

RESOLUTION NO. PRJ20-006

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING AN AMENDMENT TO AN APPROVED CONDITIONAL USE PERMIT (CUP) FOR THE OPERATION OF A COFFEE SHOP WITH ACCESSORY DRIVE THROUGH SERVICE WITH EXTENDED HOURS OF OPERATION LOCATED AT 4620 HIGHWAY 12; FILE NUMBER PRJ20-006.

WHEREAS, on July 14, 2020, an application was submitted requesting the approval of an amendment to a major Conditional Use Permit for the operation of a coffee shop with drive-through service at 4620 Highway 12, also identified as Sonoma County Assessor's Parcel Number 032-190-029;

WHEREAS, on August 19, 2020, a Neighborhood Meeting was held which had no attendees; and

WHEREAS, on September 25, 2020, a Notice of Application was sent to residents and owners within 600 feet of the proposed project site; and

WHEREAS, the project is exempt from the California Environmental Quality Act in that the project qualifies for a Class 32 Infill Development exemption; and

WHEREAS, on October 22, 2020, 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, on October 22, 2020, the Planning Commission 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 would be allowed within the Planned Development (PD) 403 with the approval of re-zoning, and complies with all other applicable provisions of this Zoning Code and the City Code in that the modifications made to the PD language would add "Coffee Shop – Counter Ordering" to the list of conditionally approved uses of the subject parcel and all operational characteristics of the project would comply with all applicable provisions of the Zoning Code and the City Code.
- B. The proposed use is consistent with the General Plan in that the General Plan Land Use (GPLU) designation is Office, which allows for administrative, financial, business, professional, medical, and public offices. Policy LUL-J-3 calls for the allowance of

limited support retail and businesses in the Office GPLU such as cafes and delis, which supports the finding of General Plan consistency for the proposed use.

- 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 proposed site consists of an existing drive-through facility, the re-use of which would not result in changes to traffic ingress or egress routes. The increased number of daily trips is not anticipated to result in impacts to the local and regional circulation system as indicated in the Traffic Study. The parking lot and on-site circulation would not be affected by the proposed project. The nearby residential, retail, and office land uses would be conveniently served by the proposed retail use with drive-through and extended hours of operation.
- 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 it's in a fully developed area where all services are available. The existing utilities serving the former bank site would be sufficient in serving the proposed use. Engineering Development Services Division, including Traffic and Public Works, reviewed the traffic study and queuing analysis and agreed with the determination that traffic impacts would be less than significant with the incorporation of conditions of approval. The existing parking in the Mission Arbors development would be sufficient in serving the project site based on review of existing parking capacity and historical aerial imagery.
- 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 a Traffic Study was prepared that indicates less than significant impacts due to traffic and the drive-through has less than 5% probability of exceeding capacity at peak hours. The proposed use would also comply with all applicable standards of the Bay Area Air Quality Management District (BAAQMD) and the City's Climate Action Plan (CAP). The project would result in the generation of GHG emissions during construction and operation; however, the project follows CAP guidance and meets all applicable checklist items.
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). Pursuant to section 15332, the proposed project is categorically exempt from CEQA as it meets the criteria for in-fill development.
  - The project is consistent with the GPLU designation of Office in that Policy LUL-J-3 allows limited supporting retail and business services such as cafes and delis where the GPLU is Office. The PD 403 Policy Statement designates this parcel as C-1-PD, which is equivalent to Neighborhood Commercial (CN) in the modern Zoning Code. A Drive-through retail sales use is permitted in the CN district subject to CUP approval.

- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species in that the site is fully developed for previous use as a bank facility.
- Approval of the project would not result in any significant effects relating to traffic. A Focused Traffic Study conducted by W-Trans, dated September 10, 2020, concluded that 23 new trips would be generated during the morning peak hour and two fewer trips would be generated during the evening peak hour compared to the previous use. The study also concluded that impacts to Vehicle Miles Traveled (VMT) would be less than significant due to the project's local-serving nature. noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.
- Approval of the project would not result in any significant impacts relating to noise, in that the project has been conditioned to comply with the City's Noise Ordinance (City Code Chapter 17-16).
- Approval of the project would not result in any significant impacts relating to air quality in that the Bay Area Air Quality Management District (BAAQMD) outlines an operation-related criteria air pollutant screening level of 6,000 square feet for "fast food restaurant with drive through" land use types. The proposed use would occupy 2,200 square feet of a 3,759 square foot building, which is under the threshold of 6,000 square feet. Additionally, the project would comply with all applicable provisions of the City's Climate Action Plan as discussed above. Therefore, air quality impacts would be less than significant.
- Approval of the project would not result in any significant impacts relating to water quality. The project was reviewed by the City's Engineering Development Services Division and Water Department and it was determined that less than significant impacts to water quality would occur. The proposed project would maintain existing on- and off-site drainage and would not impact Santa Rosa Creek, which is located approximately 330 feet to the southeast of the project site. Additionally, there is adequate water service at the project location.
- No exceptions to the exemption apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines Section 15300.2.).

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 the operation of a coffee shop with drive through service located at 4620 Highway 12 is approved subject to each of the following conditions:

## **DEPARTMENT OF COMMUNITY DEVELOPMENT**

### **GENERAL:**

1. This CUP approval is contingent upon the City Council approving the future rezone required for Zoning Code compliance.
2. 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.
3. All work shall be done according to the final approved plans dated August 20, 2020.
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. Obtain building permits for the proposed project.

### **ENGINEERING DIVISION:**

8. Compliance with all conditions as specified by the attached Exhibit "A", prepared by the Engineering Development Services Division, dated September 30, 2020.

### **PLANNING DIVISION:**

9. Prior to usage of any space left vacant by the applicant, review and approval is required by the Department of Community Development.
10. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),

11. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8 a.m. to 6 p.m. Saturdays. No construction is permitted on Sundays and holidays.
  - A. Compliance with noise standards pursuant to City Code 17-16.040.
12. TREE PRESERVATION:
  - A. Compliance with the Tree Preservation Ordinance (17-24.040).
13. LANDSCAPING:
  - A. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
  - B. 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.
  - 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. 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. A Planning sign permit application is required for all signs.
  - B. Building permits for sign installations shall be separate permits from other building permits issued for construction.
17. NATURAL RESOURCES:

- A. Advisement. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. The applicant shall acknowledge in writing receipt of the above advisement.
- B. Mitigation requirement. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Planning and Economic Development to determine if the project as redesigned is consistent with the original approval. A project that the City determines is not consistent with the City approval shall not be granted subsequent entitlements, such as approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.
- C. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.
- D. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.

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 approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 22<sup>nd</sup> day of October, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

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

Attachment: Exhibit “A” – Engineering Development Services, prepared September 30, 2020