

APPEAL FORM

RECEIVED

AUG 25 2025

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9:41 AM
8/25

Date Received:

CITY OF SANTA ROSA
CITY CLERK'S OFFICE

Fee:

9,468 -

City Clerk's Office/Rec'd by:

Name of Appellant:

Pham

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

The above named appellant does hereby appeal to your Honorable Body the following:

The decision of the: (List Board/Commission/Dept)

City Engineer / Cleve Gurney

Decision date: 8/12/2025

Decision: (approval, denial, other) Denial

Name of Applicant/Owner/Developer: Gregg Jennings, P.E on behalf of Owner Kim Pham

Type of application: (Rezoning, Tentative Map, etc.) Variance

Street address of subject property: 635 Benjamins Road

The grounds upon which this appeal is filed are: (List all grounds relied upon in making this appeal. Attach additional sheets if more space is needed.)

1. Please see attached documents

- 2.

The specific action which the undersigned wants the City Council to take is: (Attach additional sheets if more space is needed.)

Approve the variance as written and relieve the owner of the required public improvements

Appeals shall be submitted in writing.....on a City application form within 10 calendar days after the date of the decision. The time limit will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.



8/22/2025

Applicant's Signature

Date

Gregg Jennings, P.E 2800 Cleveland Ave, Ste B

Applicant's Name (type or print)

Address

415-717-9968 (Cell) 707-542-4321 x 806 (Office)

Daytime Phone Number

Home Phone Number

August 22, 2025

The Honorable Mark Stapp and Members of the City Council,

Submitted for your consideration is an appeal to overturn the City Engineer's decision to partially deny Variance Application ENGV25-018; a request to relieve the developer from requirements of Section 18-12 of the City Code, requiring construction of public improvements along the project frontage, consisting of approximately 123 feet. More specifically, the widening of one half of Benjamins Road along with construction of curb, gutter, and sidewalk.

Variance Application ENGV25-018 was denied by the City Engineer on August 12, 2025, a copy is attached to this appeal for your consideration.

The variance application process allows the City Engineer to grant a variance from any requirement imposed pursuant to Chapter 18 of the City Code if, on the basis of the grounds asserted and the evidence submitted, the City Engineer makes written findings of fact that establish that one or more of the circumstances set forth below apply:

(A) That there are special circumstances applicable to the subject property such as size, shape, topography, location, existing improvements, or surrounding structures, and that the strict application of the requirements under this chapter would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this chapter;

(B) That the nature and extent of the dedication, improvements or both, as required in this chapter, do not bear a reasonable relationship to the proposed use or uses or the property such that the exactions required would exceed the demands or burdens upon traffic, circulation and other factors justifying public improvements;

(C) In addition, the City Engineer must find that the granting of such variance will not be materially detrimental to the public welfare or injurious to the property in the same zone and vicinity in which the property is located.

**Appeal of City Engineer's Denial of Variance ENGV25-018: Relief from
Requirement for Public Improvements Ground for Appeal**

We find the following items to meet one or all of the criteria outlined in the Variance Application, and stated above (Items A through C), and request that you overturn the City Engineer's decision to partially deny the Variance request:

1. **Lack of Connectivity & Public Benefit** – There is no existing curb, gutter, and sidewalk for pedestrian access or drainage connectivity within 1,100 feet of the project. Construction of the required frontage improvements would not provide material benefit to the public nor would the improvements connect to any existing pedestrian circulation paths (see Exhibit A). Additionally, properties within the same vicinity, as well as the public, would not be materially affected by the omission of the requested public improvements along the subject parcel's frontage.



2. **Existing Pedestrian Infrastructure** – Pedestrian facilities are established on the opposite (east) side of Benjamins Rd. A pedestrian circulation map (Exhibit A) of the general area is included with this appeal which show existing pedestrian circulation improvements. Frontage improvements would be a safety concern for pedestrians looking to use the required frontage as there is no way to safely cross or traverse the west side of Benjamins Road near the subject parcel.
3. **Storm Drain Conflict** – There is an existing storm drain along the project frontage that is too shallow to allow for a new paving section and/or curb and gutter. Construction of the required improvements would present a hardship due to the unnecessary increase in scope and cost of engineering, demolition, and construction of the storm drain replacement.
4. **Utility Pole Safety Hazard** – There is an existing power pole that is currently located behind the edge of traveled way. The required road section would place the existing joint pole in the middle of the 8' parking area, unprotected from traffic. This is likely to create a safety concern for vehicles traversing Benjamins Road. Relocation and/or undergrounding of the pole's utilities would place an impractical and unnecessary burden on the owner of this project.
5. **Provision for Future Improvements** – None of the proposed improvements will prevent construction of the curb, gutter, and sidewalk improvements in the future.

Additional items for consideration:

The applicant is a private property owner, not a developer, who lives on the property being developed.

The proposed development is a Senior Assisted Living Facility. In 2024 the City Council rezoned all areas of the City to allow for Community Care development in response to the severe shortage of elder care facilities in the city. Any increased and/or unnecessary costs could potentially render the project cost prohibitive. This could lead to potential worsening of the assisted senior living issue that the applicant is trying to solve.

The current configuration of Benjamins Road with regards to the existing street improvements, pedestrian enhancements, and drainage, has remained unchanged for over 30 years. It has continued to function as a rural two lane road and it is unlikely that the area will see further development that would warrant the frontage improvements being requested for this project.

None of the proposed on-site improvements are prohibiting construction of the required public improvements in the future.

Thank you for taking the time to reconsider the issue. We are available to meet on site or discuss in person at any time.

Kind Regards,

Gregg Jennings, P.E.



BC Engineering Group
Civil Engineering & Land Planning

EXHIBIT A

AREA MAP: EXISTING PEDESTRIAN CIRCULATION & DENIED VARIANCE APPLICATION



EXHIBIT A:
PEDESTRIAN CIRCULATION SURROUNDING
635 BENJAMINS RD

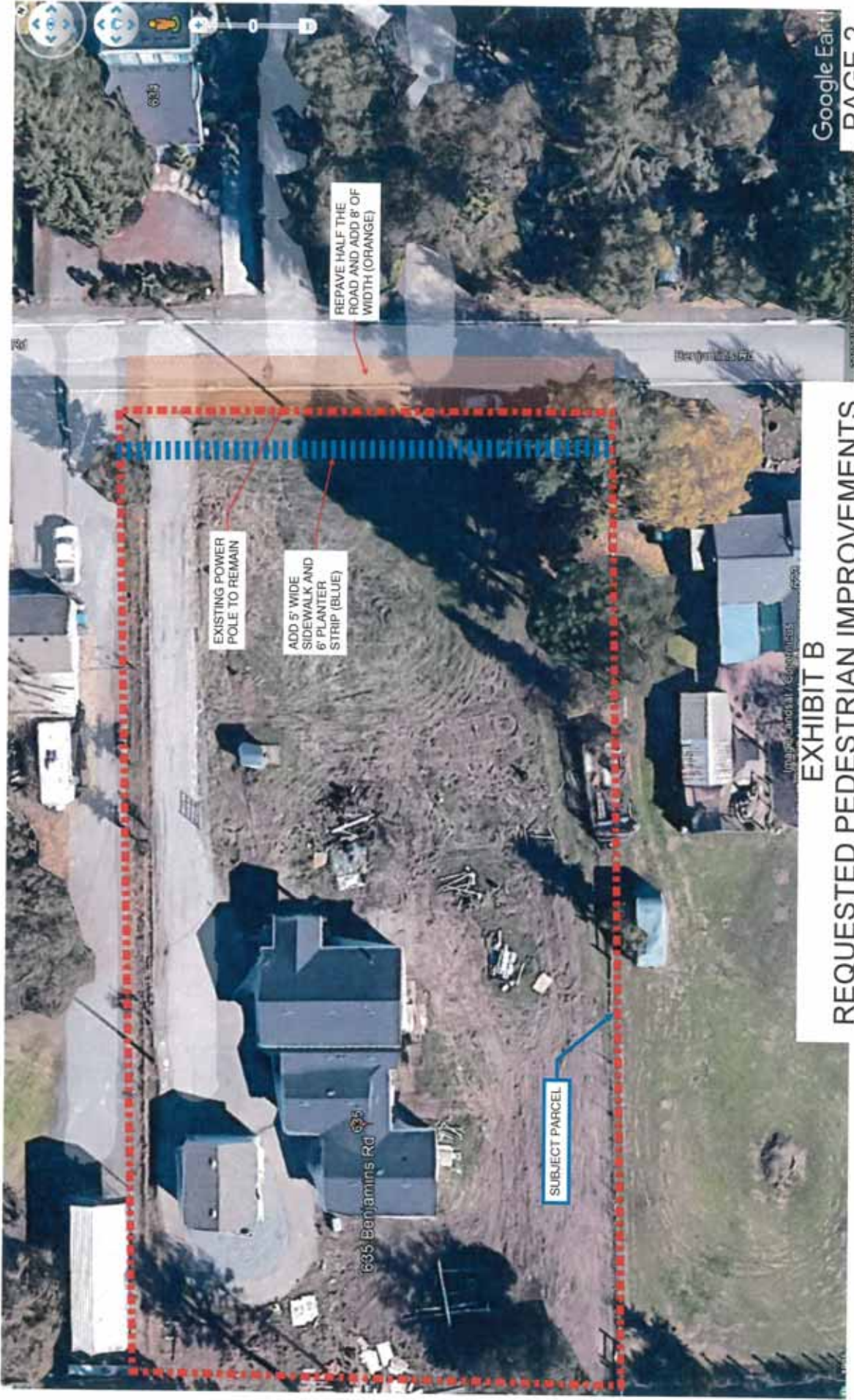


EXHIBIT B
REQUESTED PEDESTRIAN IMPROVEMENTS
AT 635 BENJAMINS RD



IMPROVEMENT VARIANCE APPLICATION
CITY OF SANTA ROSA
PLANNING & ECONOMIC DEVELOPMENT (PED)

		File No. ENGV25-018 (For City Use Only)
Proposed Project Name Lands of Pham	A.P.N. 183-240-018	Date of Application 6/19/2025
Project Address 635 Benjamins Road	Business Phone (707) 542-4321	Home Phone ()
Applicant Name Gregg Jennings, P.E.	Applicant Address 2800 Cleveland Ave, Ste B	
City Santa Rosa	State CA	Zip 95403

DESCRIPTION OF VARIANCE REQUESTED:

Request relief from the requirements of Section 18-12 to construct Curb, gutter, sidewalk, and driveway apron as well as undergrounding overhead power distribution lines and communication cables under 18-12.040 – "The City Engineer may grant a variance from any requirement imposed pursuant to this chapter if, on the basis of the grounds asserted and the evidence submitted, the City Engineer makes written findings of fact that establish that one or more of the circumstances set forth below apply:"

JUSTIFICATION FOR VARIANCE REQUESTED:

Please see attached Exhibit.

There is no existing curb gutter and sidewalk for pedestrian or drainage connectivity within 1,100 feet of the project. Existing pedestrian facilities are established on the opposite (east) side of Benjamins Rd.
There is existing storm drain along the project frontage that is too shallow to allow for new paving section or curb and gutter.

There is an existing power pole that is currently behind the edge of traveled way. The required road section

Applicant's Signature

City's Response to Request:

- ☐ Conditionally Approved - See Attached Exhibit "A"
☐ Approved
☒ Denied **SEE ATTACHED EXHIBIT A FOR PARTIAL DENIAL**
☐ Special Circumstances or,
☐ Inadequate relationships and
☐ Not materially detrimental
(See reverse for explanation of findings)

Signed


Dan Hennessey (Aug 12, 2025 07:54:36 PDT)

City Engineer

Date **08/12/2025**



8/11/2025

Gregg Jennings – BC Engineering
635 Benjamins Road
Santa Rosa, CA 95409

Re: Exhibit A – ENGV25-018: Frontage Improvement Requirements

Dear Mr. Jennings,

Regarding the Conditional Use Permit application, PLN25-0206, for the construction of a 15-bedroom community care facility. An Engineering Variance (ENG25-018) was applied for requesting relief from the requirements in the City Code to construct frontage improvements and underground overhead distribution and communication lines.

Chapter 18-12.010

No building permit shall be issued for any proposed building, structure, or improvement on any lot or lots, within a 12-month period, exceeding an accumulated amount of \$20,000.00 or 25% of the replacement value of the existing structures or improvements on the lot or lots, unless one-half of the street along the abutting frontage adjacent to the existing or proposed improvements located on the lot or lots has been dedicated and improved for the full width of such lot or lots in accordance with City standards

Chapter 13-12.250

- (A) Effective December 19, 1986, all distribution lines supplying electrical energy to major subdivisions, nonsubdivided residential developments containing five or more dwelling units, and nonresidential developments whose value as calculated for the purpose of issuing a building permit exceeds \$500,000.00, at standard voltages necessary to furnish permanent electrical service within such subdivisions and developments, and all telephone, telegraph and television services, and any other service to such subdivisions and developments which are provided by means of wires, cables or conduits designed to carry electrical energy or electromagnetic energy of any kind whatsoever, be they constructed via joint-pole electrical distribution lines or independent systems, shall be installed and maintained underground.*
- (B) Effective December 19, 1986, all electrical utility main feeder lines supplying electrical energy to major subdivisions, nonsubdivided residential developments containing five or more dwelling units, and nonresidential developments whose value as calculated for the purpose of issuing a building permit exceeds \$500,000.00, at high voltages necessary to furnish permanent electrical service within regional service areas shall be permitted to remain overhead, but a vacant conduit system shall be placed underground to allow undergrounding of these facilities in the future*



Based on the application and exhibit submitted by the applicant, I recommend a partial denial of the Variance request, ENGV25-018:

- 1) Denial of the request to not construct curb, gutter, sidewalk, and driveway apron. These improvements do not result in practical difficulties or unnecessary hardships. They bear a reasonable relationship to the proposed development and are not materially detrimental to the public welfare or injurious to the property. The exhibit provided proves that these improvements can be constructed.
- 2) Approval of the request to not underground overhead distribution and communication lines. The undergrounding of these lines along this frontage does not improve the visual appearance of the general roadway as distribution and communication lines have been kept overhead to the north and south at the intersections with Speers Rd. In addition, the undergrounding will result in unusual hardships as additional poles would be required along with undergrounding overhead services across the street.

The Variance application did not clearly request relief from the placement of vacant conduit for future undergrounding. The placement of vacant conduit along the entire frontage is required for this development.

If you have any questions regarding the information provided, I can be reached at cgurney@srcity.org or (707) 543-3206.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cleve Gurney".

Cleve Gurney, P.E. | Deputy Director, Development Services

Planning and Economic Development

100 Santa Rosa Avenue | Santa Rosa, CA 95404

ENGV25-018_Variance_Partial Denial_Benamins Rd (635)

Final Audit Report

2025-08-12

Created:	2025-08-12 (Pacific Daylight Time)
By:	Vicki Alton (valton@srcity.org)
Status:	Signed
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"ENGV25-018_Variance_Partial Denial_Benamins Rd (635)" History

-  Document created by Vicki Alton (valton@srcity.org)
2025-08-12 - 7:43:32 AM PDT
-  Document emailed to Dan Hennessey (dhennessey@srcity.org) for signature
2025-08-12 - 7:44:31 AM PDT
-  Email viewed by Dan Hennessey (dhennessey@srcity.org)
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-  Document e-signed by Dan Hennessey (dhennessey@srcity.org)
Signature Date: 2025-08-12 - 7:54:36 AM PDT - Time Source: server
-  Agreement completed.
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