

RESOLUTION NO. 11724

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
APPROVING THE YOGURT TIME CENTER TENTATIVE MAP LOCATED AT 3093
MARLOW ROAD - FILE NUMBER MJP15-006

WHEREAS, an application has been submitted by Walgreen Co., an Illinois Corporation, requesting approval of a Tentative Parcel Map for Yogurt Time Center, more particularly described as Assessor's Parcel Number 036-011-054, dated received on April 21, 2015, and on file in the Office of the Department of Community Development; and

WHEREAS, the applicant was presented with the opportunity and did not prepare proposed findings supported by evidence that said subdivision complies with the requirements of the Subdivision Ordinance of the City of Santa Rosa (Title 19, City Code), and the Subdivision Map Act (Government Code Section 66410, et seq.); and

WHEREAS, the Planning Commission heard the evidence and reviewed the proposed findings, if any, submitted by the applicant.

NOW BE IT RESOLVED, the Planning Commission does hereby determine that said subdivision of two (2) lots and no more is in compliance with the requirements of the Subdivision Ordinance of the City of Santa Rosa, (Title 19, City Code), and the Subdivision Map Act (Government Code Section 66410, et seq.) based upon the following findings:

- A. That the proposed map is consistent with the General Plan and any applicable specific plans as specified in Government Code Sections 65451 and 66473.5.
- B. That the proposed subdivision meets the housing needs of the City and that the public service needs of the subdivision's residents are within the available fiscal and environmental resources of the City in that, while this is a commercial subdivision which proposes no additional housing, the commercial needs of surrounding residential neighborhoods will be better met with the introduction of new service-providing commercial and retail businesses.
- C. That the design of the proposed subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities in the subdivision.
- D. That the proposed subdivision would not discharge waste into the City's sewer system that would result in violation of the requirements prescribed by the California Regional Water Quality Control Board.
- E. That the proposed subdivision is consistent with the City of Santa Rosa Design Guidelines and is determined to be of Superior Design.

- F. The Yogurt Time Center subdivision has been reviewed and found 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 Zoning Code requirements. Pursuant to Section 15332, the subdivision is also categorically exempt from CEQA as it meets the criteria for in-fill development.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds and determines said tentative parcel map would not be approved 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 are determined invalid, this tentative map would not have been approved without requiring other valid conditions for achieving the purposes and intent of such approval.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Santa Rosa approves the Yogurt Time Center, Tentative Parcel Map stamped received on April 21, 2015, and on file in the Department of Community Development, subject to the following conditions:

1. Compliance with the Development Advisory Committee Report dated August 5, 2015, attached hereto and incorporated herein.
2. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
3. If cultural resources or human remains are discovered during the project construction, all work in the area of the find shall cease until a qualified archaeologist and representatives of the appropriate tribes shall be retained by the project sponsor to investigate and determine next steps.
4. That the developer shall enter into an agreement with the City which provides that the developer, his heirs, successors, and assigns shall defend, indemnify, and hold the City, its officers, employees, and agents harmless from any and all claims, suits, and actions brought by any person and arising from, or in connection with, the design, layout, or construction of any portion of this subdivision, or any grading done, or any public or private improvements constructed within, or under, or in connection with this subdivision, whether on-site or off-site.
5. The approval of this project shall be subject to the latest adopted ordinances, resolutions, policies and fees adopted by the City Council at the time of the building permit review and approval.
6. Sewer connections for this development, or any part thereof, will be allowed only in accordance with the requirements of the California Regional Water Quality Control Board, North Coast Region, in effect at the time, or thereafter, that the building permit(s) for this development, or any part thereof, are issued.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 10th day of September, 2015, by the following vote:

AYES: (7) Chair Cisco, Vice-Chair Stanley, Commissioners Crocker, DeRezendes-Claiche, Dippel, Duggan and Groninga

NOES: (0)

ABSTAIN: (0)

ABSENT: (0)

APPROVED: 
CHAIR

ATTEST: 
EXECUTIVE SECRETARY

EXHIBIT: DAC DATED AUGUST 5, 2015

DEVELOPMENT ADVISORY COMMITTEE REPORT

August 5, 2015

YOGURT TIME CENTER

Project Description

Subdivide the property located at 3093 Marlow Road, currently developed with a Walgreen's store, to create an undeveloped parcel at the southwest corner of the intersection of Marlow Road and Piner Road. The project applications include a Tentative Parcel Map to subdivide the 2.93-acre parcel into two commercial lots, a Conditional Use Permit for a drive-through restaurant, and Design Review for the construction of two commercial buildings.

LOCATION 3093 Marlow Road, Santa Rosa

APN 036-011-054

GENERAL PLAN LAND USE Retail and Business Services/
..... Medium Density Residential

ZONE CLASSIFICATION

EXISTING CG (General Commercial)
PROPOSED No change

APPLICANT Hassan Kazemini
ADDRESS 755 Farmers Lane, #100
Santa Rosa, CA 95405

OWNER Walgreen Company
ADDRESS 104 Milmot Road, Stop 1435
Deerfield, IL 60015

FILE NUMBER MJP-006

PROJECT PLANNER Susie Murray *SM*

PROJECT ENGINEER Larry Lackie *L*

BACKGROUND

On April 12, 1988, the subject site was annexed into Santa Rosa.

In March 1995, the City Council approved the Walgreen's project which included a rezoning from the A (Agriculture) zoning district, equivalent of RR-40 (Rural Residential), to the C-2 (General Commercial) zoning district, equivalent of CG (General Commercial); a Mitigated Negative Declaration, and a Conditional Use Permit allowing a drive-through pharmacy.

On February 18, 2015, staff facilitated a Neighborhood Meeting regarding Yogurt Time Center. One person attended who indicated support of the project.

On April 21, 2015, the Community Development Department received the Yogurt Time Center project applications, including a Tentative Map, Conditional Use Permit, and Design Review.

CONDITIONS OF APPROVAL

- 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 therein 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 April 21, 2015:

BUILDING CONDITIONS

1. Provide a geotechnical investigation and soils report with the building permit application(s). The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
2. Obtain building permits for the proposed structures and related site improvements.

ENGINEERING CONDITIONS

PARCEL AND EASEMENT DEDICATION

3. A public access easement is required across Lot 1 connecting a pedestrian network

from Piner Road and Marlow Road to the westerly project boundary over existing and proposed on site sidewalk network.

PUBLIC STREET IMPROVEMENTS

4. Improvements to Piner Road shall consist of constructing a temporary 4 foot wide asphalt path offsite extending to Bay Meadow Drive from the existing end of sidewalk at the westerly project boundary. The pathway shall stay within the existing Right-of-way, maintain a minimum 2% cross fall, and not obstruct drainage from the adjacent property.
5. Two copies of the Phase 1 Environmental Site Assessment are required for the first plan check. One copy is to be submitted directly to the Fire Department and the review fee paid. The receipt should be attached to the remaining copy and provided to Engineering Development Services. Grading, demolition or construction permits shall not be issued until the Fire Department has reviewed and cleared the Phase 1 Study.
6. An Encroachment Permit must be obtained from Community Development Engineering Development Services prior to beginning any work within the public Right-of-way or for any work on utilities located within public easements.

PRIVATE IMPROVEMENTS

7. Private surface improvements constructed under City File 1996-0026, consisting of driveway connections to Piner Road and Marlow Road, sidewalk network, drive aisles, and parking areas other than the drive through area and perimeter parking attached to the building sites, shall be covered by joint access easement and maintenance agreement between Lot 1 and the Remainder Parcel, as shown on the Tentative Parcel Map.

STORM DRAINAGE

8. The developer's engineer shall comply with all requirements of the latest edition of the City Standard Urban Storm Water Mitigation Plan Guidelines (SUSMP). The Building Permit site 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. The Final Plan shall be accompanied by a maintenance agreement or comparable document to ensure continuous maintenance in perpetuity of the SUSMP BMP's, and shall include a maintenance schedule.

Perpetual maintenance of SUSMP BMPs 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 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. The written certification of SUSMP BMPs is to be received by the City Building Official prior to the final sign off of the Building Permit.

- 9. SUSMP BMP Low Impact Development (LID) improvements shall be constructed with the building permit for Lot 1.
- 10. The existing 24-inch private storm drain built under City File No. 96-28 shall be common to both Lot 1 and the Remainder Parcel and is to be contained in a Private Storm Drain Easement over the Remainder Parcel in Favor of Lot 1. The easement shall be a minimum of 10-feet wide and centered over the pipe and lateral connections for Lot 1.

SEWER AND WATER

- 11. All sewer and water service improvements are private and shall be done with the Building Permit for Lot 1 through the encroachment permit process.
- 12. Water laterals and meters shall be sized to meet domestic, irrigation and fire protection uses. The flow calculations shall be submitted to Engineering Development Services during the plan check phase of the Building Permit or Encroachment Permit to determine adequate sizing.
- 13. 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 Santa Rosa Water.
- 14. Provide meters per Section X of the Water System Design Standards.
- 15. There are existing domestic and irrigation services provided to Lot 1 on Piner Road. A City Standard 876 Reduced Pressure backflow device shall be installed behind the meter on both the irrigation service and domestic service. See Section X. O. of the Water System Design Standards.
- 16. The existing sewer lateral to Lot 1 as shown on City File No. 1996-0028 is to be modified by removing the "Y" fitting and all upstream plumbing. All new sewer services must connect to the existing 6-inch lateral upstream of the clean out.
- 17. Private Fire services cannot be common to properties and each property is to be serviced through individual fire connections to the public main. Lot 1 shall have a fire

service with City Standard 880 double detector check fire line backflow assembly with separate City Standard 879 single check detector check's and Fire Department Connections (FDC) for the individual building sites on Lot 1. The FDCs for the building sites shall be located within 50 feet of a Fire Hydrant or as allowed by the Fire Department. The new fire service shall be through a manifold connection on the existing fire service connection to Piner Road. It is preferred that fire services be contained on the property but if necessary may cross property lines when contained within a private water easement but all fixtures and backflows shall be contained on the property being served.

18. Any existing water or sewer services that will not be used must be abandoned at the main, per City Standards, under an encroachment permit.
19. Submit landscape and irrigation plans in conformance with the Water Efficient Landscape Ordinance adopted by the Santa Rosa City Council, Ordinance 3925, on November 17, 2009. 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).

FIRE DEPARTMENT CONDITIONS

20. Required Fire Department access roads shall be signed "No Parking – Fire Lane" per current Fire Department standards.
21. Traffic calming measures on private property are not approved as a part of this review (i.e. speed bumps, humps, speed tables, undulations, etc.).
22. Provide a Fire Department key box (Knox box).
23. Provide 12-Inch illuminated building address characters Santa Rosa Fire Department standards.
24. The property management company shall be responsible for maintaining all private fire protection appliances and roadways.
25. Storage or use of any hazardous materials at the site will require a Hazardous Materials Inventory Statement to be submitted to the Fire Department for review. Materials in excess of the permit amounts will require a Hazardous Materials Management Plan to be submitted to the Fire Department for review and approval, and may require payment of Hazardous Material Use or Hazardous Waste Generator fees.

RECREATION AND PARKS CONDITIONS

26. Street trees will be required and planted by the developer. Selection will be made from the City's approved master plan list. Planting shall be done in accordance with the City's *Standards and Specifications for Planting Parkway Trees*. Tree planting location shall be marked by Parks Division Tree Section personnel. Contact the Parks Division Office at (707) 543-3770 for copies of the master street tree list, standards and to request field markings. This declaration shall be added to the General Notes of the improvement plans.

27. Property owners shall be responsible for the irrigation and maintenance of the street trees and the maintenance of the planter strips in front of and alongside of their parcel(s).

The Development Advisory Committee is an administrative committee designed to inform the Planning Commission of technical aspects of various matters which the Commission is to consider. The report of the Committee in no way constitutes approval or denial of the item under discussion. Final approval or denial rests with the Planning commission and/or City Council and may or may not be subject to terms of the report.

Recommendation

- ☒ Approval with conditions as set forth in this report.
☐ Continuance
☐ Denial – Major Reasons:
☐ Final action referred to the Planning Commission



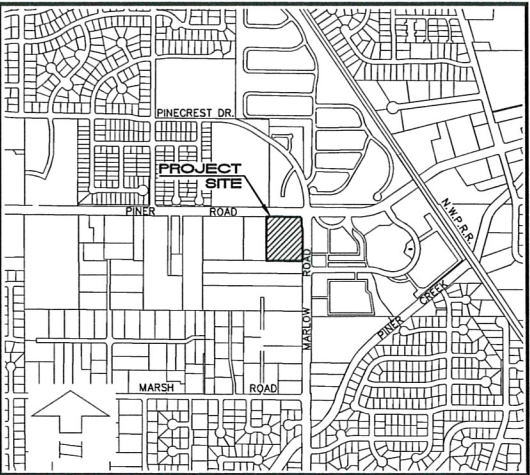
CLARE HARTMAN
Deputy Director - Planning
Community Development

YOGURT TIME CENTER

TENTATIVE MAP

LEGEND

	EXISTING STREET LIGHT		PROPOSED SITE LIGHTING
	EXISTING STORM DRAIN		PROPOSED STORM DRAIN
	EXISTING SANITARY SEWER		PROPOSED SANITARY SEWER LATERAL
	EXISTING WATER MAIN		PROPOSED WATER SERVICE
	EXISTING CURB AND GUTTER		PROPOSED CURB & GUTTER
	EXISTING SIDEWALK		PROPOSED SIDEWALK
	EXISTING CURB RAMP		PROPOSED CURB RAMP
	EXISTING FLOWLINE		PROPOSED SWALE
	EXISTING GROUND CONTOURS (1' INTERVALS)		BIO-RETENTION BED
	EXISTING STRIPING		NEW STRIPING
	EXISTING UTILITY BOXES		EXISTING TREE (TO BE REMOVED)
	EXISTING FENCE		EXISTING TREE (TO BE SAVED)



LOCATION MAP

NO SCALE

BENCHMARK

CITY OF SANTA ROSA BENCHMARK NO. D158 (COORDINATE MON. G-240)
NEAR THE INTERSECTION OF MARLOW ROAD AND PINER ROAD.
ELEVATION = 125.903'

OWNER

WALGREEN CO.
C/O ROCK TANG - SENIOR
REAL ESTATE MANAGER
151 E. 3RD AVE.
SAN MATEO, CA 94401
(847) 943-7130

DEVELOPER

HASSAN KAZEMINI
755 FARMERS LANE
SANTA ROSA, CA 95405
(707) 578-4747

ENGINEER

CIVIL DESIGN CONSULTANTS, INC.
2200 RANGE AVENUE, SUITE 204
SANTA ROSA, CA 95403
(707) 542-4820

SURVEYOR

CINQUINI & PASSARINO, INC.
1360 NORTH DUTTON AVE., STE 150
SANTA ROSA, CA 95401
(707) 542-6268

INDEX OF DRAWINGS

- COVER SHEET, LEGEND, NOTES & ABBREVIATIONS
- TENTATIVE MAP - GRADING AND UTILITY PLAN
- TENTATIVE MAP - SITE PLAN

GENERAL NOTES

- PRESENT AND PROPOSED ZONING IS CG.
- WATER AND SEWER TO BE PROVIDED AND MAINTAINED BY THE CITY OF SANTA ROSA.
- LOT AREAS: LOT 1 - 29,787 SF (0.68 AC)
REMAINDER - 98,048 SF (2.25 AC)
- ALL GRADING TO BE IN CONFORMANCE WITH CHAPTER 33 AND A33 OF THE CURRENT CALIFORNIA BUILDING CODE.
- NO AREAS OF THIS SITE ARE SUBJECT TO INUNDATION. NO HAZARDOUS MATERIALS ARE KNOWN TO EXIST ON THIS SITE.
- SITE SOILS APPEAR SUITABLE FOR COMMERCIAL DEVELOPMENT.
- STREET TREES SHALL BE PLANTED IN ACCORDANCE WITH THE CITY OF SANTA ROSA REQUIREMENTS WITHIN THE PLANTER STRIPS AND PLANTING WELLS.
- STREET LIGHTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF SANTA ROSA STANDARDS.
- SEWER LINE THAT DEVELOPMENT IS TRIBUTARY = NORTH FULTON TRUNK SEWER
EXISTING SEWAGE GENERATION - 0 GALLONS PER DAY
PROJECTED SEWAGE GENERATION - 435 GALLONS PER DAY
- THIS PROJECT IS NOT IN A HIGH FIRE SEVERITY ZONE.

ABBREVIATIONS

AB	AGGREGATE BASE	PED	PEDESTRIAN
AC	ASPHALT CONCRETE	PERF	PERFORATED
APN	ASSESSOR'S PARCEL NUMBER	PLTR	PLANTER
BO	BLOWOFF	PDE	PRIVATE DRAINAGE EASEMENT
BOC	BACK OF CURB	PJV	POST INDICATOR VALVE
C	COMPACT PARKING STALL	PUE	PUBLIC UTILITY EASEMENT
C&G	CURB AND GUTTER	R	RADIUS
DI	DROP INLET	R/W	RIGHT OF WAY
DN	DOCUMENT NUMBER	S	SOUTH
E	EAST OR ELECTRIC	SD	STORM DRAIN
EX	EXISTING	SDCB	STORM DRAIN CATCH BASIN
FC	FACE OF CURB	SDFD	STORM DRAIN FIELD DRAIN
FDC	FIRE DEPARTMENT CONNECTION	SDJB	STORM DRAIN JUNCTION BOX
FEV	FUEL EFFICIENT VEHICLE PARKING STALL	SDMH	STORM DRAIN MANHOLE
FG	FINISHED GRADE	SDYI	STORM DRAIN YARD INLET
FH	FIRE HYDRANT	SS	SANITARY SEWER
GB	GRADE BREAK	SSCO	SANITARY SEWER CLEANOUT
GV	GATE VALVE	SSMH	SANITARY SEWER MANHOLE
HP	HIGH POINT	ST	STREET
IFO	IN FAVOR OF	SW	SIDEWALK
IG	INVERT GRADE	SWE	SIDEWALK EASEMENT
L	LENGTH	T	TELEPHONE
LAT	LATERAL	TC	TOP OF CURB
LIP	LIP OF GUTTER	TV	TELEVISION
LP	LOW POINT	TYP.	TYPICAL
LT	LIGHT	W	WEST OR WATER LINE
N	NORTH	WM	WATER METER
P	PARKING	YR	YEAR
PAE	PUBLIC ACCESS EASEMENT		

CITY OF SANTA ROSA
100 SANTA ROSA AVENUE RM 3
SANTA ROSA, CA 95404

APR 21 2015

COMMUNITY DEVELOPMENT
DEPARTMENT

CIVIL DESIGN CONSULTANTS, INC.
2200 Range Avenue, Suite 204
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(707) 542-4820

TENTATIVE MAP - COVER SHEET
YOGURT TIME CENTER

JOB NO.

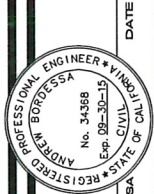
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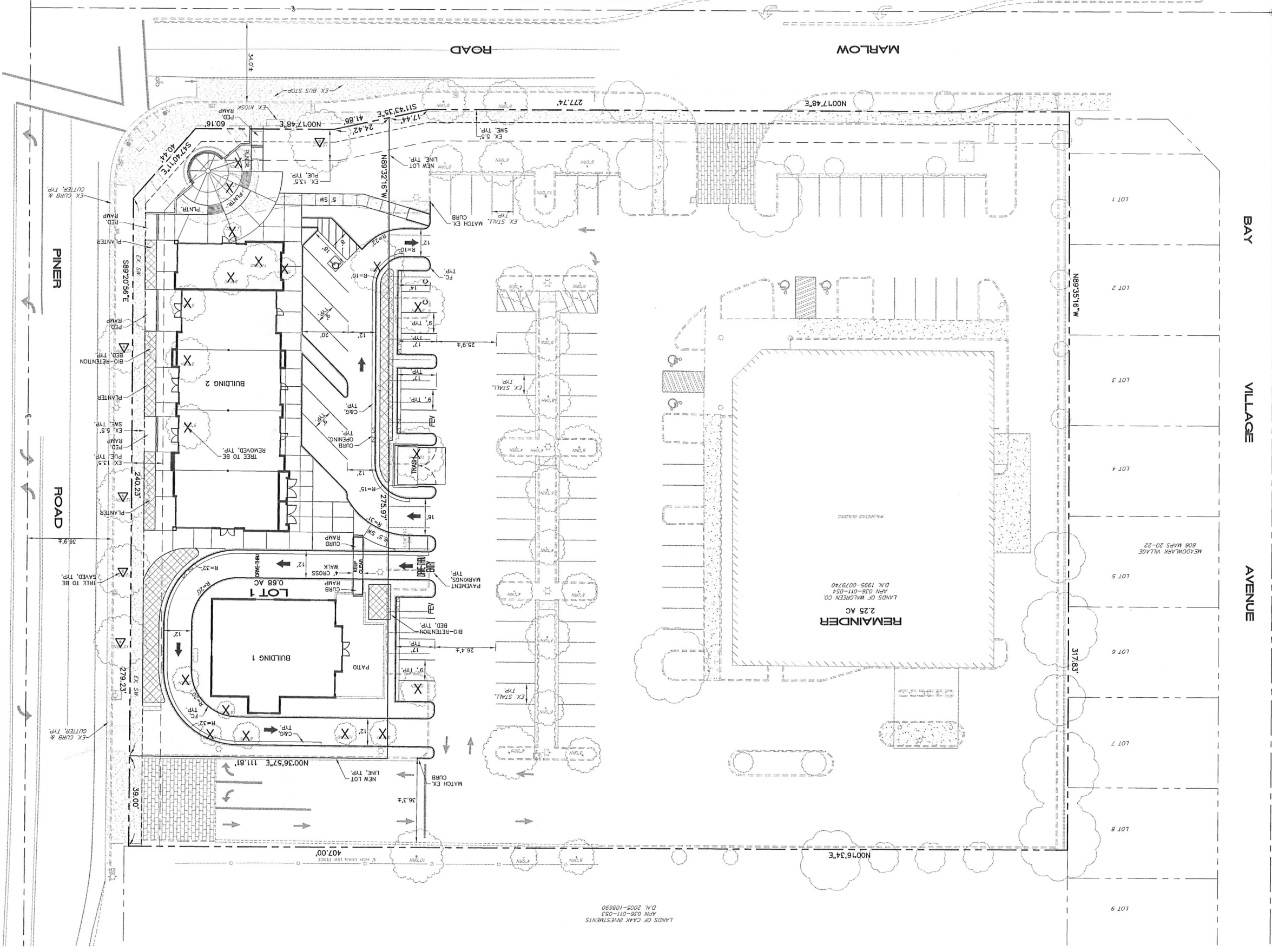
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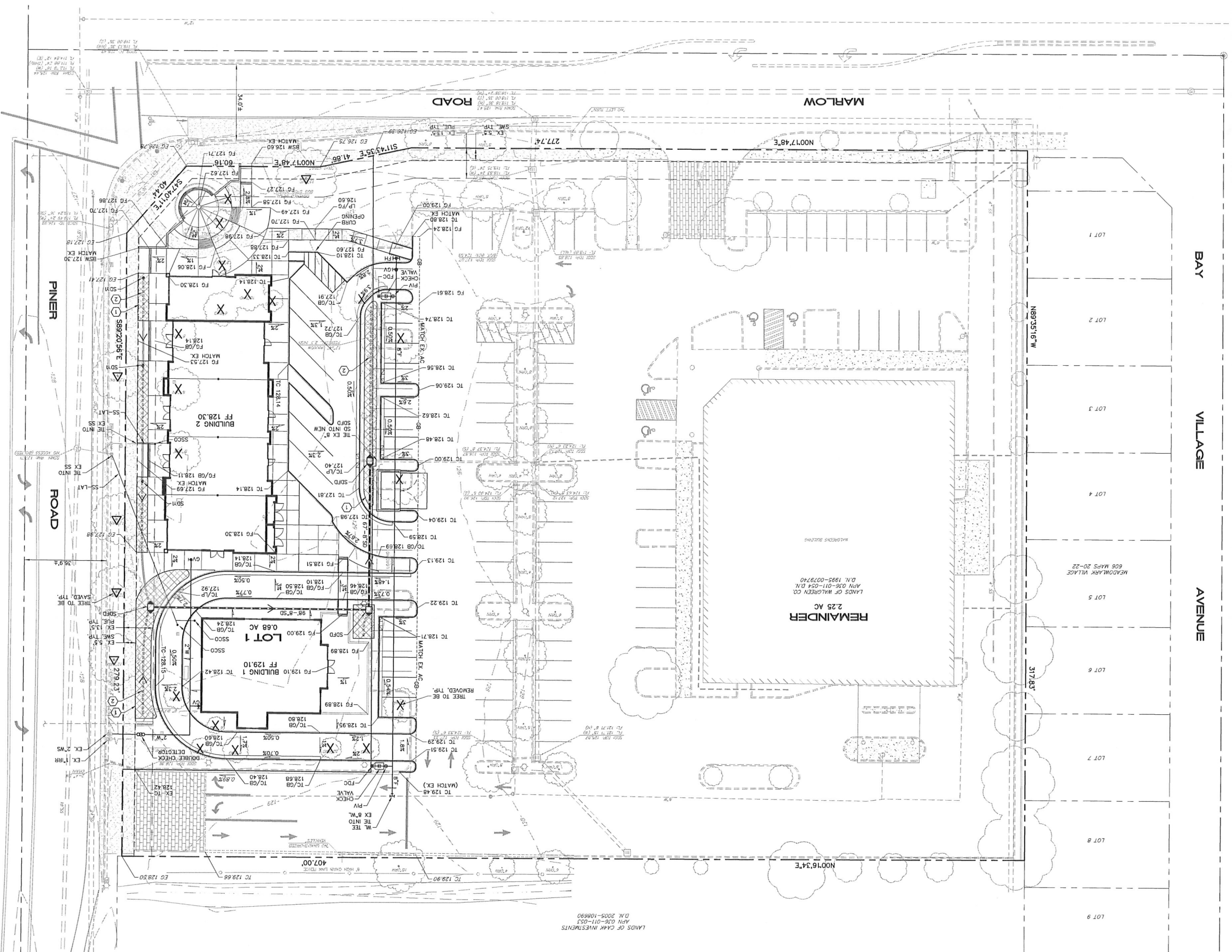
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OF 3 SHEETS

2.88 ACRES
1.00 ACRES REMAINDER
MARCH 2015
APN: 036-011-054
3093 MARLOW ROAD
SANTA ROSA, CA
DOC. NO. 1995-0079740

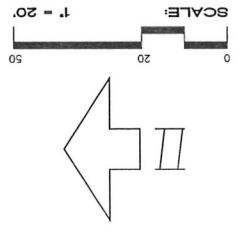






KEY NOTES

- 1 BIO-RETENTION BED, TYP.
- 2 6" PERFORATED SO, TYP.



3

OF 3 SHEETS

JOB NO. 14-114

SHEET NO. 3

TENTATIVE MAP - GRADING AND UTILITY PLAN

YOGURT TIME CENTER

2.93 ACRES
1 LOT AND REMAINDER
MARCH 2015

3083 MARLOW ROAD
SANTA ROSA, CA

APN 036-071-054
DOC. NO. 1995-0079740

CIVIL DESIGN CONSULTANTS, INC.

2200 Range Avenue, Suite 204
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ANDREW BORDESSA
REGISTERED PROFESSIONAL ENGINEER
No. 34368
Exp. 02-28-15
DATE