

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR ELM TREE STATION - LOCATED AT 874 NORTH WRIGHT ROAD;
APN: 035-063-001 - FILE NUMBER MJP12-005

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Elm Tree Station to allow a gasoline and electric charge fueling station, mixed residential and commercial use and extended hours from 5 a.m. to mid-night, seven days a week for the property located at 874 North Wright Road, also identified as Sonoma County Assessor's Parcel Number(s) 035-063-001;

WHEREAS, the Planning Commission held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission has considered the application, the staff report, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

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

- A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code;
- B. The proposed use is consistent with the General Plan and any applicable specific plan;
- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;
- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
- E. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration has been approved by the Planning Commission for this project pursuant to CEQA.

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

BE IT FURTHER RESOLVED that a Conditional Use Permit for Elm Tree Station to allow a gasoline and electric charge fueling station, mixed residential and commercial use and extended hours from 5 a.m. to mid-night, seven days a week, is approved subject to each of the following conditions:

DEPARTMENT OF COMMUNITY DEVELOPMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.
2. All work shall be done according to the final approved plans dated received August 5, 2013.
3. The address shall be displayed in a prominent location on the street side of the property. The numbers shall be no less than 6-inches in height and shall be of a contrasting color to the background to which they are attached. The address shall be illuminated during hours of darkness per City "Premises Identification" requirements.

EXPIRATION AND EXTENSION:

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

BUILDING DIVISION:

6. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
7. Obtain building permits for the site work and for each structure.

ENGINEERING DIVISION:

8. Compliance with all conditions as specified by the attached Exhibit "A" dated August 22, 2013.

PLANNING DIVISION:

9. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that approved by the Planning Commission. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.
10. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
11. Project shall comply with the Mitigation Monitoring and Reporting Program dated August 26, 2013.
12. The gasoline and electric charge fueling station and neighborhood market may operate between the hours of 5:00 a.m. and mid-night, 7 days per week.
13. Fuel deliveries or deliveries to the neighborhood market shall be limited to the hours of 7 a.m. and 7 p.m. only.
14. Prior to final occupancy, the applicant shall provide the City with a copy of a long-term agreement for two parking spaces on Lot 1 to be utilized by the retail building on Lot 2.
15. The applicant shall obtain a license agreement from Sonoma County Regional Parks to construct the two Joe Rodota Trail connectors located on Sonoma County property. Proof of the license agreement shall be provided to the Community Development Department prior to issuance of a building permit.
16. PROJECT DETAILS:
 - A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and Uniform Building Codes, as well as the City's Design Review Guidelines.
 - B. The design of all fencing, sound walls, carports, trash enclosures, and similar accessory site elements shall be compatible with the architecture of main buildings and shall use similar materials. The design must be approved by the Planning Division prior to issuance of a building permit.

- C. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architectural design element approved by the Design Review Board or Planning Division.
- D. All outdoor storage of materials or refuse bins/cans shall be maintained within a completely screened structure or area. The design of the screened structure or area shall be approved by the Planning Division prior to issuance of a building permit.

17. TREE PRESERVATION:

- A. Tree Preservation notes and protection during construction notes shall be shown on the improvement plans and building plans. The tree driplines shall also be shown on each drawing with the attendant protection instructions.
- B. Prior to issuance of a grading or building permit for any clearing, excavation, construction, or other work on the site, a protection zone shall be established to protect natural vegetation and trees from construction activities. The following conditions and restrictions shall apply:
 - i. The zone shall encompass the "protected perimeter" which shall be either the root zone or other limit as established in this approval.
 - ii. The zone shall be delineated with a brightly colored construction fence. Such fences shall remain continuously in place for the duration of all work undertaken on the site.
 - iii. No storage or construction activities (including trenching, grading or filling) shall be permitted within the protected zone.
 - iv. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.
 - v. All brush, earth, and other debris shall be removed in a manner which prevents injury to the protected trees and/or shrubs.
 - vi. No oil, gas, chemicals, or other substances that may be harmful to trees shall be stored or dumped within the protected perimeter or any other location from which substances might enter the perimeter of a protected tree.
- C. The contractor(s) shall be notified in writing by the developer of the "Protection Zone." Copies of the letter shall be provided to the Planning and Building Divisions prior to issuance of a building or grading permit for any site work.

- D. The protection zone delineated with the brightly colored construction fence shall be posted with signs which state "Tree/Vegetation Protection Zone -- No Construction or Storage Permitted."
- E. Irrigation systems and plant varieties which require regular watering shall not be permitted within the dripline of an Oak tree which is to be preserved.
- F. No concrete or asphalt paving or compaction of soil shall be permitted within the root zones of protected trees.
- G. Any special work, including mitigation, within the "Protection Zone" must be done under the supervision of a City approved certified arborist.

18. LANDSCAPING:

- A. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
- B. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans, except where not required.
- C. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.
- D. Street trees will be required and shall be planted by the developer. Selection will be made from the City's approved Master Street Tree Plant List in coordination with the City Parks Division. Planting shall be done in accordance with the City "Standards and Specifications for Planting Parkway Trees." Copies of the Street Tree List and the Planting Standards are available at the Parks Division office.

19. LIGHTING:

- A. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit in accordance with the Design Review approval.
- B. Light sources shall be concealed from public view.
- C. All lighting shall be directed toward the subject property and away from adjacent properties.
- D. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.

20. PARKING:

- A. The parking lot shall be constructed to City standards.
- B. The parking lot shall be provided with concrete curbing around all planter areas unless specifically approved by the Department of Community Development in some other fashion.
- C. The parking lot shall be striped according to City standards and all handicapped and compact spaces shall be identified and marked accordingly.
- D. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.

21. SIGNING:

- A. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.
- B. A planning sign permit application is required for all signs.
- C. Sign permit approval shall be obtained prior to application for a building permit.
- D. Building permits for sign installations shall be separate permits from other building permits issued for construction.
- E. Building permits for sign installations shall be separate permits from other building permits issued for construction.

22. NATURAL RESOURCES:

- A. Advisement. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. The applicant shall acknowledge in writing receipt of the above advisement.
- B. Mitigation requirement. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Community Development to determine if the project as redesigned is consistent with the original approval. A project that the City determines is

not consistent with the City approval shall not be granted subsequent entitlements, such as approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.

- C. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.
- D. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.

FIRE DEPARTMENT

- 23. Hydrant spacing for this commercial project shall comply with current Fire Department standards: hydrants maximum 300 feet on center and minimum 40 feet from the structure.
 - A. Minimally, upsize the 6 inch lateral to 8 inch; provide a combination fire service with a hydrant at the sidewalk, then the DDC and a private, on site, hydrant in the parking island between the trash enclosure and the building.
 - B. Locations of Fire Department Connections (FDC's) for the required automatic fire sprinkler system (within 50 feet of a hydrant), and hydraulic adequacy of the required on-site, water system are a deferred item.
- 24. Fire Department access roads shall be provided to within 150 feet path-of-travel distance of all portions of first floor exterior walls of all structures and hazardous materials use or storage areas. Access roads shall be designed to current Fire Department standards: 20 feet wide minimum for structures two-stories or less in height. Required Fire Department access roads shall be signed "No Parking – Fire Lane" per current Fire Department standards.
- 25. A Fire Flow Analysis including proposed building areas, type of construction, and calculated available fire flow at the proposed fire hydrant(s) shall be provided to the Fire Department for review and approval concurrent with submittal of Grading plans. Minimum required Fire Flow for this commercial project is 2500 gpm with 20 psi residual in the main. A reduction of up to 50% is permitted as a credit for the installation of fire sprinklers. The adjusted flow cannot be less than 1500 gpm.
 - A. Applicant shall contact City Utilities Department to have flow tests performed for existing hydrant #5388 (Blue Star Gas) to obtain data

required prior to submitting the Fire Flow Analysis and for design of the on-site private fire main system.

26. Two copies of a Phase 1 Environmental Site Assessment shall be included with submittal of the first Engineering plan check. One copy is to be submitted directly to the Fire Department and review fee paid; a copy of the receipt shall be submitted with the remaining copy to the Engineering Department. Grading, demolition or construction permits shall not be issued until the Fire Department has reviewed and approved the Phase 1 study.
27. Site address signage per current Fire Department Standards shall be established and maintained during and after any combustible construction or intensification of site use. See SRFD Building Address Standard at http://ci.santa-rosa.ca.us/departments/fire/prevention/checklists_library/Forms/AllItems.aspx
28. Traffic calming measures (speed bumps, humps, undulations, etc.) are not approved as a part of this review and require specific approval from the Fire Department.
29. Lockable gates limiting vehicle access to commercial facilities shall be equipped with a Fire Department approved locking device or Fire Department approved key system ("Knox" lock or "Knox" keyed lock). Call 543-4547 for assistance in obtaining the required lock or key system.
30. The City of Santa Rosa has adopted a local ordinance which requires automatic fire sprinkler systems in virtually all new construction. All structures shall be protected with automatic fire sprinkler systems.
31. Deferred Fire Department permits: **Construction:** Underground fire main system (from the backside of the detector check), Automatic Fire Sprinkler System. Fire Alarm System (water-flow monitoring), Fixed Extinguishing System if Market has cooking equipment; Underground Storage Tank installation, Rooftop PV System requires fire approval on the Building submittal. **Operation:** Hazardous Materials Storage, Underground Storage Tank operation and Motor Vehicle Fuel Dispensing
32. Storage or use of any hazardous materials at the site (such as diesel fuel for the on-site generator or acid for batteries) will require a Hazardous Materials Business Plan to be submitted to the on-line reporting program at www.unidocs.org. The Fire Department will review for approval. Materials on site will require a Hazardous Materials Permit to be submitted to the Fire Department for review and approval and require payment of Hazardous Material Management Plan fee.
33. Access roads and water supplies for fire protection shall be installed and made serviceable prior to storage or construction of any combustible materials.

RECREATION AND PARKS DEPARTMENT

34. The applicant shall pay park fees in effect at the time the building permit is issued.

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

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 24th day of October, 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
CHAIR

ATTEST: _____
SECRETARY

TRANSPORTATION and PUBLIC WORKS DEPARTMENT
ENGINEERING DEVELOPMENT SERVICES

EXHIBIT "A"
August 22, 2013

874 Wright Rd
ELM TREE STATION
Minor Subdivision

- I. Developer's engineer shall obtain the current City Design and Construction Standards and the Community Development Department's Standard Conditions of Approval dated August 27, 2008 and comply with all requirements therein unless specifically waived or altered by written variance by the City Engineer.
- II. **Developer's engineer shall comply with all requirements of the current Municipal Separate Storm Sewer System (MS4) and City Standard Urban Storm Water Mitigation Plan Low Impact Development Guidelines. Final Plans shall address the storm water quality and quantity along with a maintenance agreement or comparable document to assure continuous maintenance of the source and treatment.**
- III. The tentative map shows wetlands which will likely require a permit from the North Coast Water Quality Control Board. Mitigation measures required by the Board may not be consistent with the approval of this map, which would require a re-application of the tentative map for approval with the new configuration. It is recommended that the applicant work closely with the Board and the City to achieve a mutually acceptable project.
- IV. In addition, the following summary constitutes the recommended conditions of approval on the subject application/development based on the plans stamped received June 25, 2013:

PARCEL MAP AND EASEMENT DEDICATION

1. A minimum 10 foot wide public bicycle pathway easement centered on the alignment of the proposed pathway connecting the Joe Rodota Trail with Wright Road over Lots 1 and 2 shall be dedicated to the City of Santa Rosa.
2. A 7.5 foot Public Utility Easement is to be dedicated to the City along Wright Road.
3. The private utility services from N.Wright Road to Lot 2 over Lot 1 shall be contained within Private Sewer and Private Water Easements from lot 1 in favor of Lot 2. The paved area except for the fueling island and recharging station

locations on Lot 1 shall be covered with a Floating Access Easement in favor of Lot 2.

4. The private fire hydrant, private fire main, and double detector check valve on Lot 1 are to be contained in a "Private Fire Main Easement" in favor of Lot 2 with a joint maintenance, access, and use agreement between Lots 1 and 2.
5. 2 copies of the Phase 1 Environmental Site Assessment are required with the submittal of the first plan check. 1 copy is to be submitted directly to the Fire Department, 2373 Circadian Way, and review fee paid, a copy of the receipt shall be submitted with the remaining copy to the Public Works, Engineering Development Services Department, Room 5 City Hall. Grading, demolition or construction permits shall not be issued until the Fire Department has reviewed and cleared the Phase 1 Study.

PRIVATE STREET/DRIVEWAY IMPROVEMENTS

6. The common pavement shall be built to City minor street structural standards and bordered with concrete curb and gutter. Access from North Wright Road is to be through City Standard 250A Driveway Curb cuts, 35 foot wide for the southerly driveway and 24 foot for the northerly driveway. The paved area covered by the floating access easement is to be contained in a private joint maintenance agreement between Lots 1 and 2 recorded with the map.
7. The Bicycle Path shall be asphalt paved and built to City Standard 216. The bicycle path is to connect to the County Path, Joe Rodota Trail, conforming to existing grades and with 10 foot radius pavement returns.

STORM DRAINAGE

8. The developer's engineer shall comply with all requirements of the latest edition of the City Standard Urban Storm Water Mitigation Plan Guidelines. Final Public Improvement Plans shall incorporate all SUSMP Best Management Practices (BMP's) and shall be accompanied by a Final Storm Water Mitigation Plan which shall address the storm water quality and quantity. Final Public Improvement Plans shall be accompanied by a maintenance agreement or comparable document to assure continuous maintenance in perpetuity of the SUSMP BMP's, and shall include a maintenance schedule.

Perpetual maintenance of SUSMP Best Management Practices (BMP's) shall be the responsibility of one or more of the following:

- a) The individual homeowners fronting or owning these BMP's. Individual owners shall be responsible for performing and documenting an annual

inspection of the BMP's on their respective properties. The annual reports shall be retained by the private property owner for a period of the latest five years, and shall be made available to the City upon request.

b) A Homeowner's Association or Property Owners Association. If perpetual maintenance of these BMP's is through a Homeowner's Association or Property Owner's Association, the documents creating the Association and the Covenants, Conditions and Restrictions governing the Association shall be submitted to the City Attorney's Office and the Department of Community Development for review.

c) A special tax district for public BMP facilities.

d) An alternate means acceptable to the City of Santa Rosa.

After the SUSMP BMP improvements have been constructed, the developers Civil Engineer is to prepare and sign a written certification that they were constructed and installed as required or per the manufacturer's recommendation. Written certification of SUSMP BMP's is to be received by the City prior to acceptance of subdivision improvements.

9. All off-site storm water runoff shall be conveyed across the project site in a separate bypass storm drain system, or shall be fully treated through the LID BMP's. Collection points along the boundary of the project shall convey storm water to the bypass system to separate treated and untreated storm water. All storm water systems shall be sized to convey the storm water per Sonoma County Water Agency standards.
10. A public storm drain is to be extended from Wright Road to the easterly project boundary, designed at minimum grade and sized to provide capacity for future extension with development per General Plan Density of the adjacent property. The pipe is to end at the easterly property line with a City Standard Field inlet with side openings and bolt down top. The public storm drain is to be constructed with a City Standard 216 maintenance access road contained within a 15 foot Public Storm Drain easement and provided with either hammerhead turn around or secondary access easement over site to Public Right of Way. The Public Bicycle Path Access Easement is to be over the maintenance access road connecting Wright Road to the Joe Rodota Trail.
11. Project shall accept all historic flows from offsite with no alteration to flow patterns except at the property line.

UTILITY

12. An Encroachment Permit must be obtained from TPW Engineering Development Services prior to beginning any work within the public Right-of-Way or for any work on utilities located within public easements. A Revocable license agreement shall be obtained from Sonoma County PRMD prior to beginning any work in County Right-of-Way.
13. Applicant must install a combination service per City Standard #870 for private fire main, domestic and irrigation meters on N Wright Road. The combination service lateral and meters shall be sized to meet domestic, irrigation and fire protection uses. Reduced pressure back flow devices per City Standard 876 will be required on the water and irrigation services for Lots 1 and 2. The private fire main will require a City Standard 880 double detector check valve. The flow calculations shall be submitted to the Utilities Department during the plan check phase of the Improvement Plans or Encroachment Permit to determine adequate sizing. Provide meters per Section X of the Water System Design Standards. The Double Detector Check Valve is to be contained within a Public Water Easement up to the first valve location.
14. Backflow prevention devices required behind all meters shall be designed and installed in accordance with current City Standards, State Health code Title 17, and as required by the Director of Utilities for Lots 1 and 2.
15. A private fire hydrant is required on Lot 1 along the northerly driveway access in the landscape finger and in accordance with City Fire Department Requirements to coincide with fire tactics and equipment. The hydrant location shall be within 150 feet of commercial buildings and a minimum 40 feet from structures. Fire hydrant type and installation shall comply with City Water Standard 857. For specific fire hydrant locations and flow requirements see Section XII of the Water System Design Standards.
16. The use of the private fire main, hydrant, and all appurtenant improvements for the fire main extension from N.Wright Road on Lot 1 by Lot 2 is to be addressed in a "Declaration of Easements, Covenants, and Restrictions" document. The document is to be reviewed and approved by the Fire Department to be recorded prior to issuance of any permit to construct the private Underground Fire Main.
17. If separate domestic service for Lot 2 cannot meet the required fire sprinkle flow demands a separate fire main with double detector check valve will be required.
18. Any existing water or sewer services that will not be used must be abandoned at the main per City Standards under an encroachment permit. The existing meter must be collected by the City Meter Shop. Call Utilities Engineering at 543-3950 to arrange pick up.
19. Separate sewer and water laterals shall be installed for each lot. Sewer and water lateral for Lot 2 is to be contained in a private sewer and water easement

over Lot 1.

20. The storm drain from the trash bin area is to be connected to the sewer lateral through a grease interceptor unless the trash bin is covered with roof drainage being connected to the private site drainage/SUSMP LID BMP's system. An Industrial Waste Discharge Permit must be obtained from the City's Utilities Environmental Services Section. Contact Environmental Services at 543-3369.
21. Water Supply - Applicants shall provide Fire flow calculations for projects indicating compliance with CFC Appendix III-A. The minimum adjusted fire flow available shall provide 1500 gpm in residential and commercial developments and 2500 gpm for industrial developments.
22. Demand fees and meter sizes are to be determined after review of building plans. Submit details of plumbing fixtures, including the amount of fixtures and the size of service lines (3/4", 1/2" etc.) to Utilities Engineering for review.
23. Provide a separate irrigation service. See Section X. O. of the Water System Design Standards.
24. Submit the square footage of each lot to determine sewer and water demand fees. The lot sizes should be listed on the information sheet of the Final Map.
25. The Utilities Department recommends that the irrigation system be metered separately from domestic use to reduce sewer usage charges.
26. Where LID BMP's systems are required, meter boxes, cleanouts, fire hydrants, etc. must be located without conflict with the swales. Locations of infrastructure will be reviewed during plan check.
27. Submit landscape and irrigation plans in conformance with the Water Efficient Landscape Ordinance adopted by the Santa Rosa City Council, Resolution No. 27518, on November 17, 2009. Plans shall be submitted with the Building Permit application. Submit the following with the above mentioned plans: Maximum Applied Water Allowance (Appendix A) and Hydrozone Table (Appendix B).
28. This property is subject to paying any remaining portion of the Southwest Development Impact Fee, SWDIF, required for this property in addition to standard demand fees. The local agency informational sheet of the Final Map must be annotated with this information.


Larry Lackie
Project Engineer