

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL  
USE PERMIT FOR STOP AND GO MARKET - LOCATED AT 750 STONY POINT ROAD;  
APN: 125-071-018- FILE NUMBER CUP13-028

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit to allow the extended hour retail sales of alcoholic beverages to be located at 750 Stony Point Road, Suite A175, also identified as Sonoma County Assessor's Parcel Number(s) 125-071-018;

WHEREAS, 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, the Planning Commission has 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 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 location meets the criteria to support the sale of alcoholic beverages and the extended hours of the sale of these beverages has not been identified as a negative impact on the surrounding properties;
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the property is located in a commercial area designated for retail sales;
- 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 location is within an existing shopping center and the use has been conditioned to minimize impacts associated with the sale of alcohol and the hours proposed;
- 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 the use is proposed in a fully developed commercial area with no adjacent residential land uses;
- 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,

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property, or improvements in the vicinity and zoning district in which the property is located as the area is zoned for commercial and retail uses and the use has been conditioned to minimize impacts associated with the sale of alcohol and the hours proposed; and

- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been found to qualify for a Class 1 Categorical Exemption under Section 15301.

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 Stop and Go Market, is approved subject to each of the following conditions:

#### **DEPARTMENT OF COMMUNITY DEVELOPMENT**

##### **GENERAL:**

1. 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.
2. All work shall be done according to the final approved plans received April 29, 2013, or otherwise as conditioned.
3. 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:**

4. 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.
5. 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:**

6. Obtain a building permit for any demolition, construction and/or change of occupancy.

**PLANNING DIVISION:**

7. This action approves the sale of alcoholic beverages (beer, wine and liquor) from the tenant space at 750 Stony Point Road, Suite A-175.
8. This action allows retail sales from the project site, Monday thru Friday, 6 am to 12 am (midnight) and Saturday and Sunday, 7 am to 12 am (midnight).
9. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
10. **PROJECT DETAILS:**
11. The operator of the establishment shall take all reasonable steps to ensure that the approved hours of operation are not a detriment to the surrounding area and to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject alcoholic beverage outlet.
  - (1) "Reasonable steps" shall include calling the police in a timely manner; and requesting those engaging in objectionable activities to cease those activities, unless personal safety would be threatened in making the request.
  - (2) "Nuisance" includes disturbances of peace, illegal drug activity, prostitution, public drunkenness, drinking in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.
12. The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.
13. The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street as well as any parking lots under the control of the operator as needed to control litter, debris and trash.
14. The operator shall install and maintain one permanent, non-flammable trash container on the property's exterior.
15. The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.
16. Staff training. Within 90 days from issuance of a certificate of occupancy (or if no Building Permit is required, within 90 days of issuance of the Conditional Use Permit), all owners, managers and employees selling alcoholic beverages shall complete a certified training program in responsible method and skills for selling alcoholic beverages. The certified program shall meet the standards of the ABC or other

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certifying/licensing body which the state may designate. New owners, managers and employees shall complete the training course within 30 days of the date of ownership or employment. Records of successful completion for each owner, manager and employee shall be maintained on the premises and presented upon request by a representative of the City.

17. Signs and displays on the premises shall not obstruct the sales counter, cash register and customer from view from the exterior.
18. The operator shall install and maintain in working order, interior and exterior surveillance cameras and monitors. At a minimum the external cameras shall monitor the entrance to the premises and vicinity of at least 20 feet beyond the entrance to the premises. At a minimum, the interior camera shall monitor the cash register area. The tapes from these cameras shall be retained for at least 10 days from date of recording before destruction or reuse. The tapes shall be made available to the Police Department upon request.
19. A monitored robbery alarm system shall be installed and maintained in good working condition. An alarm permit shall be obtained from the Police Department prior to operation.
20. Restrooms shall remain locked and under the control of the cashier.
21. The operator shall not sell, furnish or give away empty cups, glasses or similar receptacles commonly used for the drinking of beverages in quantities of less than 24 count in their original packaging.
22. Coolers, tubs and other storage containers holding alcoholic beverage shall be equipped with a locking mechanism which shall be in place and used to restrict access by customers during the hours when sales of alcoholic beverages are prohibited.
23. No beer or wine shall be displayed within five feet of the cash register or front door of the premises.
24. No video or arcade type games are permitted on the property. California State Lottery games are permitted.
25. Premises identification shall comply with City Code Section 18-16.034 and Fire Department Illuminated Address Signs bulletin.
26. A copy of the conditions of approval for the Conditional Use Permit must be kept on the premises of the establishment and be presented to any peace officer or any authorized City official upon request.
27. Signs shall be posted on the inside of the premises stating that drinking on the premises or in public is prohibited by law.
28. The operator shall comply with all provisions of all local, state or federal laws, regulations or orders, including those of the ABC, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.
29. The operator shall comply with all provisions of the City Code and conditions imposed by City issued permits.
30. Any change in ABC license type including, but not limited to, a change from a Type 20 to a Type 21 license, or a substantial physical change or character of premises as defined

in Title 4 of the California Code of Regulations Section 64.2(b), shall require a new Conditional Use Permit to continue operation.

31. All exterior lighting shall be maintained in working order and utilized to maintain a well-lit and safe shopping environment.
32. 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.

**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. A planning sign permit application is required for all signs.
33. 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.

**FIRE DEPARTMENT**

Applicant is advised that the following Fire Department General Conditions also apply to this project:

34. Comply with CA Fire and Building Codes for a Group M occupancy.
35. 12 inch illuminated premise identification shall be provided per the bulletin available at:  
[http://ci.santarosa.ca.us/departments/fire/prevention/checklists\\_library/Building%20Addressing%20Standard.pdf](http://ci.santarosa.ca.us/departments/fire/prevention/checklists_library/Building%20Addressing%20Standard.pdf)
36. If a 2nd exit is required in the new tenant space, Applicant shall provide single-action no-knowledge door hardware and shall post the area surrounding the door NO STORAGE and shall stripe the floor with a cross-hatched marking to indicate the egress path from the retail sales area to the exit opening. This is to prevent the 2nd exit from being obstructed with merchandise which has been known to occur as a deterrent to shop-lifting.
37. Provide 1, 2A10BC rated (5 lb) fire extinguisher for every 3,000 square feet of use.

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

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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 24th day of October, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

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