

## **RESOLUTION NO. CUP16-059**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CHAVEZ TAQUERIA RESTAURANT, SPECIALITY FOODS SHOP, AND CONVENIENCE STORE FOR THE PROPERTY LOCATED AT 1480 GUERNEVILLE ROAD, SANTA ROSA, APN: 041-043-055**

The Santa Rosa Zoning Administrator has completed the review of your application. Please be advised that your Minor Conditional Use Permit to allow a restaurant, specialty food shop, convenience store, ancillary office space and storage areas, has been granted based on your project description and official approved exhibit dated August 9, 2016. The Santa Rosa Zoning Administrator has based this action on the following findings:

- 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. The proposed restaurant is allowed within the Public Institutional Zoning District with approval of a Minor Use Permit. The specialty food shop and convenience store have been determined legal non-conforming uses in that the existing general retail use was legally established and has not ceased to operate since the use commenced. The existing use of the building is described as general retail and landscape material sales, furniture, furnishings, appliance/equipment store uses, and approximately 1,000 square feet of office use, in Zoning Clearance (ZC15-0236) for the subject site. Pursuant to Zoning Code Section 21-61.020, a nonconforming use may be changed to another nonconforming use of a similar or more restricted classification or nature; provided, the proposed new nonconforming use would not increase the degree or intensity of the nonconformity. Staff has determined the proposed specialty food shop and convenience store as a use similar in nature to the existing general retail use. Further, the matter has been properly noticed as required by Zoning Code Section 20-52.050.E.2.a, and no request for a public hearing has been received;
- The proposed use is consistent with the General Plan and the North Station Area Specific Plan in that the site provides a convenient location for existing residents and future rail passengers to purchase a meal, groceries, or convenience items;
- The design, location, size and operating characteristics of the proposed restaurant, specialty shop, and convenience store would be compatible with the existing and future land uses in the vicinity. The project has adequate vehicle and bicycle parking spaces for the proposed use, and the operating characteristics, including product loading times, hours of operation, and the floor plan, have been reviewed and conditioned by requisite City staff;
- The site is physically suited for the type, density, and intensity of the proposed restaurant, convenience store and specialty shop, including access, utilities, and the absence of physical constraints;
- 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; and

- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 1 exemption under Section 15301 in that the proposal consists of minor alterations to an existing private structure with no expansion of use.

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

### **Conditions of Approval**

1. A building permit is required for all on site demolition, construction, and/or change of use.
2. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturdays. No construction is permitted on Sundays and holidays.
3. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
4. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
5. No exterior signs are approved with this permit. A separate sign permit is required.
6. A new public fire hydrant (at the corner of Guerneville Rd and Herbert Ln) shall be installed as part of this project. If the demolition and reconstruction work reaches the thresholds described in CA Fire Code 903.2.20.2, a fire sprinkler system shall be installed as part of this project. Sprinkler system shall be monitored off-site by a Waterflow Monitoring Alarm system.
7. Approved hours of operation are daily from 7 a.m. to 9 p.m. Any proposals to increase the hours of operation will require an amendment to the Minor Use Permit.
8. All operations relating to the loading of merchandise must occur on the project site (truck parking, unpacking, etc.) and between the hours of 9 a.m. and 4 p.m. Deliveries are not permitted on the weekends.
9. A 7.5-foot Public Utility Easement shall be dedicated to the City along the Guerneville Road frontage. Legal description and plats shall be submitted to the City for review and approval for recording prior to issuance of an Encroachment Permit.

10. Public Sidewalk shall be constructed on Herbert Lane to provide a minimum 5-foot clearance around the existing traffic signal pole and at driveway curb cut. Sidewalk outside of the Public Right of way shall be in a Public Sidewalk Easement contained within a Public Utility Easement sized to include the sidewalk plus 7.5 feet.
11. 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.
12. Improvements to Herbert Lane shall consist of the removal and replacement to City Standards of the existing drive curb cut with new curb gutter and sidewalk contiguous to curb conforming to existing line and grade of curb gutter and sidewalk. The new driveway curb cut shall be per City Standard 250A driveway curb cut for contiguous sidewalk 34-foot-wide for a 28-foot driveway as measured at back of sidewalk. Sidewalk alignment transitions at curb cut shall be per City Standard 231, with 10-foot radius reverse curves.
13. The Applicant must install a combination service per City Standard #870 for fire sprinkler, public fire hydrant, domestic, and irrigation meters. Water laterals and meters shall be sized to meet domestic, irrigation and fire protection uses with double check back flow per City Standard 880 for the fire main, City Standard 876 for the domestic water service, and City Standard 876 Reduced Pressure backflow device for the irrigation service. 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.
14. This property uses a well for domestic water service. Existing wells are subject to compliance with the City Well Ordinance as administered by the City Building Official and the following conditions apply:
  - a. Retention of wells must comply with City and County codes. An approved backflow prevention device must be installed on any connection to the City water system.
  - b. Abandonment of wells requires a permit from the Sonoma County Permit and Resource Management Department.
  - c. Wells may not serve more than one parcel, and any lines from existing wells that cross lot lines must be severed.
15. A new commercial fire hydrant shall be located within 150 feet of the commercial building. Placement shall be provided in accordance with Fire Department requirements to coincide with fire tactics and equipment and shall be identified via a reflectorized blue marker located in the center of the adjoining street. Commercial fire hydrant type and installation shall comply with City Water Standard 857 and flow requirements per Section XII of the Water System Design Standards.
16. 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.
17. Provide meters per Section X of the Water System Design Standards.

18. If domestic water service is proposed, then demand fee and meter size will be determined based on use and area with review building plans.
19. Sewer Demand fees will be required and will be determined based on use and area with review of building plans.
20. Submit Food Service/Restaurant Wastewater Discharge Permit Application including plumbing plans to Environmental Services Section, 4300 Llano Road, Santa Rosa, [www.srcity.org/foodapp](http://www.srcity.org/foodapp), when the Building Permit application is submitted to the City for review and approval.
21. All kitchen sinks excluding hand wash sinks, and condensate lines shall be plumbed to a minimum size 1000 gallon 2 stage grease interceptor as per City Standard #519.
22. The interceptor shall be equipped with a downstream sampling manhole as per City Standard #521.
23. The trash enclosure shall be covered to prevent any storm water contact with waste trash bins and receptacles. Any floor drain shall be plumbed direct to grease interceptor and have no direct connection to City sanitary sewer and/or storm drain systems.

This Minor Conditional Use Permit is hereby approved on this 3<sup>rd</sup> day of November, 2016, for the duration of use provided conditions are complied with and use has commenced within two years from approval date. The approval is subject to appeal within ten calendar days from the date of approval.

APPROVED:

  
JESSICA JONES, ZONING ADMINISTRATOR