

## RESOLUTION NO.

### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A ZONING VARIANCE FOR 30-FOOT LIGHT STANDARDS, EXCEEDING THE AMOUNT ALLOWED BY CITY CODE BY 16 FEET FOR THE SAFE OPERATION OF A TRUCK AND FREIGHT TERMINAL LOCATED AT 2960 DUTTON AVENUE - FILE NUMBER ZV18-003

WHEREAS, the Planning and Economic Development Department of the City of Santa Rosa received an application for a Zoning Variance pursuant to the provisions of Title 20 of the Santa Rosa City Code to allow 30-foot light standards exceeding the 16-foot limitation allowed by Zoning Code Section 20-30.080(A)(3) for the safe operation of a truck and freight terminal to the site located at 2960 Dutton Avenue, APN: 043-134-053 (Property); and

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 20-52.060 (Variance, Sign Variance and Minor Adjustments), the Planning Commission of the City of Santa Rosa finds and determines the following:

- a. There are special circumstances applicable to the Property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards.

The site's wetland on the southwest side of the property and a railroad easement on the southeast side of the property, when incorporated into the feasible use of the site, result in constraints that are unique. The seasonal wetland on the southwest and the railroad spur on the southeast of the property greatly limit opportunities for flexible site planning which is necessary to preserve and utilize natural site features such as the wetlands. The unique shape of the property along with the reduced front and rear usable space significantly challenges development of the site that negatively impacts the location of the outdoor lighting required for the site.

In this context, the unusual circumstance is the collection of constraints described herein, which are specifically attached to the subject property and not generally shared by other properties nearby. As such, the proposed site plan was developed in response to existing conditions and the presence of onsite easements.

- b. A non-self created hardship peculiar to the Property does exist by reason of the conditions, and these conditions are not common to all or most of the properties in the immediate area which are also within the identical zoning district. In this context, personal, family, or financial difficulties, loss of prospective profits, and existing zoning violations, or legal nonconforming uses or structures existing on neighboring properties shall not be deemed hardships justifying a Variance.

Given the unique circumstances outlined in the finding above, relief from the development standards is necessary in order to respect and preserve the natural wetland on the site and accommodate an efficient site plan for the proposed truck or freight terminal use. In this context, a strict application of the zoning standards will result in a hardship in that a diminished function and less environmentally sensitive site plan would be required that would potentially impact and/or diminish the valuable, natural feature of the site. A strict application of the zoning standards requiring 16-foot light poles will impact maneuverability for the tractor-trailers to safely navigate the site creates a non-self-created hardship not encountered on the surrounding properties within the Light Industrial Zoning District.

- c. Granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the vicinity which are within the identical zoning district as the subject property, and a Variance, if granted, would not constitute a special privilege to the Property which is not held or enjoyed by neighboring properties within the identical zoning district.

In light of the natural constraints described herein, a strict application of the zoning standards would deprive this property of the ability to present an efficient and functional site plan that will reasonably facilitate the intended truck or freight terminal use and be proportionately appropriate for the site and consistent with other developments nearby. Further, the surrounding properties are able to operate light industrial uses with the property immediately south having approximately 30-foot light poles in front of the property facing inward. The Variance is only for the area behind the proposed building and parking lot frontage and faces inward. Relief from the 16-foot light standards requirement will result in a site plan that will maintain a streetscape along Dutton Avenue that is keeping with the existing commercial development pattern of the vicinity, and allow for the preservation of the existing wetland and railroad easement.

Granting the Variance is a right associated with all properties within the City of Santa Rosa and does not grant this property a special privilege. The future use of the site does not inhibit the surrounding properties from applying for a Variance from development standards as outlined in Zoning Code Section 20-52.060.

- d. The Variance would not be of substantial detriment to adjacent properties and would not be in conflict with the purposes and intent of this Zoning Code, the General Plan, any applicable specific plan, or the public interest or welfare.

Relief from the zoning standards will allow the subject property to operate a truck or freight terminal safely and sufficiently without becoming a burden to surrounding properties while preserving the naturally occurring wetland onsite and maintaining the railroad easement. Moreover, because the outdoor lighting would be directed inward, would not protrude onto surrounding properties, and would allow the safe and sufficient use of the site while complying with all other Zoning Code requirements for new development within the Light Industry General Plan Land Use Designation.

- e. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

An IS/MND was prepared in compliance with the California Environmental Quality Act (CEQA) in 1999, for the Dutton Avenue Light Industrial Buildings Initial Study/Mitigated Negative Declaration. A Mitigated Negative Declaration was posted with the California State Clearing House and the Sonoma County Clerk's Office, initiating a thirty-day public comment period beginning October 15, 1999, and ending November 4, 1999. Potentially significant impacts related to Air Quality, Biological Resources, Cultural Resources, Hazards & Hazardous Materials, Noise, and Transportation/Traffic, Water, Land Use, and Aesthetics were mitigated to a less than significant level through mitigation measure implementation or compliance with existing Municipal Code requirements or City standards. The IS/MND prepared for the project concluded that the construction of two light industrial concrete buildings having an area of 69,836 square feet and 57,512 square feet designed to accommodate warehousing, bulk distribution, office, and research and development, would not result in direct or primary environmental effects. The Design Review Board adopted the IS/MND at its November 4, 1999.

On January 20, 2016, a first Addendum analyzed a modified project for the site. The Addendum analyzed the new project which consisted of two industrial buildings with a combined square footage of 118,500 square feet as it relates to those potential uses identified by the 1999 IS/MND.

A Second Addendum to the adopted 1999 Mitigated Negative Declaration was prepared on September 13, 2019, and reviewed by City Staff, and staff determined that the project would not cause new significant environmental effects or substantial increases in the severity of significant effects beyond those previously identified as part of the City's environmental review process. An Addendum to an adopted negative declaration may be prepared if no significant environmental effects will occur and none of the previously identified effects will increase in severity. (CEQA Guidelines section 15164.) None of the circumstances under CEQA Guidelines Section 15162 are triggered; therefore, no

additional analysis is required. See “Old Dominion Second Addendum” for further analysis.

Per CEQA Guidelines Section 15164(c), an addendum need not be circulated for public review, but can be included in or attached to the final EIR or adopted mitigated negative declaration. Per CEQA Guidelines Section 15164(d), the decision-making body shall consider an addendum with the final EIR or adopted mitigated negative declaration prior to making a decision on the project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Santa Rosa does hereby approve the requested Zoning Variance to allow 30-foot light standards exceeding the 16-foot limitation allowed by Zoning Code Section 20-30.080(A)(3) for the safe operation of a truck and freight terminal for the site located at 2960 Dutton Avenue, APN: 043-134-053, subject to the following conditions:

1. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
2. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
3. Obtain a building permit for the proposed light fixtures.
4. Obtain Design Review Application approval for the site.
5. Comply with all Mitigation Measures indicated in the Second Addendum to the 1999 Initial Study/Mitigated Negative Declaration Old Dominion Industrial Building dated September, 2019.
6. 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.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 12<sup>th</sup> day of December 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: \_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
EXECUTIVE SECRETARY