

ORDINANCE NO. ORD-2020-016

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING PLANNED DEVELOPMENT (PD) 403 POLICY STATEMENT TO INCLUDE “COFFEE SHOP – COUNTER ORDERING” TO THE LIST OF CONDITIONALLY PERMITTED USES AT THE PARCEL LOCATED AT 4620 HIGHWAY 12 IN ORDER TO SUPPORT THE OPERATION OF A COFFEE SHOP WITH ACCESSORY DRIVE-THROUGH SERVICE AND EXTENDED HOURS OF OPERATION - APN 032-190-029 - FILE NUMBER: PRJ20-006

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council finds, based on the evidence and records presented, that the proposed zoning text amendment is appropriate for the property located at 4620 Highway 12 (“Subject Property”), in light of the Subject Property’s physical configuration, land use designation in the General Plan, and its location adjacent to established development. The Council further finds and determines that:

1. The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that the subject property is designated as Office on the General Plan Land Use Diagram, and policy LUL-J-3 of the General Plan allows limited support retail and business services – such as cafes, delis, and dry-cleaners – where the land use classification on the General Plan Land Use Diagram is Office or Business Park; and
2. The proposed text amendment is consistent with the Climate Action Plan (CAP) in that the applicant has demonstrated compliance with the CAP Appendix E New Development and included discussion of each applicable action, specifically Action 5.3.3 which is a consideration to amend the Zoning Code to prohibit new drive-through facilities; and
3. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City due to the project’s compliance with all design and operational standards as specified in Zoning Code Chapter 20-42, and the subject site is within a fully developed area consisting of retail and office uses. The surrounding office and residential land uses would be conveniently served by the proposed retail use with drive-through. Traffic ingress and egress routes would not be changed from the originally approved use as a result of the project. The parking lot and on-site circulation would not be affected by the project. Queuing analysis indicates that eleven cars can queue into the drive-through without interrupting site flow or parking. The 95th percentile queue during peak operation is ten vehicles, which is one less than the queuing capacity. Therefore, the likelihood the queue would exceed capacity is less than 5%. The utilities currently serving the Project site would be sufficient in serving the proposed use. The project would also be conditioned to comply with the City’s Noise Ordinance. Air

quality impacts would be less than significant accounting for compliance with BAAQMD and CAP provisions; and

4. The proposed project qualifies for exemption from California Environmental Quality Act (CEQA) review under a Class 32 Infill Development exemption pursuant to Section 15332.
 - The project is consistent with the GPLU designation of Office in that Policy LUL-J-3 allows limited supporting retail and business services such as cafes and delis where the GPLU is Office. The PD 403 Policy Statement designates this parcel as C-1-PD, which is equivalent to Neighborhood Commercial (CN) in the modern Zoning Code. A drive-through retail sales use is permitted in the CN district subject to CUP approval.
 - The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
 - The project site has no value as habitat for endangered, rare or threatened species in that the site is fully developed for previous use as a bank facility.
 - Approval of the project would not result in any significant effects relating to traffic. A Focused Traffic Study conducted by W-Trans, dated September 10, 2020, concluded that 23 new trips would be generated during the morning peak hour and two fewer trips would be generated during the evening peak hour compared to the previous use. The study also concluded that impacts to Vehicle Miles Traveled (VMT) would be less than significant due to the project's local-serving nature.
 - Approval of the project would not result in any significant impacts relating to noise, in that the project has been conditioned to comply with the City's Noise Ordinance (City Code Chapter 17-16).
 - Approval of the project would not result in any significant impacts relating to air quality in that the Bay Area Air Quality Management District (BAAQMD) outlines an operation-related criteria air pollutant screening level of 6,000 square feet for "fast food restaurant with drive through" land use types. The proposed use would occupy 2,200 square feet of a 3,759 square foot building, which is under the threshold of 6,000 square feet. Additionally, the project would comply with all applicable provisions of the City's Climate Action Plan as discussed above. Therefore, air quality impacts would be less than significant.
 - Approval of the project would not result in any significant impacts relating to water quality. The project was reviewed by the City's Engineering Development Services Division and Water Department and it was determined that less than significant impacts to water quality would occur. The proposed project would maintain existing on- and off-site drainage and would not impact Santa Rosa Creek, which is located approximately 330 feet to the southeast of the project site. Additionally, there is adequate water service at the project location.

- No exceptions to the exemption apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines Section 15300.2.).

5. The proposed amendments are internally consistent with other applicable provisions of this Zoning Code as this amendment proposes modifications to the provisions set forth in PD 403, which would not conflict with any other areas of the Zoning Code.

Section 2. All conditions required by law having been satisfied and all findings with relation thereto having been made, the allowable land uses table on Page 2 of the Mission Arbors Policy Statement for Planned Development 403 is hereby amended to include “Coffee Shop – Counter Ordering” to the list of conditionally permitted uses for parcels B and C of Planned Development 403, which includes the Subject Property.

Section 3. Environmental Determination. As described above, the proposed project has been reviewed in compliance with CEQA. Pursuant to CEQA Guidelines Section 15332, the project qualifies for a Class 32 exemption for infill development.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on November 17, 2020.

IN COUNCIL DULY PASSED AND ADOPTED this 1st day of December, 2020.

AYES: (7) Mayor Schwedhelm, Vice Mayor Fleming, Council Members Dowd, Olivares, Rogers, Sawyer, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney