RESOLUTION NO. 23993

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA UPHOLDING AN APPEAL OF THE PLANNING COMMISSION DECISION TO APPROVE A TREE REMOVAL REQUEST FOR A BUNYA BUNYA TREE, LOCATED AT SECOND AND PIERCE STREETS ON THE SILVERCREST RESIDENCE PROPERTY - FILE NUMBER TR99-014

WHEREAS, the Department of Community Development approved a request to remove an 80-foot tall Araucaria bidwillii, Bunya-Bunya tree on March 5, 1999; and

WHEREAS, an appeal of the Department of Community Development's approval was filed on March 17, 1999, and on April 29, 1999, the Planning Commission held a duly noticed public hearing to consider the appeal, at which the Commission heard and considered evidence regarding the proposed tree removal request; and

WHEREAS, the Planning Commission, after due consideration, investigation and study made by itself and on its behalf, and after due consideration of all evidence and reports offered at the public hearing, upheld the tree removal approval action of the Department of Community Development; and

WHEREAS, on May 6, 1999, an appeal of the Planning Commission's approval was filed by Alan Strachan; and

WHEREAS, on May 25, 1999, the Council held a noticed public hearing to consider the appeal, at which time the Council heard and considered all the evidence presented regarding the proposed tree removal request; and

WHEREAS, the Council, after due consideration, investigation and study made by itself and on its behalf, and after due consideration of all evidence and reports offered at the public hearing, found and determined as follows:

1. The Bunya-Bunya tree is of significant size and maturity and provides great aesthetic benefit to all persons living in the vicinity.

2. The Bunya-Bunya tree is one of a few existing mature specimens in Santa Rosa and that careless treatment and arbitrary removal of the tree would detract from the quality and attractiveness of the neighborhood.

3. Retaining the mature Bunya-Bunya tree would be consistent with the City's Tree Ordinance in that protection of certain trees is essential to the maintenance of Santa Rosa's aesthetic value and heritage; and

WHEREAS, the project is exempt from review under the California Environmental Quality Act, Class 4, Minor Alterations to Land, in that it would result in the retention of a mature tree which provides aesthetic benefits to its immediate environment.

NOW, THEREFORE, BE IT RESOLVED that the Council upholds the appeal of the Planning Commission decision to remove the Bunya-Bunya tree located on Second Street near Pierce Street, more precisely described as landscaped property adjacent to a parking lot associated Silvercrest Residence at 1050 Third Street, Assessor's Parcel Number 009-094-014 and denies the application to remove the tree.

IN COUNCIL DULY PASSED this 8th day of June, 1999.

AYES: (5) Vice Mayor Martini; Councilmembers Vas Dupre, Rabinowitsh, Runyan, Wright

NOES: (0)

ABSENT: (2) Mayor Condron, Councilmember Evans

ABSTAIN: (0)

APPROVED: _____
Vice Mayor

ATTEST: Kitty Frisbie, Deputy
~~Assistant~~ City Clerk

APPROVED AS TO FORM:

_____
City Attorney

of the trees be planted in the backs of the lots.

THE MOTION CARRIED UNANIMOUSLY TO ADOPT AND WAIVE THE READING OF THE TEXT OF:

RESOLUTION NO. 23992 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AND ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED REZONING OF PROPERTY LOCATED AT 2783 MARLOW ROAD - FILE NO. MJB98-049. (Item 8.7)

MOVED by Vice Mayor Martini, seconded by Councilmember Runyan, CARRIED UNANIMOUSLY TO INTRODUCE AND WAIVE THE READING OF THE TEXT OF:

AN ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CHAPTER 20 OF THE SANTA ROSA CITY CODE - RECLASSIFICATION OF PROPERTY LOCATED AT 2783 MARLOW ROAD - FILE NUMBER MJP98-049.

MOVED by Councilmember Evans, seconded by Councilmember Rabinowitsh TO INSTRUCT THE APPLICANT TO CONFORM TO THE PLANNING DEPARTMENT'S DIRECTIVE TO PLANT TREES AS APPROPRIATE TO SCREEN THE EXISTING HOUSES FROM THE NEW DEVELOPMENT.

A brief discussion followed regarding the feasibility of this requirement. Ms. Rasmussen discussed the setbacks, noting that there was plenty of space for the planting of the trees. She explained the process that would be followed in order to ensure that this requirement is met. Prior to the submittal of the Improvement Plans and recordation of the Final Map, the applicant would have to comply with the requirement and show the trees on site. In addition, a notation can be placed in the DAC (Development Advisory Committee) report that a requirement was added to coordinate the placement of the trees with the neighbors.

Mayor Condron expressed concern regarding adding this requirement at this time in the process.

THE MOTION PASSED BY A 6-1 VOTE (Mayor Condron opposing).

8.8 PUBLIC APPEAL HEARING - REMOVAL OF A BUNYA BUNYA TREE ON SECOND STREET BY PIERCE STREET

Ron Allen, Senior Planner, made the staff presentation. Mr. Allen displayed a location map showing the location of the tree and the surrounding area. On March 11, 1999, staff approved an application filed by the Salvation Army to remove a bunya bunya tree located at Second and Pierce Streets. The decision was appealed on March 17, 1999, and on April 29, 1999, the Planning Commission denied the appeal, upholding staff decision. On May 6, 1999, another appellant filed an appeal of the Planning Commission decision.

Bunya bunya trees, native of Australia, develop and drop large seed pods, approximately the size of a pineapple, which grow at the top of the tree. This particular tree is approximately 80 feet tall. The tree trunk is located about 10 feet inside a public sidewalk. If not properly maintained by removing all of the pods on a regular basis, as often as yearly, the pods pose a potentially hazardous condition because they can fall on pedestrians, motorists, or parked vehicles. Removing the pods would cost approximately $1,500 per maintenance.

The applicant would like to resolve the hazardous situation by removing the tree, since maintenance is cost prohibitive and displaces financial resources from helping people in need. The Planning Commission approved the request with the condition that a 36-inch box tree of similar size and shape (such as a redwood or deodar cedar) be planted in its place.

It is recommended by the Planning Commission, the Department of Community Development and the Department of Recreation and Parks that the City Council, by resolution, uphold the Planning Commission decision to approve removal of the bunya bunya tree because of the potential for injury or damage caused by falling pods.

Lisa Grant, Park Maintenance Superintendent, displayed a sample of a mid-size bunya bunya cone, noting that mature cones can weigh between 12 and 22 pounds. She also displayed a sample of the foliage, which is pointed and has scales, which is one of the reasons why the trees are expensive to maintain. She displayed a photograph of the subject tree, pointing out its irregular shape and noting that it has suffered from freezing conditions. She also displayed a photograph of the bunya bunya tree at Courthouse Square which the City maintains via the use of the Fire

ITEM NO. 12

CITY OF SANTA ROSA
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT FOR PLANNING COMMISSION
APRIL 29, 1999

PROJECT NAME

Bunya Bunya Tree

APPLICANT

Salvation Army

LOCATION

Tree located at Second and Pierce Streets
on property associated with 1050 Third Street

PROPERTY OWNER

Salvation Army

ASSESSOR'S PARCEL NUMBER

009-094-018

FILE NUMBER

TR99-014

PROJECT SITE ZONING

R-5-PD

GENERAL PLAN DESIGNATION

Office

APPLICATION DATE

January 28, 1999

APPLICATION COMPLETION DATE

January 28, 1999

PROJECT PLANNER

Frank Kasimov

RECOMMENDATION

Uphold staff decision and deny appeal

PROPOSAL

Appeal of a staff decision approving the removal of a bunya bunya tree.

SUMMARY

Staff approved an application filed by the Salvation Army to remove a bunya bunya tree located at Second and Pierce Streets. Bunya bunya trees, a native of Australia, develop and drop large seed pods, approximately the size of a pineapple. This particular tree is approximately 80 feet tall. The tree is located about 10 feet inside a public sidewalk and partially overhangs the sidewalk and a street. If not properly maintained by removing all of the pods on a regular basis, as often as yearly, the pods pose a potentially hazardous condition because they can fall on pedestrians or vehicles. Removing the pods would cost approximately $1,500 per year. The applicant would like to solve the hazardous situation by removing the tree, since yearly maintenance is cost prohibitive. The City approved the request with the condition that a tree of similar size and shape be planted in its place. A deodar cedar would be an example. On March 17, an appeal of staff decision was filed.

ITEM NO. 12

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: PLANNING COMMISSION
SUBJECT: APPEAL OF A STAFF DECISION APPROVING REMOVAL OF A BUNYA BUNYA TREE
AGENDA ACTION: RESOLUTION

ISSUE(S)

Should the Commission uphold a staff decision approving removal of a bunya bunya tree located at Second and Pierce Streets?

BACKGROUND

1. Surrounding Land Uses

North: Residential
South: Lab and office
East: Residential and Santa Rosa Creek
West: Church and senior apartments

2. Existing Land Use - Project Site

Parking lot.

ANALYSIS

1. Project Description

Removal of an 80 foot tall bunya bunya tree located at Second and Pierce Streets. The tree overhangs a public sidewalk and street. The tree trunk is located about 10 feet inside the sidewalk. Staff approved the tree removal on March 11, 1999, because the tree poses a hazard to people and vehicles, with the condition that a 15-gallon tree of similar size and shape (i.e., a deodar cedar) is planted in its place. The staff decision was appealed on March 17, 1999.

2. General Plan

Office.

3. Zoning

North: C-2-P
South: R-4
East: R-4
West: R-5-PD

4. Parking

Not applicable

5. Environmental Review

Exempt Class 4 - Minor Alterations to Land.

6. Comments/Actions by Other Review Boards/Agencies

Not applicable.

7. Neighborhood Comments

The appeal was filed by Nora Meisner and Frances J. Cromwell in response to the article in the Press Democrat. One comment of concern for the tree was otherwise received.

8. Public Improvements/On-Site Improvements

Not applicable.

9. Issues

The main issue is can the tree be saved or should it be removed?

If there were a way to successfully cost effectively remove each pod to eliminate the potential for it falling and injuring someone or damaging a vehicle, the tree could be saved. The cost of maintaining the tree is estimated at about $2,900 in the first year to remove dead growth and pods and about $1,500 in subsequent years. This estimate was given by Sandborn Tree Service. The City's Parks Department has indicated that these estimates seem reasonable.

The property owner prefers to remove the tree at a one-time cost. The City does not maintain trees on private land. (It would cost the City approximately the same to maintain the tree if it were on City property.)

The appeal states that in 100 years, no one has been hit by the seed pods. This statement has not been substantiated, and there is always a potential for the pods to hit someone.

The appeal also states that the roots do not penetrate the sidewalk. This is true.

The appeal states that the cost of removal of the tree would take care of the cost of trimming (maintaining) the tree for at least three years. We understand that removing the tree would cost about $4,000. This would cover maintenance for two years and part of the third year. The question is how would the remaining years be funded, and who would pay for removal when time for removal has arrived?

The appeal is attached.

The tree poses potential hazards and, unfortunately, without a commitment for proper long term maintenance, the most appropriate action is removal. The City's tree ordinance (City Code Chapter 17-24) states in part (at Section 17-24.040(B)) that in determining the acceptability of a requested tree removal, the Director of Community Development shall consider (among other things) the area of the tree, or any substantial part of it, would hit if it were to fall. In this case, it is possible, if not likely, that the area that the pods would fall would include the public sidewalk and street.

10. Processing Time

This application will be considered by the Planning Commission 43 days from the time the appeal was received.

11. Child Care Action Plan

The Child Care Action Plan is not applicable to the tree removal.

RECOMMENDATION

It is recommended by the Department of Community Development that the Planning Commission, by resolution, uphold staff decision to approve removal of the bunya bunya tree because of the potential for injury or damage caused by falling pods.

RESOLUTION NO. 9507

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA DENYING AN APPEAL OF COMMUNITY DEVELOPMENT STAFF DECISION TO APPROVE A TREE REMOVAL REQUEST FOR A BUNYA BUNYA TREE SUBJECT TO REPLANTING A NEW TREE SIMILAR IN SIZE AND SHAPE, LOCATED AT SECOND AND PIERCE STREETS ON THE SILVERCREST RESIDENCE PROPERTY, 1050 THIRD STREET, ASSESSOR'S PARCEL NUMBER 009-094-014, FILE NUMBER TR99-014

WHEREAS, Department of Community Development Staff approved a tree removal request for a bunya bunya tree on March 5, 1999; and

WHEREAS, an appeal of staff's decision was filed on March 17, 1999; and

WHEREAS, on April 29, 1999, the Planning Commission held a public hearing on the aforementioned appeal; and

WHEREAS, the Planning Commission heard and considered evidence regarding the proposed tree removal request; and

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

1. The bunya bunya tree is not suitable for its location as it develops pineapple-sized pods which drop if not removed, posing hazards for pedestrians and motorists.

2. The property owner (Salvation Army) has stated that annual maintenance to remove the pods is economically infeasible.

3. The replacement of the tree with a more suitable species for this location is not detrimental to the City.

NOW, THEREFORE, BE IT RESOLVED that the appeal be denied and the removal of the bunya bunya tree be approved subject to replanting a new 36 inch box tree of similar size and shape on Second Street near Pierce Street, more precisely described property associated with the Silvercrest Residence at 1050 Third Street, Assessor's Parcel Number 009-094-014.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 29th day of April, 1999, by the following vote:

Ayes:	(4)	(Blanchard, Cummings, Dias, Edwards)
Noes:	(0)	
Abstentions:	(0)	
Absent	(3)	(Carlile, Johnson, Denietolis)

APPROVED: _____
ACTING CHAIRMAN

ATTEST: _____
SECRETARY

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PLANNING COMMISSION MINUTES
REGULAR MEETING
April 29, 1999

The Planning Commission meeting of the City of Santa Rosa was called to order at 4:10 p.m. in the City Council Chamber at Santa Rosa City Hall, 100 Santa Rosa Avenue, Santa Rosa, California, with Chairman Denietolis presiding. Present were Chairman Denietolis and Commissioners Blanchard, Cummings, Dias, and Edwards. Commissioners Carlile and Johnson were absent. Also present were Assistant City Attorney Bruce Leavitt, Community Development Department Director Wayne Goldberg and Deputy Director Chuck Regalia. Recordings are on file in the office of the Department of Community Development. The Agenda was duly posted for public review at City Hall on Monday, April 26, 1999.

1. CALL TO ORDER

Chairman Denietolis called the meeting to order at 4:10 p.m.

2. ROLL CALL

Present: Commissioners Blanchard, Cummings, Dias, Edwards and Chairman Denietolis.

Chairman Denietolis was present at roll call, but left the meeting at 4:10 p.m. as noted below.

Commissioners Carlile and Johnson were absent.

3. APPROVAL OF MINUTES

No minutes were submitted for approval.

4. PUBLIC APPEARANCES

None.

5. PLANNING COMMISSIONER'S REPORT

Commissioner Blanchard noted that at the Planning Commission meeting of April 22, 1999, the Planning Commission voted to approve a Variance for the Kort property at 1151 Humboldt Avenue, File Number MNJ98-054, but the motion failed due to the lack of the required majority. A member of the Planning Commission voting in the majority on this application may move to reconsider this action, and Commissioner Blanchard's was a majority vote.

Motion: Commissioner Blanchard moved and Chairman Denietolis seconded motion to reconsider the Kort Variance at the next regular Planning Commission meeting on May 13, 1999, noting that the applicant has requested that the item be reconsidered. The motion carried with the following vote:

Ayes:	(3)	(Blanchard, Edwards, Denietolis)
Noes:	(2)	(Cummings, Dias)
Abstentions:	(0)	
Absent	(2)	(Carlile, Johnson)

6. DEPARTMENT REPORT

Deputy Director Chuck Regalia reported that during the Planning Commission's recent discussion regarding the Amy's Kitchen expansion, Jim Hummer raised the issue of the interface between the Air Center's residential uses and the business park uses adjacent to the east. He has requested that all Conditional Use Permits for new uses or for changes of use be subject to a public hearing before the Planning Commission.

Motion: Commissioner Cummings moved and Commissioner Edwards seconded a motion to agendize the adoption of a resolution initiating Policy Statement modification to the Air Center and Northpoint Business Park PCS requiring Planning Commission public hearings in some circumstances. The motion carried with the following vote:

Ayes:	(5)	(Blanchard, Cummings, Dias, Edwards, Denietolis)
Noes:	(0)	
Abstentions:	(0)	
Absent	(2)	(Carlile, Johnson)

7. STATEMENTS OF ABSTENTIONS BY COMMISSIONERS

None.

Chairman Denietolis left the meeting at 4:10 p.m., after appointing Commissioner Blanchard to act as Chairman in the absence of Vice-Chairman Carlile.

8. CONSENT AGENDA

None

9. PUBLIC HEARING - CONDITIONAL USE PERMIT/DEVELOPMENT PLAN - Garage in R-1-2/6 District - Address 1401 Maureen Drive - File Number CUP99-006

City Planner Frank Kasimov explained that this is a proposal to adopt a development plan that allows a garage on the property and adopts the R-1-6 district regulations for the property.

The applicants submitted a request for a garage on their property. Because the property is zoned R-1-2/6, a development plan is needed for any development. A development plan was not adopted with the pre-zoning because the zoning was established as part of a large annexation, the South Dutton and Environs Annexation (approximately 211 acres). A development plan must be approved by the Planning Commission. Staff recommends that in addition to allowing the requested garage, the development plan also incorporate the R-1-6 district regulations so that the applicant can make other changes consistent with single-family residential regulations without Planning Commission involvement. The applicant has no future plans for this property other than as a single-family house.

Mr. Kasimov confirmed for the Commission that the project is conditioned to obtain clearance from the County Health Department, with regards to the septic system expansion area, or connect to City Sewer.

Robert Gordon of 1401 Maureen Drive, the applicant, confirmed that the proposed garage will be used as recreational vehicle, boat and automobile storage, and noted that the garage would be placed thirty feet from the back fence.

Acting Chairman Blanchard opened the public hearing.

There being no one wishing to speak, Acting Chairman Blanchard closed the public hearing.

Resolution Number 9504: Commissioner Dias moved and Commissioner Edwards seconded a Resolution Approving a Development Plan For 1401 Maureen Drive - Assessor's Parcel Number(s) 043-112-033 - File number CUP99-006, and waived the reading of the text. The motion carried with the following vote:

Ayes:	(4)	(Blanchard, Cummings, Dias, Edwards)
Noes:	(0)	
Abstentions:	(0)	
Absent	(3)	(Carlile, Johnson, Denietolis)

10. CONTINUED PUBLIC HEARING - DENSITY BONUS ORDINANCE - Citywide - File Number 91-3017

Acting Chairman Blanchard inquired of staff whether it was appropriate that this item be considered today, as three of the Commissioners are absent.

Deputy Director Chuck Regalia responded by noting the following:

- This issue has not changed from when it was discussed at the March 11, 1999 Planning Commission study session. The Commissioners who are absent today were present for the study session.

- If this item is continued, the absent Commission would bear the responsibility to read the minutes and listed to the audio tape of the item in order to be eligible to vote on it.
- It would be appropriate to hold the public hearing, and bring the public comments under consideration when deciding whether to take final action on this item at this meeting.

The Commission agreed to hold the public hearing, and unless new issues are introduced by the public speakers, to take final action on this item.

City Planner Maureen Rasmussen stated that in response to the State's finding that a shortage of housing exists in California, each local jurisdiction is required to adopt a Density Bonus Ordinance. On January 14, 1999, the Planning Commission previewed the Density Bonus Ordinance and agreed that a study session should be held.

During the study session the issues of Rezoning, density bonuses less than 25%, off-site targeted units, concurrent construction of market rate and targeted units, housing authority maintenance fees, and range of income categories were discussed.

The conclusions reached during the study session are as follows:

- Housing developments shall be consistent with the zoning on the project site. Rezonings may be required.
- Density Bonuses may be less than 25% over the density allowed, however, the calculation for the minimum number of targeted units will always be based on 25% over the density otherwise allowed by the General Plan land use designation.
- The requirement for off site targeted units is consistent with the State Law. Off site units may be located in a different geographical area providing the area does not have an overconcentration of a specific type of unit. No change is needed.
- The local ordinance is clear in requiring concurrent development of market rate and targeted units. No change to the local ordinance is needed.
- The local ordinance requires the collection of fees to offset the administrative, monitoring and/or enforcement costs.

The Density Bonus Ordinance is designed to encourage development of very low and lower income and senior units. Cities are prohibited from offering a density bonus or any other incentive that would undermine the legislative intent. Income categories may not be broadened.

Staff recommends that the Planning Commission recommend to the City Council adoption of the Density Bonus Ordinance as written.

Acting Chairman Blanchard opened the public hearing.

Anne Seeley, of 4370 Raymonde Way, expressed concern that the City's resources (land, water supply, wastewater disposal capacity, parks development) are equitably apportioned. With every Planning Commission housing policy formulated, Ms. Seeley suggests the following guidelines:

- Required concurrent development of affordable units with the market rate units.
- Require developers, their representatives and Realtors to disclose to new home buyers that the City's policy is to include lower income units in every new housing developments.
- Integrate rental and low income for-sale units in each phase of a development.

Ms. Seeley concluded by asking the Planning Commission to address the procedure for ensuring concurrent construction of those density bonus and targeted units that are allowed to be built off-site.

There being no one else wishing to speak, Acting Chairman Blanchard closed the public hearing.

Ms. Rasmussen responded to concerns of the public speaker and the Commissioners by explaining that:

- The City will require concurrent applications for the required low-income housing along with the market rate housing for developments.
- The Density Bonus Ordinance is itself the City's response to the state's requirement to equitably apportion the City's resources.
- It is contingent upon the developer to notify buyers of property of low income housing within the development.
- The City is unable to predict which developments will be constructed on which sites, and this makes it difficult to draft a density increase noticing procedure for every future homeowner. The Planning Commission will have to make noticing conditions on a case by case basis.

Commissioner Edwards stated that the ordinance will accomplish the desired results, however, the City must be more insistent that the construction of the required low income housing be prior to or at least concurrent with the market rate housing.

Commissioner Dias indicated her agreement with Commissioner Edwards, noting further that this type of legislation should be the City's prerogative rather than the state's. If the state didn't require the City to permit off-site low income housing, she would agree with Ms. Seeley in not allowing it.

Commissioner Cummings also indicated his concurrence with Commissioner Edwards and stated that the notification of density increase should be on the title search.

Assistant City Attorney Bruce Leavitt clarified portions of the proposed Density Bonus Ordinance related to timing of occupancy of targeted units.

The Planning Commission concurred that it would take final action on this item at this meeting rather than continue it to a future meeting.

MOTION: Commissioner Cummings moved and Commissioner Edwards seconded a motion to adopt the Density Bonus Ordinance. The motion carried with the following vote:

Ayes:	(4)	(Blanchard, Cummings, Dias, Edwards)
Noes:	(0)	
Abstentions:	(0)	
Absent	(3)	(Carlile, Johnson, Denietolis)

Ms. Rasmussen stated that the Resolution recommending that the City Council adopt the Density Bonus Ordinance would be included as a consent item at the next regular Planning Commission meeting on May 13, 1999.

11. PUBLIC HEARING - CONDITIONAL USE PERMIT - REDWOOD OIL - 459 Yolanda Avenue - File Number DR98-144

City Planner Mark Wolfe reported that this is a request for a Conditional Use Permit for revised site plan and new canopies for existing cardlock fueling and fuel delivery facilities.

The applicant proposes to relocate the existing cardlock fueling improvements at 459 Yolanda Avenue. The improvements related to this use currently include a pump island with a canopy, a bank of fuel pumps without a canopy, and an uncovered fuel delivery area. New improvements would consist of two covered fueling islands and a covered fuel delivery area. The changes have been proposed in order to improve on site circulation and comply with recently enacted legislation concerning underground fuel storage tanks. One existing warehouse on the site would be demolished, and a 120 square foot storage building would be added. Full street frontage improvements with an 8' landscape strip would be installed along Yolanda Avenue. The project has been favorably reviewed by the Design Review

Board. Staff has not identified any major issues in connection with this proposal, and is recommending approval.

Matt Donahue of RHL Design Group.1137 North McDowell Boulevard in Petaluma representing the applicant noted that this project was commenced in response to EPA requirement to upgrade the underground storage tanks by December 22, 1998, and as the plant has been shut down since that date, the applicant is eager for the Planning Commission's vote of approval for this item.

Acting Chairman Blanchard opened the public hearing.

There being no one wishing to speak, Acting Chairman Blanchard closed the public hearing.

Resolution Number 9505: Commissioner Dias moved and Commissioner Edwards seconded a Resolution Approving and Adopting a Negative Declaration for Redwood Oil Cardlock Fueling and Delivery Facilities Located at 459 Yolanda Avenue - Assessor's Parcel Number(s) 044-041-030 -File number DR98-166 and waived the reading of the text. The motion carried with the following vote:

Ayes:	(4)	(Blanchard, Cummings, Dias, Edwards)
Noes:	(0)	
Abstentions:	(0)	
Absent	(3)	(Carlile, Johnson, Denietolis)

Resolution Number 9506: Commissioner Dias moved and Commissioner Edwards seconded a Resolution Making Findings and Determinations and Approving a Conditional Use Permit for Redwood Oil Cardlock Fueling and Delivery Facilities - Located at 459 Yolanda Avenue - File Number DR98-144 and waived the reading of the text. The motion carried with the following vote:

Ayes:	(4)	(Blanchard, Cummings, Dias, Edwards)
Noes:	(0)	
Abstentions:	(0)	
Absent	(3)	(Carlile, Johnson, Denietolis)

12. PUBLIC HEARING - APPEAL OF STAFF DECISION - TREE REMOVAL - Bunya Bunya Tree - 2nd and Pierce Streets - File Number TR99-014

City Planner Frank Kasimov stated that this item is an appeal of a staff decision approving the removal of a bunya bunya tree.

Staff approved an application filed by the Salvation Army to remove a bunya bunya tree located at Second and Pierce Streets. Bunya bunya trees, a native of Australia, develop and drop large seed pods, approximately the size of a pineapple. This particular tree is approximately 80 feet tall. The tree is located about 10 feet inside a public sidewalk and partially overhangs the sidewalk and a street. If not

properly maintained by removing all of the pods on a regular basis, as often as yearly, the pods pose a potentially hazardous condition because they can fall on pedestrians or vehicles. Removing the pods would cost approximately $1,500 per year. The applicant would like to solve the hazardous situation by removing the tree, since the cost of yearly maintenance is prohibitive. The City approved the request with the condition that a tree of similar size and shape be planted in its place. A deodar cedar would be an example. On March 17, an appeal of staff decision was filed.

The applicant for the tree removal permit, Auxiliary Captain Gene Lantz of the Salvation Army, 1050 Third Street, explained that he has received numerous complaints from citizens that were nearly hit with the bunya bunya pods, and that the automobile of at least one tenant of the Salvation Army's Silvercrest residence has been damaged by falling pods. The Salivation Army has rejected alternatives such as regular removal of the pods, or nets to catch the pods, as economically unfeasible.

Acting Chairman Blanchard opened the public hearing.

Clyde Smith of 200 Pierce Street, indicated his opposition to the removal of the tree, stating that he lives near the tree in question, and that in the many years he has lived in the neighborhood, he has seen only one pod fall, and feels that the tree would pose no danger if it were properly maintained.

Alan Strachan of 218 Jean Drive also stated his opposition to the removal of this tree and expressed his concern that many of the City's large, mature trees have been removed for safety reasons or because they interfere with a sidewalk or power lines, and that it is difficult to get approval to plant larger size trees. Mr. Strachan noted that the City should review its policies on tree planting and removal.

Winter Kempton of 2265 McBride Lane, apt. H indicated her support of the staff decision, noting that, while trees are beneficial, the safety of citizens and the liability of the Salvation Army are more important.

Audrey Smith of 200 Pierce Street stated that most people walk on the other side of the street from the tree, out of the way of falling pods.

There being no one else wishing to speak, Acting Chairman Blanchard closed the public hearing.

Captain Lantz stated in response to the public speakers that the Salvation Army does not have the equipment that the City has to maintain the subject tree.

Park Maintenance Superintendent Lisa Grant, in response to inquiries of the Planning Commission, noted that:

- The bunya bunya tree is native to Australia, though not uncommon throughout California, and it is not known whether Luther Burbank or McDonald had a hand in bringing them to Santa Rosa.
- There are two bunya bunya trees on City property and they are on a two year cycle of deconing. As the City's tree equipment is not tall enough to reach the top of these trees, the Parks Department uses the Fire Department's hook and ladder to decone the tree, at a cost of approximately $1,500.
- On at least one occasion, the City has contracted on a one-time basis to have the tree thinned only (not deconed), also at a cost of approximately $1,500.
- Topping the bunya bunya tree is inappropriate, and it is not known whether there is a spray that is effective for deconing this tree. Spraying the tree would also be a physically difficult task.
- A bunya bunya tree in Courthouse square was removed as a consequence of frost damage.

Commissioner Dias indicated that she was reluctant to have this tree removed, and expressed her regret that the tree canopy over Hidden Valley is gone. However, she stated her support for upholding the staff decision due to the liability of the Salvation Army.

Commissioner Edwards stated that because of property damage due to falling pods, she is in favor of removing the tree.

Commissioner Cummings noted that the Salvation Army provides much needed benefits to the community, and he will vote to uphold the staff decision.

Acting Chairman Blanchard reported that, for safety reasons, many trees have had to be removed from the campus of Santa Rosa Junior College. This is regrettable, but unavoidable. He also is reluctant to lose this bunya bunya tree, but does support the staff decision.

Resolution Number 9507: Commissioner Cummings moved and Commissioner Edwards seconded a Resolution Denying an Appeal of Community Development Staff Decision to Approve a Tree Removal Request For a Bunya Bunya Tree Subject to Replanting a New Tree Similar in Size And Shape, Located at Second And Pierce Streets on The Silvercrest Residence Property, 1050 Third Street, Assessor's Parcel Number 009-094-014, File Number TR99-014, amended in the second to last paragraph to replace "a new 15-gallon tree" to "a new 36 inch box tree", and waived the reading of the balance of the text. The motion carried with the following vote:

Ayes:	(4)	(Blanchard, Cummings, Dias, Edwards)
Noes:	(0)	
Abstentions:	(0)	
Absent	(3)	(Carlile, Johnson, Denietolis)

13. PUBLIC HEARING - CONDITIONAL USE PERMIT - CORAZON PRESCHOOL/DAYCARE - 1235 West Steele Lane - File Number CUP99-029

City Planner Frank Kasimov presented this request for a bilingual child daycare facility for 32 children ages 3-5. The property is located on West Steele Lane between McBride Lane and Range Avenue. There is a preschool/daycare use on the adjacent property to the east with 39 children.

Mr. Kasimov reviewed the neighborhood meeting and the traffic study and accident history of the area.

Bob Crose of 1153 Wikiup, the applicant, introduced his wife in the audience as the co-applicant, and stated that he concurred with Mr. Kasimov's report and recommendation, and noted that they had previously used the property as a school for emotionally disturbed adolescents, which was operated without complaints for over two years. There are many uses allowed on the property without a Use Permit, which would generate more traffic than the proposed preschool.

Acting Chairman Blanchard opened the public hearing.

Dan Swenson, of 50 Santa Rosa Avenue, an attorney representing the owners of The Children's Learning Center, a preschool adjacent to the proposed site, distributed information containing a traffic study, noting that the traffic in this area is unsafe and that steps must be taken to make the site safer.

Walter Laabs of TJK Transportation, 141 Stony Circle, noted that he had been engaged by the owners of The Children's Learning Center to conduct a traffic study for the intersection of Range Avenue and West Steele Lane. The rate of collisions at this intersection is higher than normal, and would be even higher with increased traffic.

Leo Zakharoff of 3101 Brush Creek Road spoke in opposition to the proposed use and expressed concern that the area is saturated with preschools.

Winter Kempton of 2265 McBride Lane, Apt. H., spoke in favor of the proposed preschool because it offers a bi-lingual immersion program, a benefit that the nearby preschools do not offer, and which will give preschoolers a head start on being more employable when they become adults.

Will Alban spoke in favor of the proposal, stating that the proposed location is appropriate for the proposed use.

There being no one else wishing to speak, Acting Chairman Blanchard closed the public hearing.

Discussion ensued among the Commissioners, with Commissioner Edwards pointing out that the traffic study distributed by Mr. Swensen reports that there has been 1.18 traffic accidents at the intersection of McBride Lane and West Steele Lane per million vehicles.

Commissioner Cummings noted that the proposed preschool offers a much needed bilingual program, and that the site has previously been used as a daycare.

Acting Chairman Blanchard stated that a letter had been received opposing the preschool because of traffic concerns. Notwithstanding that the site may not be an absolutely ideal spot for childcare, there are apartments full of children and business with working parents around the neighborhood who will need this daycare.

Resolution Number 9508: Commissioner Cummings moved and Commissioner Edwards seconded a Resolution Making Findings And Determinations And Approving a Conditional Use Permit For Corazon Preschool-daycare - Located at 1235 West Steele Lane - File Number CUP99-029 and waived the reading of the text. The motion carried with the following vote:

Ayes:	(3)	(Blanchard, Cummings, Edwards)
Noes:	(1)	(Dias)
Abstentions:	(0)	
Absent	(3)	(Carlile, Johnson, Denietolis)

Acting Chairman Blanchard declared a recess at 6:10 p.m., reconvening at 6:15 p.m.

14. PUBLIC HEARING - CONDITIONAL USE PERMIT - BILL'S MARKET - 1500 and 1520 Humboldt Street - File Number MNP98-046

Senior Planner Ron Allen reported that this is an application to restore Bill's Market at 1500 Humboldt Street and to add a 1,009 square foot, three bedroom residential dwelling unit with covered parking as a second level over an existing market storage area. The proposal also includes developing the adjacent vacant parcel to the north at 1520 Humboldt Street with a 1500 square foot single-family residential structure with covered parking and a 668 square foot second dwelling unit. Required uncovered parking for the dwelling on the market property, (1500 Humboldt) would be accommodated off site with the development of the primary and second dwelling units located on 1520 Humboldt Street.

The project has been redesigned to comply with City parking requirements, the preservation of Heritage oak trees and aesthetic considerations relating to the architectural integration of the proposed second level dwelling over the market as suggested by the Design Review Board. The General Plan allows "Mom and Pop" retail uses in residential neighborhoods and encourages mixing residential and neighborhood retail uses. Humboldt Street at this location is within the City operated Santa Rosa Junior College residential permit parking program. Restricted street parking conditions has served to provide adequate street parking for residents of the area and users of this neighborhood grocery store.

David Columbo, the project's applicant and architect, stated that the applicant concurs with staff's report and recommendation.

Commissioner Dias commended the architect for blending in the residences with the store.

Acting Chairman Blanchard opened the public hearing.

Allen Gruber, owner of 715 McConnell Street, expressed his appreciation of Bill's Market and its owners, and noted his concern that the privacy of the backyard at 715 McConnell would be compromised by a window in the proposed second story unit, and noted that he would like assurance that the noise of the cooling systems will be addressed.

There being no one else wishing to speak, Acting Chairman Blanchard closed the public hearing.

Mr. Columbo responded to comments of the public speaker be explaining that the rear windows have been redesigned to be 4' 8" high, and that, if that were inadequate he will work with Mr. Gruber during design review to establish a mutually agreeable design of the window and to dampen the sound of the condensing units. Mr. Columbo noted that one walnut tree will be removed, and all of the existing oak trees will be preserved.

Mr. Allen confirmed that the approval resolution contains conditions regarding baffling the condenser unit sound and re-designing the dwelling unit's second story windows so as to respect the privacy of the adjacent property.

Commissioner Dias indicated that although this site is zoned R-1, this item presents an example of where Mixed Use zoning, a zoning district that has been discussed but not implemented, could be put to use.

The Commission concurred and requested that staff study the implementation of Mixed Use zoning and report back to the Planning Commission.

Resolution Number 9509: Commissioner Dias moved and Commissioner Edwards seconded a Resolution Adopting a Mitigated Negative Declaration For The Bill's Market Mixed Neighborhood Retail And Residential Use Project Located at 1500 Humboldt Street, Assessor Parcel No. 180-460-068 - File No. CUP98-274 and waived the reading of the text. The motion carried with the following vote:

Ayes:	(4)	(Blanchard, Cummings, Dias, Edwards)
Noes:	(0)	
Abstentions:	(0)	
Absent	(3)	(Carlile, Johnson, Denietolis)

Resolution Number 9510: Commissioner Dias moved and Commissioner Edwards seconded a Resolution Making Findings And Determinations And Approving a Conditional Use Permit For Bill's Market Mixed Use Dwelling Unit Addition on 1500 Humboldt Street, File No. MNP98-046 and waived the reading of the text. The motion carried with the following vote:

Ayes:	(4)	(Blanchard, Cummings, Dias, Edwards)
Noes:	(0)	
Abstentions:	(0)	
Absent	(3)	(Carlile, Johnson, Denietolis)

Resolution Number 9511: Commissioner Dias moved and Commissioner Edwards seconded a Resolution Approving a Conditional Use Permit for the Nijjar Second Dwelling Unit Located at 1520 Humboldt Street - Assessor Parcel Number 180-460-069, File No. CUP98-275 and waived the reading of the text. The motion carried with the following vote:

Ayes:	(4)	(Blanchard, Cummings, Dias, Edwards)
Noes:	(0)	
Abstentions:	(0)	
Absent	(3)	(Carlile, Johnson, Denietolis)

15. PUBLIC HEARING - CONDITIONAL USE PERMIT - COMFORT SUITES HOTEL - 200 Fountaingrove Parkway - File Number MNP97-057

Senior Planner Ron Allen stated that this is a request to develop an 81 room, 3 story hotel building on a vacant 4.6 acre hillside site on the south side of the intersection of Fountaingrove Parkway, a scenic road, and Round Barn Boulevard.

The proposed 81 room hotel development would occupy a visually prominent site, one parcel removed and up the hill from the intersection of Fountaingrove Parkway and Mendocino Avenue. The Fountaingrove Ranch Policy Statement contains design requirements for new retail developments in the Fountaingrove Ranch Planned Community. The proposed hotel would be sited adjacent to a Scenic Road, (Fountaingrove Parkway) and near a historic landmark, the Fountaingrove Round Barn. The Design Review Board considered the hotel proposal in light of the applicable design requirements of the General Plan, the Fountaingrove Ranch Policy Statement and other City design policies. The applicant requested to freeze project processing in order to conduct a series of design modifications to the project in an attempt to resolve substantial design issues. In March a traffic analysis was provided and the hotel project was scheduled for Commission review.

Lee Gage of 7636 North Ingram, Suite 107, Fresno, stated that he is the architect for the project, and noted that the project design has been revised according to the Design Review Board's recommendations. The design team includes a landscape architect and an arborist, who are working with the architect to preserve as many trees as possible. Preparation of this project has included obtaining a current topographical and archeological analyses of the site, as well as a traffic study. Mr. Gage pointed out the applicant intends to develop the easterly portion of the site at a future date.

In response to an inquiry from Commissioner Dias, Mr. Gage stated that, although the site is lower than the oak tree near the port-cochere, he would work with the landscape architect to preserve it by means of a retaining wall.

Acting Chairman Blanchard opened the public hearing.

There being no one wishing to speak, Acting Chairman Blanchard closed the public hearing.

Mr. Allen stated in response to traffic concerns of the Commissioners that, while the existing traffic is heavy, this particular project did not warrant a condition requiring a traffic signal. Arterial Vascular Engineering has been conditioned to install a signal light at the intersection of Fountaingrove Parkway and the upper loop of Round Barn Boulevard when they proceed with their next major construction phase.

Discussion ensued regarding the need for a computerized visual analysis of this project that includes views of the proposed landscaping and building with surrounding structures, with views from the site itself, from Fountaingrove Parkway heading uphill, and from Fountaingrove Parkway heading downhill, and to continue this item for thirty days in order to allow the applicant time to complete the analysis.

Motion: Commissioner Cummings moved and Commissioner Edwards seconded a motion to continue this item to the Planning Commission meeting of May 27, 1999.

Ayes:	(4)	(Blanchard, Cummings, Dias, Edwards)
Noes:	(0)	
Abstentions:	(0)	
Absent	(3)	(Carlile, Johnson, Denietolis)

16. ADJOURNMENT

Acting Chairman Blanchard adjourned the meeting at 7:25 p.m. to the study session to be held in Conference Room number 7 at Santa Rosa City Hall on Thursday, May 13, 1999 at 3:00 p.m., and then to the regular Planning Commission Meeting to be held in the City Council Chamber at Santa Rosa City Hall on Thursday, May 13, 1999, at 4:00 p.m.

PREPARED BY:

Tamara Taylor

Tamara Taylor, Recording Secretary

APPROVED BY:

Bill Blanchard

Acting Chairman Blanchard

ATTEST:

Wayne G. Goldberg

Wayne Goldberg, Executive Secretary