

CITY OF SANTA ROSA
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT FOR PLANNING COMMISSION
JANUARY 14, 2021

PROJECT TITLE

In-N-Out Burger

APPLICANT

Jim Lockington, on behalf of
In-N-Out Burger

ADDRESS/LOCATION

2532 Santa Rosa Avenue

PROPERTY OWNER

Hulsman Transportation Company

ASSESSOR'S PARCEL NUMBER

044-041-010 and 044-071-022

FILE NUMBER

PRJ18-086

APPLICATION DATE

December 6, 2018

APPLICATION COMPLETION DATE

December 6, 2018

REQUESTED ENTITLEMENTS

Conditional Use Permit

FURTHER ACTIONS REQUIRED

Minor Design Review

PROJECT SITE ZONING

General Commercial (CG)

GENERAL PLAN DESIGNATION

Retail and Business Services

PROJECT PLANNER

Susie Murray

RECOMMENDATION

Approval

Agenda Item #10.2
For Planning Commission Meeting of: January 14, 2021

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR CISCO AND MEMBERS OF THE COMMISSION
FROM: SUSIE MURRAY, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: IN-N-OUT BURGER

AGENDA ACTION: TWO RESOLUTIONS

RECOMMENDATION

The Planning and Economic Development Department recommends that the Planning Commission, by resolutions, (1) adopt a Mitigated Negative Declaration and (2) approve a Conditional Use Permit to allow the operation of a new approximately 4,000-square foot restaurant with counter ordering, drive-through service and extended hours of operation at 2532 Santa Rosa Avenue.

EXECUTIVE SUMMARY

The In-N-Out Burger project (Project) proposes to construct and operate a new restaurant with counter ordering and drive-through service with extended hours of operation at 2532 Santa Rosa Avenue, Assessor's Parcel No. 044-041-010. The proposed hours of operation are from 10:00 A.M. to 1:00 A.M., Sunday through Thursday, and from 10:00 a.m. to 1:30 a.m. on Friday and Saturday.

Required entitlements include a Conditional Use Permit (CUP) for drive-through service and extended hours of operation, and a minor Design Review to construct an approximately 4,000 square foot commercial structure. The Planning Commission is being asked to act on an Initial Study/Mitigated Negative Declaration (IS/MND) and the CUP.

Image 1: Project Rendering



Source: Project Plans, received on July 10, 2020

BACKGROUND

1. Project Description

The applicant proposes to construct and operate an approximately 4,000-square foot restaurant with counter ordering and drive-through service and extended hours of operation at 2532 Santa Rosa Avenue. The proposed hours of operation are from 10:00 a.m. to 1:00 a.m. Sunday through Thursday and from 10:00 a.m. to 1:30 a.m. on Friday and Saturday.

The Project plans include seating for 152 guests, 76 indoor and 76 outdoor; 73 onsite parking spaces; a CMU-wall along the north and east property lines; a drive-through aisle with capacity for 30 vehicles; and access points from both Santa Rosa Avenue and Yolanda Avenue.

The restaurant would be staffed by 10-12 employees per shift with three shifts per day. One employee would be posted outside to take orders from customers in the drive-through aisle when the queue exceeds eight.

Access from Santa Rosa Avenue will be limited to right in/right out only. Access from Yolanda Avenue will be allowed from either direction.

All deliveries would be made by trucks owned and operated by In-N-Out Burger (INOB) between 1:30 a.m. to 9:00 a.m., while the restaurant is closed. As shown in the Supplemental Noise Evaluation, prepared by Meridian Consultants, dated November 20, 2020, attached, access for delivery trucks would enter from Yolanda Avenue and exit on Santa Rosa Avenue to avoid the need for back-up peeping.

Construction is planned in a single phase and is estimated to last approximately six months.

2. Surrounding Land Uses

North: Retail and Business Services & Mobile Home Park; currently developed commercial and residential uses

South: Retail and Business Services; currently developed with commercial uses

East: General Industry and Retail and Business Service; currently undeveloped with an entitled 252-unit multifamily housing project

West: Retail and Business Services; currently developed with commercial uses on the opposite side of Santa Rosa Avenue

3. Existing Land Use – Project Site

The subject site is currently undeveloped.

4. Project History

On April 5, 2018, the Design Review Board considered preliminary plans as a concept item.

On October 16, 2018, a Pre-Application Meeting with City staff was held. These meetings are intended to offer applicants an interdepartmental staff review of preliminary or conceptual design applications.

On November 14, 2018, a Neighborhood Meeting was held.

On December 6, 2018, the project applications were submitted to Planning and Economic Development.

On July 10, 2020, revised plans were submitted to Planning and Economic Development.

On February 6, 2019, a Notice of Application was mailed to property owners and occupants within 600 feet of the project site.

On November 4, 2020, the draft IS/MND was circulated for a 30-day public review period, ending on December 4, 2020.

ANALYSIS

1. General Plan

The General Plan land use designation for the site is Retail and Business Services, which is intended for retail and service enterprises, offices, and restaurants.

The following General Plan goals and policies are applicable to the project:

LAND USE AND LIVABILITY

- | | |
|---------|---|
| LUL-I-1 | Provide a range of commercial services that are easily accessible and attractive, that satisfies the needs of people who live and work in Santa Rosa and that also attracts a regional clientele. |
| LUL-J | Maintain the economic vitality of business parks and offices, and Santa Rosa's role as regional employment center. |

- LUL-J-1 Maintain an adequate supply of employment centers in a variety of locations and settings to ensure the city's continued economic vitality.
- LUL-G-3 Prepare and implement mixed-use zoning district(s) that provide development standards for mixed use sites and centers. District regulations should address minimum density and intensity requirements; allowable uses; building heights; shared parking standards; and prohibition of new auto-oriented and drive-through establishments.

ECONOMIC VITALITY

- EV-C Promote new retail and higher density uses along the City's regional and arterial corridors.

URBAN DESIGN

- UD-C Enhance and strengthen the visual quality of major entry routes into the city, as well as major corridors that link neighborhoods with downtown.
- UD-D-5 Provide planting strips with large canopy trees between the road and sidewalk to buffer pedestrians from traffic and help define the street space along commercial streets. Install pedestrian amenities in the planting strip such as:
- Street lighting
 - Seating
 - Bus stop shelters

NOISE AND SAFETY

- NS-B-5 Pursue measures to reduce noise impacts primarily through site planning. Engineering solutions for noise mitigation, such as sound walls, are the least desirable alternative.

TRANSPORTATION

- T-K-3 Orient building plans to allow for easy pedestrian access from street sidewalks, transit stops, and other pedestrian facilities, in addition to access from parking lots.

The site is located along the east side of Santa Rosa Avenue just north of Yolanda Avenue and the Hearn Avenue Highway 101 northbound on- and off-

ramp, and south of Kawana Springs and the southbound Hearn Avenue on-ramp. The Project has been conditioned to improve both Yolanda Avenue and Santa Rosa Avenue as discussed in the Public Improvements section of this report, including sidewalks, median and bus stop. The restaurant is oriented for easy pedestrian access from Santa Rosa Avenue and includes two access points for vehicle traffic off Yolanda Avenue and Santa Rosa Avenue.

The new restaurant will provide jobs. It is also a destination restaurant and will attract visitors from other nearby cities and travelers, as well as provide dining options in the vicinity for other business and nearby neighborhoods, including approved but not-yet-constructed apartment complexes on Yolanda Avenue (252 units), Kawana Springs Road (151 units), Petaluma Hill Road (172 units), and an existing senior mobile home park along Kawana Springs Road.

The General Plan discourages new drive-through uses and the use of sound walls. There are no regulations that preclude new drive-through uses and In this case, the CMU-wall provides several protections from vehicles the drive-through aisle:

- Eliminate headlight glare to the residents in the mobile home park located to the north and adjacent to the site;
- Provide a solid barrier to neighboring uses in the event someone loses control of a vehicle;
- Provide sound protection for neighboring residential uses; and
- Helps to minimize exhaust fumes generated from idling cars.

The Project has been found consistent with the General Plan.

2. [City Code](#)

The Project site is adjacent to residential uses to the north and east. As such, the Project is required to comply with the multifamily residential sound levels contained in the City's Noise Ordinance (City Code Chapter 17-16), which allows 50 decibels between the hours of 10:00 p.m. and 7:00 a.m., and 55 decibels between 7:00 a.m. and 10:00 p.m.

Deliveries are planned during pre-dawn hours while the restaurant is closed. Delivery trucks will enter from Yolanda Avenue, park adjacent to the south elevation, and exit onto Santa Rosa Avenue, and only manually operated equipment (i.e. pallet jacks, hand trucks, etc.) will be used eliminating the need for back-up beeping noises. With the combined protection of the CMU-wall and the building, any noise spikes from building doors, vehicle doors and roll-up doors will be reduced to levels that are less than significant.

3. [Zoning Code](#)

The site is within the General Commercial zoning district. Surrounding properties are within the following zoning districts:

North: General Commercial and Mobile Home

South: General Commercial

East: General Industrial

West: General Commercial

The following Zoning Sections are applicable to the project:

[Section 20-42.064](#) discusses drive-through retail facilities. At this location, a new drive-through facility requires a CUP. The following standards apply:

- Drive-through aisles shall have a minimum 20-foot radius at curves and a minimum width of 12 feet.
- Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs and pavement markings.
- Each drive-through aisle shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.
- The adequacy of vehicle queuing capacity of the drive-through facility and the design and location of the ordering and pickup facilities shall be determined by the review authority.
- 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.

City staff have reviewed the Project site plan. The Project has been found in compliance with aisle width, required turn radii, pedestrian circulation, queuing capacity, landscaping, and walls.

[Chapter 20-36](#) discusses parking and requires one parking stall per 75 square feet of space for a restaurant with counter ordering service. The project exceeds the required parking.

[Table 2-6](#) provides permit requirements for extended hours of operations, which are between the hours of 11:00 p.m. and 6:00 a.m. In the General Commercial zoning district, a request for extended hours of operation requires a minor CUP.

[Section 20-52.050](#) discusses CUPs. As shown on the attached draft resolution, the following required findings must be met:

1. 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;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
5. 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; and
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

[Section 20-52.030](#) discusses Design Review. Because the Project proposes the construction of a commercial building that is less than 10,000 square feet, it is subject to approval of a minor Design Review. The Project includes an application for Design Review and complies with the Zoning Code.

4. [Design Guidelines](#)

The Project includes a minor Design Review application, which will be reviewed by the Zoning Administrator following a decision on the proposed land use by Planning Commission.

5. [Public Comments](#)

During the November 14, 2018, Neighborhood Meeting, residents from the mobile home park to the north and neighboring business owner attended. Since then, public comments have been received both in writing, attached, and by phone. To summarize all comments:

Comment: Will the number of drive aisles be increased in response to COVID-19?

Response: No. The Project has two entry points, from Santa Rosa Avenue and Yolanda Avenue, that merge into one drive-through aisle.

Comment: What are the impacts on affordable housing development?

Response: This project will be subject to the Inclusionary Housing Ordinance, City Code Chapter 21-02 and will be required to pay a Commercial Linkage Fee, which is assessed on commercial development to help off-set the impact of the additional demand for affordable housing caused by such activity.

Comment: Placement of the building and CMU-wall will block the line of site for northbound traffic to the commercial uses immediately northp.

Response: The Project has been conditioned to construct a CMU-wall along the northern property line. Where the wall is adjacent to the commercial uses fronting Santa Rosa Avenue, it will be three-feet tall to allow visibility of the existing businesses for northbound traffic on Santa Rosa Avenue. The wall will be increased to eight feet in height where adjacent to residential units to provide protection from headlight glare, noise, and fumes.

6. Public Improvements/Onsite Improvements

A comprehensive list of onsite and offsite improvements can be reviewed on Engineering Development Services Exhibit A, prepared by Jesus McKeag, dated December 9, 2020, which is attached to the draft CUP resolution. To summarize:

- Onsite circulation, parking, CMU-wall, restaurant structure, and associated accessory buildings;
- Sidewalk, utility and bus stop easements along Santa Rosa Avenue frontage;
- Curb, gutter, and sidewalk along Yolanda Avenue frontage;
- Commercial driveways at both entry points;
- Installation of a bus stop pad; and
- Street trees and landscaping adjacent to sidewalk.

Environmental Review

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). An IS was conducted that resulted in preparation of an MND. The IS/MND was circulated for a 30-day public comment period commencing on November 4, 2020; the comment period ended on December 4, 2020.

Potentially significant environmental impacts were identified related to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Tribal Cultural Resources, and cumulative impacts. A Mitigation Monitoring and Reporting Program (MMRP) was prepared and included in the document and provides mitigation measures that will reduce these potentially significant impacts to levels less than significant.

During the 30-day public comment period, three comments were received as summarized below:

- California Department of Fish and Wildlife (CDFW) requesting clarification on project extent and additional mitigation measures for the protection of biological resources; and
- California Department of Toxic Substance Control (DTSC) requesting additional sampling and information about known toxic substances at the Project site; and
- In-N-Out Burger (applicant) requesting minor modifications to the Hazardous Materials Section of the MND, including an updated Hazardous Materials Report, prepared by Partner Engineering and Science, Inc., dated August 3, 2018.

A comprehensive response for each comment was prepared by Olivia Ervin, M-Group, dated December 14, 2020, attached.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

The project was noticed as a public hearing per the requirements of Chapter 20-66 of the City Code. Notification of this public hearing was provided by posting an onsite sign, publishing notice in a newspaper of general circulation, mailed notice to surrounding property owners, electronic notice to parties that had expressed interest in projects taking place in this geographic area of Santa Rosa, and bulletin board postings at City Hall and on the City website. Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

ISSUES

As conditioned, there are no unresolved issues remaining with the project.

ATTACHMENTS

- Attachment 1: Disclosure Forms
- Attachment 2: Location and Neighborhood Context Map
- Attachment 3: Project Narrative
- Attachment 4: Project Plans (part 1), prepared by GHA Architecture/Development, stamped received on July 10, 2020
- Attachment 5: Project Plans (part 2), prepared by GHA Architecture/Development, stamped received on July 10, 2020
- Attachment 6: Project Plans (part 3), prepared by MSL Engineering Inc., stamped received on July 10, 2020
- Attachment 7: Traffic Impact Study, prepared by W-Trans, dated February 7, 2019
- Attachment 8: Noise and Vibration Impact Analysis, prepared by Illingworth & Rodkin, Inc., dated September 3, 2019
- Attachment 9: Air Quality and Greenhouse Gas Emissions analysis, prepared by Illingworth & Rodkin, Inc., dated June 3, 2020
- Attachment 10: Supplemental Noise Evaluation, prepared by Meridian Consultants, dated November 20, 2020
- Attachment 11: Final IS/MND (with strikethrough), prepared by M-Group, dated December 2020
- Attachment 12: Final MMRP (with strikethrough), dated December 2020
- Attachment 13: Response to Comments, prepared by M-Group, dated December 14, 2020
- Attachment 14: Public Correspondence and Neighborhood Meeting Notes

- Resolution 1: Mitigated Negative Declaration (with MND)
- Resolution 2: Conditional Use Permit (with Exhibit A and MMRP)

CONTACT

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