

## RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL  
USE PERMIT FOR A DRIVE-THROUGH FACILITY AND A PARKING REDUCTION FOR  
A CAFÉ PROPOSED AT 1385 SANTA ROSA AVENUE; APN: 037-171-018, -019, -021;  
FILE NUMBER PRJ17-071

WHEREAS, on November 21, 2017, an application was submitted requesting the approval of a Conditional Use Permit for a drive-through facility, to be located at 1385 Santa Rosa Avenue, also identified as Sonoma County Assessor's Parcel Numbers 037-171-018, -019, and -021 (Project); and

WHEREAS, on March 22, 2018, 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

WHEREAS, the drive-through use has been reviewed by City staff and the Planning Commission and, as conditioned, meets the drive-through development criteria set out in City Code Section 20-42.064 (drive-through facilities); 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 CG (General Commercial) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code;
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the Project is located in an area designated by the General Plan for Retail and Business Services and as an accessory use to a cafe operation, implements the type of land use classification envisioned by the General Plan for the area;
- 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 is surrounded on all sides by established commercial development and the Project has been conditioned to minimize spillover impacts, such as noise or light pollution, particularly those relating to drive-through retail and service;
- 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 for a site that has access to public infrastructure and utilities and is within a

commercial district with no adjacent residential uses or sensitive receptors;

- 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 as the area is zoned for commercial uses and the proposed use has been conditioned to minimize impacts specifically associated with drive-through retail and service;
- F. Due to special circumstances associated with the operation of the use at its location, which include the installation of a drive-through service window, the auto-centric nature of surrounding area, and the desire to preserve open space, the proposed use will generate a parking demand different from the standards specified in Table 3-4 of the Zoning Code;
- G. As supported by the Focused Traffic and Parking Study for 1385 Santa Rosa Avenue, prepared by W-Trans and dated February 27, 2018, the number of parking spaces approved (25) will be sufficient for its safe, convenient, and efficient operation of the use;
- H. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been found to be statutorily exempt pursuant to CEQA Guidelines Section 15183, in that the project implements a land use that is consistent with existing zoning and the Santa Rosa General Plan 2035, for which an environmental impact report was certified and no project-specific impacts peculiar to the project or its site have been identified. Additionally, the Project is categorically exempt from CEQA, pursuant to Section 15303 for new construction of a small structure and Section 15332 for infill development.

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 a drive-through facility, to be located at 1385 Santa Rosa Avenue, is approved subject to each of the following conditions:

**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 February 27, 2018.
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

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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 a building permit for the proposed project.
7. 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.

**ENGINEERING DIVISION:**

8. Comply with all Engineering Development Services conditions, dated March 5, 2018, attached hereto and incorporated here as Exhibit A.

**PLANNING DIVISION:**

9. 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.
10. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
11. **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.

12. 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.
  - 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.

13. 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.

14. 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.

15. PARKING:

- A. A reduction in required on-site parking is approved. A minimum of 25 on-site parking spaces shall be provided.

- B. The parking lot shall be constructed to City standards.
- C. 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.
- D. The parking lot shall be striped according to City standards and all handicapped and compact spaces shall be identified and marked accordingly.
- E. 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.

16. SIGNING:

- A. No exterior signs, banners, or the like are approved with this permit.
- B. A planning sign permit application is required for all signs.
- C. Building permits for sign installations shall be separate permits from other building permits issued for construction.

17. 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.
- C. Each drive-through aisle shall be appropriately screened with a combination of landscaping, low walls, and/or berms to prevent headlight glare from impacting adjacent streets and parking facilities.

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 conditions.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on this 22nd day of March, 2018, by the following vote:

AYES: (0)

NOES: (0)

ABSTAIN: (0)

ABSENT: (0)

APPROVED: \_\_\_\_\_  
Chair

ATTEST: \_\_\_\_\_  
Executive Secretary

Attachment:  
Exhibit A – Engineering Development Services Conditions, dated March 5, 2018

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT  
ENGINEERING DEVELOPMENT SERVICES

EXHIBIT "A"  
March 5, 2018

Starbucks  
1385 SANTA ROSA AVE  
PRJ17-071

- I. Developer's engineer shall obtain the current City Design and Construction Standards and the Engineering Development Services 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 **Preliminary Grading and Drainage Plan numbered C1.0** received by email and stamped 2/27/18:

**PUBLIC EASEMENT DEDICATION**

1. Prior to the issuance of any Building Permit for this project an irrevocable offer of dedication of the following shall be submitted with original signatures of owners and notaries in approved recordable form;
  - a. a 7-foot Public Utility Easement behind the property line along the entire frontage of Santa Rosa Avenue.
  - b. an easement for the installation, maintenance and operation of a bus shelter to be installed at a later date by the City or the City's contractor. This easement shall be situated over the bus stop pad to be installed by the project and the dimension of said easement shall be determined during the Encroachment Permit phase.

**MAPPING AND PRIVATE EASEMENTS**

2. All costs associated with plan, easement, plat, legal description, and/or support document preparation shall be the sole responsibility of the applicant.
3. A merger or lot line adjustment of the following parcels owned by Lang, APN 037-171-021 Doc No. 2017R057911, APN 037-171-018, Doc. No. 2017R057909, and APN 037-171-019 Doc No. 2017R057910, is required prior to issuance of any Building Permit.



Alternatively, cross lot drainage, egress and parking easements (or Covenant of Easements if all parcels are under the same ownership) and SUSMP maintenance agreements must be recorded by separate instrument with conformed copies provided to the Planning & Economic Development Department prior to issuance of any Building Permit.

## **PUBLIC STREET IMPROVEMENTS**

4. 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 applicant 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.
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 Santa Rosa Avenue shall consist of the installation of a driveway apron similar to City Standard 250A, C or D for access to the right of way.
7. At no point along the frontage shall the sidewalk be narrower than 4-feet.
8. Remove the existing pedestrian curb ramp at the northeast corner of the property and replace with curb, gutter and sidewalk per City Standards 235 and 237.
9. Installation of street lights and the street lighting pattern will be determined during plan check phase of the improvement plans as approved by the City Engineer.
10. Pursuant to City Code Chapter 13-12, 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 subdivision 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 subdivision 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.
11. New services (electrical, telephone, cable or conduit) to new structures shall be underground.
12. Developer shall coordinate, and where necessary, pay for the relocation of any power poles or other existing public utilities, as necessary.

## **TRANSIT**

13. A 5-foot wide and 10-foot long bus stop pad shall be installed behind the sidewalk between the pedestrian path at the northerly property line and the driveway approach. The bus stop pad shall be per Standard 237 notes 1 through 3, and 5 with scoring to be determined in the field.

## **PRIVATE DRIVEWAY AND DRIVE THROUGH IMPROVEMENTS**

14. A queuing area shall be provided between the street and the first point where vehicles may maneuver within the parking facility with a minimum of 15 feet clear behind the sidewalk to the first parking space per City Parking design standards 20-36.070 B,2.
15. The pavement structural sections of the driveways shall be constructed in conformance with Minor Street Structural Standards.
16. Drive-through aisles shall have a minimum 20-foot radius at curves and a minimum width of 12-feet.

## **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 applicant's expense.
18. Drainage facilities shall be designed per the Flood Control Design Criteria manual of the Sonoma County Water Agency.
19. 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.
20. An accessible structure shall be provided to connect private storm drains to the public storm drains (i.e., no blind connections) except as otherwise approved by the City Engineer. Structures shall be installed on the private side of the property line to distinguish the public system from the private system. Public and private storm drain facilities shall be clearly identified on the plans.
21. Storm drain pipe diameters within the public right-of-way, including driveway culverts, shall be 15 inches or larger. Horizontal curves shall have a minimum radius of 300 feet for RCP and CIPP and 765 feet for HPDE pipe. A manhole or accessible structure shall be installed at every horizontal angle point or vertical change in alignment.
22. 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. Collection points along the boundary of the project shall convey storm water to the bypass system to separate treated and untreated storm water.
23. Private underground storm drain systems and drainage easements are required for any lot-to-lot drainage. 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 (the exception is for lots draining to a common driveway).

24. Concentrated drainage flows shall not be permitted to cross sidewalks, or slope areas subject to erosion problems.

## **STORM WATER COMPLIANCE (SUSMP)**

25. Building Permit and Encroachment 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.
26. 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 City Engineer and the City Attorney's Office prior to issuance of any Building Permit.
27. 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.
28. After the LID 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 LID BMPs is to be received by the City prior to setting of the water meters.
29. A Final SWLIDS using BMPs is to be included with the Building Permit Plans submitted for the First Plan Check. Private improvements required by the Final SWLIDS are to be contained on the property and shall be maintained by the property owner.
30. 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](http://www.hydro-international.biz), "Up-Flo Filter". Filter systems other than the approved "Up-Flo Filter" will 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 subdivision improvement plans.

## **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. Fees for inspection of publicly maintained water and/or sewer facilities constructed with this project must be paid prior to scheduling of work as prescribed in City Specifications.

33. Water services and sewer laterals are to be installed per current Design and Construction Standards. Design shall be finalized at the Building Permit phase.
34. Water services and sewer laterals must be a minimum of 5-feet apart. A reduced pressure backflow device per current City Standard 876 must be installed on the domestic water service.
35. Applicant must install a combination service per City Standard 870 for fire sprinklers, domestic and irrigation meters. Meters must be located at the street frontage, or in a public easement as close to the public street frontage as possible, to allow for convenient City access.
36. The Fire Department requires fire sprinklers in all structures. The water services and meters shall be sized to meet fire protection, domestic and irrigation uses. Submit flow calculations to the Engineering Development Services at the Building Permit stage. Any services placed in driveway areas shall have meters with traffic rated boxes.
37. The applicant must install a separate irrigation service with a reduced pressure backflow device per current City Standard 876. Meter size is dependent on peak demand and will be determined upon review of irrigation plans. Irrigation demand, processing and meter fees must be paid prior to issuance of the building permit.
38. Connection to the existing water main will require a shutdown for a tie in inspection. Call Engineering Development Services for fees and scheduling. Advance notice is required.
39. 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. A reduced pressure backflow device per current City Standard 876 must be installed on the domestic water service.
40. Any existing sewer lateral or water service that will not be used must be abandoned at the main per City Standards (Sewer System Design Standards Section XII or Water System Design Standards Section XVIII respectively) and City Standard 507 under an encroachment permit. The existing meter must be collected by the City Meter Shop. Call Water Engineering Services at 543-3950 to arrange pick up.
41. If a well exists on the property, one of 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
42. Wells may not serve more than one parcel, and any lines from existing wells that cross lot lines must be severed.
43. Any existing septic systems shall be removed under supervision of project Soils Engineer. Obtain Permits from the Sonoma County Permit and Resources Management Department. Obtain a City Building permit if an existing structure is being converted from a connection to the septic system to the public sewer system.

44. Meter boxes and cleanouts, etc. must be located without conflict with the bio swales. Locations of infrastructure shall be shown on the Site Plan for the Building Permit and/or Encroachment Permit. No bio swales or SUSMP BMP LID improvements shall cross public sewer, water, or storm drain utilities.
45. Submit landscape and irrigation plans in conformance with the Water Efficient Landscape Ordinance adopted by the Santa Rosa City Council on October 27, 2015. Plans shall be submitted with the Building Permit application.



A. R. Jesús McKeag

PROJECT ENGINEER