

## RESOLUTION NO.

### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A ZONING VARIANCE FOR AN ENCROACHMENT INTO THE REQUIRED TEN-FOOT SECOND STORY SETBACK FOR CONSTRUCTION OF WARREN RESIDENCE LOCATED AT 3523 COFFEY MEADOW PLACE; FILE NUMBER ZV20-003

WHEREAS, the Planning and Economic Development Department of the City of Santa Rosa received an application for a Zoning Variance pursuant to the provisions of Title 20 of the Santa Rosa City Code from Franklin and Nancy Warren for a Variance to allow an encroachment of five-feet in to the required ten-foot second-story setback for the reconstruction of their residence, which was destroyed in the Tubbs and Nuns Firestorm on October 8, 2017, at 3523 Coffey Meadow Place, also known as Assessor's Parcel No. 034-371-014; and

WHEREAS, the Planning Commission at its meeting held on July 22, 2021, heard and considered evidence regarding the proposed Zoning Variance and made findings in connection therewith; and

WHEREAS, said Planning Commission, after due consideration, investigation and study made by itself and in its behalf, and after due consideration of all evidence and reports offered at said meeting, does find and determine the following:

1. 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. Special circumstances relate to the development standards under which the surrounding environs were constructed.

Following the Tubbs and Nuns fires of October 2017, Zoning Code Section 20-28-100 was established to facilitate the reconstruction and resilience of areas impacted by the fires. This section of the Code allowed reconstruction of homes within Planned Development (PD) zoning districts to follow development standards set forth in the applicable Policy Statement or the implementing zoning district for the General Plan land use designation which, in this case, would be the R-1-6 (Single-family Residential) zoning district. Neither of the two sets of allowable development standards permit construction of two-story structures constructed on the five-foot setback line without stepping the second story back to the ten-foot setback line.

Because of the devastation caused by the fire, the applicants are proposing a concrete home with no second-floor stepping, and both sides along the five-foot setback line. There are several properties within the same Planned Development (PD 0184) that have been constructed with single-plain walls on both sides, including 3530 Coffey

Meadow Place, which is directly across the street from the subject site, with vertical planes on both sides of the home along the five-foot setback line.

2. A non-self-created hardship peculiar to the subject property does exist by reason of the conditions, and 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.

The subject property is one of approximately 2,600 single-family dwellings, out of approximately 46,000 single-family structures within the City of Santa Rosa, that were destroyed in the firestorms. The hardship requiring the residence to be designed to a different and more restrictive set of standards than other residential units within the identical zoning district is a non-self-created hardship peculiar to the subject property, which is not a result of actions taken by the Property owners.

3. 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 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 granting of this Variance will allow the subject property to be developed to the same standards enjoyed by neighboring and nearby properties within the identical zoning district with similar topography and, as such, would not constitute a special privilege enjoyed by other nearby properties.

4. 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.

Several residential units in the immediate vicinity are developed with homes which do not step at the second story on either side of the structure. As such, the requested five-foot encroachment into the ten-foot side yard setback will not affect the functionality or aesthetics of the surrounding neighborhood.

5. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA):
  - a. Pursuant to CEQA Guideline Section 15269, replacement of a residence destroyed during a disaster, such as a fire, is exempt from CEQA.
  - b. Pursuant to CEQA Guideline Section 15302, the replacement of the residential structure qualifies for a Class 2 Categorical Exemption in that it involves the reconstruction of a residential unit on a site where a residential

structure was destroyed in the October 2017 firestorm, and will serve the same purpose as the previous structure.

- c. Pursuant to CEQA Guideline Section 15303, the project involves the construction of one single-family residential unit and therefore qualifies for a Class 3 Categorical Exemption

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Santa Rosa does hereby approve the requested Zoning Variance to allow an encroachment of five-feet in to the required ten-foot second-story setback for the reconstruction of their residence at 3523 Coffey Meadow Place, subject to the following conditions:

1. A building permit is required for the proposed development.
2. The plan sets submitted for building permits shall match those approved by the Planning Commission, stamped received on September 25, 2020.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 22<sup>nd</sup> day of July 2021 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED: \_\_\_\_\_  
KAREN WEEKS, CHAIR

ATTEST: \_\_\_\_\_  
ANDREW TRIPPEL, EXECUTIVE SECRETARY