

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOL FOR OFF-SITE CONSUMPTION, WITH ON-SITE TASTING AND WINE CLASSES, FROM THE EXISTING COMMERCIAL BUILDING LOCATED AT 2705 SANTA ROSA AVENUE, APN NO. 043-102-017, FILE NUMBER PRJ21-019 (CUP21-067, PCN21-001)

WHEREAS, an application was filed with Planning and Economic Development on January 25, 2021, requesting the approval of a Conditional Use Permit for Total Wine and More, located at 2705 Santa Rosa Avenue and also identified as Sonoma County Assessor's Parcel Number 043-102-017, to sell alcohol for off-site consumption and on-site tasting with on-site wine classes; and

WHEREAS, Zoning Code Section 20-42.034 establishes additional criteria for review in connection with an application for the sale of alcohol beverages for off-site consumption and requires the Planning Commission to make certain findings to approve a Conditional Use Permit pursuant to Section 20-52.050; and

WHEREAS, on March 24, 2022, 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 CG (General Commercial) zoning district and complies with all other applicable provisions of the Zoning Code and the City Code in that the proposed use complies with the standards and criteria in Section 20-42.034 (Alcoholic Beverage Sales) of the Zoning Code;
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the site has a General Plan Land Use designation of Retail and Business Services, which allows retail and service enterprises, offices, and restaurants. The proposed retail sales of beer, wine and distilled spirits, operation of on-site tasing areas and a wine education center is consistent with the intent of the land use designation;
- 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 proposed use

will be located within an existing commercial building within an area designated for commercial uses with large retail stores. The site provides required number of parking spaces and the City's Traffic Division has reviewed the Traffic Memo dated July 20, 2021 and indicated no additional review is needed;

- 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 proposed use will be located entirely within an existing commercial building. Adequate vehicular access to the site is provided from Santa Rosa Avenue. The building and site will be fully accessible pursuant to Americans with Disabilities Act (ADA) standards. All necessary utilities are available at the project site, including water, wastewater, storm drainage, gas, and electric services; and
- 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, property, or improvements in the vicinity and zoning district in which the property is located in that the proposed addition will be consistent with the land uses along Santa Rosa Avenue, which contain a variety of office, commercial, and some residential uses. The Santa Rosa Police Department has no comments or conditions regarding the addition of beer and wine sales for off-site consumption from this location. Additionally, the site is not located in a close approximate to any schools or religious facilities; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for:
- Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that the project is located within an existing structure involving a negligible expansion of an existing use that will not result in significant impact(s).
  - Class 3 Categorical Exemption under CEQA Guidelines Section 15303 in that the project involves a change of use, which will require only minor exterior modifications to the structure/site.
  - Class 32 Categorical Exemption under CEQA Section 15332 (In-fill Development Projects) of the State CEQA Guidelines in that:
    - The Project is consistent with Santa Rosa General Plan 2035 and the current City of Santa Rosa Zoning Code;
    - The Project is located within City of Santa Rosa jurisdiction, on a project site of no more than five acres substantially surrounded by urban uses;
    - The Project site has been previously developed and has no value as habitat for endangered, rare or threatened species;
    - The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. Based on the project description the trips

generated by this project are negligible and the City's Traffic Division has reviewed the proposal and requested no additional Traffic Study. The proposed project will occupy an existing building and all the work will take place inside of the building and mechanical equipment will be required to meet the City noise ordinance. Any wastewater will be treated by the City Sewer Treatment facility; and

- The Project site is located in a developed area where it can be adequately served by all required utilities and public services. City staff has reviewed the plans and conditions the project appropriately.

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 Total Wine and More for the sale of alcohol for off-site consumption, on-site tasting with on-site wine classes, located at 2705 Santa Rosa Avenue, is approved subject to each of the following conditions:

#### **DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT**

##### **GENERAL:**

1. Obtain building permits for the proposed project.
2. Compliance with the latest 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.
3. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
4. Compliance with the Zoning Ordinance standards applying to Alcoholic Beverage Sales, in addition to State Alcoholic Beverage Control shall be achieved for the duration of the use.
5. 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.
6. This Conditional Use Permit shall be valid for a two-year period. 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.
7. 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.

8. Compliance with the City's Outdoor Lighting Ordinance in Zoning Code Section 20-30-080 is required.
9. No exterior signs, banners, or the like are approved with this permit. A Planning sign permit application is required for all signs.
10. Twelve-inch illuminated building address characters shall be provide per Fire Dept. standards. Installation to comply with California Fire Code as amended by the Santa Rosa City Code. Six inch numeric or alpha-numeric shall be provided for suites.
11. Storage or use of any hazardous materials at the site may require a Hazardous Materials Inventory Statement to be submitted to the Fire Dept. for review via the California Environmental Reporting System (CERS). Materials in excess of the permitted amounts will require a Hazardous Materials Management Plan to be submitted to the Fire Dept. for review and approval and may require payment of Hazardous Material Use or Hazardous Waste Generator permit fees.
  - A. Use of CO2 will need to be in compliance with the California Fire Code, Chapter 53, Section 5307.3
12. Fire protection equipment will need to be currently serviced and operational and any modifications to the buildings fire sprinkler system will require a permit application and review by the Fire Department prior to any work on the system.
13. For the purposes of prescribing minimum safeguards for construction, alteration, and demolition operations to provide reasonable safety to life and property from fire during such operations. building, facilities, and premises in the course of construction, alteration or demolition, including those in underground locations shall be in compliance with CFC Chapter 33 and NFPA 241.

BE IT FURTHER 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 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 24<sup>th</sup> day of March 2022 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

APPROVED: \_\_\_\_\_  
KAREN WEEKS CHAIR

ATTEST: \_\_\_\_\_  
JESSICA JONES, EXECUTIVE SECRETARY