

RESOLUTION NO. CUP20-010

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING AN AMENDMENT TO AN APPROVED CONDITIONAL USE PERMIT (CUP) TO RELOCATE AN EXISTING COFFEE SHOP ACROSS SHOPPING CENTER TO OCCUPY APPROXIMATELY 2,400 SF AND DRIVE-THROUGH OF AN EXISTING 3,404 SF COMMERCIAL BUILDING WITH PROPOSED HOURS OF OPERATION OF 4:30 A.M. UNTIL NO LATER THAN 11:00 P.M. MONDAY-SATURDAY, AND 5:00 A.M. UNTIL NO LATER THAN 11:00 P.M. SUNDAY - LOCATED AT 2527 GUERNEVILLE ROAD; FILE NUMBER CUP20-010.

WHEREAS, on July 14, 2020, an application was submitted requesting the approval of an amendment to an approved Conditional Use Permit for the relocation of a coffee shop to the site of a former US Bank with drive-through service at 2527 Guerneville Road, also identified as Sonoma County Assessor's Parcel Number 157-050-006;

WHEREAS, on August 27, 2020, 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 August 27, 2020, 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

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 General Commercial zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that, pursuant to Table 2-6, a coffee shop is allowed by right and drive-through service is allowed through the approval of a Conditional Use Permit; and
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the General Plan land use designation is Retail & Business Services/Medium Density Residential, which allows a mix of residential and retail uses. The site is in the CG zoning district, which implements this land use designation. A coffee shop with drive-through service is permitted through the approval of a Conditional Use Permit. The site is not located within a specific plan area; and
- 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 in that the project consists of the occupation of a currently vacant building formerly approved and operated

as a bank with drive-through service. Fulton Marketplace is a community shopping center that contains a mix of retail uses, including drive-through facilities with extended hours of operation, that serves the surrounding residential development; and

- 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 in that it's in a fully developed area where all services are available. The existing utilities serving the former bank site would be sufficient in serving the proposed use. Engineering Development Services Division, including Traffic and Public Works, reviewed the traffic study and queuing analysis and agreed with the determination that traffic impacts would be less than significant with the incorporation of conditions of approval. The existing parking in the Fulton Marketplace development would be sufficient in serving the project site based on review of existing parking capacity and historical aerial imagery; and
- 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 in that the area is designated for commercial uses on the General Plan Land Use Diagram; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183 in that it is consistent with the City of Santa Rosa General Plan and complies with the Zoning Code requirements. Pursuant to section 15332, the proposed project is categorically exempt from CEQA as it meets the criteria for in-fill development in that the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; 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 and was previously operated as a bank with drive-through ATM service; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality in that the focused traffic study was reviewed by Engineering Development Services Division, including Traffic and Public works, and agreed with the determination that traffic impacts would be less than significant with the incorporation of conditions of approval; and the site can be adequately served by all required utilities and public services in that the site was previously operated as a bank with drive-through ATM.

BE IT FURTHER RESOLVED, that this amendment to an approved 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 an amendment to an approved Conditional Use Permit for the relocation of a coffee shop to the site of a former US Bank with drive-through service at 2527 Guerneville Road 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 July 7, 2020.
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. Obtain building permits for the proposed project.

ENGINEERING DIVISION:

7. Compliance with all conditions as specified by the attached Exhibit "A", prepared by the Engineering Development Services Division, dated July 14, 2020.

PLANNING DIVISION:

8. Prior to usage of any space left vacant by the applicant, review and approval is required by the Department of Community Development.
9. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),

10. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8 a.m. to 6 p.m. Saturdays. No construction is permitted on Sundays and holidays.
 - A. Compliance with noise standards pursuant to City Code 17-16.040.
11. TREE PRESERVATION:
 - A. Compliance with the Tree Preservation Ordinance (17-24.040).
12. LANDSCAPING:
 - A. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
 - B. 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.
13. LIGHTING:
 - A. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit.
 - 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.
14. PARKING
 - A. Four (4) parking spaces on the southern project boundary, nearest to the drive-through entrance, shall be dedicated for employee parking to reduce interruption to traffic flow within the project boundary.
 - B. 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.
15. 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. Building permits for sign installations shall be separate permits from other building permits issued for construction.

16. 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.

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 27th day of August, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
CHAIR

ATTEST: _____
EXECUTIVE SECRETARY