

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
March 24, 2022

PROJECT TITLE

Total Wine and More

APPLICANT

California Fine Wine and Spirits, LLC DBA
Total Wine and More

ADDRESS/LOCATION

2705 Santa Rosa Avenue

PROPERTY OWNER

Dilorenzo Santa Rosa Real Estate LLC

ASSESSOR'S PARCEL NUMBER

043-102-017

FILE NUMBER

PRJ21-019 (CUP21-076)

APPLICATION DATE

September 1, 2021

APPLICATION COMPLETION DATE

September 20, 2021

REQUESTED ENTITLEMENTS

Conditional Use Permit (CUP)

FURTHER ACTIONS REQUIRED

N/A

PROJECT SITE ZONING

CG (General Commercial)

GENERAL PLAN DESIGNATION

Retail and Business Services

PROJECT PLANNER

Monet Sheikhal

RECOMMENDATION

Approval

Agenda Item #8.1
For Planning Commission Meeting of March 24, 2022

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE PLANNING
COMMISSION

FROM: MONET SHEIKHALI, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: TOTAL WINE AND MORE

AGENDA ACTION: Resolution

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, approve 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.

EXECUTIVE SUMMARY

The applicant seeks a Conditional Use Permit (CUP) to allow the sale of beer, wine and distilled spirits for off-site consumption, including testing/education areas within the store, and wine classes with seating for 20 to 30 people. Per Zoning Code Section 20-42.034, in addition to the regulations of the applicable zoning district, liquor stores that sell alcohol for on-site or off-site consumption shall be permitted only by Conditional Use Permit.

BACKGROUND

1. Project Description

Total Wine and More is proposing to convert 22,305 square feet of the existing 37,905 square foot vacant commercial building to a retail store. The business is proposing to sell beer, wine and distilled spirits for off-site consumption (ABC Type 21 License), operate four separate tasing areas within the store (ABC Type 42 Licenses), and provide a wine education center in a space set up as a classroom with seating for 20 to 30 people (ABC Type 86 Licenses). Classes would be typically held in the evenings during the weekdays, and afternoons on the weekends.

Classes would not go past 10 pm, and tastings are served in approximately 1 oz sizes. Store hours of operation would be 9 am to 10 pm.

The tasting areas located in the store would be sectioned off with a temporary barrier, and a sign is posted stating only persons over the age of 21 may be inside the barrier when tastings occur. The areas can only accommodate 4 to 5 customers at a time.

The remaining portion of the vacant building has been approved through a Minor Conditional Use permit for a fitness facility (Planet Fitness) with extended hours of operation, which is not part of this project.

2. Existing and Surrounding Land Uses

Existing	Retail and Business Services
North	Medium Density Residential
South	Retail and Business Services
East	Retail and Business Services
West	Retail and Business Services

The site is located along Santa Rosa Avenue corridor, in the Santa Rosa Town Center shopping center, and surrounded with land uses that are a mix of commercial, office, and some residential uses.

3. Project History

September 1, 2021	Project application submitted.
September 20, 2021	Application was deemed complete.
September 25, 2021	Notice of Pending Application was mailed to property owners and tenants within 600-feet of the project site.
March 14, 2022	Planning Commission public hearing noticing distributed.

ANALYSIS

1. General Plan

The proposed project site is designated as Retail and Business Services on the General Plan Land Use Diagram. This classification is intended to accommodate retail and service enterprises, offices, and restaurants. The following General Plan goals and policies are applicable to the Project:

- EV-A Maintain a positive business climate in the community.
- EV-A-5 Maintain diversity in the types of jobs available in Santa Rosa to lessen the impact of economic cycles.
- 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.

The proposed use complies with these General Plan policies, which encourage providing a range of commercial services that are easily accessible and attractive, that satisfy the needs of people who live and work in Santa Rosa.

2. Zoning

Existing	CG (General Commercial)
North	CG (General Commercial)
South	CG (General Commercial)
East	CG (General Commercial)
West	Highway 101

The project site, as well as the surrounding properties, is located within the General Commercial (CG) zoning district. The CG zoning district is applied to areas appropriate for a range of retail and service land uses that primarily serve residents and businesses throughout the City, including shops, personal and business services, and restaurants. The CG zoning district is consistent with the Retail and Business Services land use classification of the General Plan.

The proposed use will occupy half of the vacant building that used to be a retail store (Toys R Us). The Traffic Memo (attachment 6), dated July 20, 2021, has analyzed proposed uses in the vacant building. The City's Traffic Engineering Division has reviewed the memo and determined that no additional review is needed.

This application is regulated by the sections of the Zoning Code pertaining to Alcoholic Beverage Sales (Section 20-42.034) and Conditional Use Permits (Section 20-52.050). The related review criteria and required findings under these sections are discussed below.

Alcoholic Beverage Sales, Zoning Code Section 20-42.034(C)

Per section 20-42.034(C), when making the findings to grant a Conditional Use Permit, the Planning Commission shall consider the following:

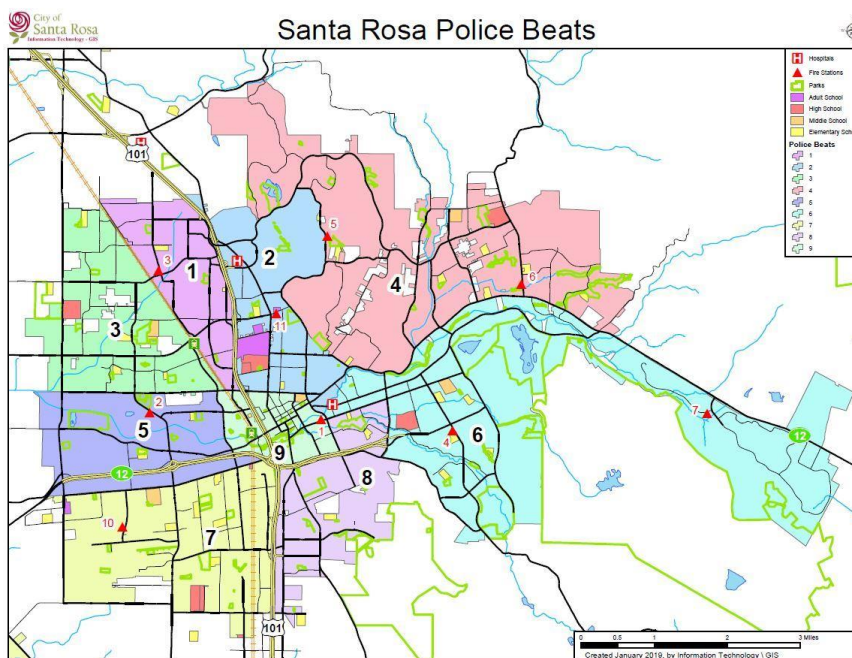
1. Whether the use serves public convenience or necessity.

Staff Response: The proposed use would respond to public convenience or necessity because the area is underserved in that there are only 9 licenses in an area where ABC would allow a maximum of 10. An undue concentration would occur if there were more than 10 licenses.

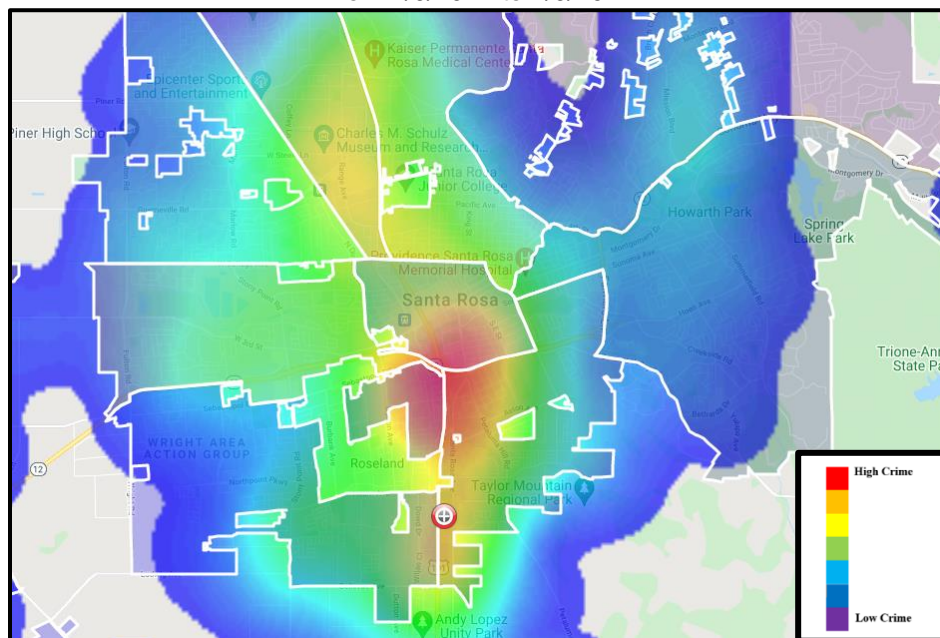
2. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.

Staff Response: The Santa Rosa Police Department operates nine patrol beats in the City of Santa Rosa. As shown in Map 1, the project is located in Beat 8 (District 1). As shown in Map 2, in this beat crime rate or density was lower compared to other beats and areas of the City during the last year, including beats 9 and 7.

Map 1. Santa Rosa Police Patrol Beats Map



Map 2. Santa Rosa Crime Density Map
from 2/9/2021 to 2/9/2022



3. The number of alcohol licenses per capita in the reporting district and in adjacent reporting districts as compared to the county-wide average.

Staff Response: As noted above, the subject area does not have an over-concentration of licenses according to limits established by ABC based on census data.

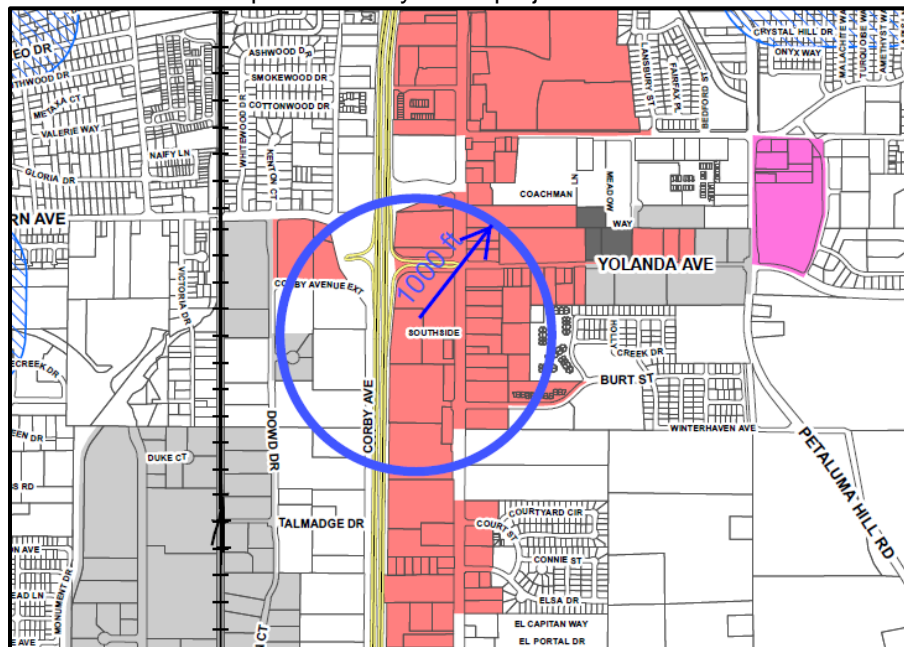
4. The numbers of alcohol-related calls for service, crimes or arrests in the reporting district and in adjacent reporting districts.

Staff Response: The Police Department has provided a list of arrests and citations that occurred between September 29, 2018 and September 28, 2021, within a 1,000-foot radius from the project site. During this period, there were a total of 296 arrests 26 of which were alcohol related. Only one of the alcohol related arrests happened on the 2705 Santa Rosa Avenue property. The remaining arrests were within the 1,000 feet radius, which included 19 DUI related arrests and 7 public intoxications (alcohol, drug, or a combination) arrests.

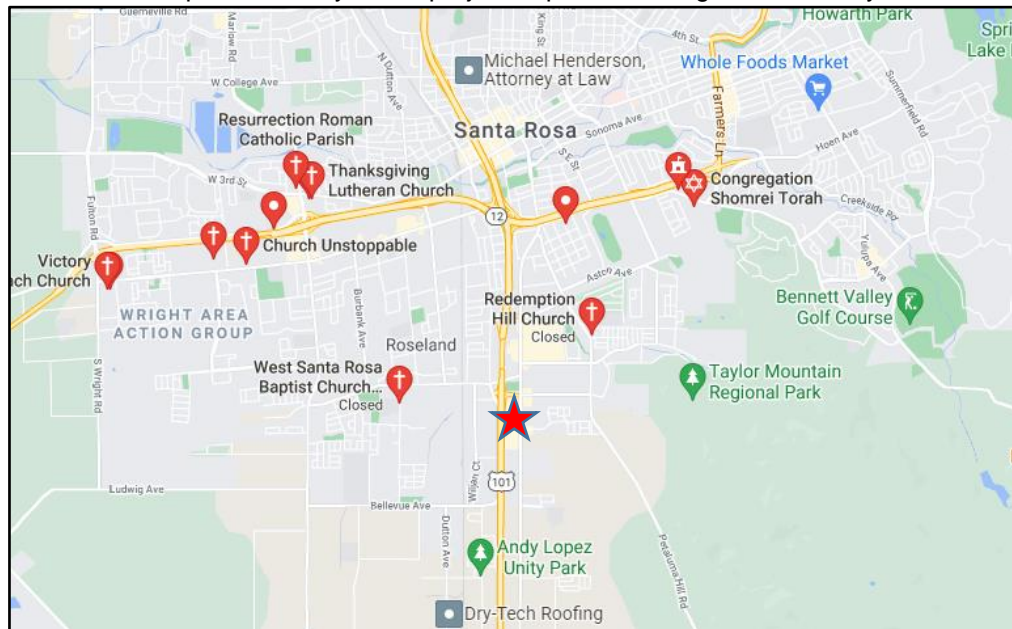
5. The proximity of the alcoholic beverage outlet to residential districts, day care centers, park and recreation facilities, places of religious assembly, and schools.

Staff Response: The site is located in Santa Rosa Southside Shopping Center, on the east side of Highway 101. There are no distance requirements established from such uses in the ordinance. The Police Department has not indicated a concern that there may be issues specifically related to the location of the schools and the location of the subject property. As observed in Map 3, Map 4, and Map 5 the closest place of religious assembly and the closest school and day care facilities are more than 2,000 feet away from the project site.

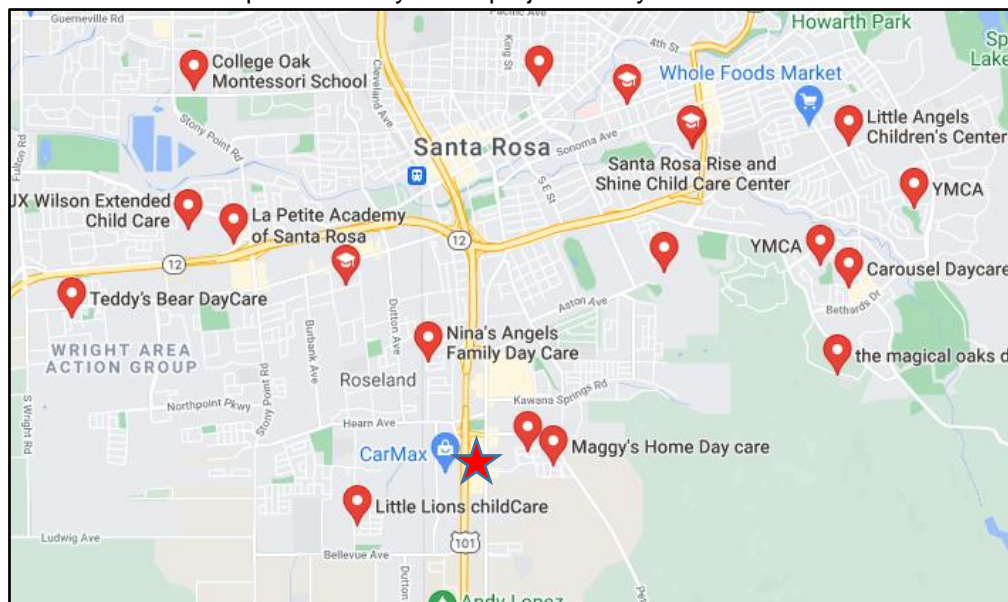
Map 3. Proximity of the project to schools.



Map 4. Proximity of the project to places of religious assembly.



Map 5. Proximity of the project to day care facilities.



6. Whether the site plan and floor plan incorporated design features to assist in reducing alcohol related problems. These features may include, but are not limited to, openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

Staff Response: The applicant has indicated surveillance cameras will be located throughout the sales area as well as the storage area. Video will be stored for at last 30 days and Total Wine and More will cooperate with local law enforcement to make video available to assist with a criminal investigation.

Conditional Use Permit Criteria, Zoning Code Section 20-52.050.

Per section 20-42.034(C), the Planning Commission must make each of the following findings to approve the CUP:

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.

Staff Response: The proposed use is allowed, with the approval of a Conditional Use Permit, within the General Commercial zoning district, and complies with the standards and criteria in Section 20-42.034 (Alcoholic Beverage Sales) of the Zoning Code;

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Staff Response: The site has a General Plan Land Use designation of Retail and Business Services. The Retail and Business Services designation allows retail and service enterprises, offices, and restaurants. The proposed retail sales of beer, wine and distilled spirits, operation of on-site tasting areas and a wine education center is consistent with the intent of the land use designation.

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.

Staff Response: The proposed use is within an existing commercial building that is located in an area designated for commercial uses with large retail stores. The site provides the 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.

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.

Staff Response: 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.

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

Staff Response: The proposed project will be consistent with the land uses along Santa Rosa Avenue, which contain a variety of office, commercial, with some residential uses. The Santa Rosa Police Department has no comments or conditions regarding the proposed use at this location. Additionally, the site is not located in close proximity to any schools or religious facilities.

In summary, staff finds the project meets the above findings outlined in the Zoning Code. However, it is not within the City's authority to impose any restrictions on the alcoholic beverage container size, number of units a customer may buy or alcohol content; that power is reserved for the ABC. This type of restriction can be applied only if the applicant volunteers to restrict sales and subsequently ABC incorporates this restriction into the liquor license.

7. Neighborhood Comments

No comments have been received.

Public Improvements/On-Site Improvements

N/A

ENVIRONMENTAL IMPACT

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and staff has determined that the project 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.

The City has further determined that no exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines Section 15300.2.)

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 on-site sign, publishing notice in a newspaper of general circulation, mailed notice to surrounding property owners and occupants, 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

There are no unresolved issues.

ATTACHMENTS

Attachment 1	Disclosure Form
Attachment 2	Location Map
Attachment 3	Project Description
Attachment 4	Project Plans
Attachment 5	1,000 feet distance from schools
Attachment 6	Traffic Memo, dated July 20, 2021
Resolution	

CONTACT

Monet Sheikhali, Senior Planner
msheikhali@srcity.org | (707) 543-4698