

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
APPROVING A CONDITIONAL USE PERMIT AND PARKING REDUCTION FOR THE
PANERA BREAD WITH DRIVE-THROUGH LOCATED AT 885 HOPPER AVENUE; APN:
148-150-034 - FILE NUMBER CUP18-120

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit to allow drive-through retail sales for the Panera Bread Restaurant, to be located at 885 Hopper Avenue, also identified as Sonoma County Assessor's Parcel Numbers: 148-150-034;

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 café with drive-through services use will occupy 4,500 square feet of a new building that replaces a previous restaurant burned in the October 2017, fires , which is allowed in the CG-RC (General Commercial – Resilient City) zoning district subject to Planning Commission approval of a Major Conditional Use Permit.
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the the proposed café with drive-through use is consistent with the applicable underlying General Plan goals and policies related to industry, economic vitality, and the associated Retail and Business Services General Plan land use designation that allows retail and service enterprises, offices, and restaurants.
- 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 existing site is located within the CG-RC (General Commercial – Resilient City) Zoning District and the Project is within a commercially developed site with other drive-through retail uses that were affected by the October 2017, fires and is in close proximity to Highway 101, and was previously a restaurant, which is a similar use. As such, the area is well-suited for the proposed drive through.

- 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, utilities, and is within a commercial district with no adjacent residential uses or sensitive receptors. The Project replaces a destroyed structure with a similar use with the same placement of the destroyed structure and does not inhibit circulation of the existing site.
- 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 proposed project will be consistent with the surrounding land uses which are within the CG – General Commercial Zoning Districts, and comprise a similar variety of commercial and retail business uses.
- F. Due to special circumstances associated with the operation of the use at its location, the proposed use will generate a parking demand different from the standards specified in Table 3-4 in that the drive-through allows for seven stacking spaces without obstructing the drive aisles surrounding the site, and the site is adjacent to Highway 101 located within an existing commercial center with other drive-through uses that were damaged by the October 2017, fires.
- G. The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use in that the proposed 45 parking spaces instead of the 60 spaces required in Table 3-4 of Zoning Code Section 20-36.040 is supported by a Focused Traffic and Parking Study for 885 Hopper Avenue drive-through use prepared by CEI Engineering Associates, Inc. and concluded that one (1) space per 100 square feet of building (45 spaces) is sufficient parking for the site and has been reviewed and vetted by City staff.
- H. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 2 Categorical Exemption under CEQA Guidelines Section 15302 in that the Project involves replacement of a commercial structure of substantially the same size, purpose, and capacity on the same site as the structure being replaced.

The Project qualifies for a Class 32 Categorical Exemption under CEQA Guidelines Section 15332 for In-Fill Development projects in that the Project is consistent with the General Plan and Zoning District, is within City limits on a parcel under five (5) acres and is substantially surrounded by urban uses. The Project also does not have habitat for endangered, rare, or threatened species. The Project will not result in any significant impacts to traffic in that the Project is supported by a Focused Traffic and Parking Study that concludes the Project will have no significant impact. The use is a permitted use and will not have a significant impact on noise, air quality and water quality and the site can be adequately served by all required utilities and public services.

Staff has reviewed the exceptions to the categorical exemptions set forth in CEQA Guidelines section 15300.2 and has concluded that no exceptions are applicable and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The project is a stand-alone development, on a site that has not been identified to have potential for an environmental impact of hazardous or critical concern. The project site is not adjacent to scenic highways and no historic resources have been identified which could be affected by this project.

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. Obtain a Minor Design Review Permit Application approval.
3. All work shall be done according to the final approved plans dated received August 7, 2018.
4. 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:

5. 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.
6. 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:

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.
8. Obtain building permits for the proposed project.

ENGINEERING DIVISION:

9. Compliance with Engineering Development Services Exhibit "A," dated September 24, 2018, attached hereto and incorporated herein.

FIRE DIVISION:

10. Compliant Fire Department access roadways and fire flow from hydrants at existing locations shall be made available prior to construction of buildings.

PLANNING DIVISION:

11. 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.
12. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
13. **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.

14. 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.

15. 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.

16. 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.

17. PARKING:

- A. The parking lot shall be constructed to City standards.
- B. A reduction in required on-site parking is approved. A minimum of 45 on-site parking spaces shall be provided.

- 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.

18. 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.

19. 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 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 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 29th day of November, 2018, by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: _____
CASEY EDMONDSON, CHAIR

ATTEST: _____
CLARE HARTMAN, EXECUTIVE SECRETARY

Exhibit A: Engineering Development Services Exhibit “A,” dated September 24, 2018