

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR THE COLLEGE STATION DRIVE-THROUGH - LOCATED AT 6 & 80
COLLEGE AVENUE; APNS: 010-121-020, 010-121-024, 010-121-025 - FILE NUMBER
CUP16-045

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit to allow drive-through retail sales for the College Station project, to be located at 6 & 80 College Avenue, also identified as Sonoma County Assessor's Parcel Numbers: 010-121-020, 010-121-024, 010-121-025;

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

WHEREAS, the Planning Commission has considered the application, the staff 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 applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that the proposed drive-through retail sales component will be located within the General Commercial zoning district, which is permitted subject to Planning Commission approval of a Conditional Use Permit;
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the project will create an attractive neighborhood and regional serving retail space, in close proximity to residences and Highway 101. The project furthers the goal of providing vibrant commercial centers through the proposed outdoor patios and buildings abutting the sidewalk. The drive-through use can be defined as auto-oriented, although the project in its entirety is not viewed as a large scale, auto-oriented enterprise. While the drive-through use is geared toward automobile users, the development proposes small scale tenant spaces, with a pedestrian-oriented environment provided through the outdoor patios, and siting of the buildings abutting the back of sidewalk. Overall, the project successfully balances the intent of the Downtown Station Area Specific Plan by providing neighborhood serving retail with pedestrian components, designed to screen the drive-through use through thoughtful site planning;

- 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 proposed drive-through facility is located along the south side of the proposed retail building and is screened from visibility from Cleveland and College Avenues based on the proposed building siting and the existing structure to the south. A 12-foot green screen living fence is proposed to soften the side of the existing building on the adjacent parcel, and is anticipated to reduce visual and audible effects of the drive through. Based on the Traffic Study prepared by W-Trans, the drive-through and parking areas have been designed to limit interference between on-site circulation and automobile stacking in the drive-through queue;
- 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 the Project is proposed on a site previously developed with retail and industrial uses with access provided by Cleveland and College Avenues, and is within a commercial district with no abutting residential uses or sensitive receptors;
- E. 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 the project has been reviewed by requisite City staff and outside agencies for consistency with existing polices, and has been conditioned to reduce potential impacts; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 32 exemption pursuant to CEQA Guidelines Section 15332. The project meets the criteria for the Class 32 (In-fill) exemption in that it is consistent with the applicable General Plan designation and all applicable General Plan polices as well as with applicable zoning designation and regulations, occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Further, the project site has no value as habitat for endangered, rare or threatened species, in that it has been previously developed, is surrounded by development, and is not identified as an area with sensitive biological species in the City's General Plan Environmental Impact Report or Geographic Information System. In addition, approval of the project would not result in any significant effects relating to traffic, in that impacts to traffic were reviewed in the W-Trans prepared Traffic Study, dated January 3, 2017, that determined the intersection of College and Cleveland Avenues would operate within acceptable levels of service upon project construction. The project is anticipated, and required, to operate within acceptable levels of sound as listed in the General Plan and the City's Noise Ordinance. Impacts to air quality, or water quality, are expected to be less than significant based on the project's consistency with the City's Climate Action Plan, and City standards related to stormwater and drainage. Upon review of the project, City staff determined the site can be adequately served by all required utilities and public services. Finally, a Historic Resource Evaluation prepared by Alice P. Duffee, Historic Preservation Planner, determined that the two existing buildings on-site did not qualify as Historic Resources under CEQA.

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

BE IT FURTHER RESOLVED that a Conditional Use Permit to allow Drive Through Retail Sales for the College Station Project, is approved subject to each of the following conditions:

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.
2. All work shall be done according to the final approved plans dated received March 13, 2017, and February 16, 2017.
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:

1. Obtain a demolition permit for the structures to be removed.
2. 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.
3. Obtain building permits for the proposed project.

ENGINEERING DIVISION:

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6. Compliance with Engineering Development Services Exhibit "A," dated March 14, 2017, attached hereto and incorporated herein.

PLANNING DIVISION:

7. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that approved by the Planning Commission. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.
8. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),

9. **PROJECT DETAILS:**

- A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and California Building Codes, as well as the City's Design Review Guidelines.
- B. The design of all fencing, sound walls, carports, trash enclosures, and similar accessory site elements shall be compatible with the architecture of main buildings and shall use similar materials. The design must be approved by the Planning Division prior to issuance of a building permit.
- C. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architecturally design element approved by the Design Review Board or Planning Division.
- D. All outdoor storage of materials or refuse bins/cans shall be maintained within a completely screened structure or area. The design of the screened structure or area shall be approved by the Planning Division prior to issuance of a building permit.

10. **TREE PRESERVATION:**

- A. Tree Preservation notes and protection during construction notes shall be shown on the improvement plans and building plans. The tree driplines shall also be shown on each drawing with the attendant protection instructions.
- B. Prior to issuance of a grading or building permit for any clearing, excavation, construction, or other work on the site, a protection zone shall be established to protect natural vegetation and trees from construction activities. The following conditions and restrictions shall apply:
 - i. The zone shall encompass the "protected perimeter" which shall be either the root zone or other limit as established in this approval.

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- ii. The zone shall be delineated with a brightly colored construction fence. Such fences shall remain continuously in place for the duration of all work undertaken on the site.
 - iii. No storage or construction activities (including trenching, grading or filling) shall be permitted within the protected zone.
 - iv. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.
 - v. All brush, earth, and other debris shall be removed in a manner which prevents injury to the protected trees and/or shrubs.
 - vi. No oil, gas, chemicals, or other substances that may be harmful to trees shall be stored or dumped within the protected perimeter or any other location from which substances might enter the perimeter of a protected tree.
- C. The contractor(s) shall be notified in writing by the developer of the "Protection Zone." Copies of the letter shall be provided to the Planning and Building Divisions prior to issuance of a building or grading permit for any site work.
 - D. The protection zone delineated with the brightly colored construction fence shall be posted with signs which state "Tree/Vegetation Protection Zone -- No Construction or Storage Permitted."
 - E. Irrigation systems and plant varieties which require regular watering shall not be permitted within the dripline of an Oak tree which is to be preserved.
 - F. No concrete or asphalt paving or compaction of soil shall be permitted within the root zones of protected trees.
 - G. Any special work, including mitigation, within the "Protection Zone" must be done under the supervision of a City approved certified arborist.

11. LANDSCAPING:

- A. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
- B. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans, except where not required.
- C. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the

approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.

- D. Street trees will be required and shall be planted by the developer. Selection will be made from the City's approved Master Street Tree Plant List in coordination with the City Parks Division. Planting shall be done in accordance with the City "Standards and Specifications for Planting Parkway Trees." Copies of the Street Tree List and the Planting Standards are available at the Parks Division office.

12. LIGHTING:

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

13. PARKING:

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

14. SIGNING:

- A. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.
- B. A planning sign permit application is required for all signs.

- C. Sign permit approval shall be obtained prior to application for a building permit.
- D. Building permits for sign installations shall be separate permits from other building permits issued for construction.
- E. Building permits for sign installations shall be separate permits from other building permits issued for construction.

15. 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.

16. DRIVE-THROUGH:

- A. Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs and pavement markings.
- B. Each drive-through aisle shall be separated from circulation routes necessary for ingress or egress from the property, or access to a parking space.

RECEATION AND PARKS DEPARTMENT

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

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

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 13th day of April, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Chair

ATTEST: _____
Executive Secretary

Exhibit A: Engineering Development Services Exhibit "A," dated March 14, 2017

PLANNING AND ECONOMIC DEVELOPMENT
ENGINEERING DEVELOPMENT SERVICES

EXHIBIT "A"
March 14, 2017

80 College Ave
College Station
DR16-026

- I. Developer's engineer shall obtain the current City Design and Construction Standards and the Community Development Department's Standard Conditions of Approval dated August 27, 2008 and comply with all requirements as related to this application unless specifically waived or altered by written variance by the City Engineer.
- II. Developer's engineer shall comply with all requirements of the current Municipal Separate Storm Sewer System (MS4) and City Standard Urban Storm Water Mitigation Plan Low Impact Development Guidelines. Final Plans shall address the storm water quality and quantity along with a maintenance agreement or comparable document to assure continuous maintenance of the source and treatment.
- III. In addition, the following summary constitutes the recommended conditions of approval on the subject application/development based on the plans stamped received February 2, 2017:

RIGHT OF WAY AND EASEMENT DEDICATION

1. A 13-foot Public Utility Easement containing a 5-foot sidewalk easement shall be dedicated to the City along the College and Cleveland Avenue frontages.
2. Public right of way shall be dedicated to the City at the intersection of College and Cleveland Avenues sufficient to contain a Caltrans Revised Standard A88A Class A curb ramp with 4-foot clear sidewalk at top of ramp plus 6 inches.
3. College Avenue shall be dedicated as an Avenue with 2 travel lanes, 5-foot bike lane plus 8-foot with left turn pocket for the intersection of West College and Cleveland Avenues.
4. Cleveland Avenue shall be dedicated as an Avenue, with travel lane, and 6-foot contiguous sidewalk along the entire project frontage. Sidewalk outside of public right of way shall be contained within a Public Sidewalk Easement dedicated to the City prior to approval of any public improvement plans.

PUBLIC STREET IMPROVEMENTS

5. An Encroachment Permit must 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.

6. Improvements to College Avenue shall consist of the removal and replacement of existing curb gutter and sidewalk from Cleveland Avenue to the SMART right of way with new for a widened street section for an additional 5-foot bike lane with the existing travel lanes and turning lanes. Sidewalk shall be 10 feet contiguous to the curb and include City Standard Tree Wells from the City Street Tree List at the spacing as be determined by Recreation and Parks and maintain 10 foot setbacks to driveway curb cut locations. The new driveway curb cuts shall be City Standard 250A Commercial Driveway curb cuts, 32 feet wide for the westerly driveway and 20 feet wide for the easterly driveway. The easterly driveway shall be restricted to right turn only, with right turn arrow pavement markings and signed as "exit only do not enter" posted behind the sidewalk. The westerly driveway access shall be improved to allow both left and right turn movements onto and from College Avenue and any raised island and pavement markings designed accordingly
7. Improvements to Cleveland Avenue shall consist of the removal and replacement to City Standards of the contiguous sidewalk with new 10-foot-wide contiguous sidewalk with tree wells. The sidewalk is to end at property line with city standard sidewalk barricade with a pass around connection conforming to the existing offsite sidewalk. Sidewalk shall provide a minimum 4-foot clearance around traffic signal pole. The new driveway connection to Cleveland avenue shall be City Standard 250B driveway curb cut, 12 feet wide and posted as exit right turn only at back of sidewalk and in parking lot together with a 6 inch raised curb installed on the centerline of Cleveland Avenue opposite the driveway and extending 10 feet beyond either end of the driveway curb cut location. The raised curb in Cleveland Avenue shall be painted yellow.
8. The College and Cleveland Avenue intersection shall be constructed with a 25-foot radius curb return and Caltrans Revised Standard Plan A88A Case A curb ramp. The proposed building location shall be adjusted as necessary to provide clear 4-foot sidewalk landing at top of curb ramp.
9. Cleveland Avenue and College Avenue shall be posted for no parking.
10. Overhead utility lines are to be placed underground per City Code Section 13-12.250. High voltage main feeder lines for regional area may remain overhead on utility poles relocated to behind the curb. Overhead services may remain to properties on opposite side of street using high voltage poles as riser poles.

STORM DRAINAGE

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

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

- a) The individual homeowners fronting or owning these BMP's. Individual owners shall be responsible for performing and documenting an annual inspection of the BMP's on their respective properties. The annual reports shall be retained by the private

property owner for a period of the latest five years, and shall be made available to the City upon request.

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

c) A special tax district for public BMP facilities.

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

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

12. 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.

GRADING

13. Any existing septic grease trap system shall be removed under supervision of project Soils Engineer. Obtain Permits from the Sonoma County Permit and Resources Management Department.

TRAFFIC

14. Traffic signal poles, boxes, conduit and conductors shall be relocated to behind the new curb and clear of the curb ramp per City Standard 240 or as required by the Traffic Engineer. The existing traffic signal pole on College Avenue will be in the new curb line. The existing foundation shall be removed and replaced with Engineered fill or as allowed by the City Engineer. The traffic signal pole on Cleveland Avenue may remain if City Traffic Engineer determines adequate setback to curb face can be maintained. No splicing is allowed of the signal conductors for relocated poles.
15. Traffic loops in College Avenue shall be installed and replaced as necessary to provide for a presence detector at the intersection and advance detector for the bike lane at the intersection of College and Cleveland Avenue as necessary for any adjustments required of the travel lanes and additional bike lanes. College avenue shall be restriped at the Cleveland Avenue intersection maintaining the right turn curb lane with through bike lane per CaMUTCD requirements.
16. Conduit and pull boxes shall be installed as directed by the City Traffic Engineer per City Standard for future traffic signal interconnect along West College Avenue.

17. Existing city street light, conduit, conductors, and utility box shall be removed, and street light relocated to behind the new curb line. The existing street light pole shall be salvaged and reinstalled with new conduit, conductor, and street light utility box unless otherwise directed by the City Traffic Engineer. The existing foundation shall be removed and replaced with Engineered fill or as otherwise allowed by the City Engineer. The existing luminaire is to be removed and replaced with new City Standard 611 cobra style LEOTEK LED fixture.
18. Electrical boxes for street lights and signals shall be provided with grounded vandal resistant inserts, McCain Tamper Resistant Inserts or City approved equal, in street light pull boxes at locations as directed by the City. Catalog cuts shall be provided with the first plan check submittal for review and approval by the City Engineer. The street light improvement plans shall include the following note; "The contractor may use their own locks during construction for ease of access, however once the conductors in the pull box are live the contractor shall coordinate with the City Inspector to have the City lock installed. Electrical pull boxes in planter strips shall be provided with a 2 foot concrete apron around box."

SEWER AND WATER

19. Water laterals and meters shall be sized to meet domestic, irrigation and fire protection uses and double check back flow per City Standard 876 will be required on domestic and irrigation services and City Standard 880 on fire sprinkler service. The flow calculations shall be submitted to the Utilities Department during the plan check phase of the Improvement Plans or Encroachment Permit to determine adequate sizing.
20. Applicant must install a combination service per City Standard #870 for fire sprinkler, domestic and irrigation meters for the site. The water lateral shall be 12 inches unless otherwise allowed upon review and approval of fire calculations by the Fire Department.
21. Demand fees and meter sizes are to be determined based on use and area in conjunction with review of building plans.
22. Where bio swales are required, meter boxes, cleanouts, fire hydrants, etc. must be located without conflict with the swales. Locations of infrastructure will be reviewed during plan check.
23. 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.
24. Provide meters per Section X of the Water System Design Standards.
25. Applicants shall provide fire sprinkler demand calculations for projects indicating compliance with CFC Appendix III-A with the Encroachment Permit submittal. The minimum adjusted fire flow available shall provide 1500 gpm in and commercial developments.
26. Any existing water or sewer services that will not be used must be abandoned at the main per City Standards under an encroachment permit. The existing meters must be collected by the City Meter Shop. Contractor is to coordinate through the City's Encroachment Officer for water meter removal and pick up by the City.

27. Future uses such as; Graphics & Photo Processing / Health Care / Vehicular Related Services / Restaurant & Food Service will be reviewed during the Building Permit Review process and may require an Industrial Waste Discharge Permit from the City's Utilities Environmental Services Section. Contact Environmental Services at 543-3369 if there are any questions concerning future tenant use.
28. Trash enclosure shall be covered.
29. Submit landscape and irrigation plans in conformance with the Water Efficient Landscape Ordinance adopted by the Santa Rosa City Council, Ordinance 4051, on October 27, 2015. Plans shall be submitted with the Building Permit application. Submit the following with the above mentioned plans: Maximum Applied Water Allowance (Appendix A) and Hydrozone Table (Appendix B).



Larry Lackie
Project Engineer