

CITY OF SANTA ROSA
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT FOR PLANNING COMMISSION
April 13, 2023

<u>PROJECT TITLE</u>	<u>APPLICANT</u>
North Village II	Fulton Road Investors
<u>ADDRESS/LOCATION</u>	<u>PROPERTY OWNER</u>
2406 Fulton Road	Fulton Road Investors
<u>ASSESSOR'S PARCEL NUMBER</u>	<u>FILE NUMBERS</u>
034-030-088	PRJ17-019 (EXT17-0025, 0026, 0027) PRJ22-026 (EXT20-0003, 22-0015 & 22-0016) PRJ22-024 (EXT22-0012, 0013, 0014)
<u>APPLICATION DATE</u>	<u>APPLICATION COMPLETION DATE</u>
August 25, 2017 (PRJ17-019)	October 30, 2017
May 15, 2020 (PRJ22-026)	November 16, 2022
September 23, 2022 (PRJ22-024)	October 23, 2022
<u>REQUESTED ENTITLEMENTS</u>	<u>FURTHER ACTIONS REQUIRED</u>
Three 1-year time extensions for the Tentative Map	Director-level one-year time extensions for associated Conditional Use Permit and Design Review Permit.
<u>PROJECT SITE ZONING</u>	<u>GENERAL PLAN DESIGNATION</u>
PD07-007	Low Density Residential
<u>PROJECT PLANNER</u>	<u>RECOMMENDATION</u>
Michael Wixon, Contract Planner	Approval

Agenda Item #8.2
For Planning Commission Meeting of: April 13, 2023

**CITY OF SANTA ROSA
PLANNING COMMISSION**

TO: CHAIR WEEKS AND MEMBERS OF THE COMMISSION
FROM: MICHAEL WIXON, CONTRACT PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: NORTH VILLAGE II TENTATIVE MAP – THREE (3) SEPARATE 1-YEAR TIME EXTENSIONS

AGENDA ACTION: RESOLUTIONS

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by three resolutions, approve three separate 1-year time extensions for the North Village II Tentative Map, giving the project a new expiration date of October 25, 2023.

EXECUTIVE SUMMARY

The applicant is requesting approval of three separate 1-year time extensions of the North Village II Project. If approved, the new project expiration date would be October 25, 2023. The Planning and Economic Development Director would subsequently review and act on the extension requests for the related Design Review and Conditional Use Permit applications. The project would not have any additional time extension requests remaining if all three (3) extension applications are approved.

The North Village II project includes the subdivision of a 17.89 acre parcel into 70 lots to construct 120 residential units, which will consist of 24 detached single-family homes, 90 attached single-family units (duplex/duets), and 1 six-unit apartment building. The subdivision would create parcels for the development of a community center and private open space to be used jointly between the project residents of the North Village I and North Village II developments.

The project remains consistent with the General Plan and Zoning.

BACKGROUND

1. Project Description

The applicant has submitted three separate 1-year time extension applications for the previously approved North Village II Tentative Map, Conditional Use Permit and Design Review (Files: MJP07-003, PRJ17-019, PRJ22-024, and PRJ22-026).

The North Village II project (a.k.a. Northside) still proposes the subdivision of a 17.89 acre parcel into 70 individual parcels to allow the construction of 120 residential units of varying types. The units include 24 detached single family units, 90 attached single family units and a single 6-plex unit. Eight of the units will be provided at restricted rent levels to accommodate low income residents in compliance with the requirements of the previously approved and amended Housing Allocation Plan (HAP) (see attachments).

The North Village II project site has multiple identified and delineated wetlands. The project was approved with a design which avoided and preserved these wetlands by establishing approximately 11 acres of private open space in conjunction with a wetland management plan. The project design provided pedestrian access to the adjacent school, future park site, and community center, and also provided a buffer from the park and school uses with private open space surrounding the proposed project.

If the time extension requests are approved by the Planning Commission for the Tentative Map, the Planning and Economic Development Director would review and act on each related Conditional Use Permit and Design Review Permit extension request pursuant to Zoning Code §20-54.050 – Time Limits and Extensions.

2. Surrounding Zoning and General Plan Land Uses

North: Planned Development (PD) 04-007 / Low Density Residential (LDR)
South: Planned Development (PD) 04-007 / LDR
East: Planned Development (PD) 04-007 / LDR
West: County of Sonoma / County of Sonoma

The zoning designation for the project site is Planned Development, specifically PD04-007 for the North Village and Woodbridge area (NWSR 3-97). The General Plan Land Use designation is Low Density Residential for the entire project site.

3. Existing Land Use – Project Site

The site is a relatively flat semi-rural pocket with minimal topography and few trees surrounded by semi-rural residential housing and agricultural lands to the west and north, and residential development similar to what is proposed with the project to the south. Previous environmental surveys have identified and

delineated on-site pockets of wetlands and associated Special Status Species (NWSR 3-97 EIR EIP Survey Results). As noted above, the project has preserved and protected private these wetlands in private open space areas throughout the project in accordance with the approved wetland management plan.

4. Project History

In March 2003, the City of Santa Rosa circulated a Draft EIR analyzing the potential impacts of the Northwest Santa Rosa 3-97 Annexation. This was a proposal to annex 26 parcels totaling approximately 154 acres from the County of Sonoma to the City of Santa Rosa. A policy statement and development plan for the proposed Planned Development was also submitted for a portion of the annexation area as a component of the annexation project (PD04-007). This Development Plan and Policy Statement identified three development sub-areas of the Northwest Santa Rosa Annexation 3-97, one of which included the North Village II subdivision.

In August 2004, the City Council certified the FEIR with statements of overriding consideration and approved the annexation, including the General Plan land use designation (Low Density Residential) and zoning classification (PD04-007). On December 21, 2006, the project was taken before the Design Review Board as a concept item for preliminary comments.

In January 2007, applications to develop the North Village II subdivision were submitted by the developer. During the review process of the North Village II project, the developer requested processing be frozen because of changes in the housing market.

In September 2010, project review was re-activated after a request was filed by the developer, and reprocessing fees paid, to initiate the review of a slightly modified project design.

On December 8, 2010, a neighborhood meeting was held to notify the neighbors that the project had been re-activated and allow them an opportunity to review the proposed project. Four neighbors attended and reviewed the proposed project. Neighbors voiced general support for the project but identified that there was a potential for some of the units to block some views established for North Village I. Additional issues voiced were regarding the lack of parking in their neighborhood and the impacts associated with residential developments which provide limited parking. The developer responded to these concerns by eliminating four of the proposed homes from the development plan.

On March 11, 2011, the City of Santa Rosa posted a Supplement to the previously completed EIR to address changes to both the project design and state law. These changes triggered the need for further environmental review

and analysis not included in the original EIR, which included North Village I and II.

On April 14, 2011, the Supplement to the previous EIR was approved by the Planning Commission. The Tentative Map and Conditional Use Permit were also approved by the Planning Commission. The project expiration date was April 14, 2013.

On July 15, 2011, AB 208 was signed into law and granted a 24-month automatic state extension to any tentative map approved prior to July 15, 2011, that had not expired on July 15, 2011, and would have otherwise expired prior to January 1, 2014. Meeting all of these criteria, the expiration date for North Village II was April 14, 2015.

On June 5, 2012, the City Council approved the Housing Allocation Plan agreement with the owner for the North Village II Project (see attached City Council Resolution).

On August 16, 2012, the Design Review Board approved the Preliminary Design of all residential units, the community center and open space areas with 46 conditions of approval (see attached Resolution 12-870).

AB 116 granted a 24-month extension to any tentative map approved on or after January 1, 2000, that didn't expire on or before July 11, 2013. The new project expiration date was extended to April 14, 2017.

On March 14, 2017, the applicant submitted PRJ17-019 to request a 1-year time extension of North Village II, or until April 14, 2018. PRJ17-019 is the subject of one of three separate 1-year time extension requests for North Village II. If approved, this would be the first of five separate 1-year time extension requests permitted by the Subdivision Map Act.

In 2019, the City Council approved ORD-2019-001, which granted an automatic one-year extension of time for all Tentative Maps and associated entitlements to support development following the Tubbs and Nuns fires of October 2017. If PRJ17-019 is approved, the new expiration date for North Village II would be April 14, 2019. If approved, it would also apply as the second of five 1-year time extensions.

In 2020, the City Council approved ORD-2020-002, which granted another 1-year extension of time for all tentative maps which had been extended under the previously adopted ordinance, ORD-2019-001. This ordinance would extend the expiration date of North Village II to April 14, 2020, and it would apply as the third of five 1-year time extensions.

On March 3, 2020, the applicant filed for another time extension, which is also a subject of this report (FILE: PRJ22-026). If approved, the project would have a

new expiration date of April 14, 2021, and it would apply as the fourth of five 1-year time extensions.

On September 29, 2020, the Governor signed into law AB 1561, which automatically granted an 18-month time extension to housing projects which were in effect prior to March 4, 2020, and would otherwise expire before December 31, 2021. Meeting these requirements, North Village II would receive an automatic 18-month time extension. The new project expiration date would become October 14, 2022.

In September 2022, the applicant filed for a final 1-year time extension application, which if approved would extend the project expiration date to October 14, 2023. This request is also another subject of this report (FILE: PRJ22-024). If approved, it would be the last of five permitted time extensions under the Subdivision Map Act.

PRIOR CITY COUNCIL REVIEW

In 2003, the City Council approved an EIR Northwest Santa Rosa 3-97 Annexation. The City Council also approved the Northwest Santa Rosa 3-97 Annexation, which included assigning the North Village II its current land use and zoning classification, Low Density Residential and PD04-007, respectively. The project included an annexation of 26 parcels totaling approximately 154 acres from the County of Sonoma to the City of Santa Rosa. As part of the annexation, the City Council also approved a Development Plan which identified three sub-areas of the Northwest Santa Rosa Annexation 3-97, one of which included the North Village II subdivision.

The City Council has also acted to approve and amend both a Housing Allocation Plan (June 2012 and January 2021) and an amended Parks Improvement Agreement (September 2006 and April 2007) for the North Village II Project.

ANALYSIS

1. General Plan

The project site is designated as Low Density Residential by the City of Santa Rosa 2035 General Plan, which allows residential development at a density of 2-8 units per acre. The North Village II project still proposes the subdivision of a 17.89 acre parcel into 70 individual parcels to allow the construction of 120 residential units of varying types.

The project maintains an overall density of 6.71 units per acre, and continues to implement General Plan goals and policies, as identified in the original staff report and adopting resolutions (see Attachments 6-9).

2. Zoning

As noted above, the project site is location in the PD04-007 Zone, which was established when the project was annexed to the City of Santa Rosa in 2004. The zoning district allows both attached and detached single-family and multi-family housing units per an approved development plan and/or tentative map. Since the residential uses within the project were previously approved as part of an overall development plan, a conditional use permit (CUP) is not needed for these uses. However, a CUP was required and previously approved for the proposed community center and daycare uses and buildings. The previous CUP also established the development standards, and the project remains in compliance.

The previously approved residential lots sizes, which remain unchanged, range from 1,700 sq feet to 4,400 square feet. Lot L contains the Community Center and is approximately .82 acres.

The tentative map remains consistent with the previously approved development plan and policy statement of the PD04-007 Zone and no outstanding issues remain.

3. Neighborhood Comments

No comments have been received since the previous review and approval in 2011.

4. Public Improvements/On-site Improvements

The project is proposing numerous public and private improvements including frontage improvements along Fulton Road to the Boulevard Street Standards, construction of two new public Minor Streets, and a private street developed to the Minor Street Standards. Additional onsite improvements include the construction of a pedestrian and bike paths in the adjoining private open space, dedication of area for future public park use, and avoidance of the on-site wetlands. On-going management of the wetlands is required to ensure impacts to their biological function are avoided. Internal streets and private open space areas, as well as the community center, will be owned and maintained by an owner's association. Other public improvements and dedications, such as park land dedication of 2.09 acres and public street improvements to Fulton Avenue will be owned and maintained by the City of Santa Rosa.

These public improvements are consistent with those identified in the City of Santa Rosa 2035 General Plan.

FISCAL IMPACT

Approval of this action does not have a direct fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The proposed project has been reviewed against and is found to be in compliance with the California Environmental Quality Act (CEQA).

This project was originally included in the North Santa Rosa Annexation 8-97 EIR, certified by City Council on July 2, 1991.

In May 1997, the City Council divided the boundaries of Annexation 8-97 into north and south areas. The southerly portion, about 40 acres, was annexed into the City in 2000. The northerly portion, which included the area for North Village I and II, was the subject of the Northwest Santa Rosa Annexation 3-97 Subsequent EIR (SCH# 2003022085), which was certified in December 2003. The Subsequent EIR was prepared as a programmatic EIR, meaning subsequent projects could be evaluated for further impacts in light of the most recent EIR.

North Village I was processed in 2003 under the Subsequent EIR and was approved by the City of Santa Rosa in 2004. North Village II was submitted as a project in 2007, but per the request of the developer processing was halted. The project was later reactivated in 2010 per the request of the developer. At that time changes were made to the North Village II project that had not been previously considered. Therefore, the City of Santa Rosa prepared a Supplemental EIR (SEIR). The SEIR considered newer environmental issues required by CEQA, such as Greenhouse Gas Emissions. In some instances, such as potential GHG emission impacts, new mitigation measures were developed and approved. The full list of mitigation measures for the North Village II project are included in the SEIR Mitigation Monitoring Plan, which was adopted March 14, 2011.

CEQA §15162 states that no subsequent environmental impact report need be prepared unless substantial evidence in light of the whole record is presented if one or more of the following are present:

1. Substantial Changes are proposed in the project leading to new substantial environmental effects or a substantial increase in the severity of previously identified impacts in the EIR and SEIR. No substantial evidence has been presented in this regard.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions to the previous environmental document. With no substantial evidence presented, substantial changes have not occurred to the circumstances under which the project is to be undertaken requiring a major revision of the previous EIR and SEIR.
3. New information of substantial importance, which was not or could not have been known with reasonable diligence at the time the EIR and SEIR were adopted, showing any of the following:

- a. The project will have at least one significant effect not previously discussed in the EIR and SEIR;
- b. Significant effects previously examined will be more severe than shown in the adopted EIR and SEIR;
- c. Mitigation measures or alternatives previously found not to be feasible, would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR and SEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No new information of substantial importance has been presented which necessitate subsequent environmental review per CEQA §15161.3.a - d.

Overall, there is no substantial evidence that an additional subsequent environmental document need be prepared with the incorporation of the previously adopted Mitigation Monitoring Program for the North Village II into the conditions of approval.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

The Planning Commission previously recommended certification of the EIR in 2003; and it adopted the SEIR mitigation monitoring program on March 11, 2011 (see attached Resolution 11569). The Planning Commission also went on to approve the Conditional Use Permit (see attached Resolution 11570) and Tentative Map (see attached Resolution 11571) on April 11, 2011.

On December 21, 2006, the project was taken before the Design Review Board as a concept item for preliminary comments. On August 16, 2012, the Design Review Board approved the Preliminary Design for all aspects of the project -- the residential units, the community center, and the open space areas (see Attached Resolution 12-870).

NOTIFICATION

The project was noticed as a public hearing pursuant to the requirements of Chapter 20-66 of the City Code. Notification of this public hearing was provided by posting an on-site sign, publishing notice in a newspaper of general circulation, mailed notice to surrounding property owners, electronic notice to parties that had expressed interest in projects taking place in this geographic area of Santa Rosa, and bulletin board postings at City Hall and on the City website.

ISSUES

All previous issues have been addressed. The conditions of approval all remain as originally approved, except staff recommends a modification to Condition 85 in each Exhibit A to each approving resolution. The recommended language is as follows (strikeout to remove and underline added) :

"85. The adjacent Public Park site, DN2006-062727, is to be improved with the North Village II development as called out in the executed "Agreement for Construction of Park Improvements and Playfield Renovation and Establishing Park Fee Credits for Dedication of Parkland and Construction of Improvements" entered into by the Fulton Road Investors LLC and the City of Santa Rosa on September 12, 2006, as may be amended. ~~The Complete Public Park Site Improvement plans are to be submitted for review with the subdivision improvement plans submitted for the first plan check of the First Phase of development. The park site development may be phased only if the subdivision is phased. If the subdivision is not phased the park is to be fully developed. Under a phased development the park site is to be graded and drainage system established with the first phase all remaining improvements shown on the Master Plan approved by the Recreation and Parks Department together with public access ways to the park site from public right of way are to be completed with the second phase of development. The phased subdivision improvements will not be accepted without those respectively phased park improvements being completed.~~

A copy of the Park Construction Agreement and Amendment for North Village II are included as Attachment 12 herein. The change to Condition 85 is recommended because the park improvements outlined for Phase I were not completed with the development of North Village I. A Park Master Plan must first be developed and approved prior to construction of the park site. The process to establish a Park Master Plan can take up to a year, and a preliminary park design has yet to be developed to even begin the public input process. Thus, it is anticipated that the Park Master Plan will not be finalized before the North Village II Final Map is ready to record. The recommended edits to Condition 85 will allow the developer to work with the City to fulfill the Park Construction Agreement and move forward with the recording of the Final Map.

Presently, while the park land has been offered for dedication to the City of Santa Rosa, the most likely method of compliance with the Parks Construction Agreement would be the payment of park fees upon the construction of each new residential unit. This option would offer both the City of Santa Rosa and current residents the quickest path towards construction of a new park. However, the current Parks Construction Agreement may require approval of an amendment by the City Council to modify its language to allow all new residential units to pay park fees only. The proposed edits to Condition 85 are recommended to permit such a change if the City Council should agree.

There are no remaining identified issues.

Attachments:

Attachment 1 – Disclosure Form
Attachment 2 – Location Map

Attachment 3 – Plan Set

- a. Tentative Map
- b. Layout Plan
- c. Grading Plan
- d. Utility Plan

Attachment 4 – Landscape Plans

Attachment 5 – Design Review Planning Submittal – NV II 2018

Attachment 6 – Planning Commission Staff Report – April 14, 20110 (w/o attachments)

Attachment 7 -- Planning Commission Resolution 11569 – Adopting the SEIR to the Northwest Santa Rosa Annexation 3-97 Annexation Final Environmental Impact Report (SCH#2003022085), April 14, 2011, with attached SEIR and Mitigation Monitoring and Reporting Program (Additional studies not attached)

Attachment 8 – Planning Commission Resolution 11570 – Approval of NVII CUP, April 14, 2011

Attachment 9 – Planning Commission Resolution 11571 – Approval of NV II Tentative Map, April 14, 2011, w/ DAC Report April 12, 2011

Attachment 10 – Design Review Board Resolution 12-870 – Approval of Preliminary Design

Attachment 11 – Housing Allocation Plan Agreement and Amendment NV II

Attachment 12 – Park Development Agreement and Amendment

Resolution and Exhibit A for EXT17-0026

Resolution and Exhibit A for EXT20-0003

Resolution and Exhibit A for EXT22-0012

CONTACT

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