ATTACHMENT TO ZONING VARIANCE APPLICATION

Location of Project: West 3rd Street & Gate Way; Woodgate Glen PUD **Assessor's Parcel Numbers**: 146-170-056 & 057; 146-160-049 & 050

Name of Proposed Project: Woodgate Glen PUD Security Fence Installation

Applicant Name: Woodgate Glen Owners Association

1. Describe your project.

Woodgate Glen is a planned unit development consisting of 224 single family residences and common area including private roads (Harvest Lane, Gate Way, Oldfield Way, and Wall Place). Woodgate Glen is bounded on the north by West 3rd Street, on the east by the rear delivery and refuse storage areas of the CVS/Pharmacy, Oliver's Market, and other retail businesses comprising part of the Stony Point Plaza Shopping Center, on the west by the J.X. Wilson Elementary School, and on the south by the Woodgate Oaks Apartments, Center for Spiritual Living, Round Table Pizza and La Petite Academy (the front of which properties face Occidental Road and are collectively referred to herein as the Occidental Road properties). Between Woodgate Glen and the Occidental Road properties is a swale containing a seasonal creek known as Irwin Creek which more or less constitutes the common boundary. Rainwater drainage discharges into the Irwin Creek swale from the adjoining properties during heavy rains but otherwise remains dry. The Irwin Creek swale continues beyond the eastern boundary of Woodgate Glen along the common boundary of the Stony Point Plaza Shopping Center and La Petite Academy to Occidental Road. The Irwin Creek swale transitions into a shallower swale at the western boundary of Woodgate Glen that continues along the common boundary of the J.X. Wilson Elementary School and Leisure Mobile Home Park to the western boundary of J.X. Wilson Elementary School. A copy of the subdivision map for Woodgate Glen filed on August 5, 1983, in Book 349 of Maps, Pages 11-15 in the Office of the County Recorder of the County of Sonoma, is attached hereto as Exhibit "A". Photographs of the Irwin Creek swale between the Woodgate Glen and the Occidental Road properties are attached hereto as Exhibit "B".

On both sides of the common boundary is an access and drainage easement granted to the City of Santa Rosa within which lies the Irwin Creek swale and, on the Woodgate Glen side of the common boundary, an access road. A copy of the Easement Deed recorded on February 27, 1978, in Book 3359, Page 430 of the Official Records of Sonoma County is attached hereto as Exhibit "C". The access road is a gravel road which is accessible from the southern end of Wall Place and runs behind the Woodgate Glen properties. Near the western boundary of Woodgate Glen a culvert allows for vehicle access over the Irwin Creek between the access road and the Woodgate Oaks Apartments which access has historically been blocked by posts and chain. The access road is approximately 12 feet wide and runs parallel to and within several feet of the top of the bank of the Irwin Creek swale. Between the access road and Woodgate Glen residences and approximately five feet from the access road are sections of five-foot wide sidewalk providing access to several of the Woodgate Glen residences for much of the length of the access road. The front doors of several Woodgate Glen residences are within 15 feet of the access road.

Woodgate Glen Owners Association proposes to install an aesthetically designed eight-foot high Ameristar Montage Commercial Classic ornamental steel fence and matching gates or a

substantially similar fence and matching gates on the Woodgate Glen common area between the access road and the Irwin Creek swale as is depicted in the Creek Setback Variance Map prepared by Hogan Land Services dated May 10, 2018 (the "Creek Setback Variance Map"), copies of which are enclosed with this Application, thereby allowing the access road and sidewalks serving the Woodgate Glen residents to remain on the Woodgate Glen residences side of the proposed fence and gates. The proposed fence will be substantially similar to the existing ornamental steel fence installed at the southeastern corner of Woodgate Glen, a photograph of which is attached hereto as Exhibit "D". A copy of the Ameristar schematic drawing for the proposed ornamental steel fence is attached hereto as Exhibit "E". The proposed fence will be installed outside of the actual top of the bank of the Irwin Creek swale but within the applicable creekside setback area required by Section 20-30.040 of the Santa Rosa City Code thereby apparently requiring a major zoning variance. The vertical pickets of the proposed fence and gates will be approximately one inch wide and the space between the pickets approximately four inches wide thereby retaining extended views from both sides of the fence and not increasing the concealed areas within the Irwin Creek swale. The proposed gates will consist of three creek access gates, one on each end of the fence and the third in the middle of the fence, and one vehicle gate within the existing roadway link running over the Irwin Creek swale between the access road and the Woodgate Oaks Apartments as depicted on the Creek Setback Variance Map. The proposed creek access gates will be single swing gates approximately four feet wide and include a City of Santa Rosa owned lock thereby allowing the City of Santa Rosa ready access to the Irwin Creek swale from the access road including areas where the open creek transitions to a culvert or storm drain pipe (the Irwin Creek swale is also accessible from Occidental Road and the Woodgate Oaks Apartments). The proposed vehicle gate will be an approximately twenty-foot-wide double swing gate with a mounted Knox key switch for access to be installed within the existing roadway link running over the Irwin Creek swale between the access road and the Woodgate Oaks Apartments. Additionally, the fence panels will be removable in the unlikely event that access from the access road to the Irwin Creek swale other than through a gate is desired. The proposed fence and gates will replace existing segments of chain link and post and chain fencing along limited portions of the Irwin Creek swale which have been ineffective in preventing access from Occidental Road, the Stony Point Plaza Shopping Center, and the Woodgate Oaks Apartments via the Irwin Creek swale to the Woodgate Glen residences. Photographs showing the existing chain link and post and chain fencing along limited portions of the Irwin Creek swale are attached hereto as Exhibit "F",

The purpose of the proposed fence and gates is to provide security to the Woodgate Glen residences and residents. The Irwin Creek swale within the Woodgate Glen common area has attracted and continues to attract persons using the private property to unlawfully camp or congregate due to, among other factors, the swale not being visible from any public roads or the areas of the Stony Point Plaza Shopping Center frequented by the public, the swale not being visible from the La Petite Academy property due to the installed solid board fence between the swale and La Petite Academy structure, the swale having limited visibility from the Woodgate Glen residences and other Occidental Road properties due to the topography and dense vegetation allowing for concealment of encampments and illicit activities, and the swale providing a clandestine route of travel over private property to and from the Stony Point Plaza Shopping Center, Occidental Road, and West 3rd Street. Of particular concern are crimes of opportunity committed by trespassers using the Woodgate Glen private streets, access road, and pathways as a thoroughfare between West 3rd Street, the Stony Point Plaza Shopping Center, and Occidental Road via the Irwin Creek

swale and thereby coming literally within arms' reach of residences and open carport areas at all hours of the day. The entry ways of several Woodgate Glen residences are within thirty feet of the Irwin Creek swale. The Santa Rosa Police Department records reflect over a dozen residential and vehicle burglaries and multiple instances of vandalism having occurred at Woodgate Glen during the past two years in addition to recurring police responses to suspicious persons calls.

A secondary and more far reaching public benefit of the proposed fence and gates is that by eliminating use of Woodgate Glen as a thoroughfare from the Stony Point Plaza Shopping Center and Occidental Road to West 3rd Street, it will discourage persons from camping and congregating within the Irwin Creek swale thereby reducing the trash and other potentially hazardous materials discarded within the swale and seasonal drainage water, and will reduce the erosion and other damage to the stream bank caused by pedestrians and cyclists traversing the Irwin Creek swale as evidenced in the photographs attached hereto as Exhibit "B".

2. State what section of the Zoning Code you are requesting a Variance from. Explain why.

Section 20-30.040 of the Santa Rosa City Code requires the exterior boundary of the setback area on each side of a natural or modified natural waterway to be 50 feet from the top of the highest bank on that side of the waterway; provided, however, that the setback area shall be 30 feet for existing properties that were developed in compliance with applicable setback requirements in effect prior to September 3, 2004. Woodgate Glen was developed in compliance with applicable setback requirements in effect prior to September 3, 2004, and therefore the applicable setback area on each side of a natural or modified natural waterway would be 30 feet from the top of the highest bank on that side of the waterway. Notably, the Woodgate Glen Subdivision Map attached hereto as Exhibit "A" does not contain any reference to Irwin Creek or any other natural or modified natural waterway and appears to identify the applicable 30-foot building setback line from the property boundary line rather than the top of the highest bank of any natural or modified natural waterway.

As depicted in the Creek Setback Variance Map, a 30-foot setback area from the top of the highest bank would extend beyond the existing access road and sidewalks to the interior of several Woodgate Glen residences and practically to the front door of other Woodgate Glen residences. The access road and sidewalks are essential for the safety and access of the Woodgate Glen residents and therefore must remain on the Woodgate Glen residences side of the proposed fence and gates. As set forth above, the proposed fence and gates are necessary for the security of the Woodgate Glen residences and residents. Accordingly, Woodgate Glen is requesting a variance so that it can install the proposed fence and gates between the access road and the top of the bank of the Irwin Creek swale within the 30-foot setback area as depicted in the Creek Setback Variance Map.

3. Describe how all of the following conditions are found to exist on your property:

A. There are peculiar and unusual physical conditions existing on the subject property. Such conditions are unique and not common to all or most properties in the immediate area with the same zoning.

The location of the existing Woodgate Glen residences, the sidewalk, and the access road in relation to the Irwin Creek swale are peculiar and unusual physical conditions existing on the Woodgate Glen property. Properties in the immediate area do not have existing improvements within the top of bank setback area or have built over the Irwin Creek swale. The Leisure Mobile Home Park has a solid security fence within inches of the top of the creek bank along the entirety of the Irwin Creek swale on its property. La Petite Academy and The Center for Spiritual Living have security fences between the Irwin Creek swale and their respective structures which appear to be within the setback area required by Section 20-30.040 of the Santa Rosa City Code. Photographs showing the Leisure Mobile Home Park, La Petite Academy, and The Center for Spiritual Living fences in relation to the Irwin Creek swale are attached hereto as Exhibit "G".

B. A hardship peculiar to the subject property does exist and is caused by above conditions. The hardship was not created by any act of the owner and is not based on personal, family or financial difficulties.

The close proximity of Woodgate Glen to the Irwin Creek swale, the Stony Point Plaza Shopping Center, and Occidental Road and the use of the Irwin Creek swale by trespassers to access the Woodgate Glen private roads and pathways to and from the Stony Point Plaza Shopping Center and Occidental Road and the resulting concern for the safety of the person and property of the Woodgate Glen residents are significant hardships peculiar to the Woodgate Glen residences. The hardship was not created by any act of the Woodgate Glen Owners Association or the Woodgate Glen residents and are not based on personal, family, or financial difficulties. Other than the Woodgate Oaks Apartments, the Leisure Mobile Home Park, and the J.X. Wilson Elementary School, the properties in the immediate area of Woodgate Glen which abut the Irwin Creek swale are commercial properties. The Woodgate Oaks Apartments, the Leisure Mobile Home Park, and the J.X. Wilson Elementary School do not experience the same hardship as the Woodgate Glen residences as they are situated substantially further west of the Stony Point Plaza Shopping Center and would be considerably out of the way for anyone travelling between Occidental Road and West 3rd Street via the Irwin Creek swale. Additionally, the Leisure Mobile Home Park and the J.X. Wilson Elementary School have fencing which prevents access to those properties by persons accessing the Irwin Creek swale from Occidental Road, the Stony Point Plaza Shopping Center, or Woodgate Glen.

C. The Variance is necessary to gain a basic property right possessed by other properties in the vicinity with the same zoning. The Variance would not constitute a special privilege granted only to the subject property.

The Variance is necessary for the Woodgate Glen residents to gain the basic property right of their persons and property being secure in their homes. To the knowledge of the Woodgate Glen Owners Association, other residential properties in the vicinity have fences installed across the rear of their properties at the lot line for purposes of safety and privacy, and no other residential properties in the vicinity have uncontrolled access to the rear of their properties from adjoining commercial shopping centers and other commercial properties.

D. The Variance will not adversely affect adjacent properties and will not be in conflict with the public interest or the purpose and intent of the Zoning Code or General Plan.

The Variance will not adversely affect adjacent properties and will not be in conflict with the public interest or the purpose and intent of the Zoning Code or General Plan. The proposed fence and gates will not be visible from any public street and will be barely visible from any adjacent property. In contrast to the existing solid board fences installed by other properties abutting the Irwin Creek swale and apparently within the top of bank setback area, the proposed fence and gates will be of an aesthetic design and will allow for maximum visibility from both sides of the fence and not increase the number of concealed areas within the Irwin Creek swale while performing its security function. Further, the greater public interest will be served by installation of the proposed fences and gates by discouraging persons from camping and congregating within the Irwin Creek swale thereby reducing the trash and other potentially hazardous materials discarded within the Irwin Creek swale and seasonal drainage water, and reducing the erosion and other damage to the stream bank caused by persons traversing the Irwin Creek swale.

Exhibit "A"

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. - OMER'S CRITIFICATE

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DCMA HOMES, INC., a Corporation, Owner

or Girl Standing Areas

CEMER'S HOTARY

STATE OF CALIFORNIA COUNTY OF SCHOOL

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STATE OF CALIFORNIA COUNTY OF SOMOWA

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WINESS WEREOF, I have bereunto sat my hand and affixed my official by the day and year in this cargificate first above written.

My Countssion expires

Care C. Colding Carry Public in and for the Courge

TILLE WELLERACE CO. NO. OR ONG TO GOOD



COURTY RECORDER'S CERTIFICATE

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83-51569 STATE PARTY

Records of the Courty of Sonome State of California مالمعه

COUNTY CLERK'S CERTIFICATE

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I certify that all bonds, wong or Regotlable bonds required under the provisions of the Bonds half place, the secure the payers of states and assessments there ben filed with, and approved by the Board of Supervisors of the County of Sonome, namely; bond(s) under Government Code Sections 66493[c) in the sums of \$724.2000.84 and \$

ik WITHESS WERECK. I have hereunto set my hand and offined my official seal this care day of Company. 1942.

435 Milest of the Board of Superrisors County of Sonna, State of California

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CITY ENGINEER'S CERTIFICATE

I, Broydon J. Riba. City Engineer in and for the City of Santa Rosa, State of Gilfornia, have exached the map of this Subdivision and found it to substantially conform to the Fontative Rosasporced March 24, 1983, the actions of the Plantain Generalism of the City of Santa Rosa, the State Shadisisted Map Act and applicable local subdivision ordinances. I bereby certify that this map is technically correct.

Dated: Queuch 14 . 1983

City from Sura Ross. State of California



CITY CLERK'S CENTIFICATE

This is to certify that the City Concil of the City of Sata Meas, New York Confidence on this 3, and of Concil of the City Concil of the resolution and accept subject to the similar of said Concil; of a spower his sea and accept subject to increments of celefaction to public use the Paris of the City Essena, Sidesaik Essenat, Frical 'To (Califary Essenat; Sidesaik Essenat, Frical 'To (Califary Sever Essenat) as shown threel 'To (Lantary Sever Essenat) as shown

TH MITNESS BEDEEF, I have begrento set by hand and affixed by official sealth's 4 day of Outstand. 1933.

State of California Santa Boat.

ENGINEER'S CERTIFICATE

I, Wilton Hudis, hereby certify that I am a the State of California, and that this may complete survey made under any direction comments and iron pipes shown thereon a and that said mormaments will be sufficie

AL HUDIS AND ASSOCIATES / CONSULTING CIVIL ENGINEERS

MARY WE CRESCORYS CONTINUED

According to the records in the office of the undersigned, there are no the angular lists additivition, or any part. Librario, for unpaid states, commy, amantain or forced a suscensents collected as to any aperial assessments collected as two so not yet payable, by assiming of these and special assessments collected as two not yet payable, by assiming of these and special assessments collected as taxes not yet payable.

The land in said subdivision is not subject to a special assessment or more which may be paid in full.

1983 Dated: D.15. 5

Designer to the first of the first of the form of the

CITY AUDITOR'S CENTIFICATE

1, John S. Lindsay, City Auditor in and for the City of Santa Rosa, State of Collectuals, desperate the Oscielal assessments against said treat of land that are unpaid except for special assessment actions to total 3. Aread. which constitute a lien against the property but which are not yet due and payable and can or may be paid in full.

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MATURE OF EASEMENT ROADMAY 800K 296 OF DEEDS PAGE 273 BOOK 302 OF DEEDS PAGE 281 RECORDED * MORNA PC CO

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ALTY OF SANTA ROSA

ROKDUAY

WOODGATE

A PLANNED UNIT DEVELOPMENT BEING A RESUBDIVISION OF PARCEL 2 OF PARCEL, MAP NO.346, RECOMDED IN BOOK 312 OF MAPS AT PAGES 28 AND 29, SONOMA COUNTY RECORDS.

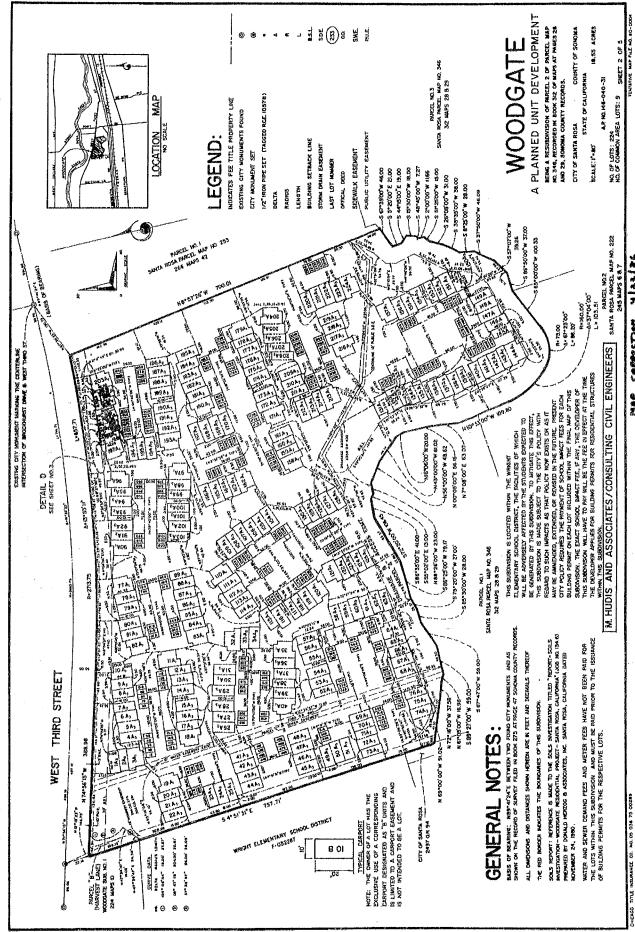
18.55 ACRES COUNTY OF SONOHA STATE OF CALIFORNIA CITY OF SANTA ROSA A.P.NO. 145-040-31

SHEET 1 OF 5 NO OF LOTS: 224 HOLOF COMMON AVEA LOTS: 9

FM 7-81

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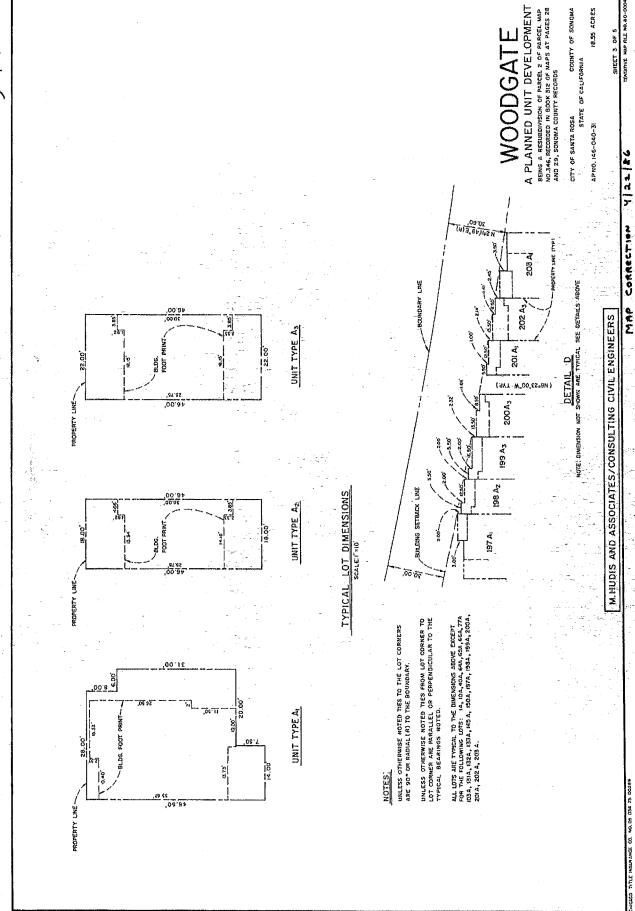


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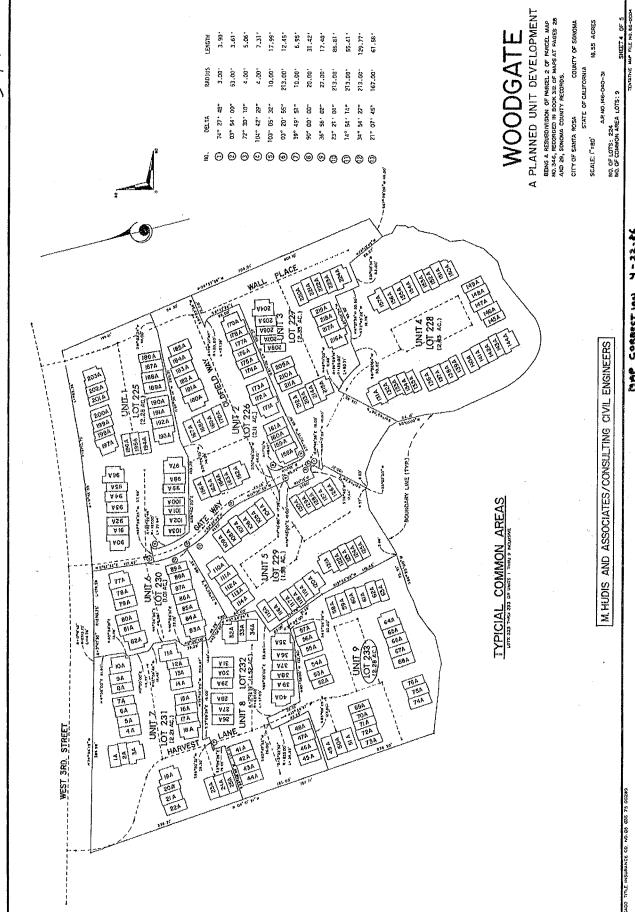
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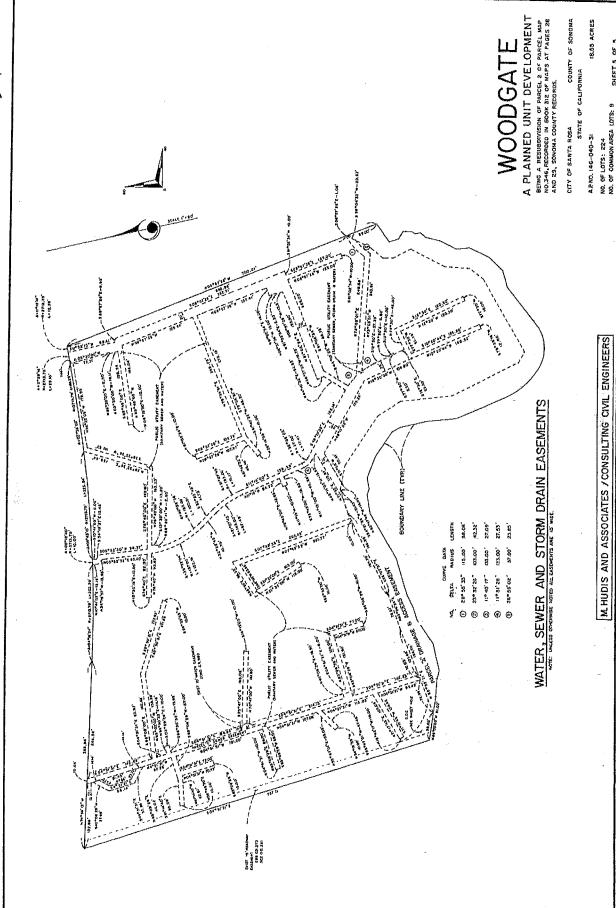
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CORRECT 162

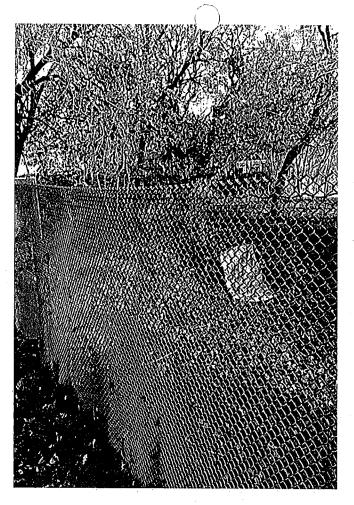
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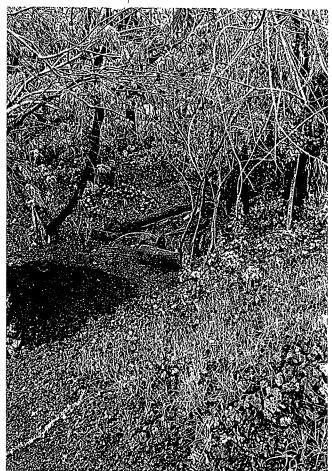
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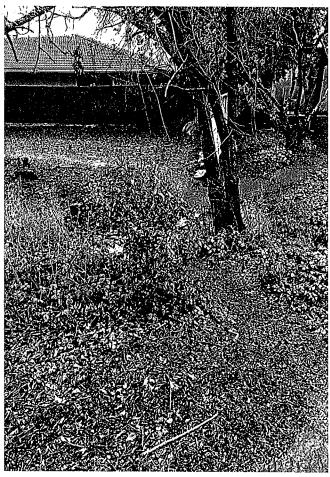


FM 7-9-81

Exhibit "B"







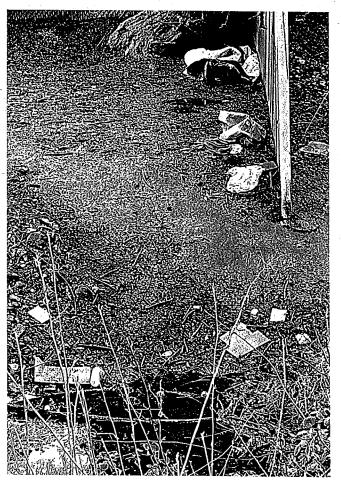




Exhibit "C"

When recorded return to: City Engineer City Hall Santa Rosa, California 95404 3.45 PM

BOOTH 3359 PAGE 430

FEB 27 1978

OFFICIAL RECORDS
SONOMA COUNTY CALIF.

CHANDERS FORMER

5 84269

EASEMENT DEED

WESTGATE CAPITAL COMPANY

GRANT(S) TO

Z- 1702

THE CITY OF SANTA ROSA, A MUNICIPAL CORPORATION

An easement with a right of immediate entry and continued possession for the construction, improvement, maintenance and repairs for public utility purposes for sewer and water facilities and storm drains over and upon that certain real property situated in the County of Sonoma, State of California, described as follows:

See Attachment "A"

The property described in this instrument is located within the Corporate limits of the City of Santa Rosa.

Recording of this document is requested for an on behalf of the City of Santa Rosa pursuant to Section 6103 of the Government Code.

Office of the City Attorney

By My Me Comean

NO TAX DUE

WESTGATE CAPITAL CAPAC.

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed above is hereby accepted by order of the Council of the City of Santa Rosa on 1975 and grantee consents to recordation thereof by its duly authorized officer.

CHTY OF SANTA ROSA. A Municipal Corporation

Dated: February 24, 1948

OFFICIA' SEAL
LOUONNA B. PHELPS
NOTARY PUBLIC - CALIFORNIA
SONOMA COUNTY
My comm. expires MAR 24, 1981

On this 22nd day of February in the year one thousand his hundred and .78 before me, Louonna B. Phelps a Notary Public, State of California, duly commissioned and sworn, personali appeared Robert N. Kerk
known to me to be the Fresident of the corporation describe in and that executed the within instrument, and also known to me to be the person who executed the within instrument on behelf of the corporation therein named, and acknowledged to me that such corporation executed the same
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the

Cowdery's Form No. 28-Acknowledgment Corporation (C. C. Secs. 1190-1190.1)

Printed 5/7

ATTACHMENT "A"

Lying within the Rancho Llano de Santa Rosa and being a portion of the lands of Westgate Capital Company, Inc. as described in deeds recorded in Book 1558, Page 10, and Book 1607, Page 186, Sonoma County Records.

· Commencing at a found 1/2" iron pipe and tag (L.S. 3489) marking the most Northwesterly corner of Parcel 2, City of Santa Rosa Parcel Map No. 222 recorded in Book 245 of Maps, at Pages 6 and 7, Sonoma County Records; thence along the most Northerly line of said Parcel Map No. 222, North 85° 06' 46" East 153.62 feet to a found 1/2" iron pipe and tag '(L.S. 3489) being the True Point of Beginning of this description; thence North 85° 06' 46" East 44.00 feet to a point; thence South 10° 33' 00" East 66.80 feet to a point; thence on a tangent curve to the left with a radius of 160.00 feet, and a central angle of 37° 04' 00", a length of 103.51 feet to a point of compound curve; thence continuing on a tangent curve to the left with a radius of 75.00 feet, and a central angle of 67° 23' 00", a length of 88.20 feet to a point; thence North 65° 00' 00" East 100.33 feet to a point; thence South 4° 53' 14" East, 46.55 feet to a point; thence on a curve to the left with a radial bearing of North 4° 53' 14" West, a radius of 150.00 feet, and a central angle of 68° 15' 23", a length of 178.69 feet to a point of reverse curve; thence on a curve to the right with a radius of 130.00 feet, and a central angle of 34° 33' 03", a length of 78.39 feet to a point of reverse curve; thence on a tangent curve to the left with a radius of 70.00 feet, and a central angle of 53° 25' 44", a length of 65.28 feet to a point of reverse curve; thence on a tangent curve to the right with a radius of 30.00 feet, and a central angle of 135° 01' 55", a length of 70.70 feet to a point; thence South 46° 59' 23" East 227.17 feet to a point on the Northerly line of Occidental Road as shown on the previously mentioned Parcel Map No. 222; thence North 48° 16° 00" East, 53.87 feet to a point; thence North 41° 37' 03" West 252.53 feet to a point; thence on a tangent curve to the left with a radius of 115.00 feet, and a central angle of 83° 11° 03", a length of 166.96 feet to a point of compound curve; thence continuing on a curve to the left with a radius of 40.00 feet, and a central angle of 109° 38' 43" a length of 76.55 feet to a point; thence South 28° 31' 13" West, 143.00 feet to a point; thence on a non tangent curve to the right with a radial bearing of North 60° 29' 57" West, a radius of 80.00 feet and a central angle of 141° 53' 04", a length of 198.11 to a point; thence North 8° 33' 04"

121.38 feet to a point; thence North 16° 30' 29" West, 87.40 feet to a point; thence on a tangent curve to left with a radius of 160.00 feet, and a central angle of 90° 50' 45", a length of 253.69 feet to a point; thence South 72° 38' 56" West, 100.58 feet to a point; thence South 67° 59' 57" West, 106.78 feet to a point; thence South 75° 06' 23" West, 97.27 feet to a point; thence South 73° 30' 49" West, 147.66 feet to a point; thence on a non tangent curve to the right with a radial bearing of North 25° 29' 54" East, a radius of 105.00 feet, and a central angle of 59° 37' 16", a length of 109.26 feet to a point; thence South 85° 07' 10" West, 12.55 feet to a point on the Westerly line of Parcel 1 of the previously mentioned Parcel Map Number 222; thence continuing along the Westerly line of said Parcel 1, South 4° 52' 35" East 132.14 feet to a point; thence South 73° 22' 45" East 126.57 feet to a point; thence on a tangent curve to the left with a radius of 140.00 feet, with a central angle of 47° 45' 43", a length of 116.70 feet to a point of reverse curve; thence on a curve to the right with a radius of 100.00 feet, and a central angle of 42° 51 07", a length of 74.79 feet to a point of reverse curve; thence on a curve to the left with a radius of 150.00 feet, and a central angle of 45° 42' 23", a length of 119.66 feet to a point of reverse curve; thence on a curve to the right with a radius of 120.00 feet and a central angle of 108° 00' 01", a length of 226.20 feet to a point of compound curve; thence continuing on a curve to the right with a radius of 150.00 feet, and a central angle of 32° 19' 16", a length of 84.62 feet to a point of reverse curve; thence on a curve to the left with a radius of 150.00 feet, and a central angle of 21° 12' 47" a length of 55.53 feet to the True Point of Beginning of this description.

Bearings are based on said City of Santa Rosa Parcel Map No. 222

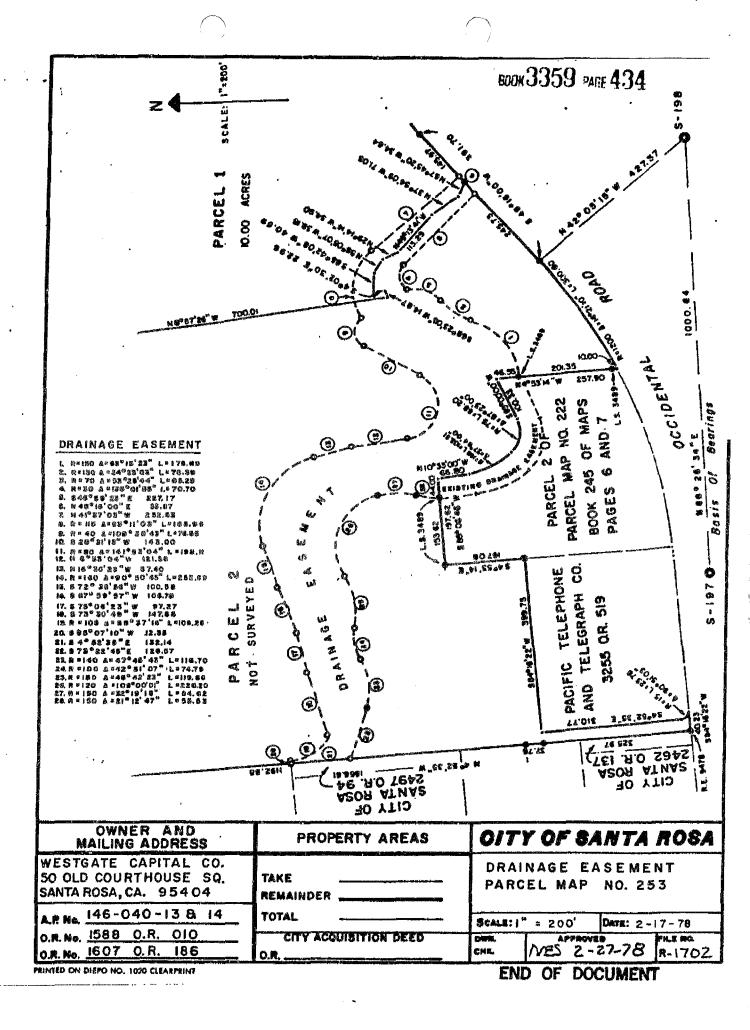


Exhibit "D"

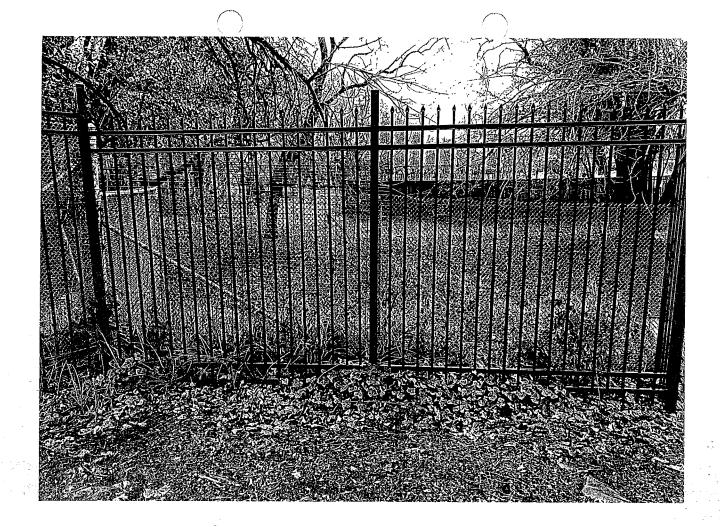
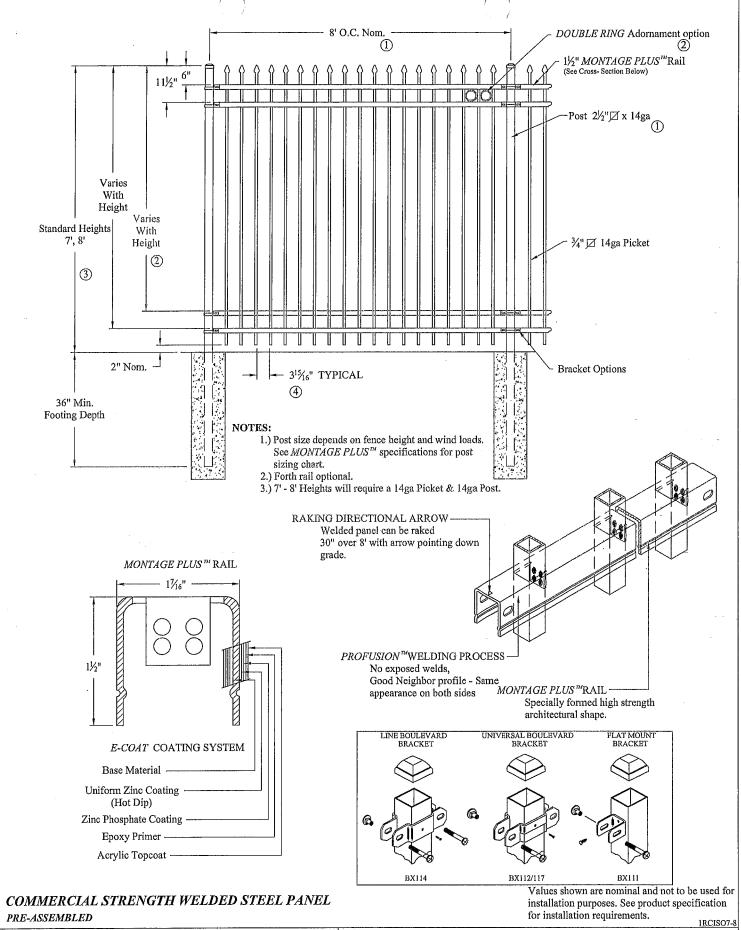


Exhibit "E"



MONTAGE COMMERCIAL CLASSIC 3/4-RAIL

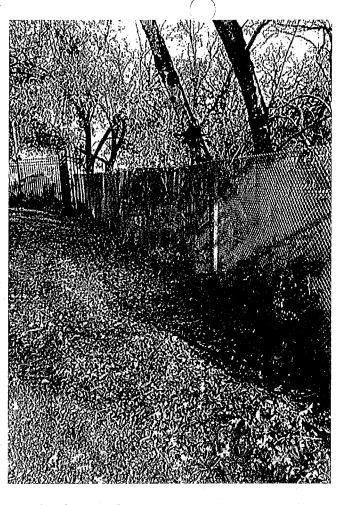
DR: NJB SH. 1 of 1 SCALE: DO NOT SCALE

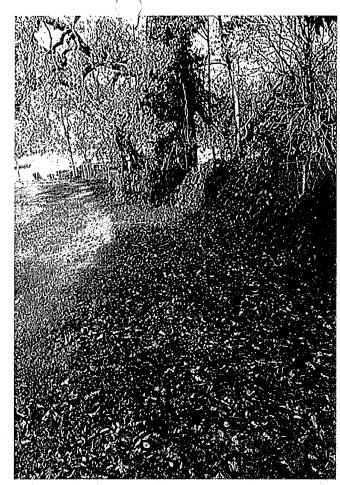
CK: BS Date 09/21/11 REV: d



1555 N. Mingo Tulsa, OK 74116 1-888-333-3422 www.ameristarfence.com

Exhibit "F"





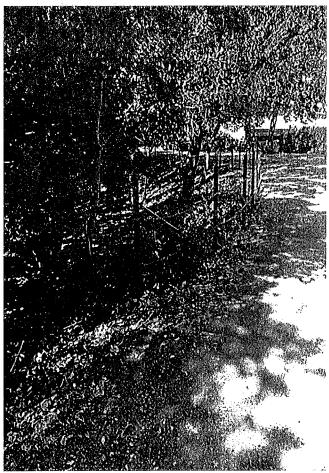




Exhibit "G"

