

RESOLUTION NO. 12046

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION AND OPERATION OF A RESTAURANT WITH COUNTER ORDERING, DRIVE THROUGH SERVICE, AND EXTENDED HOURS OF OPERATION, LOCATED AT 2532 SANTA ROSA AVENUE AND 325 YOLANDA AVENUE; ASSESSOR'S PARCEL NUMBER. 044-041-010; FILE NO. PRJ18-086.

WHEREAS, on December 6, 2018, an application was submitted requesting the approval of a Conditional Use Permit for the construction and operation of a ~4,000 square foot restaurant with counter ordering, drive-through service, and extended hours of operation at 2532 Santa Rosa Avenue and 325 Yolanda Avenue, also identified as Sonoma County Assessor's Parcel Number 044-041-010;

WHEREAS, on January 14, 2021, 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, on January 14, 2021, the Planning Commission considered the application, the staff reports, 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

WHEREAS, on January 14, 2021, the Planning Commission adopted the Mitigated Negative Declaration.

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 restaurant with drive-through service and extended hours of operation is consistent with the General Plan in that the General Plan land use designation is Retail and Business Services, which is designated for retail and service enterprise, office, and restaurant uses.
- B. The proposed restaurant with drive-through service and extended hours of operation is allowed within the General Commercial zoning district, which implements the Retail and Business Services land use designation of the General Plan, subject to approval of a Conditional Use Permit. As designed and conditioned, the Project complies with all applicable provisions of this Zoning Code and the City Code.

- 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. The site is in an area designated for restaurant uses on the General Plan Land Use Diagram, and access will be taken from Santa Rosa Avenue and Yolanda Avenue, which are both designated as Regional/Arterial streets.

The commercial site shares two property lines with residential uses. To the north, there are two mobile home units within 15 feet of the drive-through aisle. The existing wood fence will be replaced by an eight-foot CMU-wall, which will protect mobile home park residents from both noise and headlight glare.

While not constructed yet, the Yolanda Apartments, a 252-unit apartment complex, has been approved on the property to the east. The approved housing project and the subject drive-through restaurant were designed simultaneously, and the uses are separated by a wall, parking structures and a drive aisle located on the residential site plan. Because it is unclear which project will be constructed first, In-N-Out Burger has been conditioned to construct the wall to provide protection from headlight glare and noise for the residents on the east side of the mobile home part to the north.

The restaurant will stay open until 1:30 a.m., and deliveries will be made after closing. The application includes a path of travel for delivery trucks. Delivery trucks will take access from Yolanda Avenue and exit on Santa Rosa Avenue; the trucks will park adjacent to the south elevation of the restaurant; delivery staff will utilize hand operated equipment to avoid unnecessary back-up beeping and noise; and the project has been conditioned to adhere to the plan. As shown in the Supplemental Noise Evaluation, prepared by Meridian Consultants, dated November 20, 2020, the combined protection of delivery protocols and the eight-foot CMU-wall, noise levels will be in compliance with the Noise Ordinance, City Code Chapter 17-16.

The drive-through queuing analysis indicates that 30 cars can queue into the drive-through without interrupting on- or off-site traffic flow or parking. The queuing of cars is not anticipated to exceed the stacking space due to the project's operational characteristic of deploying employees to take orders in the drive-through queue when the number of cars in the drive-through exceeds eight cars. The site plan includes 76 onsite parking spaces, which exceed that required by the Zoning Code by 22 spaces.

- 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. The project is located within a developed area where all utilities and services are available. Access will be taken from both Yolanda Avenue and Santa Rosa Avenue, vehicles will merge into one drive-through aisle with the capacity for 30 vehicles, and the site plan provides 76 onsite parking spaces. The project has been analyzed for impacts to traffic circulation and noise, and no significant impacts are anticipated.

- 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. The proposed restaurant may result in additional traffic in the area, but nearby intersections are anticipated to maintain existing level of service.

The proposed use would also comply with all applicable standards of the Bay Area Air Quality Management District and the City's Climate Action Plan (CAP). The proposed project would result in generation of greenhouse gas (GHG) emissions during construction and operation, however the project follows CAP guidance and meets all applicable checklist items.

The project has been conditioned to minimize cooking odors with the installation of an air filtration system that will contain odors associated with cooking within the building. The project has been conditioned to remain in compliance with the Noise Ordinance, City Code Chapter 17-16.

- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA), An Initial Study was conducted and resulted in the preparation of a Mitigated Negative Declaration, including a Mitigation Monitoring and Reporting Program that identifies measure to reduce all potentially significant impacts to a level less than significant.

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 the construction and operation of a restaurant with counter ordering, drive-through service, and extended hours of operation located at 2532 Santa Rosa Avenue and 325 Yolanda Avenue 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 in accordance with the plans approved by the Planning Commission at its meeting of January 14, 2021.

EXPIRATION AND EXTENSION:

3. 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.

4. 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.

ENGINEERING DIVISION:

5. Compliance with all conditions as specified by the attached Engineering Development Services Exhibit A, prepared by Jesus McKeag, dated “Revised December 22, 2020, attached hereto and incorporated herein as Exhibit A.

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 proposed project.

PLANNING DIVISION:

8. Compliance with the Mitigation Monitoring and Reporting Program (MMRP), which was prepared as a result of the Initial Study conducted for the Project and adopted by the Planning Commission in conjunction with Project’s Mitigated Negative Declaration, attached hereto and incorporated herein as Exhibit B.
9. The Project shall receive Design Review prior to Building Permit application submittal.
10. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
11. Construction hours shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturday. No construction is permitted on Sunday and holidays.
12. The project shall comply with all applicable noise standards pursuant to City Code Chapter 17-16.
13. Delivery trucks will enter the site from Yolanda Avenue, park adjacent to the south side of the restaurant structure, and delivery staff shall utilize manual delivery tools to avoid any back-up beeping.

14. An eight-foot CMU-wall shall be constructed along the north property line to protect residential units from headlight glare and noise. The wall will be reduced to three feet in height where adjacent to commercial businesses to allow visibility for vehicles traveling north on Santa Rosa Avenue.
15. If the In-N-Out Burger restaurant is constructed before the approved housing development to the east, the eight-foot CMU-wall shall extend along the eastern property line to ensure adequate noise protection for mobile home park residents to the north.
16. The restaurant shall install an air filtration system to contain cooking/grilling odors within the building.
17. 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.
18. All exterior lighting shall be shown and specified on the plans provided to the Zoning Administrator for Design Review, and in compliance with Zoning Code Section 20-30.080.
19. Bicycle parking shall be provided in accordance with Zoning Code Chapter 20-36. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.
20. No exterior signs, banners, or the like are approved with this permit. A Planning sign permit application is required for all signs.
21. 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 Planning and Economic 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.

BE IT FURTHER 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 14th day of January 2021, by the following vote:

AYES: (7) Chair Cisco, Vice Chair Weeks, Commissioner Carter, Commissioner Duggan, Commissioner Kalia, Commissioner Okrepkie, and Commissioner Peterson

NOES: (0)

ABSTAIN: (0)

ABSENT: (0)

APPROVED: 
Patti Cisco (Jan 29, 2021 08:53 PST)

PATTI CISCO, CHAIR

ATTEST: 

ANDREW TRIPPEL, EXECUTIVE SECRETARY

Attachments: Exhibit A (Engineering Development Services Exhibit A)
Exhibit B (MMRP, dated December 2020)

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
ENGINEERING DEVELOPMENT SERVICES

EXHIBIT "A"

Revised December 22, 2020

In N Out Burger
2532 Santa Rosa Ave
PRJ18-086

- I. Developer's engineer shall obtain the current City Design and Construction Standards and the Engineering Division of the Planning & Economic 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 City Storm Water Low Impact Development Technical Design Manual in effect at the time this application was deemed complete.
- III. Submit landscape and irrigation plans in conformance with the Water Efficient Landscape Ordinance adopted by the Santa Rosa City Council, Ordinance 4051, on December 1, 2015.
- IV. In addition, the following summary constitutes the recommended conditions of approval on the subject application/development based on the plans stamped received September 30, 2020:

PUBLIC EASEMENT DEDICATION

1. All public easement and right of way dedications shall be granted by separate instrument.
2. All costs associated with map, plan, easement, plat, legal description, and/or support document preparation shall be the sole responsibility of the developer.
3. Prior to the issuance of any Encroachment Permit, the following public easements and rights of way shall be dedicated;
 - a. a sidewalk easement shall be dedicated to contain any sidewalk that currently is outside of Public right of way along Santa Rosa Ave.
 - b. a public utility easement (PUE) similar to STD 230 G along Santa Rosa Ave.

The standard dimension of a PUE along any newly dedicated and/or improved roadway shall be 13-feet behind the property line as shown in City Standards 230 A through C and E or 7-feet behind the property line as shown in City Standard 230 G. All proposed reductions or eliminations of any PUE along either frontage shall be requested as a variance from the applicable standard during the review

period for the Encroachment Permit or before and shall be accompanied by written approval from the following companies;

- i. AT&T
- ii. PG&E
- iii. Comcast
- iv. Integra Telecom
- v. Any other franchise agreement beneficiary not identified here, but with rights to PUEs during the coordination period and prior to the grant of PUE offered by the applicant and accepted by the City Engineer.

All coordination efforts between the developer and all affected franchise agreement utilities companies shall be the responsibility of the developer. The City shall not be held liable for any time delays or costs resulting from these efforts even though the City holds ultimate authority for approval of the dedications and Improvement Plans. The developer agrees to this by pursuing approval of this project.

- c. A 7-foot by 15-foot bus stop easement over the PCC pad of same dimensions back of sidewalk near the northerly property line.
- d. See Condition 8 d for Yolanda Ave right of way and public easement dedications.

MAPPING

4. Prior to building permit issuance, the lot line adjustment with the southeasterly parcel (LLA18-012) shall be recorded.

PUBLIC STREET IMPROVEMENTS

5. All public and private improvements, both on-site and off-site; all rights-of-way and easement acquisitions, be they on-site or off-site; and all removal, relocation, or undergrounding of existing public utilities and any coordination thereof required or necessitated as a result of the review and approval of the project and the cost thereof shall be the obligation of the developer unless express written provision to the contrary is agreed to by the City. The full installation of all such required improvements to the satisfaction of the City Engineer shall be completed prior to the acceptance of the improvements by the City.
6. An Encroachment Permit shall be obtained from Engineering Development Services of the Planning and Economic Development Department prior to beginning any work within the public Right-of-Way or for any work on utilities located within public easements.
7. Improvements to Santa Rosa Ave shall consist of:
 - a. The removal of the 2 driveways along the frontage and the installation to City Standards of a 250 A drive approach located near the southerly property line.
 - b. The installation of a 7-foot by 15-foot PCC bus stop pad back of sidewalk near the northerly property line.

8. Yolanda Ave shall be dedicated and improved along the entire project frontage. Street improvements for the project side of the street shall consist of:
 - a. Curb and gutter per City Standard 241. The curb and gutter shall match line and grade of existing at the westerly end of the project frontage. Applicant shall coordinate with the owner of the adjacent site subject to Public Improvement Plans City File Number ENG20-005 to match line and grade of curb, gutter and sidewalk to be installed with that plan set.
 - b. A City Standard 250 A commercial driveway curb cut.
 - c. Sidewalk per City Standards 235 and 237 matching existing at the westerly end of the project frontage and City File Number ENG20-005 at the easterly end of the project frontage.
 - d. Prior to the issuance of any Encroachment Permit, dedications of right of way and public easement per City Standard 230 G shall be granted by separate instrument. The applicant shall provide a dimensioned street cross section at the Yolanda Driveway entrance on the Encroachment Permit plan set to demonstrate the street dedication to the approval of the City engineer.
9. Any broken curb, gutter and/or sidewalk shall be replaced per current City standards.
10. Existing streets being cut by new services shall require edge grinding per City Standard 209, trenching per Standard 215, and an A.C. overlay.
11. With the exception of existing overhead electrical main feeder lines, all existing wire-distributed utility facilities which are on the proposed or existing rights-of-way, roadways, walkways, easements, etc. within the subject development or along roadways required to be improved in conjunction with the subject subdivision may be required to be removed and undergrounded prior to the construction of proposed improvements and all poles along the frontage(s) shall be removed. All existing overhead service drops which emanate from the existing poles and overhead facilities required to be removed and undergrounded, and which serve existing structures on both sides of the street within the boundaries of the road improvements of the subject development shall be undergrounded to the main service switch or service entrance to such structures. Where existing overhead electrical main feeder lines are left overhead, conduit shall be placed in the ground to provide for future undergrounding of the lines.
12. New services (electrical, telephone, cable or conduit) to new structures shall be underground.
13. Developer shall coordinate, and where necessary, pay for the relocation of any power poles or other existing public utilities which need to be relocated due to Developers improvements, as necessary.

LINE OF SIGHT

14. The height of signs, vegetation or other obstructions near street intersections shall maintain clear line of sight for all vehicles approaching the entrances and exits to this site to the satisfaction of the City Traffic Engineer during review of Encroachment Permit.

15. Vegetation over 3-feet in height shall be planted no closer than 40-feet from stop bar of stop sign controlled intersections.

PRIVATE STREET/DRIVEWAY IMPROVEMENTS

16. The driveways shall be built to City minor street structural standards.

STORM DRAINAGE

17. Drainage facilities and drainage easements shall be provided to the satisfaction of the City Engineer or the Chief Engineer of the Sonoma County Water Agency at the developer's expense.
18. Drainage facilities shall be designed per the Flood Control Design Criteria manual of the Sonoma County Water Agency. If flows exceed street capacity, flows shall be conducted via an underground drainage system (with minimum 15" diameter and maximum 72" diameter pipe sizes) to the nearest approved downstream facility possessing adequate capacity to accept the runoff, per the City's design requirements. Such runoff systems shall be placed within public street right-of-way wherever possible.
19. Any off-site storm water runoff shall be conveyed across the project site in a separate bypass storm drain system, or shall be fully treated. 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.
20. Provide storm drain and easements for any lot to lot drainage. Lots shall be drained in a manner so as not to adversely affect the adjacent lot. No lot-to-lot overland drainage is permitted. Lot drainage and private storm drain facilities shall be approved by the Chief Building Official or designated representative. Private drainage inlets and lines shall be required and shall be privately owned and maintained.
21. All drainage flows from offsite shall be intercepted at the property line and conveyed through a private system to discharge into the public right of way.
22. Concentrated drainage flows shall not be permitted to cross sidewalks, or slope areas subject to erosion problems.

STORM WATER COMPLIANCE (SUSMP)

23. Building Permit Plans shall incorporate all Low Impact Development (LID) Best Management Practices (BMPs) and shall be accompanied by a Final Storm Water LID Submittal (SWLIDS) which shall address the storm water quality and quantity to the satisfaction of the Chief Building Official.
24. Perpetual maintenance of LID BMPs shall be the responsibility of the property owner. Building Permit Plans shall be accompanied by a maintenance agreement or comparable document to assure continuous maintenance in perpetuity of the LID BMPs which shall be approved by the Chief Building Official and the City Attorney's Office prior to issuance of any Building Permit.

25. The maintenance schedule and the Final SWLIDS are to be included as part of and recorded along with the maintenance agreement. The maintenance agreement shall note the maintenance schedule required by the Final SWLIDS is to be followed by the property owner and all logs are to be made available for review by the City on an annual basis.
26. After the LID BMP improvements have been constructed, the developers Civil Engineer shall prepare and sign a written certification that they were constructed and installed as required or per the manufacturer's recommendation. Written certification of LID BMPs is to be received by the City prior to final occupancy.
27. A Final SWLIDS using BMPs shall be included with the Building Permit Plans submitted for the First Plan Check. Private improvements required by the Final SWLIDS shall be contained on the property and shall be maintained by the property owner.
28. Use of vortex separators for water treatment is not allowed in Santa Rosa. In-line filters used for water treatment are limited to those tested by independent testing laboratories and approved by the California Regional Water Quality Control Board. The filter separator currently approved for use in Sonoma County is limited to the Hydro International, www.hydro-international.biz, "Up-Flo Filter". Filter systems other than the approved "Up-Flo Filter" shall require full testing data from an independent testing laboratory be submitted for review and approval by the California Regional Water Control Board prior to approval of improvement plans.

GRADING (from Building Memo dated January 9, 2019)

29. 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.
30. Obtain building permits for the proposed project.

WATER AND WASTEWATER

31. Water and sewer systems and appurtenances thereto shall be designed to serve the project in accordance with the City of Santa Rosa Design and Construction Standards and shall be constructed to the satisfaction of the City Engineer.
32. This project is subject to the latest fees in effect at the time of connection or Building Permit issuance.
33. Sewer laterals shall be sized as determined by the Design Engineer, in accordance with the requirements of the Uniform Plumbing Code (UPC), any amendments in the California Plumbing Code (CPC) and/or the City's Design and Construction Standards, and per final approval from the Engineer.
34. An 8-inch main was stubbed out to the project site. If this project doesn't envision using this stub, any lateral 6-inches and larger shall connect to the public main at a manhole.
35. Any existing sewer lateral that will not be used shall be abandoned at the main per City Sewer System Design Standards Section XII, Abandonment of Sewer Mains and Services and City Standard 507 under an encroachment permit.

36. Water services and meters shall be provided per Section X of the Water System Design Standards and shall be sized to meet domestic, irrigation and fire protection uses. Any services placed in driveway areas shall have meters with traffic rated boxes.
37. Backflow prevention devices shall be designed and installed in accordance with current City Standards, State Health Code Title 17, and as required by the Director of Utilities.
38. Reduced Pressure back flow per City Standard 876 shall be required on all domestic water and irrigation services. The flow calculations shall be submitted to the Santa Rosa Water Department during the plan check phase of the Improvement Plans or Encroachment Permit to determine adequate sizing.
39. Applicant shall install a combination service per City Standard 870 for fire service, domestic and irrigation meters. The combination service lateral shall equal or exceed the size of the required fire line and shall be hydraulically sized to provide adequately combined domestic, irrigation, and fire flows without exceeding the allowable velocity of 15 feet per second.
40. Any existing water service that will not be used shall be abandoned at the main per City Water System Design Standards Section XVIII, Abandonment of Water Mains and Services and City Standard 507 under an encroachment permit. The existing meter shall be collected by the City Meter Shop.
41. If a well exists on the property, one of the following conditions apply:
 - a. Retention of wells shall comply with City and County codes. An approved backflow prevention device shall be installed on any connection to the City water system.
 - b. Abandonment of wells requires a permit from Permit Sonoma County.
 - c. Wells shall not serve more than one parcel, and any lines from existing wells that cross lot lines shall be severed
42. Any existing septic systems shall be removed under supervision of project Soils Engineer. Obtain Permits from Permit Sonoma County. Obtain a City Building permit if an existing structure is being converted from a connection to the septic system to the public sewer system.
43. Where bio swales are required, meter boxes, cleanouts, fire hydrants, etc. shall be located without conflict with the swales. Locations of infrastructure will be reviewed during plan check. No bio swales or SUSMP BMP LID improvements shall cross public sewer, water, or storm drain utilities.
44. A fire flow test shall be completed at the time of the tie in of the project to the City system. The hydrant which will most likely produce the least flow will be tested. In the case of a project that has multiple dead end systems such as cul-de-sacs, a fire flow test shall be completed at the hydrant on each separate cul-de-sac or dead end system. The fire flow shall meet the requirement for the project before the project is accepted. The City will perform the fire flow test. The fee to have the test performed shall be paid to the Santa Rosa Water Department prior to the test being performed.
45. If adequate fire flow cannot be achieved from a single feed, applicant shall be required to loop the existing water system.

46. Provide a separate irrigation service. See Section X. O. of the Water System Design Standards.

ENVIRONMENTAL COMPLIANCE (from Environmental Compliance Memo dated January 9, 2019)

47. Submit a Wastewater Discharge Permit Application including plumbing plans to City of Santa Rosa Environmental Services section. The Application requires no permit fee and it can be accessed online at: www.srcity.org/foodapp
Contact this office at 543-3393 for additional information.
48. All kitchen and scullery drainage fixtures including pre-rinse sink, pots/pan sink, mop sink, prep sink, floor drains, and/or dishwasher plumbed to a minimum size 1,500 gallon grease interceptor as per City Standard #519.
49. The grease Interceptor shall be equipped with a downstream sampling manhole as per City Standard #521.
50. The grease interceptor and sampling manhole covers shall be fitted as per City Standard #512 frame & cover
51. The trash enclosure shall be covered as per City of Santa Rosa Building Codes to prevent any storm water contact with waste trash bins and receptacles. Any enclosure drain shall be plumbed direct to the grease interceptor and have no direct connection to City sanitary sewer or storm drain systems.

FIRE (from Fire memo dated May 8, 2018)

52. Twelve-inch (12) inch illuminated premise identification shall be provided per Fire Department standards. An illuminated monument sign may be provided at the main entrance.
53. Fire Department access is required to provide access to within 150 feet of all-side of the building along an approved path on a minimum 20-foot wide unobstructed roadway.
54. A minimum fire flow of 1,500 GPM at not less than 20 PSI is required for this project. A fire hydrant shall be provided within 400-feet of all-sides of the structures along an approved path.
55. The building shall be protected by an automatic fire sprinkler system in accordance with NFPA 13.
56. Provide a fire department key box (Knox box).
57. Traffic calming measures on private property are not approved as a part of this review. (i.e. speed bumps, humps, speed tables or undulations.)
58. Storage or use of any hazardous materials at the site will require a Hazardous Materials Inventory Statement to be submitted to the Fire Department for review. Materials in excess of the permit amounts will require a Hazardous Materials Management Plan to be submitted to the Fire Department for review and approval and may require payment

of Hazardous Material Use or Hazardous Waste Generator fees. Underground flammable or combustible tanks shall be reviewed and approved by the Fire Department.

59. Access roads and water supplies for fire protection shall be installed and made serviceable prior to storage or construction of any combustible materials.
60. Landscaping within 3-feet of fire appurtenances shall not exceed 6-inches in height.
61. Required fire department access roadways of less than 28-feet in width shall have "Fire Lane" identification provided on both side of the roadway, roadways greater than 28-feet but less than 36 in width shall have "Fire Lane" identification provided on one side of the roadway. Required fire lane identification shall be maintained at all times.

RECREATION & PARKS (from Memo dated 1-15-19, # 62 updated 12-22-20)

62. Street trees will be required and planted by the developer. Required trees may be planted just outside of the right of way. Selection will be made from the city's approved master plan list and inspected by the Parks Division. Planting shall be done in accordance with the city Standards and Specifications for Planting Parkway Trees. Copies of the master street tree list and the standards are available at the Parks Division Office (707) 543-3770. This declaration shall be added to the General Notes of the improvement plans.
63. Parks acquisition and/or park development fees shall be paid at the time of building permit issuance. The fee amount shall be determined by the resolution in effect at the time.
64. All landscaping shall be privately maintained and irrigated. Property owners and/or homeowners' association shall be responsible for the irrigation and maintenance of the street trees and maintenance of the planter strips in front of and alongside of their lots.



A. R. Jesús McKeag

PROJECT ENGINEER

E:\ENG\AM3 (Jesus McKeag)\Entitlement Projects\PRJ18-086 - In N Out Burger - 2532 Santa Rosa Ave\H - Final Conditions of Approval

**Mitigation Monitoring and Reporting Program
In-N-Out Restaurant Project**

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring / Reporting Action and Schedule	Non-Compliance Sanction / Activity	MMRP Record Name / Date
AIR QUALITY					
<p>AQ-1: BAAQMD recommended Best Management Practices (BMPs) to control for fugitive dust and exhaust during all construction activities shall be incorporated into all demolition, building and grading construction plans, and shown under the heading of General Notes on all plan sets submitted for grading/building permits, and require implementation of the following:</p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as practicable. Building pads shall be laid as 	<p>Incorporate into project design and print on construction documents (demolition, grading and building plans).</p> <p>On-site observation.</p>	<p>Building Division Project Applicant/ Contractor</p>	<p>Verification of incorporation into project design and construction documents prior to issuance of grading permit.</p> <p>Monitor during regularly scheduled inspections to verify that measures are in place.</p>	<p>Deny issuance of grading permit.</p> <p>Stop work.</p>	

**Mitigation Monitoring and Reporting Program
In-N-Out Restaurant Project**

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring / Reporting Action and Schedule	Non-Compliance Sanction / Activity	MMRP Record Name / Date
<p>soon as practicable after grading unless seeding or soil binders are used.</p> <p>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <p>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper working condition prior to operation.</p> <p>8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>					

**Mitigation Monitoring and Reporting Program
In-N-Out Restaurant Project**

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<p>AQ-2: To reduce potential health risk impacts during construction, the project shall develop and implement a plan demonstrating that off-road equipment used to construct the project would achieve a fleet-wide average reduction of 77 percent or more, in particulate matter exhaust emissions. Examples of how to achieve this reduction include the following:</p> <ol style="list-style-type: none"> 1. Diesel-powered off-road equipment larger than 25 horsepower operating on-site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines that include CARB-certified Level 3 Diesel Particulate Filters¹ or equivalent. Equipment that achieves U.S. EPA Tier 4 engine standards for particulate matter or Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filter would meet this requirement. 2. Require the use of construction equipment that is alternatively-fueled (non-diesel). 3. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall 	<p>Incorporate into project design and print on construction documents (demolition, grading and building plans). On-site observation.</p>	<p>Building Division Project Applicant/ Contractor</p>	<p>Verification of incorporation into project design and construction documents prior to issuance of grading permit. Monitor during regularly scheduled inspections to verify that measures are in place.</p>	<p>Deny issuance of grading permit. Stop work.</p>	

¹ See <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

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<p>be phased to reduce the amount of disturbed surfaces at any one time.</p> <p>4. Minimize the idling time of diesel-powered construction equipment to two minutes.</p> <p>5. Equip construction equipment (diesel trucks and generators) with Best Available Control Technology for emission reductions of NOx and PM.</p> <p>6. Require all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines.</p>					
BIOLOGICAL RESOURCES					
<p>BIO-1: In order to avoid impacts to birds protected under the Migratory Bird Treaty Act, a pre-construction nesting survey shall be conducted no more than 7 or up to 15 days prior, with CDFW approval, to building removal, earth moving or the commencement of construction work if this work would occur between February 1st and September 1st. In the event that construction activities lapse for a period of 7 days or more during the bird nesting season, then nesting bird surveys shall be conducted prior to construction work resuming. The applicant shall provide resume(s) of qualified biologist(s) conducting but <u>bird</u> surveys to the City for</p>	<p>Incorporate timing into project construction plans and print on construction plans.</p> <p>Applicant shall provide the Planning Division with the resume of the qualified biologist demonstrating nesting bird</p>	<p>Building and Planning Division Project Applicant/ Contractor Qualified biologist</p>	<p>Prior to issuance of grading permit and during construction.</p> <p>Applicant shall provide the pre-construction survey to the Planning Division.</p> <p>Monitor during regularly scheduled inspections to</p>	<p>Stop work.</p>	

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<p>review and approval in advance of pre-construction surveys. Resumes shall reflect: 1) at least 2 years of experience conducting bat <u>bird nesting</u> surveys that resulted in detections for the relevant species such as pallid bat, and 2) the types of equipment used to conduct surveys. Resumes shall also indicate that the biologist possesses a state-issued Scientific Collecting Permit for relevant species.</p> <p>The nesting survey shall be conducted on the project site and within a zone of influence around the project site. The zone of influence includes those areas off the project site where migratory birds could be disturbed by earth-moving vibrations or noise. The nesting survey should include examination of all suitable nesting habitats within 3<u>500</u> feet of the entire project site. A nest survey report shall be prepared upon completion of the survey and provided to the City of Santa Rosa with any recommendations required for establishment of protective buffers as necessary to protect nesting birds.</p> <p>If any birds are found nesting on the project site or within the zone of influence of the construction project, a minimum 50-foot nest protection buffer for passerine species and a 500 foot buffer for raptor species shall be established around the nest(s) or</p>	<p>survey and detection experience.</p> <p>Conduct pre-construction survey.</p> <p>On-site observation.</p> <p>If necessary, establish a protection buffer zone.</p>		<p>verify that measures are in place.</p>		

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<p>on the project site where this buffer intersects the project site, unless otherwise approved by the CDFW. The buffer should <u>shall</u> be staked with 4-foot orange construction fencing. A qualified biologist shall determine the appropriate buffer distance and monitor the nest during construction to ensure it is not disturbed.</p> <p>No construction or earth-moving activity shall occur within any established nest protection buffer until it is determined by a qualified biologist that the nesting cycle is complete, and any young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid being impacted by the proposed project. For song birds this typically occurs by July 31st. This date may be earlier or later and would have to be determined by a qualified ornithologist. At the end of the nesting cycle, and abandonment of the nest by its occupants, as determined by a qualified biologist, temporary nest buffers may be removed, and construction may commence in established nesting buffers without further regard for the nest site.</p> <p>BIO-2: <u>A qualified bat biologist shall conduct an initial bat habitat assessment and survey several months before project construction. If bats are detected, an exclusion plan shall be submitted to the City for approval. The</u></p>	<p>Incorporate timing into project construction plans and print on</p>	<p>Building and Planning Division Project Applicant/ Contractor</p>	<p>Prior to issuance of grading permit and during construction.</p>	<p>Stop work.</p>	

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<p><u>City shall seek CDFW's input on the exclusion plan. The plan shall: (1) recognize that both the maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm, and (2) identify suitable areas for excluded bats to disperse or require installation of appropriate dispersal habitat, such as artificial bat houses, prior to project construction, and include an associated management and monitoring plan with implementation funding.</u></p> <p>In order to avoid impacts to special-status bats, a preconstruction survey of the existing buildings on site shall be performed not more than 15 days prior to commencement of any demolition, removal, grading, or project construction. Bat surveys shall be conducted by a qualified biologist with documented bat survey and detection experience. <u>The applicant shall provide resume(s) of qualified biologist(s) conducting bat surveys to the City for review and approval in advance of pre-construction surveys. Resumes shall reflect: 1) at least 2 years of experience conducting bat surveys that resulted in detections for the relevant species such as pallid bat, and 2) the types of equipment</u></p>	<p>construction plans.</p> <p>Applicant shall provide the Planning Division with the resume of the qualified biologist demonstrating bat survey and detection experience.</p> <p>Conduct pre-construction survey.</p> <p>On-site observation.</p> <p>If necessary, establish a protection buffer zone.</p>	<p>Qualified biologist</p>	<p>Applicant shall provide the pre-construction survey to the Planning Division.</p> <p>Monitor during regularly scheduled inspections to verify that measures are in place.</p>		

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<p><u>used to conduct surveys. Resumes shall also indicate that the biologist possesses a state-issued Scientific Collecting Permit for relevant species.</u> The survey shall be conducted regardless of the time of year as there is no defined bat roosting season. If no special-status bats are identified during the surveys, then the biologist shall provide a memo to the City of Santa Rosa summarizing the results, and site clearance and construction activities may commence. All bat surveys shall be conducted by a biologist with experience surveying for bats.</p> <p>If special-status bats are found roosting on the project site the biologist shall determine if young bats are present, evident through the presence of maternal roosts. If so, a non-disturbance buffer shall be established around the site of the maternal roost, demarcated with orange construction fencing. The size of the buffer shall be determined by a qualified bat biologist at the time of the survey. If young bats are found roosting in any structure proposed for demolition, the structure shall be avoided until the young are flying free and feeding on their own. If adult bats are found roosting on the project site, but no maternal sites are present, then the adult bats can be flushed, or a one-way eviction</p>					

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<p>door can be placed over the roosting space for a 48-hour period prior to the time the structure proposed for demolition would be removed or construction activities commence.</p> <p>BIO-3: To mitigate for impacts to waters of the United States/State, the applicant shall purchase mitigation credits from the agency-approved Hazel Mitigation Bank at a 2:1 ratio, for a total of 0.02-acres of mitigation, or as approved by the U.S. Army Corps of Engineers and/or the RWQCB. Proof of the purchase of wetland mitigation credits shall be provided to the City of Santa Rosa, the Corps, and the RWQCB in advance of grading activities on the project site. The applicant shall provide the City with copies of the 401 and 404 permits issued by regulatory agencies.</p>	<p>Applicant shall provide proof of wetland mitigation credits.</p> <p>Applicant shall provide copies of issued 401 and 404 permits.</p>	<p>Building and Planning Division Project Applicant/ Contractor</p> <p>Outside Agencies (U.S. Army Corps of Engineers; Regional Water Quality Control Board)</p>	<p>Prior to issuance of grading permit.</p> <p>City shall verify proof of purchase of wetland mitigation credits and copies of the 401 and 404 permits.</p>	<p>Deny issuance of grading permit.</p> <p>Stop work.</p>	
CULTURAL RESOURCES					
<p>CUL-1: If any prehistoric or historic material is encountered by equipment operators during ground-disturbing activities work shall be halted in the immediate vicinity of the discovery area until a qualified professional archaeologist is retained to inspect the material and provide further recommendations for appropriate treatment of the resource. Historic-era resources potentially include all by-</p>	<p>Incorporate into project design and print on construction documents (grading plans).</p> <p>On-site observation.</p>	<p>Building and Planning Division Project Applicant/ Contractor</p> <p>Qualified Archaeologist</p>	<p>Prior to commencement of ground disturbing activities.</p> <p>During ground disturbance activities.</p>	<p>Stop work.</p> <p>Deny issuance of grading permit.</p>	

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<p>products of human land use greater than 50 years of age, including alignments of stone or brick, foundation elements from previous structures, minor earthworks, brick features, surface scatters of farming or domestic type material, and subsurface deposits of domestic type material (glass, ceramic, etc.). Artifacts that are typically found associated with prehistoric sites in the area include humanly modified stone, shell, bone or other materials such as charcoal, ash and burned rock that can be indicative of food procurement or processing activities. Prehistoric domestic features include hearths, fire pits, house floor depressions and mortuary features consisting of human skeletal remains.</p>	<p>Implement during construction.</p>		<p>Upon completion of construction.</p>		
<p>CUL-2 If an archaeological deposit is encountered during project related, earth-disturbing activities and a qualified archaeologist is not present, then all work within 25 feet of the discovery shall be redirected until the archaeologist assesses the find, consults with agencies and Tribes as appropriate, and makes recommendations for the treatment of the discovery.</p>	<p>Incorporate into project design and print on construction documents (grading plans). On-site observation.</p>	<p>Building and Planning Division Project Applicant/ Contractor Qualified archaeologist</p>	<p>During ground disturbance activities.</p>	<p>Redirect work within 25 feet of the encountered deposit. Stop work.</p>	
<p>CUL-3: A preconstruction cultural resource awareness training shall be held prior to commencement of ground-disturbing activities in order to familiarize construction</p>	<p>Print on construction documents (grading plans).</p>	<p>Building and Planning Division Project Applicant/ Contractor</p>	<p>Prior to commencement of ground</p>	<p>Deny issuance of grading permit.</p>	

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<p>personnel with the potential to encounter prehistoric artifacts or historic-era archaeological deposits, the types of archaeological material that could be encountered within the project area, and procedures to follow in the event that archaeological deposits and/or artifacts are observed during construction.</p>	<p>Pre-construction awareness training.</p>	<p>Qualified archaeologist</p>	<p>disturbing activities.</p>		
GEOLOGY AND SOILS					
<p>GEO-1: Prior to issuance of a grading permit, an erosion control plan along with grading and drainage plans shall be submitted to the Building Division of the City’s Department of Planning and Economic Development. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Santa Rosa’s Grading and Erosion Control Ordinance, Chapter 19-64 of the Santa Rosa Municipal Code). These plans shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during construction activity on the project site.</p> <p>GEO-2: In the event that paleontological resources, including individual fossils or assemblages of fossils, are encountered during construction activities all ground disturbing activities shall halt and a qualified paleontologist shall be</p>	<p>Incorporate into project design and print on construction documents (demolition, grading and building plans).</p> <p>Incorporate into project design and print on construction</p>	<p>Building Division Project Applicant/ Contractor</p> <p>Building and Planning Division Project Applicant/ Contractor</p>	<p>Verify prior to issuance of grading permit. Monitor during regularly scheduled inspections to verify that measures are in place.</p> <p>During ground disturbance activities.</p>	<p>Deny issuance of permits. Stop work.</p> <p>Stop work.</p>	

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procured to evaluate the discovery and make treatment recommendations.	documents (grading plans). On-site observation.	Qualified paleontologist			
GREENHOUSE GAS EMISSIONS					
GHG-1: An updated CAP Checklist (Appendix E) for the In-N-Out Project shall be prepared and submitted to the City with plan sets submitted for grading permits. The updated CAP checklist shall demonstrate compliance with all mandatory requirements of Santa Rosa’s CAP New Development Checklist except where the item is not applicable or where a suitable substitution is provided.	Verify and accepts updated CAP Checklist. Incorporate into project design and print on construction documents (building and landscape plans).	Building and Planning Division Project Applicant/ Contractor	Prior to issuance of grading permits. Monitor during regularly scheduled inspections to verify that measures are in place.	Deny issuance of construction permits.	
HAZARDS AND HAZARDOUS MATERIALS					
HAZ-1: In order to avoid a potential impact related to hazardous materials the project shall implement the Soil and Groundwater Management Plan and Health and Safety Plan prepared by Environmental Geology Services on May 12, 2017. The Plan requires that a qualified and trained Environmental Professional (EP) and Health and Safety Officer (HSO) be retained (these may be a single individual). The HSO will work directly with the EP and will be present on site, as	Provide copy of Soil and Groundwater Management Plan and Health and Safety Plan to the City with construction documents.	Building and Planning Division Project Applicant/ Contractor Environmental Professional/Health and Safety Officer Santa Rosa Fire Department	Ongoing through project construction.	Stop work.	

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<p>needed, to ensure proper identification, management characterization, and disposal or onsite reuse of potentially contaminated soil and groundwater. Prior to implementation of the Plan, all proposed development plans shall be submitted to the Santa Rosa Fire Department and the North Coast Regional Water Quality Control Board. If soils or groundwater encountered are suspected of containing residual petroleum contamination that require additional remediation, or if potentially hazardous materials are encountered, the EP will be notified. If the EP confirms the soils or groundwater are contaminated, or if hazardous materials are encountered, the aforementioned regulatory agencies will be notified. Prior to commencement of construction activities, a meeting shall be held with the property owner/developer, contractors, Environmental Professional, and Health and Safety Officer to discuss the implementation objectives of the Plan. Relevant regulatory agencies shall also be invited. A copy of the Plan shall be provided to the construction supervisors and a separate copy shall also be kept onsite during all phases of development.</p>	<p>Retain copy of the plans on-site during construction.</p>	<p>North Coast Regional Water Quality Control Board</p>			

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<p>HAZ-2: In order to avoid potential impacts related to the exposure to soils with elevated residual chlordane concentrations, the project shall prepare and implement a <u>Site Soils Management Plan</u>. The <u>Site Soils Management Plan</u> shall include protocols for the management of residual chlordane concentrations that may be encountered during ground disturbing activities, in a manner that is protective of human health and the environment. The <u>Site Soils Management Plan</u> shall include, at a minimum, the following: health and safety; identification of contaminated soils; soil sampling and analysis; soil stockpile management; dust control; surface water protection; and soil disposal. The <u>Site Soils Management Plan</u> shall be submitted to and approved by the Santa Rosa Fire Department and the North Coast Regional Water Quality Control Board prior to the commencement of ground disturbing activities.</p> <p><u>Prior to commencement of ground disturbing activities, the Soils Management Plan prepared by Partner Engineering and Science, Inc. dated September 15, 2020 (Appendix G3) shall incorporate any revisions received by the Fire Department and/or the RWQCB and a final plan shall be submitted to the respective agencies and</u></p>	<p>Provide copy of Site Management Plan to the City with construction documents for review and approval.</p> <p>Retain copy of the approved plan on-site during construction.</p>	<p>Building and Planning Division Project Applicant/ Contractor Environmental Professional/Health and Safety Officer Santa Rosa Fire Department North Coast Regional Water Quality Control Board</p>	<p>Ongoing through project construction.</p>	<p>Stop work.</p>	

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<u>kept onsite throughout the course of ground disturbing activities.</u>					
<p>HAZ-3: In order to avoid potential impacts related to the release of asbestos-containing materials or lead-based paint, an asbestos survey adhering to sampling protocols outlined by the Asbestos Hazard Emergency Response Act (AHERA) and lead-based paint screening shall be conducted prior to demolition of the existing structures. In the event that such substances are found, the applicant shall be subject to requirements set forth by the Occupational Safety and Health Administration (OSHA) AHERA requirements, lead standard contained in 29 CFR 1910.1025 and 1926.62, and any other local, state, or federal regulations. Treatment, handling, and disposal of these materials shall adhere to all requirements established by OSHA and other agencies.</p>	<p>Print on construction documents (demolition permit). Provide copy of asbestos survey.</p>	<p>Building and Planning Division Project Applicant/ Contractor Occupational Safety and Health Administration</p>	<p>Prior to issuance of demolition permit.</p>	<p>Deny issuance of demolition permit.</p>	
HYDROLOGY AND WATER QUALITY					
<p>HYDRO-1: In accordance with the National Pollution Discharge Elimination System regulation, the applicant shall prepare</p>	<p>Incorporate into project design and print on</p>	<p>Public Works, Building and Planning Division</p>	<p>Prior to issuance of grading and building permits.</p>	<p>Deny grading and building permits.</p>	

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<p>and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to construction. The SWPPP shall address erosion and sediment controls, proper storage of fuels, identification of BMPs, and use and cleanup of hazardous materials. A Notice of Intent (NOI), fees, and other required documentation shall be filed with the Regional Water Quality Control Board. During construction a monitoring report shall be conducted weekly during dry conditions and three times a day during storms that produce more than 1/2" of precipitation.</p>	<p>construction documents (building and landscape plans). On-site observation</p>	<p>Project Applicant/ Contractor</p>	<p>Monitor during construction to verify measures are in place. Construction Monitoring Report from Applicant.</p>	<p>Stop work.</p>	
<p>HYDRO-2: Should construction dewatering be required, the applicant shall either reuse the water on-site for dust control, compaction, or irrigation, retain the water on-site in a grassy or porous area to allow infiltration/evaporation, or obtain a permit to discharge construction water to a sanitary sewer or storm drain. Discharges to the sanitary sewer system shall require a one-time discharge permit from the City of Santa Rosa Utilities Department. Measures may include characterizing the discharge and ensuring filtering methods and monitoring to verify that</p>	<p>Incorporate into project design and print on construction documents (building and landscape plans). On-site observation</p>	<p>Public Works, Building and Planning Division Project Applicant/ Contractor</p>	<p>Verification of incorporation into design and construction documents prior to issuance of grading and building permits. Monitor during regularly scheduled inspections to verify that measures are in place.</p>	<p>Deny grading and building permits. Stop work.</p>	

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<p>the discharge is compliant with the City's local wastewater discharge requirements. Discharges to a storm drain shall be conducted in a manner that complies with the Regional Water Quality Control Board Waste Discharge Requirements for Low Threat Discharges to Surface Waters in the North Coast Region. In the event that groundwater is discharged to the storm drain system, the Applicant shall submit permit registration documents and develop a Best Management Practices/Pollution Prevention Plan to characterize the discharge and to identify specific BMPs, such as sediment and flow controls sufficient to prevent erosion and flooding downstream.</p>			<p>Construction Monitoring Report from Applicant.</p>		
NOISE					
<p>NOI-1: The following Best Construction Management Practices shall be implemented to reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance:</p> <p>a) Limit construction hours to be between 8:00 a.m. and 6:00 p.m., Monday through Friday and between 9:00 a.m. and 5:00 p.m.</p>	<p>Incorporate into project design and print on construction documents (building plans). Identify a disturbance coordinator to respond to</p>	<p>Building and Planning Division Project Applicant/ Contractor Disturbance coordinator</p>	<p>Verification of incorporation into design and construction documents prior to issuance of grading and building permits. Monitor during regularly</p>	<p>Deny issuance of grading and building permit. Stop work.</p>	

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<p>on Saturday. No construction activities are permitted on Sunday and holidays.</p> <p>b) Limit use of the concrete saw to a distance of 50 feet or greater from residences, where feasible.</p> <p>c) Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers would provide a 5-dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.</p> <p>d) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</p> <p>e) Unnecessary idling of internal combustion engines shall be strictly prohibited.</p> <p>f) Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce</p>	<p>complaints and address noise concerns as they arise.</p> <p>On-site observation.</p>		<p>scheduled inspections to verify that measures are in place.</p>		

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<p>noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.</p> <p>g) Utilize "quiet" air compressors and other stationary noise sources where technology exists.</p> <p>h) Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</p> <p>i) Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from existing residences.</p> <p>j) Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.</p> <p>k) The contractor shall prepare a detailed construction schedule for major noise-generating construction activities (<u>e.g. start and end dates, days of the week, hours of construction, etc.</u>). The construction plan shall identify a procedure for coordination with adjacent residential land uses so that</p>					

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<p>construction activities can be scheduled to minimize noise disturbance. Avoid overlapping construction phases, where feasible.</p> <p>l) Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.</p> <p>m) Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.</p> <p>n) Measures a through m above shall be shown under the heading of General Notes on all plan sets submitted for grading or building permits.</p> <p>NOI-2: The following measure shall be implemented during construction to avoid</p>	<p>Incorporate into project design</p>	<p>Building and Planning Division</p>	<p>Verification of incorporation</p>	<p>Deny issuance of</p>	

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<p>impacts of groundborne vibration on nearby commercial structures. A 15-foot setback from the commercial building located to the south of the project site shall be identified on construction plans to ensure all contractors are aware of the following restrictions.</p> <p>a) Prohibit the use of vibratory rollers and tampers within 15 feet of commercial structures.</p> <p>b) Avoid dropping heavy objects or materials within 15 feet of commercial structures.</p>	<p>and print on construction documents (building plans).</p>	<p>Project Applicant/ Contractor</p>	<p>into design prior to building permit issuance.</p>	<p>building permit.</p>	
TRIBAL CULTURAL RESOURCES					
<p>TCUL-1: To protect buried Tribal Cultural Resources that may be encountered during construction activities, the Project shall implement Mitigation Measures CUL-1 through CUL-3 above.</p>	<p>See CUL-1, CUL-2, CUL-3</p>	<p>See CUL-1, CUL-2, CUL-3</p>	<p>See CUL-1, CUL-2, CUL-3</p>	<p>See CUL-1, CUL-2, CUL-3</p>	
CUMULATIVE IMPACTS					

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<p>CUM-1. The applicant shall coordinate the project's construction activities and construction schedule with the City to minimize the concurrent construction of projects in the vicinity of the subject property and ensure that overlapping road closures, periods of increased noise and dust generation are minimized.</p>	<p>Incorporate into construction timing and coordinate with City for any delays or changes.</p>	<p>Building and Planning Division Project Applicant/ Contractor</p>	<p>Prior to submittal of construction documents.</p>	<p>Deny issuance of permits.</p>	

Resolution 12046

Final Audit Report

2021-01-29

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