

RESOLUTION NUMBER DR20-033

RESOLUTION OF THE DESIGN REVIEW BOARD OF THE CITY OF SANTA ROSA GRANTING PRELIMINARY DESIGN REVIEW APPROVAL FOR 1 SANTA ROSA AVENUE, A 7-STORY, MIXED-USE BUILDING COMPRISED OF GROUND FLOOR COMMERCIAL SPACE AND 120 MARKET-RATE AND AFFORDABLE MULTI-FAMILY HOUSING UNITS, LOCATED AT 1 SANTA ROSA AVE., APN 010-063-025, FILE NO. DR20-033

WHEREAS, the project site is located within the Downtown Station Area Priority Development Area boundary (Downtown PDA) as described in Zoning Code § 20-16.070, Figure 1-1; and

WHEREAS, Design Review for Mixed-use development that includes a Residential Component for projects within the Downtown PDA is delegated to the Zoning Administrator, through the Minor Design Review process in accordance with § 20-16.070 (A), subject to Concept Design Review by the Design Review Board for new development of 10,000 square-feet or more in total floor area and a pre-application Neighborhood Meeting as required by § 20-16.070 (A)(2); and

WHEREAS, required Concept Design Review by the Design Review Board was conducted on May 21, 2020, during which time the Design Review Board provided non-binding comments to the applicant and interested citizens as to how the application may meet the City's development priorities, and those comments were recorded in the minutes of the subject meeting; and

WHEREAS, a required pre-application Neighborhood Meeting to provide the opportunity for early input by affected neighbors was held on June 15, 2020, prior to submittal of the required Planning entitlement application; and

WHEREAS, the Santa Rosa Zoning Administrator has completed its review of the project application for Design Review to demolish an existing structure and construct a 7-story, mixed-use building comprised of ground floor commercial space and 120 market-rate and affordable multifamily housing units with indoor and outdoor amenity spaces, and the Zoning Administrator's review was based upon the project description and official approved exhibit dated received September 14, 2020; and

WHEREAS, the Santa Rosa Zoning Administrator finds as follows:

1. The design and layout of the proposed development is of superior quality, and is consistent with the General Plan, and 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), and the matter has been properly noticed as required by Section 20-52.050.E.2.a, and a request for a public hearing has been acted upon; and
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) in that the proposed design reflects a contextual response to Courthouse Square, existing Downtown development, both historic and otherwise, and the Transit Mall area, in building height, form, and architectural details, the form, massing, materials and detailing express the design concept and building use, the landscape design is appropriate for the proposed use, the design would reinforce a sense of place in the Downtown core as a place for urban living, and the design promotes sustainability through materials, site location, and use; and

3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments in that the design is appropriate for its location on a major street between Courthouse Square and Transit Mall public spaces, supports street-level pedestrian activity, would promote synergy between uses and pedestrian activity that extends beyond the typical 9 to 5 workday and decrease the need for commuting, and contribute residential development to an overwhelmingly commercial core resulting in greater diversification of Downtown land use; and
4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood in that Project setbacks reflect the 0-foot setbacks of existing buildings along Santa Rosa Avenue and Third Street, the three-tier horizontal scale of the building reflects similar design elements of nearby buildings surrounding Courthouse Square, the rhythm and similarity of openings honors existing historic architecture while details and materials clearly identify this building as new construction, a minimum of 50 percent of the building frontage width above the first story is differentiated by recessed windows, balconies, offset planes, or other architectural details that provide dimensional relief, the building elevations clearly express the uses within with prominent front elevations across 3rd Street from Courthouse Square with a two-story glazed opening revealing the public lobby of the building, front stoops on Santa Rosa Avenue highlight individually-accessed residences within, across all upper elevations the regular rhythmic pattern of pairs of large and small windows offer a pattern of living and bedroom areas of a residential building, and the parapet and set-back at the 7th floor further indicating the residential use, while at the corner of 2nd Street and Santa Rosa Avenue, a public café invites the public into the building and supports street-level activity, and residential doorways and associated frontages form individual bays and create meaningful subdivisions in the building's facades on both street frontages, individual residences create multiple tenancies at street level and, with access taken from the public sidewalk, they serve to support pedestrian activity; and
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 in that the proposed design features indoor and outdoor community amenity areas and a rooftop deck, the project design would provide 90% glazing at the café and the main building entry with 25% glazing in the residences, the project proposes Equitone Natura panels on the first two stories, which have a smooth, felted appearance and sense of texture, with wood-like accents panels on Second Street to create visual warmth and variety on the façade, the multi-story primary entrance will feature highly recognizable art, and at the building main entrances, space between the back of the sidewalk and the building would be embellished with concrete pavers; and
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 in that the project has been reviewed by City Building, Engineering, and Fire divisions and appropriately conditioned to comply with all local regulations currently in effect; and
7. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for exemption from review under CEQA Guidelines Section 15182 (Projects Pursuant to a Specific Plan), Section 15183 (Projects Consistent with a General Plan), and a Class 32 exemption under Section 15332.

CEQA Guidelines Section 15182 applies to projects located within a transit priority area as defined by Public Resources Code PRC § 21099, the project is consistent with a specific plan for which an environmental impact report was certified, and where the project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in a Sustainable Communities Strategy. The project is exempt under Section 15182 in that the project is located immediately adjacent to the Santa Rosa Transit Mall, which is a major transit stop with bus routes offering 15-minute headways; on October 9, 2007, the City Council, concurrent with the adoption of the Downtown Station Area Specific Plan (Specific Plan), certified the Specific Plan EIR (SCH 2006072104), and the density, design, and infrastructure plan under the proposed project is consistent with the adopted Specific Plan; and the proposed project is consistent with the general use designations, density, building intensity, and applicable policies specified for the project area in the Plan Bay Area 2040 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) prepared by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) for the San Francisco Bay Area Region.

CEQA Guidelines section 15162 provides that no additional review is required where an EIR is certified or a negative declaration has been adopted for a project and there are no substantial changes to the project or changed circumstances which will result in new or more severe environmental impacts and there is no new information showing the project will have significant effects not discussed in the negative declaration.

The proposed land use and density are consistent with the policies contained in the Specific Plan and that were codified in the current General Plan Land Use designation and Zoning District for the site.; there have been no changes in circumstances resulting in new or more severe impacts; and there is no new information indicating that the project will have one or more significant effects not discussed in the previous negative declaration. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15182, and California Public Resources Code 21155.4, and no further environmental review is required.

The Project qualifies for a Class 32 exemption under California Government Code Section 15332 (In-fill Development Projects) of the State CEQA Guidelines in that:

- The Project is consistent with Santa Rosa General Plan 2035, the Downtown Station Area Specific Plan, and the current City of Santa Rosa Zoning Code;
- The Project is located within City of Santa Rosa jurisdiction, on a project site of no more than five acres substantially surrounded by urban uses;
- The Project site has been previously developed and has no value as habitat for endangered, rare or threatened species in that the site has been continuously built out for more than 100 years and all lands have been disturbed and are covered in concrete or building;
- The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality in that a Traffic Technical Operational study concluded that the project would not result in a substantial effect on roadway or intersection operations in the vicinity of the project, the project is conditioned to comply with the City's Noise Ordinance, the project complies with all required policies contained in the City's adopted Climate Action Plan and is conditioned to require compliance with all Air Quality mitigation measures contained in the Specific Plan EIR, and the project is conditioned to

incorporate all Low Impact Development Best Management Practices as part of the Final Storm Water LID Submittal; and

- The Project site is located in a developed area where it can be adequately served by all required utilities and public services. City staff has reviewed the plans and conditions the project appropriately.

No exceptions to the exemption 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.)

NOW, THEREFORE, BE IT RESOLVED, the Zoning Administrator of the City of Santa Rosa does hereby grant Minor Design Review of 1 Santa Rosa Avenue subject to each of the following conditions:

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.
2. All work shall be done according to the final approved plans dated received September 14, 2020.
3. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that approved by the Zoning Administrator. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.

PLANNING DIVISION:

4. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080) is required.
5. Compliance with City Noise Ordinance (City Code Chapter 17-16) is required.
6. The project shall comply with the following applicable Downtown Station Area Specific Plan Mitigation Measures adopted by City Council on October 9, 2007:

AQ-1: Implement control measures for construction and demolition-related air emissions to ensure that the project sponsor and contractor reduces particulate, ROG and NOx emissions by complying with the BAAQMD policies and guidelines. The project sponsor and contractor shall implement the following control measures:

- Provide transit information kiosks.
- Cover all trucks hauling construction and demolition debris from the site.
- Water on a continuous as-needed basis all earth surfaces during clearing, grading, earthmoving and other site preparation activities.

- Use watering to control dust generation during demolition of structures or break-up of pavement.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas.
- Sweep daily (with water sweepers) all paved areas and staging areas.
- Provide daily clean up of mud and dirt carried onto paved streets from the site.
- Renovation, demolition activities, removal or disturbances of any material that contain asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations.
- Properly maintain all construction equipment.
- Reduce equipment idling time.

For construction near sensitive receptors:

- Install wheel washers for all exiting trucks or wash off the tires or tracks of trucks and equipment leaving the site.
- Suspend dust-producing activities during periods when instantaneous gusts exceed 25 mph when dust control measures are unable to avoid visible plumes.
- Limit the area subject to excavation, grading and other construction or demolition activity at any one time.

BIO-2: If there is the potential for destruction of a nest or substantial disturbance to nesting birds or bats due to construction activities, a plan to monitor nesting birds or bats during construction shall be prepared and submitted to the USFWS and CDFG for review and approval. The applicant shall comply with all USFWS or CDFG guidance for protection of nesting birds.

If vegetation, buildings or bridges that potentially provide nesting sites must be removed, a qualified wildlife biologist shall conduct pre-construction surveys. If an active bird nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300 feet for raptors; or (b) 75 feet for other non-special-status bird species. Disturbance of active nests shall be avoided to the extent possible until it is determined that nesting is complete and the young have fledged.

Bats shall be absent or flushed from roost locations prior to demolition of buildings. If flushing of bats from buildings is necessary, it shall be done by the biologist during the non-breeding season from October 1 to March 31. When flushing bats, structures shall be moved carefully to avoid harming individuals, and torpid bats given time to completely arouse and fly away. During the maternity season from April 1 to September 30, prior to building demolition or construction, a qualified biologist shall determine if a bat nursery is present at any sites identified as potentially housing bats. If an active nursery is present, disturbance of bats shall be avoided until the biologist determines that breeding is complete and young are reared.

CULT-3a: The use of heavy bulldozers and other excessive vibration-causing equipment in construction zones shall be excluded within 25 feet of significant or potentially significant historical resources. A system of spot-check monitoring shall also be performed by an architectural historian at the critical times as defined at the project specific level.

CULT-3b: The use of pile-driving equipment during construction activity shall be excluded within 200 feet of all eligible or potentially eligible historic resources; augers shall be used within 200 feet. A system of spot-check monitoring shall also be performed by an architectural historian at the critical times as defined at the project specific level.

GEO-1a: All structures in the Specific Plan Area shall be designed in accordance with currently adopted building codes and ordinances of the City of Santa Rosa. A Final Design Review shall be performed by a licensed civil/structural engineer for adherence to the seismic design criteria within the Specific Plan Area.

GEO-1b: A subsurface geotechnical investigation shall be performed to evaluate soils in the subsurface at the proposed redevelopment site. The investigation shall include the following elements.

1. The investigation shall be performed under the direction of a state licensed Geotechnical Engineer and/or a Certified Engineering Geologist.
2. The subsurface investigation shall include drilling, logging and sampling of boreholes to a minimum depth of 25 feet below the ground surface to evaluate soils for their susceptibility to seismically induced ground failure.
3. If a seismically unstable subsurface material is encountered, the engineer shall identify specific measures to mitigate the impact of seismic ground shaking. Mitigation measures may include soil stabilization techniques such as pressure grouting, specific foundation design measures such as pile foundations, or other methods identified by the engineer.
4. A written report shall be prepared summarizing the methods used, results of the investigation and specific design measures recommended.
5. Results of the investigation shall be reviewed by the City, or by a qualified independent consultant retained by the City.

GEO-2: Investigation of the potential for soil liquefaction during seismic ground shaking that could result in damage to structures, pavements and utilities is required. A subsurface geotechnical investigation shall be performed to evaluate soils in the subsurface at the proposed redevelopment site. The investigation shall include those elements outlined under Mitigation Measure GEO-1b. The City shall require developers to incorporate the mitigation measures into new development.

HAZ-3a: The Fire Department shall review construction plans for roadway modifications and establish temporary alternative emergency routes necessary for the duration of the construction project. During design review the City shall ensure that roads and driveways are established that meet ordinance and uniform building code requirements for emergency access. The Fire Department shall also review building plans for compliance with the Fire Code and establish future inspection schedule for continuing compliance.

NOI-1: Developer shall ensure that construction equipment be well maintained and used judiciously to be as quiet as practical. The following measures, when applicable, will be required from developers to reduce noise from construction activities:

- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Prohibit unnecessary idling of internal combustion engines.
- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
- A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
- Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 a.m. to 7:00 p.m.
- Businesses, residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. Designate a “construction liaison” that will be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

NOI-2a: A site-specific noise study shall be conducted to determine appropriate mitigation measures to reduce noise levels to within established allowable levels and the project shall comply with all recommendations included in the noise study.

NOI-3a: Developer shall reduce vibration from construction activities by implementing the following during construction:

- Avoid impact pile driving where possible and use drilled piles when possible since drilled piles causes lower vibration levels where geological conditions permit their use.
- Avoid using vibratory rollers and tampers near sensitive areas.

NOI-3b: In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:

- Identification of sites which would include vibration compaction activities, such as pile driving, and have the potential to generate groundborne vibration, while considering the sensitivity of nearby structures to groundborne vibration. Vibration limits shall be applied to all vibration-sensitive structures located within 200 feet of the project. This task shall be conducted by a qualified structural engineer.
- Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits and address the need to conduct photo, elevation and crack surveys to document before and after construction conditions.

- Construction contingencies would be identified for when vibration levels approached the limits.
- At a minimum, vibration monitoring shall be conducted during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
- When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.

Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction.

7. PROJECT DETAILS:

- A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and California Building Codes, as well as the City's Design Review Guidelines.
- B. The design of all fencing and similar accessory site elements shall be compatible with the architecture of main buildings and shall use similar materials. The design must be approved by the Planning Division prior to issuance of a building permit.
- C. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architectural design consistent with the building architecture element approved by the Design Review Board or Planning Division.
- D. Installation of street trees as described on the approved final plan set is required, subject to Engineering Development Services conditions contained in Exhibit "A" attached hereto and incorporated herein.

8. PARKING:

- A. The applicant shall enter into an agreement with the City to reserve at least 90 parking spaces for use by residents of 1 Santa Rosa Avenue in Garage 12 located at 555 1st Street as required by current Zoning Code parking policies.
- B. Prior to issuance of a building permit for new construction, the project shall demonstrate to the satisfaction of the Director of Planning and Economic Development that it is in compliance with parking policies contained in the Downtown Station Area Specific plan and regulations in the Zoning Code at the time of building permit issuance.

9. LANDSCAPING:

- A. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
- B. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans, except where not required.

- C. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.

10. LIGHTING:

- A. All exterior lighting is required to comply with the City's Outdoor Lighting Ordinance.
- B. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit in accordance with the Design Review approval.

11. SIGNAGE:

- A. No exterior signs, banners, or the like are approved with this permit. An approved Sign Permit is required for all signs.
- B. Sign Permit approval shall be obtained prior to application for a building permit.
- C. Building permits for sign installations shall be separate permits from other building permits issued for construction.

BUILDING DIVISION:

- 12. Obtain a demolition permit for structure(s) to be removed.
- 13. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
- 14. Obtain building permits for the proposed project.

ENGINEERING DIVISION:

- 15. Compliance with all conditions as specified by Engineering Development Services Exhibit "A" dated September 17, 2020, attached hereto and incorporated herein.

HOUSING DIVISION:

- 16. For those units contributing to compliance with the City's Housing Allocation Plan (Inclusionary units), the applicant shall enter into an Affordability Agreement with the Housing Authority of the City of Santa Rosa **PRIOR** to the recording of any final map or issuance of the building permit for the residential development, whichever comes first. The affordability agreement shall be binding on all future owners and successors of interest of the residential development. The Affordability Agreement shall identify the affordable units by designed income level, for a period of 55 years, and with, among others, the following provisions:
 - A. The type, size and location of each allocated unit and the allowed income levels for the units (i.e., number of units @ 30% AMI, number of units @ 50% AMI, and number of units @ 60% AMI);

- B. The allocated units are to be rented only to households of the identified income group at no more than the identified maximum affordable rent during the term of the Agreement;
- C. The Agreement shall be recorded by the Sonoma County Recorder against the parcel(s) that the allocated units are located on; and
- D. The Agreement shall be reviewed and approved by the Executive Director of the City's Housing Authority and the affordability of the allocated units shall be monitored for compliance by the Housing Authority staff. The Housing Authority is expressly authorized to act as the City's agent to enter into the Affordability Agreement for the purpose of enforcing the terms of the agreement.

RECREATION AND PARKS DEPARTMENT

- 17. All landscaping shall be privately maintained and irrigated. The property owner shall be responsible for the irrigation and maintenance of the street trees and maintenance of the planter strips in front of and alongside of their lots.
- 18. Parks acquisition and/or park development fees shall be paid at the time of building permit issuance. The fee amount shall be determined by the resolution in effect at the time.
- 19. All commercial space in this mixed-use development is subject to a public art contribution in accordance with City Code Chapter 21-08, Development Requirements Relating to Public Art.

TRANSIT AND PARKING DEPARTMENT

- 20. All trash, recycling and compost services shall only be allowed during days and times mutually agreed upon by the City's Transportation & Public Works Department, the service provider and the applicant. Confirmation of the agreement shall be provided by the applicant to the Director of Planning and Economic Development via memorandum prior to issuance of a building permit for new construction.
- 21. No delivery vehicles (post office, café deliveries, moving vans, UPS, etc.) shall enter, park in, or otherwise utilize the Transit Mall/2nd Street area for their services.
- 22. All trash, recycling, and compost bins must be kept within the building in a secure, internally ventilated space to minimize odor and ensure that the sidewalk remains clear for general public pedestrian activity within the Transit Mall. Not until the time of pick-up will the trash, recycling and compost be moved to the curb. Trash, recycling, or compost cannot be placed at the curb prior to pick-up or left unattended. At no time shall the trash room be cleaned in a manner that results in waste or wastewater emptying into the Transit Mall/2nd Street nor the sidewalk.
- 23. Any other unforeseen deliveries, services or contractors (including services for the main electrical room) for 1 Santa Rosa Avenue seeking to use the Transit Mall / 2nd Street are required to contact the Transit Division as far in advance as possible by calling the on-duty supervisor at (707)543-3922 to make arrangements. At no time shall any vehicles back up within the confines of the Transit Mall/ 2nd Street.
- 24. No curb cuts shall be constructed within the Transit Mall to service 1 Santa Rosa Avenue except one to serve the trash room. The location of this curb cut shall be outside of front-door-ADA bus

boarding/alighting areas that exist within the Transit Mall frontage. Transit Division staff shall identify the exact location.

25. Install roll-up doors for trash room access.
26. As part of construction planning for 1 Santa Rosa Avenue and far in advance of the construction mobilization, a meeting with the Transit Division and City Traffic Engineer shall be conducted for the purposes of minimizing impacts to the Transit Mall activities and insuring the maintenance of ADA access, pedestrian safety and continuity of local and regional transit operations.

ZONING ADMINISTRATOR

27. (add/delete text as needed)

This Minor Design Review of a proposal to demolish an existing structure and construct a 7-story, mixed-use building comprised of ground floor commercial space and 120 market-rate and affordable multifamily housing units with indoor and outdoor amenity spaces, including a 25% parking reduction from the minimum number of required parking spaces, is hereby approved on this 23rd day of September, 2020, provided that a Building Permit for construction approved under the permit is issued and is diligently pursued toward completion on the subject property within two years from approval date.

The approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: _____
Andy Gustavson, Zoning Administrator