

RESOLUTION NO. DR18-083

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A DESIGN REVIEW APPLICATION FOR THE CONSTRUCTION OF A 4,000 SQUARE-FOOT RESTAURANT WITH COUNTER ORDERING, DRIVE THROUGH SERVICE, AND EXTENDED HOURS OF OPERATION AS PREVIOUSLY APPROVED BY THE PLANNING COMMISSION ON JANUARY 14, 2021, FOR THE PROPERTY LOCATED AT 2532 SANTA ROSA AVENUE AND 325 YOLANDA AVENUE, SANTA ROSA, APN: 044-041-010;

The Santa Rosa Zoning Administrator has completed its review of your application. Please be advised that your Design Review to for the construction of a 4,000 square-foot restaurant with counter ordering, drive through service, and extended hours of operation as previously approved by the Planning Commission on January 14, 2021, has been granted based on your project description and official approved exhibit dated September 30, 2020. The Santa Rosa Zoning Administrator has based this action on the following findings:

- The design and layout of the proposed development is of superior quality and is consistent with the General Plan and the City's Design Guidelines and the matter has been properly noticed as required by Section 20-66.020 a after a request for a public hearing by the applicant was received;
- The design is appropriate for the use and location of the proposed development and achieves the goals, review criteria and findings for approval as set forth in the Framework of Design Review in that the design is appropriate for its location, which is in an area with similar drive-through retail services and designs that are close to Highway 101 and other connectivity features such as public transportation and bicycle lane infrastructure and utilizes ingress and egress on both Santa Rosa Avenue and Yolanda Avenue. The form and massing is appropriately scaled on the site and utilizes easily identifiable materials such as stone veneers, stucco, and metal canopies, which helps identify the retail use's products without the use of large signs. The landscaping is appropriately selected to provide proper screening of the drive through aisle from the street and nearby pedestrians as well as implement the City's Water Efficient Landscape Ordinance. The placement of the building on the northwest portion of the project site allows for an easily identifiable entry point for those on the site as well as those passing along Santa Rosa Avenue;
- The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments in that the design provides access off of and onto both Santa Rosa Avenue and Yolanda Avenue to provide appropriate levels of circulation. The site as designed will screen all headlight in the drive-through queue from customers on site as well as those passing by on Santa Rosa Avenue. Finally, the tallest tower is approximately 23 feet from grade, which would not result in significant solar shading to any adjacent properties;

- The architectural design of the proposed development is compatible with the character of the surrounding neighborhood in that the architectural design incorporates features similar but unique to drive-through and other retail establishments to the north and south of the project's location with the use of towers to break up the massing, awnings to protect customers from the elements, and appropriate glazing that provides a human scaled element;
- The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color and would remain aesthetically appealing and be appropriately maintained;
- The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity in that the project was reviewed and appropriately conditioned by City departments and applicable outside agencies;
- The proposed Project has been found exempt from the provisions of the California Surface Mining and Reclamation Act of 1975 because all proposed excavation and earthmoving activities can be identified as a necessary and integral part of a construction project; and
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) in that an Initial Study/Mitigated Negative Declaration was prepared which indicated the proposed project would result in potentially significant impacts to: Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, and Noise. These impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures contained in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, which identifies the timing of, and the agency or agencies responsible for, enforcement and monitoring of each mitigation measure to be implemented to reduce potentially significant impacts to less than significant levels, or through compliance with existing Municipal Code requirements or City standards. The Mitigated Negative Declaration, including the Mitigation Monitoring and Reporting Program, was adopted by the City of Santa Rosa Planning Commission on January 14, 2021.

This entitlement would not be granted but for the applicability and validity of each and every one of the below conditions and that if any one or more of the below conditions is invalid, this entitlement would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval. The approval of the project is contingent upon compliance with all the conditions listed below. Use shall not commence until all conditions of approval have been complied with. Additional permits and fees are/may be required. **It is the responsibility of the applicant to pursue and demonstrate compliance.**

1. Comply with all Conditions of Approval found in Planning Commission Resolution No. 12046.

2. The applicant shall install a stop bar and stop sign at the southeast corner of the site where the drive-through lane entering from Santa Rosa Avenue meets the Yolanda Avenue drive aisle.
3. A building permit is required.
4. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturdays. No construction is permitted on Sundays and holidays.
5. No signs are approved as part of the Project. Signs will require separate Planning and Building permits.
6. The Project shall comply with City Code Section 21-08, development requirements relating to public art.
7. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
8. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.

This Design Review for construction of a 4,000 square-foot restaurant with counter ordering, drive through service, and extended hours of operation as previously approved by the Planning Commission on January 14, 2021, is hereby approved on this 18th day of March, 2021. If conditions have not been met or if work has not commenced within two years from approval date, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration. The approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: _____
ANDY GUSTAVSON, ZONING ADMINISTRATOR