

## RESOLUTION NO. ZA-2024-009

### RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW MODIFICATIONS TO AN EXISTING GAS STATION AND MINOR DESIGN REVIEW FOR EXTERIOR MODIFICATIONS TO AN EXISTING ARCO GAS STATION LOCATED AT 2500 GUERNEVILLE RD SANTA ROSA, APN: 034-110-064, FILE NO. PRJ24-004

WHEREAS, the Santa Rosa Zoning Administrator has completed review of the Minor Conditional Use Permit and Minor Design Review applications to allow the proposed use and development for the project described above; and

WHEREAS, the Minor Conditional Use Permit and Minor Design Review approvals to allow the proposed use and development are based on the project description and official approved exhibit dated received December 26, 2023; and

WHEREAS, on September 13, 2022, the City Council adopted Ordinance No. ORD-2022-010 (Gas Station Prohibition Ordinance), which amended Title 20 of the Santa Rosa City Code to require a Minor Use Permit for any modifications to existing gas stations and fossil fuel infrastructure; and

WHEREAS, the matter has been properly noticed as required by Section 20-52.050.E.2.a and Section 20-52.030.H.2.a and no request for a public hearing has been received;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 20-52.050 and Section 20-52.030, the Zoning Administrator of the City of Santa Rosa finds and determines that:

#### MINOR CONDITIONAL USE PERMIT FINDINGS

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 in that the gas station was legally established in March 19, 2002, at the subject location prior to the City Council adoption of Ordinance No. ORD-2022-010 (Gas Station Prohibition Ordinance) on September 13, 2022. The proposal does not include enlargement or intensification of the existing gas station use. A Minor Use Permit is required for any modifications to existing gas stations;
2. The proposed use is consistent with the General Plan and any applicable specific plan in that the location is within an area designated as Retail and Business Services on the General Plan Land Use Diagram, which allows existing fueling stations and accessory retail to remain as long as the existing facility is not enlarged, extended, reconstructed, or moved to a different portion of the lot or parcel of land occupied by such use;
3. The design, location, size and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity in that the proposed project is along a main thoroughfare, the size is similar to other fueling stations in the city, and the

operating characteristics are compatible with existing and future land uses. The proposed changes include exterior remodeling and the replacement of fueling canopies, but no enlargement of the existing buildings;

4. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints in that the legal nonconforming fueling station and accessory retail have been operating at this location for more than 10 years, and no issues have arisen from it being located on this parcel, and the proposed changes will renovate but not enlarge or intensify the existing use;
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 in an area that is fully developed and has been in operation for more than ten years and the project has been reviewed by the requisite departments, and no issues were raised; and
6. On March 19, 2002, the City Council approved Resolution No. 25153 adopting a Mitigated Negative Declaration (MND) for the Arco Service Station and Convenience Market located at 2500 Guerneville Road. The scope of the project remains unchanged and is consistent with the analysis of the environmental document, and there are no new circumstances or new information that would require further environmental review under the California Environmental Quality Act (CEQA) Section 15162.

Additionally, pursuant to CEQA Guidelines 15301, the project is categorically exempt from CEQA because the project only includes minor exterior changes.

#### MINOR DESIGN REVIEW FINDINGS

1. The design and layout of the proposed development is of superior quality and is consistent with the General Plan, any applicable specific plan, applicable Zoning Code standards and requirements, the City's Design Guidelines, architectural criteria for special areas, and other applicable City requirements (e.g., City policy statements and development plans) in that the new building façade and fueling canopies will modernize the existing gas station and create a more compatible design with surrounding commercial buildings. Additionally, the matter has been properly noticed as required by Section 20-52 E.2, and no request for a public has been received;
2. The design is appropriate for the use and location of the proposed development and achieves the goals, review criteria and findings for approval as set forth in the Framework of Design Review in that the proposal removes the brick roof above the refilling stations creating a more compatible design to the adjacent shopping center and nearby gas stations;
3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments in that the proposal does not include an increase of intensity, and the proposal is solely to modify the existing the storefront to a more current design;

4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood in that the proposed remodel seamlessly blends in with the adjacent shopping center, and the proposal has a compatible color palette to the adjacent shopping center to the west, and the remodel creates a more welcoming space;
5. The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color and would remain aesthetically appealing and be appropriately maintained in that the proposal removes the checkerboard siding on the main building and the brick roof of the canopy giving the lot a more modern and streamlined look;
6. On March 19, 2002, the City Council approved Resolution No. 25153 adopting a Mitigated Negative Declaration (MND) for the Arco Service Station and Convenience Market located at 2500 Guerneville Road. The scope of the project remains unchanged and is consistent with the analysis of the environmental document, and there are no new circumstances or new information that would require further environmental review under the California Environmental Quality Act (CEQA) Section 15162.

Additionally, pursuant to CEQA Guidelines 15301, the project is categorically exempt from CEQA because the project only includes exterior changes.

This entitlement would not be granted but for the applicability and validity of each and every one of the below conditions and that if any one or more of the below conditions is invalid, this entitlement would not have been granted without requiring other valid conditions for achieving the purposes and intents of such approval. The approval of the project is contingent upon compliance with all the conditions listed below. Use shall not commence until all conditions of approval have been complied with. Additional permits and fees are/may be required. **It is the responsibility of the applicant to pursue and demonstrate compliance.**

#### Conditions of Approval

1. Obtain building permits for the proposed project.
2. Compliance with all conditions included in the Engineering Development Services (EDS) Exhibit "A" dated February 27, 2024, attached hereto and incorporated herein.
3. Construction hours shall be limited to 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturdays. No construction is permitted on Sundays and holidays.
4. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
5. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
6. No exterior signs are approved with this permit. A separate sign permit is required.

This Minor Conditional Use Permit and Minor Design Review are hereby approved on April 4, 2024. If conditions have not been met or if work has not commenced within 24 months from the approval date, these approvals shall automatically expire and be invalid unless an application for extension is filed prior to expiration. These approvals are subject to appeal within ten calendar days from the date of approval.

APPROVED: \_\_\_\_\_  
CONOR MCKAY, ZONING ADMINISTRATOR

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT  
ENGINEERING DEVELOPMENT SERVICES

EXHIBIT "A"  
02/27/2024

ARCO Exterior Work and Site Improvements  
2500 Guerneville Road  
DR23-045

- I. Developer's engineer shall obtain the current City Design and Construction Standards and the Engineering Development Services Department's Standard Conditions of Approval dated August 27, 2008 and comply with all requirements therein unless specifically waived or altered by written variance by the City Engineer.
- II. **Per City Code Section 18-12.015 (C), all properties including commercial and industrial parcels shall be subject to public improvement requirements when the value of any proposed building or site improvement exceeds \$200,000.00. A formal review of the valuation will commence during review of the building permit application. If the valuation is determined to be above the \$200,000 threshold, the project may be required to install or modify public improvements such as sidewalks, curb and gutter, pedestrian ramps, driveway approaches, planter strips and bike lanes. Additional right-of-way and easement dedications may also be required to support the current or future expansion of the roadway in order to meet adopted City Standards, General Plan requirements or area specific plans. Contact the Engineering Division of the Planning and Economic Development Department at 707-543-3200 to discuss specific requirements.**
- III. In addition, the following summary constitutes the recommended conditions of approval on the subject application/development based on the plans stamped received December 26, 2023:

**PUBLIC STREET IMPROVEMENTS**

1. It is recommended that any non-standard sidewalk sections and driveway approaches along the property's frontage be upgraded to the current standard in order to ensure a compliant path of travel within the public right-of-way or public easements and to mitigate any potential trip hazards. Per City Code Section 13-32.020, the abutting property owner shall maintain the sidewalk in a manner that avoids creating a dangerous situation for the property owner and any members of the public utilizing the corridor.
2. An encroachment permit shall be obtained from the Planning and Economic Development Department prior to performing any work within or adjacent to the public right-of-way.

3. The curb shall remain in its current location and all improvements shall be behind the existing curb line.

### **TRAFFIC**

4. Comply with current standards for parking lot and accessible stall dimensions and signage.
5. The project Applicant shall be responsible for repairing/removing any debris, damage, or deterioration occurring to private driveways as a direct result of construction activity related to installation of the improvements (grading, street construction, utility installation, etc.). Required repair shall involve patching, cleaning, sealing, or overlaying affected areas as appropriate to return the private driveway to as good as condition as it was in prior to construction.

### **STORM WATER COMPLIANCE**

6. Note on the plans submitted with the building permit application that “no debris, soil, silt, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, shall be allowed to enter into or be placed where it may be washed by rainfall into the storm drain system. When operations are complete, any excess material or debris shall be removed from the work area.”
7. As applicable, the developer’s engineer shall comply with all requirements of the latest edition of the City Storm Water Low Impact Development Technical Design Manual.

### **BUILDING** – (from Michael Enright dated February 5, 2024)

8. Obtain building permits for the proposed project.

  
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02/29/2024  
CLEVE GURNEY, PE - EDS SUPERVISING ENGINEER