

117

RESOLUTION NO. 26077

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT FOR BEER AND WINE SALES AT CHEVRON LOCATED AT 136 COLLEGE AVENUE; ASSESSOR'S PARCEL NUMBER 010-122-022, FILE NUMBER CUP03-251

WHEREAS, on June 17, 2004, the Planning Commission held a notice public hearing on the Conditional Use Permit and denied the request finding that the use would not be consistent with the General Plan or be compatible with the surrounding neighborhood due to the history of alcohol problems in the area, the concentration of alcohol sales establishments in the area, and this site's unique relationship to the neighborhood, whereby the market abuts a dead-end street; and

WHEREAS, on June 30, 2004, the applicant, Ajaib Bhadare, filed an appeal contending that the use has been found to serve the public convenience and necessity and that conditions of the permit would prevent potential adverse effects associated with the proposal; and

WHEREAS, the Council held a noticed public hearing on the appeal, at which time it received written and oral reports of staff and testimony and other evidence presented by all those who wished to be heard on the matter.

NOW, THEREFORE, BE IT RESOLVED that after consideration of the reports, documents, testimony, and other materials presented, the Council of the City of Santa Rosa denies the appeal based on the following:

1. The proposed use would not be consistent with General Plan Policy LUL-E, which is to "Promote livable neighborhoods";
2. The rear of the convenience market is adjacent to a dead-end street which creates a unique problem with regard to alcohol use and potential loitering;
3. There is a significant transient population in the area with a history of problems as described by those who spoke at the Planning Commission meeting;
4. Alcohol is currently available for sale at various locations near the project site as outlined in the diagram presented at the meeting;
5. The proposed use is not appropriate at this time due to a lack of compatibility with the surrounding neighborhood, the lack of harmonious integrations with the neighborhood and the potential for a nuisance; and

6. The proposed use is not appropriate at this time because it will not serve the public health, safety and welfare.

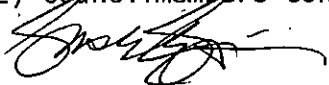
IN COUNCIL DULY PASSED this 21st day of September, 2004.

AYES: (4) Councilmembers Bender, Blanchard, Martini, Rabinowitsh

NOES: (1) Mayor Wright

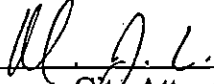
ABSENT: (0)

ABSTAIN: (2) Councilmembers Condron, Evans

ATTEST:   
City Clerk

APPROVED:   
Mayor

APPROVED AS TO FORM:

  
City Attorney

CITY OF SANTA ROSA  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT FOR PLANNING COMMISSION  
JULY 8, 2004

**PROJECT TITLE**

Chevron Convenience Market  
Beer and Wine Sales

**APPLICANT**

Ajaib Bhadare

**ADDRESS/LOCATION**

136 College Avenue

**PROPERTY OWNER**

Ajaib Bhadare

**ASSESSOR'S PARCEL NUMBER**

010-122-022

**FILE NUMBER**

CUP03-251

**PROJECT SITE ZONING**

C-2 (General Commercial)

**GENERAL PLAN DESIGNATION**

Retail and Business Service

**APPLICATION DATE**

November 25, 2003

**APPLICATION COMPLETION DATE**

April 15, 2004

**PROJECT PLANNER**

Blake Hillegas

**RECOMMENDATION**

Denial

**PROPOSAL**

Conditional Use Permit to add beer and wine sales to existing Chevron convenience market.

**SUMMARY**

At its June 17 2004 meeting, the Planning Commission conducted a public hearing for this application and determined that, due to the relationship of the development to the neighborhood, where the back of the convenience store is oriented to a dead-end street, the sale of alcohol at this location would be detrimental to the health, safety and welfare of the community. The Commission scheduled final action on its July 8, 2004 consent calendar.

Bla...a

RESOLUTION NO. 10557

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA DENYING A  
CONDITIONAL USE PERMIT MODIFICATION FOR CHEVRON CONVENIENCE MARKET BEER AND  
WINE SALES; ASSESSOR'S PARCEL NUMBER(S) 010-122-022; FILE NUMBER CUP03-251

WHEREAS, the Planning Commission of the City of Santa Rosa received an application for pursuant to the provisions of Chapter 20 of the Santa Rosa City Code from Ajaib Bhadare for a Conditional Use Permit modification to allow beer and wine sales at Chevron Convenience Market located at 136 College Avenue in the C-2 District; and

WHEREAS, the Planning Commission at its meeting held at City Hall in the City of Santa Rosa on June 17, 2004 heard and considered evidence regarding the proposed conditional use permit modification and made findings in connection therewith; and

WHEREAS, said Planning Commission, after due consideration, investigation and study made by itself and in its behalf, and after due consideration of all evidence and reports offered at said meeting, does find and determine the following:

- A. The proposed use would not be consistent with General Plan Policy LUL-E, which is to "Promote livable neighborhoods";
- B. The rear of the convenience market is adjacent to a dead-end street which creates a unique problem with regard to alcohol use and potential loitering;
- C. There is a significant transient population in the area with a history of problems as described by those who spoke at the Planning Commission meeting;
- D. Alcohol is currently available for sale at various locations near the project site as outlined in the diagram presented at the meeting.
- E. The proposed use is not appropriate at this time due to a lack of compatibility with the surrounding neighborhood, the lack of harmonious integrations with the neighborhood and the potential for a nuisance
- F. The proposed use is not appropriate at this time because it will not serve the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Santa Rosa does hereby deny a Conditional Use Permit modification to allow beer and wine sales at Chevron Convenience Market located at 136 College Avenue.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on this 8th day of July, 2004, by the following vote:

Ayes: (4) (Bartley, Cisco, Swinth, Thomas)  
Noes: (1) (Pierce)  
Abstentions: (0)  
Absent (2) (Picchi, Walsh)

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

  
CHAIRMAN

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

  
EXECUTIVE SECRETARY

FILE COPY

CITY OF SANTA ROSA  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT FOR PLANNING COMMISSION  
JUNE 17, 2004

**PROJECT TITLE**

Chevron Convenience Market  
Beer and Wine Sales

**APPLICANT**

Ajaib Bhadare

**ADDRESS/LOCATION**

136 College Avenue

**PROPERTY OWNER**

Ajaib Bhadare

**ASSESSOR'S PARCEL NUMBER**

010-122-022

**FILE NUMBER**

CUP03-251

**PROJECT SITE ZONING**

C-2 (General Commercial)

**GENERAL PLAN DESIGNATION**

Retail and Business Service

**APPLICATION DATE**

November 25, 2003

**APPLICATION COMPLETION DATE**

April 15, 2004

**PROJECT PLANNER**

Blake Hillegas

**RECOMMENDATION**

Approval

**PROPOSAL**

Conditional Use Permit to add beer and wine sales to existing Chevron convenience market.

**SUMMARY**

The Planning Commission has Conditional Use Permit authority over this use, however, Section 23958.4 (b)(2) of the Business and Professions Code, gives the Police Department the authority to determine whether this alcohol sales establishment would serve the public convenience and necessity. In February 2004, the Police Chief determined that the public convenience and necessity would not be served by issuance of an off-sale license at this location.

In March 2004, the applicant filed an appeal of this determination to the City Council. On April 15, 2004, the Police Chief withdrew his objection and determined that the public convenience and necessity would be served based on the applicant's agreement to abide by restrictive conditions such as limitations on hours of alcohol sales, the type of beverage that may be sold, and the package size of those containers.

**ITEM NO. 11**

The City Police Department, in conjunction with the State Department of Alcohol Beverage Control have agreed to step up enforcement efforts with the purpose of reducing alcohol related activities in the area.

While there is the potential that the sale of alcohol at this location could result in compatibility issues in the neighborhood, there is no evidence that problems would occur. Therefore the Department of Community Development recommends that the use be conditionally approved.

ANALYSIS

1. Project Description

The project consists of the sale of beer and wine at the existing convenience market. Proposed hours of operation are from 8:00 a.m. to 10:00 p.m. The applicant has agreed to not sell fortified wines or malt liquors and limit the sale of beer to six pack or larger containers. Recommended conditions would further restrict the use.

2. General Plan

Retail and Business Service

The General Plan land use designation for the site is Retail and Business Service. The General Plan calls for neighborhood serving retail uses, such as markets in neighborhoods. Neighborhood serving commercial uses should not create unacceptable traffic or nuisances for residences due to the hours and nature of their operation.

3. Zoning

North: C-3, Heavy Commercial  
South: R-3, Multiple Family Residential  
East: Highway 101  
West: C-3, Heavy Commercial

4. Parking

The proposed modification to use would not change the parking requirement. The existing parking (12 spaces) is sufficient for the use and complies with parking regulations.

5. Environmental Review

The project qualifies for a Class I exemption, in that environmental impacts associated with the modification to use would be negligible.

6. Comments/Actions by Other Review Boards/Agencies

None.

7. Neighborhood Comments

Letters have been received from the St. Rose and West End Neighborhood Associations. Both associations would prefer not too have another alcohol sales establishment in and or near their neighborhoods, however, should the use be approved, they have asked that it be strictly regulated. Proposed conditions of approval address neighborhood association comments, except that the sales of alcohol is recommended to be restricted to 8:00 a.m. to 10:00 p.m. rather than 10:00 a.m. to 10:00 p.m.. The recommended hours of sales are consistent with other current restrictions placed on the renewal of other alcohol sales establishments in the area.

Two additional letters have been received from property owners living on Ripley Street who are opposed to the proposal due to concerns with loitering and littering. Recommended conditions of the permit also would require litter clean-up and the posting of "no loitering" signs.

8. Public Improvements/On-Site Improvements

None required

9. Issues

Compatibility of Use with the neighborhood.

No complaints have been received with regard to the existing Chevron convenience market.

Authority over the proposed Conditional Use Permit rests with the Planning Commission, though, Section 23958.4 (b)(2) of the Business and Professions Code, gives the Police Department authority to determine whether alcohol sales establishments would serve the public convenience and necessity. Public Convenience and Necessity Determinations are made in part based on crime statistics and the concentration of alcohol sales establishments in a given area.

The Police Department approved the Public Convenience and Necessity Determination for this use on April 14, 2004. Their approval was based not only on crime statistics but on the applicant's willingness to abide by strict conditions such as limitations on hours of alcohol sales, the type of beverage that may be sold, and the package size of those containers (see attached determination). The Police Department, along with Alcohol Beverage Control have agreed to step up enforcement efforts with the purpose of reducing alcohol related activities in the area.

The Department of Community Development has not found evidence that alcohol sales at this location would adversely impact the neighborhood and recommends that use be



## ITEM NO. 11

conditionally approved. Recommended conditions are intended to minimize the potential for nuisances to occur.

### RECOMMENDATION

The Department of Community Development recommends that the Planning Commission, by resolution, adopt a Conditional Use Permit.

#### Attachments:

- Location Map
- Area Context Map
- Site Plan
- Floor Plan
- Public Convenience and Necessity Determination
- Neighborhood Correspondence.
- Planning Commission Minutes

**CITY OF SANTA ROSA PLANNING COMMISSION  
REGULAR MEETING MINUTES  
THURSDAY JUNE 17, 2004**

**6:00 PM REGULAR MEETING SESSION (CITY COUNCIL CHAMBER)**

**1. CALL TO ORDER**

Chairman Thomas called the meeting to order at 6:02 p.m.

**2. ROLL CALL**

Present: Commissioners Bartley, Cisco, Picchi, Pierce, Swinth and Walsh, and Chairman Thomas

Absent: None

**3. APPROVAL OF MINUTES**

The minutes of May 27, 2004 were approved as amended: The 2<sup>nd</sup> paragraph under item 8.2 (The Living Place) was amended to read, *"Discussion ensued regarding stated consequences of a finding of non-compliance after one year of operation under the Conditional Use Permit. The Commission agreed to leave the condition as stated in the use permit"*.

**4. PUBLIC APPEARANCES**

Carol Dean of 332 Decker Street expressed concern about unresolved complaints and violations of Use Permits at 803 and 807 Ripley and 811 Cleveland Avenue. She requested that the Planning Commission be very clear in outlining its intentions regarding Conditional Use Permits so as to facilitate enforcement of the conditions.

**5. DEPARTMENT REPORT**

Chuck Regalia, Deputy Director Community Development – Planning, indicated that he would review the Code Enforcement issues and use permits for 803 and 807 Ripley Street and 811 Cleveland Avenue and report back to the Commission in 30 days.

**6. PLANNING COMMISSIONERS' REPORT**

Commissioner Pierce commended the Community Development Department Annual report and asked if there was a system in place to measure customer satisfaction.

Director Community Development Wayne Goldberg responded, noting that the existing customer survey form is being redesigned to encourage additional customer input.

Commissioner Walsh announced that he visited Prince Memorial Greenway with state Senator Wes Chesbro and Assemblyman Joe Nation for a press conference regarding volunteer workers on public works projects.

Commissioner Picchi described an issue that came up at the recent Subdivision Committee regarding application of the Engineering standards to particular existing street conditions and asked for a presentation of the recently approved engineering standards.

Mr. Regalia stated that he would schedule a presentation of the engineering standards as requested.

**7. STATEMENTS OF ABSTENSION BY COMMISSION MEMBERS**

Commissioner Picchi stated that he would abstain from item 9 (Velma Avenue Subdivision) because he has received fees from Schellinger Brothers—the applicant—in the past year

**8. CONSENT AGENDA**

None.

**9. PUBLIC HEARING - REZONING/TENTATIVE MAP/DEVELOPMENT PLAN - VELMA AVENUE SUBDIVISION - 1414/1426/1438 Velma Avenue - Rezone from RR-40 to R-1-2/6; subdivide 3 acres into 24 single-family lots; and construct 21 new single family detached residences and retain 3 existing single-family residences - File No. MJP04-006 (Clare Hartman)**

Commissioner Picchi abstained from discussion and vote on this item and left the chamber during its discussion.

Ex parte communication disclosure: All Commissioners visited the site; Commissioners Pierce, Cisco and Walsh also spoke with the applicant. Commissioner Bartley spoke with Design Review Board Chair Shaun Faber, who indicated that the Design Review Board had made a finding of superior design for this project.

Chuck Regalia, Deputy Director Community Development – Planning, reported that the applicant requests approval to rezone from the RR-40 (Rural Residential) to the R-1-2/6 (Small Lot Single Family) District; subdivide 3 acres into 24 single family residential lots; and construct 21 new single family detached homes and four second dwelling units, retaining three existing single family residences. Lots range in size from 3,343 to 7,137 square feet. Project density is 8 units per acre. Project includes construction of a new thru-street connecting Velma Avenue with Peterson Lane.

Staff raises several issues with the project as proposed and recommends that the Planning Commission direct the applicant to revise the project prior to Tentative Map approval.

Scott Schellinger with Schellinger Bros. (the applicant) introduced John Warden, the project architect, who described the history of the site and summarized the elevations and design elements of the proposed primary and secondary dwellings. He noted that the asphalt path along Velma Avenue has been proposed to help maintain the rural atmosphere of the neighborhood and to preserve as many trees as possible; however, the applicant is willing to improve Velma Avenue with curb, gutter and sidewalk.

Chairman Thomas opened the public hearing.

The individuals listed below spoke in opposition to the proposal, citing concerns with parking, light pollution, speed of traffic, the density proposed, lack of diversity of housing types and lack of single-story homes, crime, privacy, narrow driveways, noise and a desire to retain the rural character along Velma Avenue.

Penny Wolfsohn of 1401 Velma Avenue;

William Van Asdlan of 1414 Peterson Lane, directly across proposed 'Avenue A' opposed; also expressed concern that automobile headlights would shine into his living room;

Jennifer Rinella of 1429 Velma Avenue. She recommended darksky.org for recommendations for streetlights to reduce light pollution;

Kenneth Rinella of 1429 Velma Avenue (submitted a written statement after speaking);

Carinne Paddock of 1402 Velma Avenue;

Jeannette Angus of 1386 Velma Avenue.

There being no one else wishing to speak, Chairman Thomas closed the public hearing.

Mr. Warden responded to concerns raised by the public speakers as follows:

- A total of 115 parking spaces are proposed; however, no parking is proposed on Velma Avenue;
- House design and window placement would be carefully considered in order to provide privacy and allow for cross-ventilation;
- 3-point turns are possible from any driveway so that no vehicles in the driveways would back out onto public streets;
- The existing homes are to be retained in order to help maintain the character of the neighborhood;
- A range of housing sizes are proposed, as are 2<sup>nd</sup> dwelling units;
- Street lights would be minimized while providing a safe level of lighting; all building-mounted lights would be within the porches.
- The density is proposed in order to maintain as much affordability as possible.

The Planning Commission commenced discussion of the proposal. The Commissioners indicated general support of the proposed architecture and landscaping. The Commission indicated concern regarding the lack of clarification of setbacks, parking and back-up movements.

Further discussion ensued regarding the Velma Avenue street improvements, the existing trees and vegetation and the impacts of the proposal on adjacent properties.

Mr. Regalia pointed out that the City would require Velma Avenue to be improved with curb, gutter and sidewalk.

The Planning Commissioners concurred that a lower density may be appropriate for this area and agreed to continue the project in order to allow the applicant to address the following concerns:

- Place single-story units next to adjacent property

- Demonstrate the relation of the proposed units to adjacent properties and how the adjacent properties would be affected with regards to privacy and proximity to proposed one and two story units and 2<sup>nd</sup> dwelling units
- Clearly indicate setbacks;
- Clearly indicate parking requirements, location of parking and back up movements required for vehicles to turn around;
- Demonstrate that Avenue 'A' meets City street standards
- Respect existing vegetation and trees when improving Velma Avenue to required standards and include an arborist report that clarifies which trees would be retained. A meandering sidewalk would be acceptable in order to retain as many trees as possible.
- Reduce the use of flag lots; justify the necessity of any flag lots used in design

**Motion:** Commissioner Swinth made and Commissioner Bartley seconded a motion to continue this item to a date uncertain in order to resolve the issues listed above. The motion carried with the following vote:

Ayes: (6) (Bartley, Cisco, Pierce, Swinth, Walsh, Thomas)  
 Noes: (0)  
 Abstentions: (1) (Picchi)  
 Absent (0)

Commissioner Picchi resumed participation in the meeting.

**10. PUBLIC HEARING - CONDITIONAL USE PERMIT – SIKH TEMPLE – 328 Coffey Lane construct a new 10,314 square foot, two-story temple File No. CUP03-214 (Joel Galbraith)**

Ex parte communication disclosure: All Commissioners visited the site. Commissioner Swinth also discussed the proposal with Chuck Regalia, Deputy Director Community Development – Planning. Their discussion was specific to the Design Review Board recommendation for a contiguous sidewalk for this proposal. Mr. Regalia indicated that the Design Review Board believed that adjacent sites had contiguous sidewalks, which they do not.

Chuck Regalia, Deputy Director Community Development – Planning, presented this request for a Conditional Use Permit to construct a new 10,314 square foot, two-story temple.

The project site is a two-acre, vacant parcel located at the edge of an existing business park in northwest Santa Rosa. The site is zoned PM (Planned Manufacturing) and churches, temples and other public and quasi-public uses may be permitted in any zoning district by conditional use permit.

The project is proposed to be constructed in two phases. Phase I would complete public improvements (curb, gutter, sidewalk), half of the parking lot and a temporary modular building. Phase II would complete the project with the permanent temple and the remainder of the parking lot.

It is staff's position that the project is consistent with General Plan goals and policies and is compatible with the surrounding neighborhood, and therefore approval is recommended.

David Colombo, the project architect and applicant's representative, reviewed the site plan and building elevation and described the proposed vista from Coffey Lane. He asked that the last third to the last paragraph in the resolution be modified to be consistent with condition no. 4, which gives 2 years for from date of approval for the use to commence.

Responding to questions from the Commission, Mr. Columbo noted that the required accessibility from the street to the building would be via the parking lot. He described the schedule of use, and pointed out that the heaviest use would be on the weekends. He summarized the construction phases and the proposed parking, noting that the Design Review Board had indicated that less parking may be needed.

Chairman Thomas opened the public hearing.

There being no one wishing to speak, Chairman Thomas closed the public hearing.

Mr. Columbo responded to additional questions regarding parking, then clarified the occupancy and proposed landscaping.

Discussion ensued regarding the building placement on the lot, the number of parking spaces, trees, accessibility and landscaping. The Commission confirmed that a 15' planter strip on Coffey Lane as required by the Design Guidelines is also noted as condition of the Development Advisory Committee (DAC) report, and indicated support for the project with a reduction of 9 parking spaces in order to increase the on-site landscaping and to save more trees. The Planning Commission encouraged the applicant to delineate the accessible path/pedestrian component with a different paving material.

**Motion:** Commissioner Picchi made and Commissioner Pierce seconded a motion to adopt **Resolution No. 10545:** MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR NORTHBAY SIKH FOUNDATION TEMPLE - LOCATED AT 3282 COFFEY LANE - FILE NUMBER CUP03-214 with a reduction of 9 parking spaces and the addition of a 15-foot wide landscaped parcel between the public sidewalk and the parking lot. The motion carried with the following vote:

Ayes:	(7)	(Bartley, Cisco, Picchi, Pierce, Swinth, Walsh, Thomas)
Noes:	(0)	
Abstentions:	(0)	
Absent	(0)	

**11. PUBLIC HEARING - CONDITIONAL USE PERMIT MODIFICATION – CHEVRON CONVENIENCE MARKET - 136 College Avenue – Modification of a previously approved conditional use permit modification to allow beer and wine sales at an existing convenience market – File No. CUP03-251 (Blake Hillegas)**

Ex parte communication disclosure: Chairman Thomas visited the site and spoke with one of the applicant's representative regarding the hours of operation, the type of liquor proposed to be sold and the manner in which it is conditioned. Commissioners Bartley, Pierce, Swinth and Walsh visited the site. Commissioner Cisco visited the site and the adjacent neighborhood. She discussed the proposed conditions regarding alcohol sales with the applicant's attorney and discussed the St. Rose neighborhood's concerns regarding proposed alcohol sales in the area with Greg Parker. She reviewed the Police Department's website showing registered sex offenders in the area (updated December of 2003), which shows a high concentration of registered sex offenders in the area. She also reviewed and brought to the meeting the July 11, 2002 memo provided by the Police Department, and which showed excessive calls for service to the adjacent neighborhood.

Chuck Regalia, Deputy Director Community Development – Planning, presented this application for a Conditional Use Permit to add beer and wine sales to an existing Chevron convenience market.

The Planning Commission has Conditional Use Permit authority over this use, however, Section 23958.4 (b)(2) of the Business and Professions Code, gives the Police Department the authority to determine whether this alcohol sales establishment would serve the public convenience and necessity. In February 2004, the Police Chief determined that the public convenience and necessity would not be served by issuance of an off-sale license at this location.

In March 2004, the applicant filed an appeal of this determination to the City Council. On April 15, 2004, the Police Chief withdrew his objection and determined that the public convenience and necessity would be served based on the applicant's agreement to abide by restrictive conditions such as limitations on hours of alcohol sales, the type of beverage that may be sold, and the package size of those containers.

Bill Gillis of Lanahan & Reilly (the applicant's representative) summarized the ABC process to obtain a liquor license and reviewed the site's current use and improvements made by the applicants. He indicated agreement with staff's report and recommendation. He indicated that the applicants have previously run a successful store at 50 West College Avenue and another in Healdsburg.

Chairman Thomas opened the public hearing.

Greg Parker of 625 B Street, indicated support for the current use; however he opposes the proposed alcohol sales due to its proximity to nearby homeless services. He noted that several other facilities within about a 3rd of a mile also sell alcohol.

Carol Dean of 332 Decker Street indicated opposition to the proposal. She displayed a map depicting 10 facilities that sell alcohol within a mile of the site and displayed several

empty liquor and beer bottles she had picked up in the neighborhood. She asked that if the Commission supports the proposal, then to be clear about the size of servings allowed to be sold, and modify the Use Permit to require cleanup and graffiti removal. She noted that the public notice sign placement was not visible from College Avenue.

Robert Cox of 944 Ripley opposes due to loitering and littering issues when alcohol is sold. He asked that the Commission specifically disallow loitering or littering around the subject area.

Sofia Selivanoff of 944 Ripley indicated opposition because she believes that alcohol sales would contribute to crime. She asked that a litter plan be required to remove litter on and off the site and that the letter plan be enforced.

There being no one else wishing to speak, Chairman Thomas closed the public hearing.

Mr. Gillis pointed out conditions addressing speakers' concerns regarding serving sizes and property and neighborhood maintenance.

Commissioner Cisco reviewed the previous approval of the Conditional Use Permit as well as the Commission's careful consideration and ultimate exclusion of alcohol sales. She opposes because the neighborhood has a lot of dead-end areas that attract loiterers. The majority of Commissioners concurred with Commissioner Cisco and further agreed that the findings for the proposed modifications could not be made for the following reasons:

- The proposed use would not be consistent with General Plan Policy LUL-E, which is to "Promote livable neighborhoods";
- The rear of the convenience market is adjacent to a dead-end street which creates a unique problem with regard to alcohol use and potential loitering;
- There is a significant transient population in the area with a history of problems as described by those who spoke at the Planning Commission meeting;
- Alcohol is currently available for sale at various locations near the project site as outlined in the diagram presented at the meeting.
- The proposed use is not appropriate at this time due to a lack of compatibility with the surrounding neighborhood, the lack of harmonious integrations with the neighborhood and the potential for a nuisance;
- The proposed use is not appropriate at this time because it will not serve the public health, safety and welfare.

Commissioner Pierce indicated support for the proposal, noting that other facilities in the area have alcohol sales and he believes that the applicant should be allowed the same opportunity.



**Motion:** Commissioner Swinth made and Commissioner Cisco seconded a motion to deny a conditional use permit for Chevron beer and wine sales - located at 136 College Avenue - File Number CUP03-251. The motion carried with the following vote:

Ayes: (6) (Bartley, Cisco, Picchi, Swinth, Walsh, Thomas)  
Noes: (1) (Pierce)  
Abstentions: (0)  
Absent (0)

Chairman Thomas noted that the restrictions proposed for the previous application would address many of the concerns of downtown area residents regarding safety, littering and loitering, and would not cater to those who abuse alcohol. Discussion occurred as to reviewing the Conditional Use Permits for other facilities selling alcohol.

Mr. Regalia discussed the Conditional Use Permit review process, noting that many of the stores in the area currently carrying alcohol don't have Conditional Use Permits because they are considered to be existing non-conforming.

The Commissioners discussed the possibility of conducting a study session with Police Department representatives to discuss the issue of alcohol sales and the availability of graphics and crime reports for the Planning Commission when it considers applications for alcohol sales.

Chairman Thomas called a recess at 8:58 p.m., reconvening at 9:01 p.m.

## **12. SCHEDULED ITEM - PLANNING COMMISSION GOALS 2004 – Determine implementation of 2004-2005 Planning Commission Goals**

Chuck Regalia, Deputy Director Community Development – Planning, stated that on May 13, 2004 the Planning Commission adopted Resolution No. 10497, adopting its 2004-2005 goals. The Planning Commission agreed to adopt a work plan in order to implement its goals

Commissioner Picchi was commended by his colleagues for his efforts toward producing the work plan.

The Planning Commission agreed to the following workplan subcommittees:

- Commissioners Bartley and Swinth to work with the Design Review Board;
- Commissioners Cisco and Walsh to work with the Cultural Heritage Board;
- Commissioners Picchi and Pierce to work with staff;
- Chairman Thomas to be the liaison between the Planning Commission, and the Mayor/City Council.

It was further agreed that subcommittee work would commence in July, board meetings to take place in August and September, preparation for presentations in October, with presentations to the City Council in early November.


**13. ADJOURNMENT**

Chairman Thomas adjourned the meeting at 9:08 p.m. to the regular Planning Commission Meeting to be held at 4:00 p.m. in the City Council Chamber at Santa Rosa City Hall on Thursday June 24, 2004.

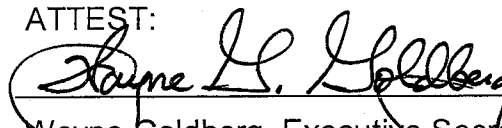
PREPARED BY:

  
Tamara Taylor, Recording Secretary

APPROVED BY:

  
Chairman Thomas

ATTEST:

  
Wayne Goldberg, Executive Secretary

## Comments from the June 17, 2004, Planning Commission Meeting

<a href="#">7:52:54 PM</a>	11	ex parte AT visited & discussed w/applicant; PC visited site, surrounding neighborhood, cr for rest...
<a href="#">7:57:15 PM</a>	11	CJR presented
<a href="#">8:05:14 PM</a>	11	Bill Gillis of Lanahan & Reilly (the applicant's representative) summarized the ABC process to obtain a liquor license and reviewed the current use and improvements made by the applicants. He indicated agreement with staff's report and recommendation. Applicant's run a store at 50 West College Avenue and another in Healdsburg.
<a href="#">8:09:22 PM</a>	11	pho
<a href="#">8:09:40 PM</a>	11	Greg Parker of ?? he did not say. He opposes due to its proximity to nearby homeless services. Several other facilities within about a 3rd of a mile also sell alcohol.
<a href="#">8:13:14 PM</a>	11	Carol Dean of 332 Decker Street opposed; displayed a map depicting 10 facilities that sell alcohol within a mile of the site. If the cup is modified, be clear about the size of servings allowed to be sold, and modify to require cleanup and graffiti removal. She noted that the public notice sign placement was not visible from College Avenue.
<a href="#">8:17:40 PM</a>	11	Robert Cox of 944 Ripley opposes due to loitering and littering issues when alcohol is sold. Require no loitering or littering around the area and in offsite areas also.
<a href="#">8:19:31 PM</a>	11	Sofia ? of 944 Ripley asked for a litter plan off the site. She believes that alcohol contributes to crime; would like to see litter plan and follow-up for enforcement.
<a href="#">8:21:15 PM</a>	11	phc
<a href="#">8:21:17 PM</a>	11	Mr. Gillis pointed out conditions addressing speakers' concerns
<a href="#">8:23:48 PM</a>	11	Commissioner Cisco reviewed the previous approval of the Conditional Use Permit as well as the Commission's careful consideration and ultimate exclusion of alcohol sales. She opposes because the neighborhood has a lot of dead areas.
<a href="#">8:27:15 PM</a>	11	Commissioner Swinth agrees; cannot make finding e
<a href="#">8:28:19 PM</a>	11	Commissioner Pierce asked if the present owner is the same as who applied for previous CUP and if not, was the CUP disclosed. Concerned that surrounding facilities have alcohol sales and PC denies the opportunity to this owner
<a href="#">8:33:19 PM</a>	11	Commissioner Bartley noted that the nature of CUP is to condition uses to each unique site. Agrees w/Commissioner Cisco as to uniqueness of site. opposes
<a href="#">8:35:25 PM</a>	11	Commissioner Walsh concurs with Commissioner Bartley.
<a href="#">8:36:14 PM</a>	11	Commissioner Picchi generally concurs with those opposed. GP directs to preserve and enhance neighborhoods
<a href="#">8:40:04 PM</a>	11	Chairman Thomas noted that the proposed restrictions would address many of the concerns and would not cater to those who abuse alcohol. He wondered whether if the surrounding sites that sell alcohol had the same restrictions would there be as much as a problem. He is not certain that restricting this site would address the larger problem. He believes that all alcohol sales in the downtown area of Santa Rosa should be so restricted. Commissioner SWinth suggested reviewing existing Cups for alcohol sales to make them more restrictive. Chairman
<a href="#">8:48:46 PM</a>	11	motion to deny rs/pc due to dead spaces, re GP, neighborhood is not enhanced reso back on 7/8 passed 6-1-0, pierce voting no.
<a href="#">8:51:28 PM</a>	11	Commissioner Picchi noted that alcohol sales creates a public burden of litter pickup, enforcement of not loitering and the burden should be acknowledged and dealt with.
<a href="#">8:52:52 PM</a>	11	Mr. Regalia discussed how to review existing alcohol cups. Chairman Thomas noted that the police calls could be researched and .....discussion re study session with Police Chief, many of the stores don't have conditional use permits because they are existing non-conforming. The police can report to ABC re nuisance
<a href="#">8:57:59 PM</a>	11	Discussion re graphics & crime reports for items asking for alcohol sales.
<a href="#">8:58:28 PM</a>	11	recess