

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 7-ELEVEN, AN EXISTING CONVENIENCE STORE AT 136 COLLEGE AVENUE, TO SELL BEER AND WINE FOR OFFSITE CONSUMPTION - CITY FILE NO. CUP22-052

WHEREAS, on August 29, 2022, project applications were submitted to the Planning and Economic Development Department, including both a request for Public Convenience or Necessity and a Conditional Use Permit for the sale of beer and wine for offsite consumption for 7-Eleven, located at 136 College Avenue, also identified as Sonoma County Assessor's Parcel Number 010-122-040; and

WHEREAS, on December 14, 2022, the Deputy Director of Planning approved a Public Convenience or Necessity for 7-Eleven for the sale of beer and wine for offsite consumption; and

WHEREAS, the proposed project has been reviewed in compliance with Zoning Code Section 20-42.034, which establishes specific criteria for review in connection with an application for the sale of alcohol beverages, and the project has been conditioned to remain in compliance; and

WHEREAS, on August 24, 2023, 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, at the August 24, 2023, meeting, following the public hearing, at which one person spoke in favor of the project, concerns were raised by some Commissioners regarding potential negative impacts of alcohol sales at the subject 7-Eleven due to existing homeless issues and crime in the area and some Commissioners questioned whether the required finding for health and safety could be made. Conversely, other Commissioners identified the fact that the area has been designated for a mix of uses, that the applicant has demonstrated a willingness to run a modern convenience store that would be appropriate for the area, and that the sale of alcohol at this site, along with other goods, would not create or exacerbate a nuisance. A motion was made to adopt a resolution approving the Conditional Use Permit, and the Commission voted 3-3, with one Commissioner absent. Tie votes do not constitute a formal action on the motion. A second motion was made and passed unanimously to continue the item to October 26, 2023, when the full seven-member Commission would be present; and

WHEREAS, on October 26, 2023, the Planning Commission held a continued public hearing, and, again, 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 August 24, 2023, and October 26, 2023, public hearings; 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 consistent with the General Plan and the Downtown Station Area Specific Plan. The project site is in an area designated on the General Plan Land Use Diagram as Neighborhood Mixed Use, which allows for multifamily residential development together with a broad mix of uses that primarily serve local residents, including professional office, retail, entertainment, service, and other neighborhood-scale supporting uses. The project implements General Plan Policy LUL-E, by providing retail services fulfilling everyday needs for nearby residents. 7-Eleven is a long-standing convenience store. The addition of beer and wine sales would complete the food, beverage and fuel one-stop-shop for automobile drivers as well as food and beverage one-stop-shop for residents within walking distance.
- B. The proposed use is allowed within the applicable NMU (Neighborhood Mixed Use) zoning district, which is consistent with the General Plan land use designation and complies with all other applicable provisions of the Zoning Code and the City Code in that the proposed sale of beer and wine for offsite consumption has been found in compliance with Zoning Code Section 20-42.034 (Alcoholic Beverage Sales) and the project has been conditioned to remain in compliance.
- 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 addition of beer and wine sales for offsite consumption is a minor change to the existing operation of the 7-Eleven convenience store and will not result in any significant expansion of the use or the structure. 7-Eleven is a very experienced operator and purveyor of alcoholic beverages. The store has an extensive surveillance system with cameras that covers the premises inside and out. The subject site has installed the maximum lighting and illumination allowed by the City around the building as well as under the gas canopy and surrounding the parking lot.
- D. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints. The proposed addition of beer and wine sales would not require a building expansion. The building entry is on the west elevation and the cooler vault is in the southeast corner of the store. The property is located in an area where all utilities and emergency services are available. The existing site provides adequate access from College Avenue. The project plans have been reviewed by the Fire Department, Police Department, Building Division, Engineering Development Services Division and Planning Division, and no issues were raised.
- 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. The project plans have been reviewed by the Fire Department, Police Department, Traffic Division, Building Division, Engineering Development Services, and Planning Division, and no issues were raised. Staff from the Police Department, Housing and Community Services, and Planning have conducted multiple site and area visits and no concerns have been raised about negatively impacting the Santa Rosa homeless population, nor the health, safety, or welfare of nearby residents. Contrary, staff has acknowledged that allowing the use provides services within a short distance for nearby residences in an area designated for convenience-type uses serving nearby residential development; and

- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA):

Pursuant to CEQA Guidelines Section 15301, the project is categorically exempt because it involves a negligible expansion to an existing convenience store (General Retail) and will not result in any significant impacts.

Pursuant to CEQA Guidelines Section 15183, the project is consistent with the City's General Plan and the Downtown Station Area Specific Plan, for which Environmental Impact Reports were certified by Council, The General Plan EIR was certified in 2009 (SCH 2008092114, and the Downtown Station Area Specific Plan EIR was certified in 2020 (SCH 2006072104).

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).

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 7-Eleven to allow the sale of beer and wine for offsite consumption at 136 College Avenue is approved subject to each of the following conditions:

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

GENERAL:

1. Compliance with applicable provisions of Zoning Code Section 20-42.034, Alcohol Beverage Sales.
2. Compliance with Zoning Code Section 20-30.080, Outdoor Lighting.
3. Compliance with State of California Alcoholic Beverage Control (ABC) for the duration of the use.

4. 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 unless otherwise approved by Ordinance.
5. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
6. Any change in ABC license type shall require a new Conditional Use Permit to continue operation.
7. No exterior signs, banners, or the like are approved with this permit. A Planning sign permit application is required for all signs.

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.

BE IT FURTHER RESOLVED that this Conditional Use Permit shall be valid for the duration of the use, provided conditions are complied with and use has commenced within two (2) years from approval date. If conditions have not been met or if an approved use has not commenced within two years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 26th day of October 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
JESSICA JONES, EXECUTIVE SECRETARY