

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT TO ALLOW A RESTAURANT WITH DRIVE-THROUGH SERVICE, WALK-UP ORDERING AND PICKUP SERVICE, AND EXTENDED HOURS OF OPERATION FROM 4:00 A.M. - 11:00 P.M., SEVEN DAYS A WEEK, FOR THE PROPERTY LOCATED AT 131 COLLEGE AVENUE, APN 012-062-032, FILE NO. PRJ23-013

WHEREAS, on July 26, 2023, an application for a Conditional Use Permit for a new drive-through retail and sales facility with extended hours of operation, 4:00 a.m. - 11:00 p.m., seven days a week, was submitted to the Planning and Economic Development Department for the property located at 131 College Avenue, APN 012-062-032; and

WHEREAS, the Project consists of demolition of an existing approximately 3,300-square-foot vacant automotive repair building and construction and operation of an approximately 1,280-square-foot restaurant with drive-through service, mobile-order pickup, an exterior walk-up ordering and pickup window, nine vehicle parking spaces, one bicycle parking space, on-site queuing for 21 vehicles, landscaping, lighting, utility and stormwater improvements, a six-foot-high precast concrete panel wall along the northern property boundary, and associated site improvements; and

WHEREAS, the Project includes a request to operate from 4:00 a.m. to 11:00 p.m., seven days per week; and

WHEREAS, pursuant to Zoning Code Section 20-21.030(A)(1)(b), where a single parcel is proposed for development with two or more listed land uses, the overall project is subject to the highest permit level required for any individual use; and

WHEREAS, pursuant to Zoning Code Section 20-52.050, review of a Conditional Use Permit includes all other land use activities occurring on the subject parcel, and although extended hours of operation are generally subject to Director-level review under the City's permit streamlining provisions, the extended hours request is being considered by the Planning Commission in conjunction with the Conditional Use Permit for the drive-through use because the proposed hours are directly related to the operating characteristics of the use and its compatibility with adjacent residential uses; and

WHEREAS, the property is zoned General Commercial–North Station Area (CG-SA) and has a Santa Rosa General Plan 2050 land use designation of Retail and Business Services; and

WHEREAS, a restaurant with drive-through service requires approval of a Conditional Use Permit pursuant to Zoning Code Section 20-23.030, Table 2-6; and

WHEREAS, the Project is also subject to separate Minor Design Review pursuant to Zoning Code Section 20-52.030; and

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WHEREAS, on June 14, 2023, a neighborhood meeting was held to receive comments and questions from the public regarding the proposed Project; and

WHEREAS, the application was deemed complete on August 17, 2023; and

WHEREAS, the matter was properly noticed in accordance with Zoning Code Section 20-52.050; and

WHEREAS, on August 13, 2026, the Planning Commission held a duly noticed public hearing at which all persons wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission has considered the application, staff report, project plans, technical studies, General Plan and zoning designations, oral and written testimony, conditions of approval, and all other materials presented or included in the administrative record.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Zoning Code Section 20-52.050.F, the Planning Commission of the City of Santa Rosa finds and determines as follows:

- A.** The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and City Code. The property is zoned General Commercial–North Station Area (CG-SA). The General Commercial zoning district allows a range of retail, restaurant, and service uses serving residents, employees, businesses, and visitors. A restaurant, café, or coffee shop use is allowed in the CG zoning district, and drive-through service requires approval of a Conditional Use Permit pursuant to Zoning Code Section 20-23.030, Table 2-6. The Project has been reviewed for consistency with applicable development standards of the -SA combining district and Zoning Code Section 20-42.064, Drive-Through Retail and Service Facilities, and has been conditioned to comply with applicable Planning, Building, Engineering, Fire, Water, Wastewater, traffic, noise, landscaping, lighting, and operational requirements; and
- B.** The proposed drive-through service and extended hours of operation are consistent with the Santa Rosa General Plan 2050 and the North Santa Rosa Station Area Specific Plan. The Project site has a General Plan land use designation of Retail and Business Services, which supports retail, restaurant, office, and service uses serving residents, employees, visitors, and the traveling public. The Project would redevelop an underutilized commercial site containing a vacant former automotive repair building with a new local-serving restaurant, provide employment and commercial services, and reinvest in an established commercial corridor.

The Project supports General Plan 2050 goals, policies, and actions related to business attraction, commercial redevelopment, vibrant commercial centers, and accessible commercial services, including Goal 2-5, Policy 2-5.1, Action 2-5.7, Goal 2-6, Policy 2-6.1, Action 2-6.6, Goal 2-8, Policy 2-8.1, and Action 2-8.1. The Project would establish a new business, create employment opportunities, redevelop vacant and underutilized

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commercial property, and provide an accessible commercial service for people who live, work, and travel in Santa Rosa.

The Project also supports the North Santa Rosa Station Area Specific Plan, including Goal LUL-CC and Policies LUL-CC-1 and LUL-CC-3, which promote economic activity, local-serving retail and service uses, and employment within the Plan area. The proposed restaurant would replace a vacant former automotive repair use, create new jobs, and provide a commercial service near residential neighborhoods, employment areas, College Avenue, and U.S. Highway 101.

The Project further supports Goal LUL-DD, Policy LUL-DD-2, Policy C-3.12, and Policy C-5.5, which promote active and pleasant streetscapes, pedestrian amenities, improved pedestrian comfort along College Avenue near Highway 101, and a continuous pedestrian network with landscaping. The Project includes pedestrian access from College Avenue, landscaping, lighting, bicycle parking, preservation of existing trees, and frontage and site improvements.

Although the drive-through component is auto-oriented, the Project includes an exterior walk-up ordering and pickup window, bicycle parking, and a pedestrian connection from College Avenue, allowing customers arriving on foot, by bicycle, or by transit to use the business without entering the drive-through lane. The Project has also been designed and conditioned to address its auto-oriented characteristics and proximity to residential uses through on-site queuing for 21 vehicles, preservation of existing redwood trees, landscaping, and installation of a six-foot-high precast concrete panel wall along the northern property boundary to reduce noise, visual impacts, and headlight glare; and

- C. The design, location, size, and operating characteristics of the proposed use would be compatible with existing and future land uses in the vicinity. The Project site is located along College Avenue adjacent to U.S. Highway 101 and is surrounded by a combination of commercial development, transportation facilities, and multifamily residential uses. The nearest residential properties are located north of the Project site, approximately 20 feet from portions of the drive-through aisle. The Project includes a six-foot-high precast concrete wall along the northern property boundary and preservation of six existing redwood trees to provide visual screening and reduce noise and headlight glare. The drive-through intercom, rooftop mechanical equipment, delivery operations, wall, and related site features shall be installed and operated substantially consistent with the assumptions evaluated in the August 3, 2026, Acoustical Analysis Report; and
- D. The February 2, 2024, TJKM memorandum concludes that the Project qualifies as local-serving retail for purposes of vehicle-miles-traveled screening, would generate trips comparable to the former automotive use after application of pass-by reductions, and would provide sufficient on-site queuing capacity. The site plan provides queuing for 21 vehicles, while the maximum observed queues at comparable Starbucks locations were 14 vehicles on weekdays and 16 vehicles on weekends. The Project also provides nine parking spaces, one bicycle parking space, an exterior walk-up ordering and pickup window, and a pedestrian connection from College Avenue; and

- E.** The site is physically suitable for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints. The approximately 0.47-acre site is previously developed, has frontage and access on College Avenue, and is served by existing urban utilities and public services. The TJKM memorandum concludes that the proposed drive-through queue can accommodate expected demand without extending into College Avenue. The site plan provides , landscaping, stormwater treatment, refuse facilities, and utility improvements. The Project also includes a six-foot-high precast concrete panel wall for noise attenuation, screening, and headlight-glare reduction. Project-generated noise is not expected to exceed applicable City noise limits. The Project has been reviewed by City departments and divisions and conditioned to provide required access, traffic-control, utility, stormwater, wastewater, fire-protection, building, and site improvements; and
- F.** 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. The Project is located within an established commercial corridor and has been designed and conditioned to contain vehicle queuing, parking, circulation, loading, and drive-through operations on-site. The Project will provide nine vehicle parking spaces and one bicycle parking space and will be required to comply with applicable parking, access, and accessibility standards. The Project will provide and maintain an exterior walk-up ordering and pickup window during all restaurant operating hours so that customers arriving on foot, by bicycle, or by transit are not required to enter or stand within the drive-through lane. The Project is also conditioned to comply with City Code Chapter 9-30, Zero Waste Food Ware.

The August 3, 2026 Acoustical Analysis Report evaluated noise from the drive-through intercom, rooftop mechanical equipment, and truck deliveries. The analysis concludes that, with the proposed six-foot-high precast concrete wall along the northern property boundary and the evaluated equipment and site configuration, Project-generated noise is not expected to exceed applicable City noise limits.

The Project has also been reviewed for transportation, air quality, greenhouse gas emissions, stormwater, wastewater, fire protection, building safety, landscaping, lighting, and operational compliance and has been conditioned accordingly; and

- G.** The Project has been reviewed in compliance with the California Environmental Quality Act (CEQA), as follows:
- a.** CEQA Guidelines Section 15303. The Project qualifies for the Class 3 categorical exemption pursuant to CEQA Guidelines Section 15303(c) because it involves construction of an approximately 1,280-square-foot commercial building in an urbanized area, does not involve the use of significant amounts of hazardous substances, and will be served by existing utilities and public services.

- b.** CEQA Guidelines Section 15332. The Project qualifies for the Class 32 categorical exemption for in-fill development because:
- i.** The Project is consistent with the Santa Rosa General Plan 2050 land use designation of Retail and Business Services and the CG-SA zoning applicable to the site. A restaurant with drive-through service is allowed with approval of a Conditional Use Permit.
 - ii.** The approximately 0.47-acre Project site is within City limits, is less than five acres, and is substantially surrounded by urban uses, including commercial development, multifamily residential development, College Avenue, and U.S. Highway 101.
 - iii.** The Project site is previously developed with an existing commercial building and paved improvements and has no value as habitat for endangered, rare, or threatened species.
 - iv.** Approval of the Project would not result in significant effects relating to transportation, noise, air quality, or water quality. The February 2, 2024 TJKM memorandum concludes that the Project qualifies for VMT screening as local-serving retail, would generate trips comparable to the previous use after pass-by adjustments, and would provide sufficient on-site queuing. The March 30, 2026, Air Quality and Greenhouse Gas Analysis concludes that Project construction and operational emissions would not exceed applicable significance thresholds. The August 3, 2026 Acoustical Analysis Report concludes that Project-generated noise would comply with applicable City noise limits with the proposed six-foot-high precast concrete wall and evaluated site and equipment configuration. The Project is also required to comply with applicable stormwater and Low Impact Development requirements.
 - v.** The Project site is located within a developed urban area and can be adequately served by existing utilities and public services. Conditions of approval require compliance with applicable water, wastewater, stormwater, fire-protection, utility, and public-improvement requirements.
- c.** CEQA Guidelines Section 15183. The Project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183 because it is consistent with the development density and land use designation established by the Santa Rosa General Plan 2050, for which an Environmental Impact Report was certified by the City Council on June 3, 2025. The Project is consistent with the Retail and Business Services land use designation and CG-SA zoning applicable to the site. The technical studies and administrative record do not identify any project-specific significant effects peculiar to the Project or its site that were not previously analyzed in the General Plan EIR or that cannot be addressed through uniformly applicable development standards and conditions.

- d. CEQA Guidelines Section 15300.2. None of the exceptions to the use of categorical exemptions set forth in CEQA Guidelines Section 15300.2 apply. The site is previously developed and located within an urbanized commercial corridor; the Project would not result in a significant cumulative impact from successive projects of the same type in the same place; there are no unusual circumstances creating a reasonable possibility of a significant environmental effect; and the Project would not result in impacts to scenic highway resources, hazardous-waste sites, or historical resources. The Project's proximity to multifamily residential uses does not constitute an unusual circumstance giving rise to a reasonable possibility of a significant environmental effect. The acoustical analysis evaluated operations from 4:00 a.m. to 11:00 p.m. and concluded that Project-generated noise would comply with applicable City standards with the proposed precast concrete panel wall and evaluated equipment and site configuration.

BE IT FURTHER RESOLVED that the 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 the Planning Commission approves a Conditional Use Permit to allow a restaurant with drive-through and walk-up service and extended hours of operation at 131 College Avenue, subject to the following conditions:

CONDITIONS OF APPROVAL

GENERAL

1. The Project shall be constructed and operated substantially in compliance with the Conditional Use Permit site plan, project description, and materials dated June 24, 2025, except as modified by these conditions of approval.
2. The restaurant shall maintain an exterior walk-up ordering and pickup window for customers arriving on foot, by bicycle, or by transit during all restaurant operating hours. Customers using the walk-up window shall not be required to enter or stand within the drive-through lane.
3. This approval authorizes a restaurant with drive-through and walk-up service operating from 4:00 a.m. to 11:00 p.m., seven days per week.
4. The applicant and property owner shall obtain all required permits, approvals, and inspections before construction or operation, including demolition, building, grading, encroachment, fire, utility, wastewater, and other applicable permits.
5. The applicant and property owner shall comply with all applicable federal, state, and local laws, codes, ordinances, regulations, policies, and fees in effect at the time of applicable permit review and approval.
6. Any substantial modification to the approved site layout, vehicle circulation, queuing configuration, driveway design, operating hours, delivery activity, drive-through operation, or other operational characteristic shall be reviewed by the Planning and Economic

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Development Department to determine whether an amendment or additional entitlement is required.

7. The Project shall comply with City Code Chapter 9-30, Zero Waste Food Ware, including applicable requirements related to prohibited food ware materials, food ware accessories provided only upon request, customer ordering platforms, and three-stream waste collection and signage.

EXPIRATION AND EXTENSION

8. The Conditional Use Permit shall automatically expire 24 months from the effective date of approval unless the approved use has commenced or an extension of time has been approved in compliance with Zoning Code Section 20-54.050.
9. Once timely implemented in accordance with all conditions of approval, the Conditional Use Permit shall remain valid for the duration of the approved use.

PLANNING DIVISION

10. Architectural design, elevations, materials, colors, landscaping, lighting, fencing, screening, and other design features are subject to separate Minor Design Review approval. This Conditional Use Permit does not constitute approval of final architectural or landscape design.
11. The Project shall comply with applicable standards of Zoning Code Section 20-42.064, Drive-Through Retail and Service Facilities, and applicable standards of the North Station Area combining district.
12. No exterior signage is approved through this Conditional Use Permit. All exterior signage shall require separate review and approval through the applicable City sign-permit process.
13. A "Right Turn Only" sign shall be erected at the site's entry/exit driveway.
14. All drive-through queuing, vehicle circulation, parking, loading, pickup activity, and delivery operations shall occur on-site and shall not obstruct College Avenue, public sidewalks, driveways, drive aisles, parking spaces, bicycle facilities, or required emergency access.
15. The Project shall provide and maintain on-site queuing capacity for 21 vehicles in substantial compliance with the approved site plan.
16. The nine vehicle parking spaces and required bicycle parking shall be installed before operation and maintained in accordance with applicable City standards.
17. The drive-through lane, pavement markings, directional signage, parking areas, pedestrian routes, and accessibility improvements shall be installed before operation and continuously maintained.
18. Before operation, the applicant shall construct a continuous six-foot-high precast concrete panel wall along the northern property boundary in the location shown on the approved plans for noise attenuation, screening, and headlight-glare reduction. The wall shall be maintained in good condition for the duration of the drive-through use.

19. The drive-through intercom, rooftop mechanical equipment, delivery route, delivery activity, and related equipment shall be located, installed, and operated substantially consistent with the assumptions evaluated in the August 3, 2026, Acoustical Analysis Report, prepared by Eilar Associates, Inc.
20. Under Cal. Code Regs. Tit. 13, § 2485, delivery trucks shall comply with applicable idling restrictions and shall not idle longer than necessary for safe loading and unloading.
21. The Project shall comply with City Code Chapter 17-16, Noise.
22. Exterior lighting shall be directed downward and shielded to prevent glare onto adjacent residential properties and the public right-of-way.
23. The six existing heritage coast redwood trees identified for preservation on the approved landscape plan shall be retained and protected during demolition and construction.
24. The four heritage coast redwood trees approved for removal shall be replaced in accordance with the approved final landscape plan and applicable City tree-replacement requirements. The final landscape plan shall identify the size, species, location, and replacement-tree equivalency approved by the Planning Division.
25. Required replacement trees and landscaping shall be installed before final inspection or operation, as applicable, and shall be continuously maintained in a healthy and attractive condition. Dead, dying, or missing plant material shall be replaced.
26. Tree-protection fencing shall be installed at the approved protection-zone limits before grading, demolition, or construction begins and shall remain in place throughout construction.
27. No grading, trenching, storage, equipment operation, material placement, or other construction activity shall occur within a tree-protection zone except as specifically approved by the City and supervised by a qualified arborist when required.
28. All rooftop equipment, utility equipment, meters, refuse facilities, and similar service elements shall be screened in accordance with the separately approved Minor Design Review plans.
29. The applicant and property owner shall comply with applicable graffiti-removal requirements of City Code Section 10-17.080.
30. The project shall comply with City Code Section 21-08, development requirements relating to public art.

ENGINEERING DEVELOPMENT SERVICES

31. The applicant and property owner shall comply with the Engineering Development Services Conditions of Approval dated June 10, 2025, attached hereto as Exhibit A and incorporated herein by reference.
32. All required public and private access, frontage, drainage, stormwater, utility, driveway, sidewalk, and related improvements shall be installed in accordance with the approved plans and Engineering Development Services requirements.

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BUILDING DIVISION

- 33. A demolition permit shall be obtained before removal of the existing building or other structures.
- 34. All required building permits shall be obtained before commencement of construction.
- 35. A geotechnical investigation and soils report shall be submitted with the building-permit application and shall address grading, drainage, paving, and foundation recommendations.

FIRE DEPARTMENT

- 36. The Project shall comply with all applicable Fire Code requirements and all project-specific Fire Department conditions imposed through building and improvement-plan review.
- 37. Required fire access, fire-protection systems, hydrants, fire-flow improvements, and emergency-access features shall be installed and approved before occupancy or operation, as applicable.

WATER, WASTEWATER, AND ENVIRONMENTAL COMPLIANCE

- 38. The Project shall comply with all applicable Water, Wastewater, and Environmental Compliance requirements imposed through subsequent permit review.
- 39. All required water, irrigation, sewer, wastewater-discharge, stormwater, and Low Impact Development improvements shall be installed and approved before occupancy or operation, as applicable.
- 40. The applicant and property owner shall obtain all required wastewater-discharge approvals before operation.

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41. All required landscaping, irrigation, lighting, parking, bicycle parking, pedestrian, stormwater, utility, fire-protection, and site improvements shall be installed before operation.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 13th day of August, 2026 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:_____

KAREN WEEKS, CHAIR

ATTEST:_____

JESSICA JONES, EXECUTIVE SECRETARY

Exhibit A – Engineering Development Services

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