

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA ADOPTING A MITIGATED NEGATIVE DECLARATION, INCLUDING A MITIGATION MONITORING AND REPORTING PROGRAM, FOR THE IN-N-OUT BURGER RESTAURANT LOCATED AT 2532 SANTA ROSA AVENUE; ASSESSOR'S PARCEL NUMBERS 044-041-010 AND 044-071-002; FILE NUMBER PRJ18-086

WHEREAS, on December 6, 2018, an application for In-N-Out Burger, to construct a new approximately 4,000- square foot building and operate a restaurant with counter ordering and drive-through service, and extend hours of operation, on an approximately 1.87-acre portion of the two parcels located at 2532 Santa Rosa Avenue and 325 Yolanda Avenue, also identified as Sonoma County Assessor's Parcel Numbers 044-041-010 and 044-071-002, were submitted to Planning and Economic Development. The entitlement applications include requests for a Conditional Use Permit for the operation of a restaurant with counter ordering, drive-through service, and extended hours of operation at the proposed location, and minor design review; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) a draft initial study was prepared for the project; and

WHEREAS, the draft initial study determined that, with incorporation of mitigation measures, the project would not have a significant effect on the environment and that a Mitigated Negative Declaration for the project should be prepared; and

WHEREAS, the Initial Study/Draft Mitigated Negative Declaration was prepared and circulated for a 30-day public review period commencing on November 4, 2020. No comments were submitted to the City during the review period; and

WHEREAS, as required under CEQA, the Mitigation Monitoring and Reporting Program prepared for the project identifies the timing of, and the agency or agencies responsible for, enforcement and monitoring of each mitigation measure to be implemented to reduce potentially significant impacts to less than significant levels; and

WHEREAS, the project applicant has agreed to all mitigation measures set forth in the Mitigated Negative Declaration that are required to be implemented pursuant to CEQA to reduce potentially significant impacts resulting from the project; and

WHEREAS, the Mitigated Negative Declaration and related project and environmental documents are available for review online on the City of Santa Rosa Planning and Economic Development Department website. The custodian of the documents and other materials which constitute the record of proceedings for the proposed project is Susie Murray, Senior Planner, Planning and Economic Development, 100 Santa Rosa Avenue, Room 3, Santa Rosa, CA 95404; and

WHEREAS, the Planning Commission of the City of Santa Rosa has reviewed and considered the Initial Study, the findings and determinations of the Environmental Coordinator, the proposed Mitigated Negative Declaration including a Mitigation Monitoring and Reporting Program, the staff reports, oral and written, and the comments, statements, and other evidence presented by all persons, including members of the public, who appeared and addressed the Planning Commission at the public hearing held on January 14, 2021, and all comments and materials submitted prior thereto; and

WHEREAS, the Planning Commission has before it all of the necessary environmental information required by CEQA to properly analyze and evaluate any and all of the potential environmental impacts of the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Santa Rosa, based upon the findings and the records and files herein, and the findings above made, hereby determines as follows:

1. That the Mitigated Negative Declaration, which consists of the Initial Study/Draft Mitigated Negative Declaration, and the Mitigation Monitoring and Reporting Program, attached hereto and incorporated herein as Exhibit A to this resolution, has been completed in accordance with CEQA and the CEQA Guidelines.
2. That the Planning Commission has reviewed and considered the information contained within the Mitigated Negative Declaration prior to acting on the proposed Project, and the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.
3. That the monitoring and reporting of CEQA mitigation measures in connection with the Project will be conducted in accordance with the attached Mitigation Monitoring and Reporting Program, incorporated into the Conditions of Approval for the Project.
4. That the proposed In-N-Out Burger restaurant, including a request to adopt a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, and a request to approve a Conditional Use Permit for the operation of a restaurant with counter ordering, drive through service, and extended hours of operation, and Design Review for the construction of an approximately 4,000-square foot building and associated improvements, located at 2532 Santa Rosa Avenue and 325 Yolanda Avenue will not have a significant effect upon the environment if the mitigation measures listed and identified in the Mitigated Negative Declaration, attached hereto and incorporated herein as Exhibit A, are implemented prior to development of the proposed project.

BE IT FURTHER RESOLVED that pursuant to CEQA Guidelines section 15074, the Planning Commission adopts a Mitigated Negative Declaration, which includes a Mitigation Monitoring and Reporting Program. to require all reasonably feasible mitigation measures be implemented by means of project conditions, agreements or other measures as set forth in the Mitigation Monitoring and Reporting Program.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on this 14<sup>th</sup> day of January 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

PATTI CISCO, CHAIR

ATTEST: \_\_\_\_\_

ANDREW TRIPPEL, EXECUTIVE SECRETARY

Attachment: Exhibit A (IS/MND dated December 2020)