RESOLUTION NO. RES-2026-017

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE LAGO FRESCA APARTMENTS PROJECT- LOCATED AT 2445 SUMMERFIELD ROAD AND 4744 HOEN AVENUE, APNS: 014-361-029 AND 014-361-028- FILE NUMBER PRJ22-019 (CUP22-050)

WHEREAS, on September 11, 2022, Conditional Use Permit, Deview Review, and Density Bonus Request applications were submitted requesting Conditional Use Permit approval of a multi-family project in an Office Commercial (CO) zoning district, Design Review of a multi-family project, and Density Bonus based on the provision of affordable housing, for the proposed Lago Fresca project (Project) located at 2445 Summerfield Road and 4744 Hoen Avenue, APNs: 014-361-029 and 014-361-028; and

WHEREAS, under City of Santa Rosa Zoning Code Section 20-30.030, Table 2-6, this multi-family land use may be allowed with approval of a Conditional Use Permit; and

WHEREAS, on September 29, 2021, a Pre-application Neighborhood Meeting was held, with notification mailed to surrounding property owners and occupants of the Project site to apprise recipients of the scope of the requested Project and meeting details; and

WHEREAS, on March 3, 2022, A Concept Design Review package was considered by the Design Review Board to solicit feedback on the Project design, part of the required Design Review application, separate from the Conditional Use Permit application; and

WHEREAS, on August 18, 2022, Conditional Use Permit and Design Review applications were submitted to the City; and

WHEREAS, on September 16, 2022, a Notice of Application was distributed, with notification mailed to surrounding property owners and occupants of the Project site to apprise recipients of City receipt of a formal application and the scope of the requested Project; and

WHEREAS, on November 12, 2025, the Director of Planning and Economic Development issued an approval letter for a 32.5-precent density bonus, with two concessions, and five waivers for the proposed four (4) very low-income units, representing 10% of the base units in compliance with the State Density Bonus under California Government Code Section 65915 and Santa Rosa Zoning Section 20-31.050 and 20-31.060; and

WHEREAS, on December 11, 2025, the Planning Commission unanimously approved a Conditional Use Permit for a 50-unit multi-family apartment for the Project (PC-RES-2025-018) at a public meeting, during which time all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, on December 18, 2025, on a 4-1-1 vote, the Design Review and Preservation Board approved a Design Review application for the Project (DRPB-RES-2025-

003) at a public meeting, during which time all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, on December 19, 2025, the City Clerk's Office received an Appeal from Khashayar Ghazzagh (Appellant), on behalf of the Bennett Valley Community Against Lago Fresca Project, appealing the Conditional Use Permit and Design Review approvals and seeking review by the City Council, pursuant to City Code Chapter 20-62; and

WHEREAS, on February 24, 2026, the Council of the City of Santa Rosa held a duly noticed public hearing and considered the Appeal of the Planning Commission action of approving a Conditional Use Permit for a multi-family project in an Office Commercial (CO) zoning district, and the Design Review and Preservation Board approval of Design Review for the Lago Fresco Apartments Project, located at 2445 Summerfield Road and 4744 Hoen Avenue, all comments made at the public hearing, and all other information in the administrative record.

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit), the City Council of the City of Santa Rosa finds and determines:

A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. The site is zoned Office Commercial (CO), consistent with the General Plan Land Use for Office. Zoning Code Section 20-23.030, Table 2-6, allows multi-family use through a Major Conditional Use Permit, and Section 20-23.040, Table 2-7, establishes a density of 30 units per acre for commercial zoning districts. Further, the project qualifies for concessions and waivers by providing affordable on-site units consistent with the zoning code Chapter 20-31, and the California Government Code Section 65915 (State Density Bonus Law); and

B. The proposed use is consistent with the General Plan and any applicable specific plan. The project has been found consistent with both General Plan 2035, which was in effect at the time the project application was submitted, and General Plan 2050, which was adopted in June 2025. The project aligns with the goals and policies of both Plans by contributing to the City's housing stock, supporting infill development, and promoting land-use efficiency within an established urban area. The General Plan supports density bonuses where affordable housing is proposed. The project adds 50 new residential units, including four deed-restricted affordable units. It implements several relevant goals and policies of both General Plan 2035 and General Plan 2050, including promoting compact infill development, preventing an overconcentration of any single housing type in one neighborhood, supporting the housing needs of Santa Rosa residents, and expanding the supply of low-income housing. Specifically, Policy LUL-E-6 of General Plan 2035 states "allow residential or mixed-use development in the Retail and Business Services or Office Designations". In support of the General Plan 2035 and 2050, Zoning Code Section 20-23.030, Table 2-6, permits multifamily dwellings in the CO zone, subject to approval of a Conditional Use Permit; and

C. The design, location, size, and operating characteristics of the proposed activity would be

compatible with the existing and future land uses in the vicinity. The proposed multi-family residential development is a conditionally permitted use in the CO zoning district, as specified in Zoning Code Section 20-23.030 – Table 2-6. The project is located in an area characterized by a mix of residential, office, and public institutional land uses, and is adequately served by City infrastructure and emergency services. The site and building design support compatibility with surrounding uses by incorporating sustainable features and community amenities. The project includes landscaping with trees and vegetation, common open space areas, and a community center with an adjacent outdoor gathering space, all of which promote resident interaction and a high-quality living environment. The development will be fully electric and will include rooftop solar panels on Building D to support on-site energy generation. Additional improvements include enhancements to public facilities along both street frontages, such as upgraded pedestrian pathways and stormwater management systems. Transit accessibility is provided by a public bus stop located approximately 200 feet from the project site on the west side of Summerfield Road. The location of the stop allows residents to access transit without needing to cross the street. Traffic analyses prepared by W-Trans concluded that the proposed development would not result in significant traffic impacts, parking would be adequate and anticipated vehicle trips fall within acceptable thresholds. There is no evidence of safety impacts to pedestrians, bicyclists or vehicles as a result of the proposed project. The development will be fully electric and will include rooftop solar panels on Building D to support on-site energy generation. Additional improvements include enhancements to public facilities along both street frontages, such as upgraded pedestrian pathways and stormwater management systems. Transit accessibility is provided by a public bus stop located approximately 200 feet from the project site on the west side of Summerfield Road. The location of the stop allows residents to access transit without needing to cross the street. A traffic impact analysis prepared by W-Trans concluded that the proposed development would not result in signific; and

D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints. The project includes 50 apartment units on a currently vacant 1.31-acre site. The site would be accessed via a 26-foot driveway on Hoen Avenue, located approximately 150 feet from the western side of Summerfield Road. Furthermore, the site includes an emergency vehicle turnaround area to ensure sufficient maneuverability for emergency services. The Traffic Study evaluated the adequacy of site access for all modes of transportation and addressed potential sight distance issues, and found no evidence of impacts to safety of pedestrians or bicyclists. All necessary utilities, including water, wastewater, gas, and electric services, are available for the project site; and

E. Granting the permit 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. Project plans have been thoroughly reviewed by City staff, including Planning, Building, Engineering Development Services, Water, Traffic, Transit, and the Fire Department, to ensure compliance with applicable standards. As a condition of approval, the project will include public and private improvements that support safe and effective use. As part of the project, a new crosswalk with enhanced safety features, including

rectangular rapid flashing beacons (RRFBs), will be installed approximately 300 feet west of Summerfield Road to improve pedestrian crossings along Hoen Avenue. These infrastructure upgrades will significantly enhance pedestrian safety in the area; and

F. The proposed Project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for an exemption under CEQA Guidelines Section 15332, Class 32 (Infill) exemption. The applicant has submitted a memorandum for the infill exemption environmental analysis, detailing how the Project aligns with the criteria listed in CEQA Guidelines Section 15332 (a-e) as follows:

a. The Project site is located in an area designated by the General Plan as Office, which provides sites for administrative, financial, business, professional, medical, and public offices. The Project is within the CO (Office Commercial) zoning district, consistent with the General Plan land use designation, where Multifamily Housing is allowed through a Conditional Use Permit. The 2035 General Plan, which was in place when the project was submitted and deemed complete, included Policy LUL-E-6 that allowed residential or mixed-use development in the Retail and Business Services or Office designations. Additionally, the current General Plan 2050 includes numerous policies and actions in support of residential development and complete neighborhood, as well as Action 2-3.1 that calls for updating the Zoning Code to permit residential and mixed-use development by right in certain nonresidential zoning districts, as mandated by state law.

b. The Project site is located within Santa Rosa City limits, does not exceed five acres, and is surrounded by urban uses.

c. The project site is not within regions designated for special habitats or protected species. The biological assessment report prepared by First Carbon Solutions, dated September 6, 2023, and updated June 18, 2024, indicates that the project site has no value as habitat for endangered, rare, or threatened (including candidate, sensitive, or special status) species due to the absence of suitable habitat conditions and use of surrounding areas.

d. The Project will not result in any significant traffic, noise, air quality, or water quality impact as explained below:

- **Traffic**: A traffic study was conducted by W-Trans on December 28, 2023, to evaluate the proposed project. Subsequently, and addendum by W-Trans dated December 1, 2025, as well as a response to the appeal grounds by W-Trans dated January 22, 2026, were received. The traffic study, addendum and response conclude that the proposed project would generate a low number of new trips, would not substantially impact the City's circulation system and that parking would be adequate. The City's Traffic Engineering Division has reviewed the report and did not raise any issues.

- **Noise**: The Noise Impact Assessment, dated June 12, 2024, analyzed different sources of noise such as construction activities, traffic, operational/stationary

sources, and groundborne vibrations. The assessment indicates that the project would not result in significant noise effects on the surrounding environment and will maintain acceptable noise levels for nearby residents.

- **Air Quality**: An Air Quality, Greenhouse Gas Emissions (GHG), and Energy Impacts Analysis Memorandum was prepared for the proposed project on October 17, 2023, and updated on June 14, 2024. The memorandum indicates that the project is consistent with local zoning and does not require a General Plan amendment, as population growth has been considered in the 2017 Clean Air Plan. The project meets the BAAQMD criteria for air quality impacts, with construction emissions controlled through Basic Construction Mitigation Measures to limit dust. Operationally, the project involves 50 apartment units, well below the 451-unit threshold for air quality impacts. As such, the project will not generate significant emissions or air quality impacts. Further, the project is below acceptable thresholds for air quality impacts on sensitive receptors. The proposed project includes all-electric construction, reduced vehicle miles traveled, EV charging infrastructure meeting CALGreen Tier 2 standards, and adherence to the Santa Rosa CAP (Climate Action Plan). Therefore, the project aligns with a Qualified GHG Reduction Plan and will not have significant effects.

- **Water Quality**: The proposed project will be developed in accordance with Low Impact Development (LID) requirements and all relevant federal, state, and local regulations regarding stormwater management and runoff. The Engineering Development Services and the Water Departments have reviewed the Preliminary Drainage Analysis and the Initial Storm Water Low Impact Development (SWLID) plan. The project has been conditioned to ensure that it does not cause significant impacts on water quality.

e. The project site is situated in an area where all necessary utilities and public services are accessible. It is located within half a mile of Fire Sation 4. Also, the plans have been reviewed and appropriately conditioned by the Fire Department, Water Department, and Engineering Development Services.

The City has further determined that no exceptions to the exemptions apply, and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines Section 15300.2.) This determination is based on the current development of the site and surrounding area.

BE IT FURTHER RESOLVED that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Santa Rosa does hereby deny the appeal and grant the Conditional Use Permit for the Lago Fresco Project, subject to each of the following conditions:

DEPARTMENT OF COMMUNITY DEVELOPMENT

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. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.

3. All work shall be done according to the final approved plans dated February 24, 2025.

4. The address shall be displayed in a prominent location on the street side of the property. The numbers shall be no less than 6 inches in height and shall be of a contrasting color to the background to which they are attached. The address shall be illuminated during hours of darkness per City "Premises Identification" requirements.

EXPIRATION AND EXTENSION:

5. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from the date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.

ENGINEERING DIVISION

6. Compliance with all conditions included in the Engineering Development Services (EDS) Exhibit “A” dated November 18, 2025, attached hereto and incorporated herein.

HOUSING AND COMMUNITY SERVICES

7. The applicant shall enter into an agreement with the Housing Authority of the City of Santa Rosa to provide four (4) very-low income affordable units required under Zoning Code Section 20-31.100(B), the restricted units shall be identified by bedroom size and location in the Agreement, with the units at affordability levels as specified in the Code, for a period of 55 years, and with the following provisions. The density bonus units shall be:

    - Constructed at the same time as the market-rate units;
    - Reasonably dispersed throughout the development, unless applicant utilizes an available Concession or Incentive to seek relief from the dispersion requirements by providing supporting evidence to the Director that demonstrates that consolidating the units into one structure reduces the project’s financing feasibility.
    - Similar in unit type and size as the market-rate units;
    - Reasonably compatible with the design or use of the remaining units in terms of appearance, materials, amenities, and quality finish; and

- Remain substantially the same through repairs and improvements for the entire 55-year period in which these units are designated for low- or very low-income households.*"*

8. The Density Bonus Agreements must be signed by the applicant and recorded prior to issuance of a Building Permit.

PLANNING DIVISION:

9. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as those approved by the Planning Commission. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.

10. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).

11. Pursuant to City Code Section 17-24.050, any tree removal required for development is subject to replacement. This requirement shall be fulfilled by planting replacement trees on the development site which shall be shown on the landscape plans submitted for the Building Permit. Birds, their eggs and their nests are protected under the California Fish and Game Code and the Migratory Bird Treaty Act. Bird nesting season is between February 1 and August 31. During that time care should be taken to ensure no harm is caused to the birds, their eggs or their nests. A qualified professional, such as a bird biologist or certified arborist, should perform a survey of the tree(s) prior to commencement of tree work. Bats are also protected. Prior to tree work (removal or aggressive trimming), a qualified professional should assess any open cavity in the tree(s) for bats. Alternatively, if no inspection is done, the tree work may be completed following a two-step removal process:

    A. In the afternoon of the first day, any limbs or branches would be removed using a chainsaw only. Any Limbs with cavities, crevices or deep bark fissures would be avoided.
    B. On the second day, any additional would be completed, be it the final trimming or removal.

12. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.

13. 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.

14. All exterior lighting shall be in compliance with the City's Outdoor Lighting Ordinance in Zoning Code Section 20-30.080.

15. The parking lot shall be striped according to City standards, and all handicapped and

compact spaces shall be identified and marked accordingly.

16. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs. Building permits for sign installations shall be separate permits from other building permits issued for construction.

17. Compliance with the City's Noise Ordinance in City Code Chapter 17-16 is required.

ENVIRONMENTAL CONDITIONS

18. During construction, the following Best Management Practices (BMPs), as recommended by the Bay Area Air Quality Management District (BAAQMD), shall be implemented and stated on the face of the construction plans:

    A. Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or more as needed.

    B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

    C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

    D. All vehicle speeds on unpaved roads and surfaces shall be limited to 15 miles per hour.

    E. All roadways, driveways, and sidewalks shall be paved as soon as possible.

    F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure [ATCM] Title 13 Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.

    G. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

    H. A publicly visible sign shall be posted with the telephone number and person to contact both at Sonoma County and at the office of the General Contractor regarding dust complaints. This person shall respond and take corrective action within 2 business days of a complaint or issue notification. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

19. The following noise reduction techniques and practices shall be implemented. Prior to issuance of construction permits, the following language shall be included, verbatim, in the general notes section of all project-related civil plan construction documents:

    A. The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers which are in good condition and

appropriate for the equipment.

B. The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of five minutes) is prohibited.

C. The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

D. At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from adjacent residences.

E. The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and noise-sensitive receptors nearest the project site.

BE IT FURTHER RESOLVED that the Council finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

IN COUNCIL DULY PASSED this 24th day of February, 2026.

AYES: (7) Mayor Stapp, Vice Mayor Okrepkie, Council Members Alvarez, Bañuelos, Fleming, MacDonald, Rogers

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

RECUSE: (0)

ATTEST: _____ APPROVED: _____

City Clerk Mayor

APPROVED AS TO FORM: _____

City Attorney

Exhibit A: Engineering Development Services (EDS) dated November 18, 2025

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
ENGINEERING DEVELOPMENT SERVICES DIVISION

EXHIBIT "A"
October 30, 2023

VERIZON WIRELESS – TELECOMMUNICATION FACILITY
244 COLGAN AVENUE
PRJ23-009 (DR23-023 & CUP23-043)

I. Developer's engineer shall obtain the current City Design and Construction Standards and the Community Development Department's Standard Conditions of Approval dated August 27, 2008 and comply with all requirements therein unless specifically waived or altered by written variance by the City Engineer.

II. Per City Code Section 18-12.015 (C), all properties including commercial and industrial parcels shall be subject to public improvement requirements when the value of any proposed building or site improvement exceeds $200,000.00. A formal review of the valuation will commence during review of the building permit application. If the valuation is determined to be above the $200,000 threshold, the project may be required to install or modify public improvements such as sidewalks, curb and gutter, pedestrian ramps, driveway approaches, planter strips and bike lanes. Additional right-of-way and easement dedications may also be required to support the current or future expansion of the roadway in order to meet adopted City Standards, General Plan requirements or area specific plans. Contact the Engineering Division of the Planning and Economic Development Department at 707-543-3200 to discuss specific requirements.

III. In addition, the following summary constitutes the recommended conditions of approval on the subject application based on plans stamped received on **October 18, 2023**:

PUBLIC STREET IMPROVEMENTS

1. An encroachment permit shall be obtained from the Planning and Economic Development Department Prior to performing any work within or adjacent to the public right-of-way. Any improvements proposed or required, within the public right shall be reviewed and approved with the Encroachment Permit application. Only Construction plans submitted with the Encroachment Permit Application are final plans and shall be approved for construction. Contact Engineering Development Services at 543-3200, located at 100 Santa Rosa Avenue, Room 5, as soon as possible to begin Encroachment Permit application processing. Encroachment Permit application processing may take 4-6 weeks. Submit plans showing all work in the public right of way, or in public easements,

including all work on public utilities (water meter boxes, sewer lateral cleanouts, backflow devices, etc.)

2. An Encroachment Permit shall be obtained for any crane staging being set up in Colgan Avenue or in any easement corridors on the Costco Wholesale Corp lot to the south. A traffic control plan shall be submitted identifying any staging area needed for a crane, any anticipated lane closure schedules and traffic detours if the staging area is located near public streets. All traffic control restrictions will be incorporated in the issuance of the Encroachment Permit.

3. No street parking of temporary facilities and/or construction equipment is permitted on Colgan Avenue without an Encroachment permit.

4. If damage occurs to facilities located in the Right of Way then the Contractor shall submit a “Public Street Improvement Plan” as prepared by a Civil Engineer to Engineering Development Services for review and contractor shall obtain an encroachment permit prior to performing any repair within the public Right of Way.

5. The applicant shall replace any broken or cracked concrete/other improvement within the City Right of Way caused by the Contractor or his agents, to the nearest expansion joint on each side along the property frontage per City standard detail.

6. Upon completion of the proposed use, the site will be restored to the same or better conditions as was present prior to the conditional use temporary facilities.

STORMWATER COMPLIANCE

7. Note on the plans submitted with the building permit application that “no debris, soil, silt, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, shall be allowed to enter into or be placed where it may be washed by rainfall into the storm drain system. When operations are complete, any excess material or debris shall be removed from the work area.”

8. Contractor shall not use the sanitary sewer system or storm drainage system to release construction water from the site unless they have a valid discharge permit to do so. Application for Industrial construction water discharge permit can be obtained from the City of Santa Rosa Environmental Compliance Department. Contact Renee Gundy at 707-543-4368.

9. Oils, chemicals and/or equipment fluid spills shall be cleaned up with absorbent materials per OSHA requirements.

BUILDING – (from Michael Enright dated August 9, 2023)

10. 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.

11. Obtain building permits for the proposed project.

FIRE – (from Mike Johnson dated August 17, 2023)

12. Ensure any signage (warnings, contact information, emergency shutoffs, etc) for the equipment are legible.
13. The facility will need to submit plans to the Fire Department for the installation of the above ground storage tank associated with the generator.
14. Facility will need to register into the California Environmental Reporting System (CERS) and the CUPA Program for the storage or use of hazardous materials or waste.

_____10/30/2023_____

CLEVE GURNEY - EDS ASSOCIATE ENGINEER