

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
JULY 9, 2020

PROJECT TITLE

Woodgate Glen PUD Security Fence

APPLICANT

Peter J Walls

ADDRESS/LOCATION

400 Gate Way (formerly 1800 W 3rd St)

PROPERTY OWNER

Woodgate Glen HOA

ASSESSOR'S PARCEL NUMBER

146-160-049, 146-160-050, 146-170-056,
146-170-057

FILE NUMBER

PRJ19-023 (CUP19-048/ZV19-002)

APPLICATION DATE

May 16, 2019

APPLICATION COMPLETION DATE

July 16, 2019

REQUESTED ENTITLEMENTS

Zone Variance & Minor Conditional Use
Permit

FURTHER ACTIONS REQUIRED

Design Review (Minor Administrative)

PROJECT SITE ZONING

PD262 (R-3-15-PD)

GENERAL PLAN DESIGNATION

Medium Density Residential

PROJECT PLANNER

Michael Wixon

RECOMMENDATION

Approve Resolutions

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR CISCO AND MEMBERS OF THE COMMISSION

FROM: MICHAEL WIXON, CONTRACT PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SUBJECT: WOODGATE GLEN PUD SECURITY FENCE ZONE VARIANCE
AND MINOR CONDITIONAL USE PERMIT

AGENDA ACTION: APPROVAL OF RESOLUTIONS

RECOMMENDATION

The Planning and Economic Development Department recommends that the Planning Commission, by resolution, approve both the Zoning Code Variance and Minor Conditional Use Permit to install an 8' high ornamental steel security fence and gates along the southerly boundary of the Woodgate Glen PUD, adjacent to the Irwin Creek and within the required 30-foot creekside setback area.

EXECUTIVE SUMMARY

Project applications include a Zoning Code Variance and Minor Conditional Use Permit to construct an 8-foot tall decorative black iron fence along the embankment of Irwin Creek, which would be within the required minimum 30-foot creekside setback. The decorative steel fence will have three (3) pedestrian gates for maintenance and a vehicle gate for maintenance and emergency access. The fence will be constructed along the Irwin Creek embankment, between an existing graveled access road and the creek. The fence will also be constructed in a manner that allows the Homeowner's Association to remove sections of the fence, as needed, to continue its responsibility for creek maintenance. The primary purpose of the fence is to alleviate on-going issues related to crimes of opportunity within the condominium complex and undesirable activities along the creek.

BACKGROUND

1. Project Description

The applicant proposes the construction of an eight (8) foot tall decorative black iron security fence along the northern embankment of Irwin Creek. The fence will include three (3) pedestrian gates for maintenance and a vehicle gate for maintenance and emergency access. The entire length of the fence would encroach into the 30-foot Creekside setback (see attachments).

The project was originally subdivided and constructed as air-space condominiums for 224 single-family units in 1983. The project included internal open space areas, parking areas and drive aisles, a community pool and a 12-foot wide graveled road along the northern edge of Irwin. The project also included an associated pedestrian and utility easement along the length of the creek embankment, which defines the southern boundary of the project. The project was originally designed and constructed to allow residents to walk around the perimeter of the entire site and along the graveled road, which was intended to visually incorporate the creek into the project. Although the creek itself is off-site, the Homeowner's Association has, since its inception, maintained the creek along its boundary.

Since its construction in 1983, the City added the Creekside Development Standards in the Zoning Code (§20-30.040 et seq), which now requires a minimum 30-foot setback from creeks. The project presently has several components which are located within the minimum 30-foot setback from the creek bank, such as a several building corners, the community pool, and the graveled road. There are also segments of a similar 8-foot tall decorative black iron security fence and a steel pipe and chain fencing along portions of the Irwin Creek boundary (between the graveled road and the creek). Photos of existing conditions on-site and showing rendered photo images of the proposed fence are included in Attachment 6.

The applicant has noted that there are an increasing number of crimes of opportunity (e.g. vehicle break-ins) within the parking areas and homeless persons living along the creek and creating disturbances to residents and their guests. The applicant has also noted that many homeless persons travel from W 3rd Street through their site to the creek (and vice versa). Therefore, the applicant is proposing the fence to address these issues and to continue to provide "eyes on the creek" while allowing for on-going creek maintenance, emergency vehicle access and a visual connection to the creek corridor, consistent with the intent of the original approval.

As proposed, the new fence would not obstruct views into the creek area and would not create any obstructions to the creek flows during a storm event, but it would encroach into the 30-foot Creekside setback.

2. Surrounding Land Uses

North: Medium Density Residential; currently developed with fourplex units

South: Medium Density Residential and Retail and Business Services; currently undeveloped (Irwin Creek) and developed as Woodgate Oaks Apartments, the Center for Spiritual Living, La Petite Academy and Ratable Pizza.

East: Retail and Business Services; A neighborhood shopping center with an Oliver's, CVS Pharmacy and several other local retail and service uses

West: Medium-Density and Low Density Residential; currently developed as the JX Wilson School and Park, the Leisure Mobile Home Park, and several single-family dwelling units.

3. Existing Land Use – Project Site

The entire site consists of 18.55 acres located along the south side of W 3rd Street and north of Irwin Creek. The project site consists of multiple parcels for 224 single-family units and their associated common areas as a condominium project. The southern property line generally conforms to the centerline of Irwin Creek. All common areas are owned and maintained by the HOA, including but not limited to the drive aisles and parking areas, the open spaces between buildings, the community pool, and that portion of the open space area between the condominium units and the approximate creek centerline. The topography of the site is flat and surface drainage generally runs towards the creek. The segment of Irwin Creek that runs along the southern property boundary was partially channelized and portions of it piped when development occurred in the mid-1980's. As shown on the recorded map for the project Woodgate Glen Condominiums, the City of Santa Rosa possesses a drainage easement for storm water conveyance and maintenance of its facilities, which extends north beyond the creek embankment of the creek. An underground stormwater pipe presently carries overflow stormwater from the Irwin Creek north towards W 3rd St.; the remaining open swale, i.e., Irwin Creek, directs remaining stormwater to another underground pipe near the southwest corner of the site. Due to the extent of modifications made to the creek during the mid-1980's, this segment of Irwin Creek is recognized as a channelized segment by the City of Santa Rosa for maintenance purposes, and is not recognized as having significant vegetation or wildlife importance.

4. Project History

On February 14, 1978, the City Council approved the rezoning of the site to R-4-PD with a "Conceptual Land Use Plan" and a Policy Statement. The General Plan was updated by City Council the following month to reflect the zone change.

On June 24, 1980, the City Council approved Resolution 14561 to ratify the Negative Declaration for the Rezoning of the Site to R-3-PD (PD262).

On July 1, 1980, the City Council approved Ordinance 2105, rezoning the site to the R-3-PD with a Development Plan and Policy Statement (PD262).

On February 5, 1981, the Design Review Board approved the preliminary design for the subject project.

On March 26, 1981, the Planning Commission approved the Conditional Use Permit (Resolution 5047) and a Tentative Map for a condominium subdivision (Resolution 5048) for the Woodgate Glen project.

On July 7, 1983, A Final Design Review Application was submitted and approved for the subject project.

PRIOR CITY COUNCIL REVIEW

As noted above, the City Council adopted the Negative Declaration for the project on June 24, 1980 and Rezoning the project site to R-3-15-Planned Development (PD262) on July 1, 1980.

ANALYSIS

1. General Plan

The General Plan land use designation is Medium Density Residential, which is intended for a range of single family attached and multifamily developments where higher density is appropriate. The site is located north of Highway 12 and Occidental Road and west of Stony Point Drive. Following are General Plan goals and policies related to development of creekside properties.

LAND USE AND LIVABILITY

LUL-E ...Ensure that everyday shopping, park and recreation facilities, and schools are within easy walking distance of most residents

LUL-E-2 As part of planning and development review activities, ensure that projects, subdivisions, and neighborhoods are designed to foster livability. Utilize the city's Design Guidelines as a reference when evaluating the following neighborhood components:

...Connections. Neighborhoods should be well connected to local shops and services, public plazas and gathering places, park lands, downtown, schools, and recreation by adequate and safe streets, bike lanes, public pathways, trails, general infrastructure (e.g., sidewalks and crosswalks), and transit.

URBAN DESIGN

UD-G Design residential neighborhoods to be safe, human-scaled, and livable by addressing compact development, multi-modal connectivity and reducing energy use.

UD-G-4 Provide through-connections for pedestrians and bicyclists in new developments. Avoid cul-de-sac streets, unless public pedestrian/bikeways interconnect them.

TRANSPORTATION-PEDESTRIANS AND BICYCLES

- T-J Provide attractive and safe streets for pedestrians and bicyclists.
- T-J-1 Pursue implementation of walking and bicycling facilities as envisioned in the city's Bicycle and Pedestrian Master Plan.
- T-J-2 Provide street lighting that is attractive, functional, and appropriate to the character and scale of the neighborhood or district, and that contributes to vehicular and pedestrian safety.
- T-K Develop a safe, convenient, and continuous network of pedestrian sidewalks and pathways that link neighborhoods with schools, parks, shopping areas, and employment centers. T-K-1 Link the various citywide pedestrian paths, including street sidewalks, downtown walkways, pedestrian areas in shopping centers and work complexes, park pathways, and other creekside and open space pathways.

OPEN SPACE AND CONSERVATION

- OSC-D-9 Ensure that construction adjacent to creek channels is sensitive to the natural environment. Ensure that natural topography and vegetation is preserved along the creek, and that construction activities do not disrupt or pollute the waterway.
- OSC-D-10 Orient development and buildings toward creeks while providing privacy, security, and an open transition between public and private open spaces.
- OSC-D-11 New development along channelized waterways should allow for an ecological buffer zone between the waterway and development. This buffer zone should also provide opportunities for multi-use trails and recreation.
- OSC-D-12 New development should maintain an adequate setback from channelized waterways to recognize the 100-year flood elevation and allow for stream corridor restoration. Setbacks identified in the Zoning Code should serve as minimum setbacks. Larger setbacks are encouraged in accordance with Restoration Concept Plans to meet restoration and enhancement goals.
- OSC-H-1 Preserve trees and other vegetation, including wildflowers, both as individual specimens and as parts of larger plant communities.

Staff Response:

Overall, staff finds the project is consistent with the General Plan. The project site currently has informal pedestrian connections to the east, west and south. An informal trail also exists along the creek from Occidental Road to JX Wilson Elementary School, connecting to adjacent uses along the way. However, none of the dirt paths along the creek are formally recognized for access through the project site. Further, the Creek Master Plan recognizes that this reach of Irwin Creek would not be designated for pedestrians. The policies outlined above are met by the project design on-site. Off-site pedestrian use of the on-site graveled

access road would be prevented with the construction of the new security fence along the creek bank. However, the goal of the project is to prevent the off-site use of the on-site trail due to security and safety issues. Pedestrian and bicycle access remains along W 3rd Street. Residents of the Woodgate Apartments will still maintain access to JX Wilson School through the adjacent Mobile Home Park, near the southwest corner of the site. The fence will not disrupt storm water flows and will allow the HOA to continue to perform maintenance within the creek area to insure proper stream flows. Further, this section of Irwin Creek is not envisioned in the Creek Master Plan for bike or pedestrian trails, or as having other special features.

According to the HOA, the homeless problem has become a more acute issue in recent years. This concern was confirmed by staff when, during the unannounced site visit, a police officer was seen patrolling the gravel road responding to a disturbance. Thus, the HOA has developed a plan in the past year to:

- Enhance the personal safety of its residents and guests;
- Keep the visual connection to the open space;
- Maintain formal pedestrian connections already existing;
- Provide for emergency vehicle access;
- Insure no flood or drainage issues occur with the new fence improvements;
- Avoid any complete vegetation or tree removal along the creek, with only minor limb cuts being needed for the fence; and,
- Continue creek maintenance by the HOA by using a removable fence panel system and providing three (3) pedestrian gates and one vehicle access gate to the creek area, which will also be designed for emergency vehicular access.

2. Other Applicable Plans

a. Santa Rosa Citywide Creek Master Plan

The project site is adjacent to a portion of Irwin Creek Reach 1 (see Attachment 7). Irwin Creek is known as a tributary to the Laguna de Santa Rosa. The parcels through which the creek passes are private except for J. X. Wilson Elementary School and Live Oak Park. A diversion structure north of Occidental Road routes high flows to Santa Rosa Creek through the storm drain system. The remaining creek flow continues along the surface and enters the storm drain west of J. X. Wilson Elementary School, surfacing at Fulton Road. Vegetation observed within these creeks includes cattail, willow, redwood, oaks, and privet. Habitat enhancement including invasive species removal and replacement with native vegetation is recommended for this reach. Although the project is not expected to impact local vegetation or wildlife habitat, except for some minor tree and shrub pruning for the fence installation, the applicants may be required to obtain a Stream Alteration Agreement from the California Department of Fish and Wildlife before construction of the fence begins.

b. Bicycle and Pedestrian Master Plan Update 2018

The Plan does not indicate any bicycle or pedestrian trails, current or future, along this reach of Irwin Creek. The Plan does show, however, future improvements for a buffered Class II bike lane along the project frontage of W 3rd Street. The proposed project will not impact any future road improvements for the buffered Class II bike lane.

3. Zoning

The project site is designated as the PD262 (a.k.a. R-3-15-PD) Zoning District. This district is intended to support medium density multi-family residential development. The site is developed with multi-family residential buildings and is constructed and used in accordance with the previously approved Design Review, Use Permit and Final Map for the Woodgate Glen project. These uses are all approved uses in accordance with the Policy Statement for the PD262 Zoning District. Surrounding zoning classifications are:

North: PD109 (Single Family, Duplex, Fourplex-PD)

South: PD0459 (R-3-PD); CG (General Commercial); PD0089 (Commercial PD)

East: CG (General Commercial)

West: R-2 (Two Family Residential); R-1-6 (Single Family Residential); PD0048 (R-2-Mobile Home Park-PD); R-2; R-1-6

PD 262 Policy Statement Excerpts:

OBJECTIVES:

- C. To develop the creek area as the major visual and pedestrian circulation backbone to the entire project.
- G. To develop a Creekside open-space corridor which is visually, functionally, and spatially connected to an open-space system developed among structures.
- H. To develop a Creekside pedestrian system that shall be a strong visual backbone of the development, originating in the an being an integral part of the commercial development to the east, gathering and connecting the open-space system extending northward into the residential development and finally connecting pedestrian linkages to the west.

GENERAL PROJECT SPECIFICATIONS:

6. Amenities:

- d. Creek area paths and landscaping

- e. Complete internal pedestrian path and bike system
- 7. Landscaping:
 - f. If a fence barrier is placed along the south side of the creek, it will be a transparent green or black coated chain link unit.

Development Standards

Creekside setback and fence height standards from the Zoning Code are below and have been edited for brevity:

20-30.040 Creekside Development: The setbacks required in Section 20-30.040 shall be 30 feet for existing properties or adjacent areas within the City that were developed in compliance with applicable setback requirements in effect prior to September 3, 2004.

20-30.040(D)(3) Creekside Development: This section of the creek is privately owned and the City of Santa Rosa possesses a drainage easement that covers the creek swale area to its embankment (and more). The City has determined that this section of Irwin Creek is not a fully channelized waterway owned by or under the control of the Sonoma County Water Agency, which might otherwise allow the applicant to encroach into the creekside setback (as long as it would not obstruct or impair hydraulic flow). Since, it is not a channelized waterway for this purpose, a Zoning Variance is needed to encroach into the Creekside setback.

20-22.050 Residential District General Development Standards: Pursuant to Zoning Code Table 2-5 For R-2 and R-3 Districts: No fence, wall, or hedge shall exceed a height of...6 feet..

20-30.060 Fences, Walls, and Screening: A fence may be constructed to a height in excess of the limits established by Subsection C with Minor Conditional Use Permit approval.

Staff Response:

The project was originally developed with the start of a pedestrian system along this reach of Irwin Creek; the project included a graveled road immediately adjacent to the creek bank for vehicle access for maintenance, but it was also used to connect with other pedestrian walkways on-site. However, as other projects along this reach of Irwin Creek developed, the full concept of an integrated trail along the complete reach of Irwin Creek (from Occidental Road to J.X. Wilson School) did not come to fruition—the trail was never strongly developed as an integral part of any adjacent project. In fact, a short stretch of security fencing has been in place for several years at the southeast corner of the site to prevent pedestrian activity to and from the shopping center. Also, according to the applicant, the owner of the apartments to the south would prefer

that no access exist between projects. Further, the commercial projects in this reach of Irwin Creek have developed in a manner that backs up to the creek without any formal connections being provided to other nearby uses. This is evidenced by both the current Citywide Creek Master Plan, the Updated 2018 Bike and Pedestrian Master Plan, the current development patterns, and the lack of complete pedestrian and/or bike improvements in this area. An access gate remains off-site near the southwest corner of the project site for nearby residents in the apartment complex to the south to walk to the J.X. Wilson School and Park.

The design of the project will also continue to maintain a strong visual and spatial connection to the creek, and it will continue to allow full use of the existing pedestrian trail and graveled access road on-site, consistent with the PD Policy objectives and project specifications previously approved by the City.

Below are assessments of the Zone Variance and Minor Conditional Use Permit findings in accordance with the City's Zoning Code.

1. **Zoning Variance for Creekside Setback Requirements:**

The Zoning Code presently requires a minimum 30-foot setback between the top of creek bank and any new structure, such as a fence. Hence, the applicant is proposing a Variance from the required minimum setback. The proposed decorative fence would replace all portions of the post and chain fence and would run the entire length of the creek bank.

Pursuant to Zoning Code Section 20-52.060(G)(3), the Planning Commission must make the following five findings before approving a Zoning Variance:

- a. *There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards.*

In 1983, the project was developed consistent with the Zoning Code for the PD 226 Zone. The PD Zone and development was established in response to the unique physical setting of the creek as demonstrated in the Policy Statement and the approved Conditional Use Permit and Design Review applications. The 30-foot Creekside setback development standard was added to the Zoning Code in 2004. The strict application of the current Creekside Setback now established in the Zoning Code applied to the development which has occurred within the PD226 Zone, creates an

unnecessary and unreasonable regulation which makes it impractical to require compliance due to: the location of the graveled access road adjacent to the creek bank; the location of portions of the pool facilities and fencing within the Creekside Setback; the location of portions of condominium units within the current Creekside Setback; and the location of front doors and front door access on several condominium units adjacent conflicting with the current Creekside Setback. Further, with a reasonable level of safety and security for residents of the residential complex also a project goal which is highlighted in the PD226 Zone, the fence location creates a practical setback location intended to provide property owners with privileges enjoyed by other projects along this segment of Irwin Creek.

- b. A non-self-created hardship peculiar to the subject property does exist by reason of the conditions, and that these conditions are not common to all or most of the properties in the immediate area which are also within the identical zoning district. In this context, personal, family, or financial difficulties, loss of prospective profits, and existing zoning violations, or legal nonconforming uses or structures existing on neighboring properties shall not be deemed hardships justifying a Variance.*

A reduction in reasonable privacy and security for the project site has occurred in more recent years, well after the adoption of the Creekside Setback in the City's Zoning Code. The existing on-site conditions are not common to all nearby properties because of the variation of planned development zoning districts. Further, the site was developed in a manner that oriented development towards the creek and near the creek bank, in accordance with the previously adopted policy statements and conditions of approval for the project, which are also not common to other properties nearby. In doing so, the relationship of the creek bank to physical improvements already developed on-site in accordance with the PD226 Zone demonstrates that such conditions are not common to other properties because each PD Zone is unique and, therefore, cannot be common to most of the properties along this section of Irwin Creek. Therefore, the variance is warranted based upon a unique, non-self created hardship peculiar to the subject property and is not the result of previous actions of the property owners.

- c. Granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the vicinity which are within the identical zoning district as the subject property, and that a Variance, if granted, would not constitute a special privilege to the subject property which is not held or enjoyed by neighboring properties within the identical zoning district.*

The variance is necessary for the preservation and enjoyment of the property owners' right to safely and securely use the on-site improvements, which are part of the project. Several other adjacent projects also back up to Irwin Creek and have placed fences along the creek to provide reasonable levels of safety and security. The granting of this variance will provide a reasonable level of security and safety and maintain an open view into the creek area within a unique PD Zoning District. Because each PD Zone is unique to the project itself, the variance will not create a special privilege.

- d. The Variance would not be of substantial detriment to adjacent properties and would not be in conflict with the purposes and intent of this Zoning Code, the General Plan, any applicable specific plan, or the public interest or welfare.*

The Variance would not be of substantial detriment or impact to adjacent properties and would not be in conflict with the purposes and intent of the Zoning Code, the General Plan, including but not limited to the Santa Rosa Citywide Creek Master Plan Bicycle and the Pedestrian Master Plan Update 2018. Nor would the Variance be a substantial detriment or impact the public interest or welfare because it provides reasonable levels of security and maintains views into and through the creek area. The construction of the proposed decorative security fence would not affect the functionality or substantially impact the aesthetics of the neighboring properties because: the decorative security fence respects developed patterns along the creek; it does not block the existing pedestrian access to J.X. Wilson School from apartments to the south; it maintains the PD 266 Policy Objectives for pedestrian use of the graveled trail/maintenance road on-site; it is consistent with development in this area where fences and walls have been constructed adjacent to Irwin Creek to maintain reasonable levels of safety and security.

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

The project has been reviewed in compliance with the California Environmental Quality Act (CEQA), and qualifies for the following exemptions: a Class 1 Exemption pursuant to CEQA §15301 as a minor alteration to private structures and facilities involving negligible or no expansion of existing uses; a Class 3 Exemption pursuant to CEQA §15303(e) as the construction and location of limited new structures including, but not limited to, accessory structures such as fences; and, a Class 5 Exemption pursuant to CEQA §15305(a) as a minor alteration in land use limitations in areas with average slopes less than 20%, which does not result in any changes in land use or density, including, but not limited to, set back variances not resulting in the creation of a new parcel.

2 Minor Conditional Use Permit

A fence may be constructed two (2) feet in excess of the maximum fence height (6-feet) with a Minor Conditional Use Permit based upon the findings listed in §20-30.060.D (Fence Height) and §20-52.050 (Minor Use Permit) of the Zoning Code. The Planning Commission must make the following findings before approval of a Minor Use Permit for an 8-foot high open fence:

- A. The issuance of the permit is reasonably necessary to maintain reasonable levels of safety and security based upon the demonstrated number of calls related to crimes of opportunity occurring on the site and the stated number of undesirable activities non-residents occurring in recent years, and to insure the preservation of valuable property rights and full use and enjoyment of the properties therein;
- B. The fence will not create a safety hazard to pedestrians or vehicular traffic as it will comply with requirements of the California Building Code, including the Fire Code requirements therein;
- C. The appearance of the 8-foot tall decorative wrought iron fence is compatible with the design and appearance of other existing buildings and structures on-site and within the neighborhood;
- D. As proposed, the 8-foot tall decorative iron fence has been planned as an integral architectural feature for the site and will maintain views into the creek area without dominating the site or overwhelming the adjacent properties and structures;
- E. The orientation and location of the fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood because it is an open design, maintaining a full view of the creek, its placement on the creek bank, and it will allow continued use of the on-site improvements for pedestrians, bicyclists, and maintenance activities; and
- F. The fence will be of sound construction due to the construction methods and compliance with the California Green Building Code.

In addition to the findings above, the Planning Commission must also make the following findings for a Minor Conditional Use Permit:

- G. The proposed fence is allowed within the PD262 Zoning District and will comply with all other applicable provisions of this Zoning Code (with approval of the Zone Variance for the Creekside Setback) and the City Code.
- H. The proposed use is consistent with the General Plan and any applicable specific plan as discussed above;
- I. The design, location, size, and operating characteristics of the proposed 8-foot tall decorative iron security fence would be compatible with the existing and future land uses in the vicinity;

- J. The site is physically suitable for the type, density, and intensity of 8-foot tall decorative wrought iron security fence along the bank of Irwin Creek. Further, the project will: maintain access; not impacts utilities; and, not create additional physical constraints due to its height;
- K. The 8-foot tall decorative wrought iron fence 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; and,

In compliance with the California Environmental Quality Act (CEQA)The proposed project has been reviewed is exempt from further environmental review as both a Class 1 and Class 3 project.

4. Design Guidelines

An Administrative Design Review will be performed with the building permit if the Planning Commission approves the project.

5. Neighborhood Comments

A Neighborhood Meeting was held on January 8, 2020. Only residents of the project were in attendance; several of the residents were also elected board members of the Homeowner's Association. Overall, everyone in attendance supported the project when asked. However, some residents had minor issues with the details of the project design and their ability to egress the site in an emergency or generally. Another resident of the project noted a concern with the effectiveness of the fence. The HOA has indicated, since the Neighborhood Meeting, that the pedestrian gates will not be designed for general ingress or egress, only for creek maintenance. The Fire Department has noted that the pedestrian gates also do not need to be designed for emergency ingress or egress because they would not be subject to the Fire Code based upon their proposed locations relative to other on-site improvements. However, the Fire Department noted the proposed vehicle access gate must be designed to meet Fire Code requirements with appropriate emergency vehicle access easements. The Fire Department comments are included as recommended conditions of approval.

A letter (Attachment 8) was received prior to the Neighborhood Meeting from a resident of the project—the resident was also in attendance the Neighborhood Meeting. The letter objects to the fence for various reasons. However, it is staff's opinion that these concerns have been addressed by the applicant and that remaining objections should be considered by the HOA Board before construction (i.e., a decision to construct the fence or not). Two letters in support of the project from residents were recently received and are included with

Attachment 8.

6. Public Improvements/On-Site Improvements

No on-site or public improvements are proposed or required for this project.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The project has been reviewed in compliance with the California Environmental Quality Act (CEQA), and qualifies for the following exemptions: a Class 1 Exemption pursuant to CEQA §15301 as a minor alteration to private structures and facilities involving negligible or no expansion of existing uses; a Class 3 Exemption pursuant to CEQA §15303(e) as the construction and location of limited new structures including, but not limited to, accessory structures such as fences; and, a Class 5 Exemption pursuant to CEQA §15305(a) as a minor alteration in land use limitations in areas with average slopes less than 20%, which does not result in any changes in land use or density, including, but not limited to, set back variances not resulting in the creation of a new parcel.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

The Waterways Advisory Board was supportive of the project. Discussed were concerns regarding vegetation, access and a trail along the creek, maintenance of stormwater flow and the creek area, and whether the project would serve its purpose.

NOTIFICATION

The project was noticed as a public hearing per the requirements of Chapter 20-66 of the City Code. Notification of this public hearing was provided by posting an on-site sign, publishing notice in a newspaper of general circulation, mailed notice to surrounding property owners within 600-feet, mailed notice to surrounding tenants within 600-feet, electronic notice to parties that had expressed interest in projects taking place in this geographic area of Santa Rosa, and bulletin board postings at City Hall and on the City website. Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

ISSUES

There are no unresolved issues with the proposed project.

ATTACHMENTS

Attachment 1: Disclosure Form
Attachment 2: Project Location Map
Attachment 3: Attachments to the Zoning Variance Application (Project Description and Exhibits A-G)
Attachment 4: Creek Setback Variance Map Received May 16, 2019
Attachment 5: Fence Location Map Superimposed on Aerial
Attachment 6: Photos of Existing Site and Rendered Photo Images from Applicant
Attachment 7: Planning Watershed Area Map
Attachment 8: Public Correspondence
Resolution: Zoning Variance (w/ Attachment "A")
Resolution: Minor Conditional Use Permit (w/ Attachment "A")

CONTACT

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