negligible or no permanent effects on the environment. 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.)

Planning staff recommends that the Design Review Board, by resolution, deny the Paulson appeal and grant Minor Design Review for Plaza Temporal – Mitote Food Park. Staff continues to consider that the mandatory findings can be made for Minor Design Review approval. The attached resolution provides findings to deny the appeal and to grant Minor Design Review approval.

#### FISCAL IMPACT

Approval or denial of the appeal will not have a direct fiscal impact on the General Fund. The Project, however, will contribute to the City's Sales Tax and create jobs and economic growth from activation of the site.

#### ENVIRONMENTAL IMPACT

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 4 exemption pursuant to CEQA Guidelines Section 15304 (e). The Project meets the criteria for the Class 4 (Minor Alterations to Land) exemption in that the Project is temporary and will have negligible or no permanent effects on the environment.

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 development of the proposed site, and the Project site being surrounded by development. Therefore, no further environmental review is required.

#### NOTIFICATION

Zoning Code Section 20-62.030(E)(4)(b)(1) stipulates that a public hearing is required for an appeal if a public hearing was required before making the decision being appealed.

The Design Review Board public hearing was noticed per the requirements of Chapter 20-66 of the City Code. Notification was provided by posting an on-site sign, publishing notice in a newspaper of general circulation, mailed notice to surrounding property owners and tenants, electronic notice to parties that had expressed interest in the project, and bulletin board postings at City Hall and on the City website.

### ATTACHMENTS

Attachment 1 – Disclosure Form

Attachment 2 – John Paulsen Appeal Application dated and received January 23, 2020

Attachment 3 – Location and Neighborhood Context Map

Attachment 4 – Design Concept Narrative received March 10, 2020

Attachment 5a – Project Plans Pages 1-8 dated February 11, 2020 and received March 3, 2020

Attachment 5b – Project Plans Pages 9-15 dated February 14, 2020 and received March 3, 2020

Attachment 5c – Project Plans Pages 16-24 dated February 14, 2020 and received March 3, 2020

Attachment 6 – Public Comments

Attachment 7 – Appellant Questions and Request for Public Hearing dated and received December 1, 2019

Attachment 8 – Applicant Response to Appellant-Raised Questions dated December 10, 2019 and received December 19, 2020

Attachment 9 – Resolution DR19-030 of Zoning Administrator

Attachment 10 – John Paulsen Declaration dated received January 16, 2020

Attachment 11 – Robert Nellessen Declaration dated received January 16, 2020

Attachment 12 – County Counsel Legal Opinion dated July 24, 2017

Attachment 13 – Roseland Village Circulation Plan

Attachment 14 – Planning Commission Staff Report – Roseland Village Density Bonus and Tentative Map dated February 14, 2019

Attachment 15 – Planning Commission Resolution 11940 – Roseland Village Density Bonus dated February 28, 2019

Attachment 16 – Planning Commission Resolution 11941 – Roseland Village Tentative Map dated February 28, 2019

Attachment 17 – City Council Staff Report – Roseland Village Density Bonus and Tentative Map dated June 25, 2019



Attachment 18 – City Council Resolution RES-2019-085 – Roseland Village Density Tentative Map dated June 25, 2019

Attachment 19 – City Council Resolution RES-2019-086 – Roseland Village Density Bonus dated June 25, 2019

Attachment 20 – Roseland Village Approved Tentative Map

Attachment 21 – Roseland Village Traffic Impact Study dated June 14, 2018 and received August 27, 2018

Attachment 22 – Late Correspondence dated and received June 2, 2020

Attachment 22a – Late Correspondence dated and received June 4, 2020

Attachment 22b – Late Correspondence dated and received June 4, 2020

Resolution – Denying the appeal and granting Minor Design Review approval

### CONTACT

Shari Meads, City Planner  
Planning and Economic Development Department  
smeads@srcity.org  
(707) 543-4665