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Via E-Mail Only

City Council
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 94945

**Re: Appeal of Zoning Administrator's Approval for 36-Unit Multifamily
Residential Development at 1650 West Steele Lane**

Honorable Mayor Natalie Rogers and Members of the City Council:

This office represents McBride Lane Apartments, LLC, the applicant for a 36-unit multifamily apartment complex on a 1-acre parcel located at 1650 West Steele Avenue ("the Project") that was approved administratively on January 25th, 2023. On February 6th, 2023, Charles M. Schulz Creative Associates filed an appeal of the approval, claiming that the Project provides insufficient parking and will cause adverse impacts to neighborhood traffic and circulation ("the Appeal"). On May 23rd, 2023, the City Council will hold a public hearing to consider the Appeal.

For the reasons set forth below, we urge you to deny the Appeal and uphold the administrative approvals as completely without merit. The Project is consistent with General Plan, Specific Plan and applicable zoning code standards and provides on-site parking that is **well** above the maximum allowable mandatory standards applicable to the Project under state law.

EXECUTIVE SUMMARY

1. Per City staff's request, the Project's parking proposal was analyzed under local review standards as a Specific Area Plan project eligible for reduced parking as justified by a parking study and required findings. The Project applicant has agreed to provide **36** off-street parking spaces.



2. Under state law, because the Project is located within one-half mile of a major transit stop and will provide 15% of base density units as affordable to very low-income residents, our client is entitled to request a parking ratio of 0.5 spaces per unit, which would result in only **18** parking spaces.
3. In fact, recent legislation approved under AB 2097 generally prohibits cities from imposing **any** minimum parking requirements on most development projects located within a half-mile radius of a major transit stop without making specific written findings within 30 days of the receipt of a completed application. The City has not made the required findings, and in fact, the record is replete with evidence that the parking proposal is more than adequate to meet the Project's demands.
4. Accordingly, if anything, the Project is **overparked**. The reduced parking, significantly above what would be required under state law, is entirely appropriate for this transit-oriented development site, which is located within one half mile of mass transit and major retail and business services, parks and cultural institutions, and is located within a housing opportunity district.

Project Overview

The Project will be thoroughly presented in the staff report for the May 23rd hearing, so the following represents only a brief summary. The application is for 36 units in three three-story residential buildings and a fourth structure which will house a two-level automated parking structure. Because of its provision of four units affordable to very low-income residents, the Project is eligible for both a state law density bonus of 50% and a City supplemental density bonus of an additional 50%.

Parking is located at the rear of the site in a 25-stall automated structure. The Project proposes a parking ratio of one stall for every unit. As will be discussed in greater detail in the analysis section below, this is at least **twice** as much parking as is legally required under state law, and the proximity to a major transit stop would legally preclude the City from requiring **any** parking in the absence of certain very specific findings which it has not made within required timeframes.

The site is ideally situated for reduced automotive uses. It lies in close proximity (within a quarter mile walking distance) to CityBus routes 1, 6 and 10, Mendocino Transit



Authority Route 95, and Sonoma County Transit Routes 20, 30, 44, 48, 54 and 57, and within one half mile of the Santa Rosa North SMART station and the Coddington Transit Hub, with extensive bicycle connectivity.

We note that the Project furthers and promotes numerous important policy measures and objectives identified in the City's long term planning documents and policy papers, including Policies 3.1.2, 3.2.2, 3.2.3, 3.3.1 and 3.5.1 of the Santa Rosa Climate Action Plan (by implementing station and corridor plans, promoting walking and biking, supporting mixed use and higher density development near services, providing affordable housing near transit and unbundling parking from housing costs). It also furthers key objectives of the City's General Plan and the North Santa Rosa Downtown/ Station Area Plan (the "Specific Plan") by increasing the number of residents and employees within walking distance of the SMART station and represents high-density transit oriented residential development within the Specific Plan area (General Plan Policy H-C-11, Policy UD-G-2 and Specific Plan Chapter 3.2, 3.3, 3.4 and Goals LU-1, AH-1, AH-3, as well as key aspects of the Specific Plan's Circulation Plan, including Goals C-1, C-2, C-2.2 and C-3).

The Appeal

The Appeal was filed on February 6th, 2023 and identifies two separate approvals: 1) the adoption of an addendum to the Specific Plan Environmental Impact Report ("EIR"); and 2) the Zoning Administrator's approval of a minor conditional use permit to allow a supplemental density bonus and minor design review for the Project. The bases for the appeal of both approvals (though one is not specifically identified for the addendum to the EIR) are essentially that the reduction in parking will have a significant and adverse impact on neighborhood parking and circulation. The Appeal claims that the "sterile application of standards and codes" ignores actual parking demand and conditions and that the Project's provision of only 36 parking spots will exacerbate existing conditions. Though the Appellant acknowledges the recent legislation that prohibits the City from imposing minimum parking requirements due to proximity to the SMART station (under AB 2097, discussed in greater detail under the "Analysis" below), the Appeal essentially makes unsupported and conclusory allegations that the failure to impose full City parking requirements would have a substantially negative impact on neighborhood residential and commercial parking.



Analysis

Compliance with City Ordinances

We note that the support for our client's original approvals did not rely on the relaxed parking standards available under state law, but that instead, per City Planning staff's specific request, the Applicant worked within the specific and local framework available under Santa Rosa Code, and the Project was found to be fully compliant.

Under Santa Rosa Municipal Code Subsection 20-36.050(C)(2), "[p]arking requirements for projects located within the Downtown and North Santa Rosa Station Area Specific Plan boundaries may be reduced by the review authority, as a condition of project approval or Minor Conditional Use Permit, when supported by a parking study." Based on applicable parking requirements, the Project as proposed would need 52 parking spaces. The applicant submitted a 2020 Project-specific traffic study, prepared by W-Trans, which comprehensively demonstrates that, because of its proximity to the SMART station and the Coddington Mall and Transit Center, as well as the provision of unbundled parking, the Project would generate significantly lowered parking demand. The parking study carefully applies parking demand generation from reputable and accepted industry authorities such as the ITE's "Parking Generation, 5th Edition" and the Metropolitan Transportation Commission's "Reforming Parking Policies to Support Smart Growth" publication to reach the conclusion that the proposed parking supply of 36 spaces would be adequate to meet Project demands.

State Density Bonus Parking Standards

Because the Project proposes to provide four units that will be deed restricted as affordable to families of very low income, upon request, our client would actually be entitled to request significantly lower parking as of right under state law. Under the state density bonus law (California Government Code §65915)("State Density Bonus Law"), upon a developer's request for rental or for sale projects with at least 11% very low income units within ½ mile of an accessible major transit stop, the City could require at most 0.5 spaces per unit. The Project proposes 3 very low-income units over the base density, plus another very low-income unit under the supplemental density bonus. The



Project thus provides 15% very low units, or 11% total very low income under the combined bonuses. Under State Density Bonus Law, affordable unit percentage is calculated excluding units added by a density bonus. But under either lens, the Project provides at least 11% very low-income units such that the City may only require 0.5 spaces per unit, or 18 spaces.

It is important to note that requesting these reduced parking standards does not count as an incentive or concession for purposes of the State Density Bonus Law, and that our client could have requested even further reductions in parking as an incentive or concession. This is one of the most critical benefits of the State Density Bonus Law, since achieving a reduction in parking standards may be more valuable than the additionally permitted units. Here, although the applicant is seeking a reduction in City standards, our client has in fact voluntarily agreed to provide at least twice the parking that is legally required, while being careful not to adversely affect the Project's marketability by reducing parking that might be perceived by potential tenants as insufficient. Our client is attempting to strike a carefully considered balance between transit-oriented use and residential convenience.

AB 2097

Assembly Bill 2097, signed by the Governor in October of 2022 and effective on January 1st of this year, prohibits public agencies such as the City from imposing a minimum automobile parking requirements on most development projects located within a half-mile radius of a major transit stop. Under its provisions (codified at California Government Code Section 65863.2), public agencies may not impose or enforce **any** parking requirements for developments within one-half mile of a major transit stop unless the City makes specific written findings within 30 days of the receipt of a completed application that not imposing such requirements would have a substantially negative impact on the ability to meet regional housing needs, special housing needs, or existing residential or commercial parking within one-half mile of the project. The City did not make these findings.

Indeed, while the Appellant makes the conclusory claim that failure to impose City minimum parking requirements would have a substantially negative impact on



residential and commercial parking within one-half mile of the development, the Appeal does not adduce **any** actual evidence that this would be the case. On the other hand, the record is replete with specific administrative and legislative evidence that the opposite is true: that the Project is uniquely well situated to take advantage of a dense and interconnected network of local and regional public transportation to reduce automotive travel significantly.

Conclusion

For the reasons set forth above, we urge the City Council to deny this Appeal and uphold the Zoning Administrator's approvals. Under the City's ordinances, state density bonus law and recent legislation under AB 2097, the City simply has no lawful basis to deny this application on the basis of insufficient parking. This Project realizes several of this Council's specific goals and objectives for the Specific Plan area, presents a sensible and thoughtful proposal for high density and transit-oriented development at this last remaining infill lot in its neighborhood, and effectively promotes and supports surrounding urban infrastructure, rail line, bus and bike and pedestrian paths to reduce reliance on the automobile.

This Project exemplifies a desirable policy implementation that aims to maximize a symbiotic relationship between dense and proximate urban forms and public transport uses by reducing the use of private cars and promoting sustainable urban growth. As noted above, our client has in fact offered a generous parking supply that at least doubles what the City could legally require for the site. In fact, if they wished, our client could legally request an exemption from having to provide any spaces whatsoever.

We trust that the City Council will recognize that our client is offering more parking than is legally or actually necessary for the site and deny this appeal as completely without merit.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Peter M. Spoerl', written in a cursive style.

Peter M. Spoerl



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CC: McBride Lane LLC
Ingrid Anderson, Anderson Hedgpeth Architecture and Planning