



**J. Kapolchok
+ Associates**

Land Use Planning
Urban Design

**1480 Guerneville Road
Minor Use Permit
November 27, 2017**

Applicant: 1480 Guerneville Rd., LLP
Matthew Cappiello
364 – 40th Street
Oakland, CA 94609

Owner: Same as Above

Land Use Consultant: J. Kapolchok & Associates
843 2nd Street
Santa Rosa, CA 95404

Location: 1480 Guerneville Road
Santa Rosa, CA

APN: 041-043-057 (formerly 041-043-055)

Site Size: ±1.07 acres

General Plan: Public/Institution

Zoning: PI-SA (Public Institution – Station Area)

Proposal: Minor Use Permit to allow alcoholic beverage sales for off-site consumption.

PROJECT DESCRIPTION

1.1 SETTING

Location:

The subject property is a separate legal parcel, approximately 1.07 acres in size (APN041-043-057). The site is located directly southwest of the signalized intersection at Guerneville Road and Herbert Lane. Access is from Herbert Lane.

City of Santa Rosa

NOV 28 2017

Planning & Economic
Development Department

843 Second Street
Santa Rosa, CA 95404
TEL: 707.526.8939
FAX: 707.526.8985

eMAIL: jkapolchok@sbcglobal.net

Topography and Natural Features:

The subject property is of minimal slope. Several street trees exist along the Guerneville Road frontage and a large tree exists in the rear of the property. Steele Creek runs in a southerly direction, slightly to the west of the western property line.

Surrounding Land and Land Uses:

The site is located at the southwest corner of Guerneville Road and Herbert Lane. Retail-commercial uses exist to the east and a mix of medium to medium-high density residential uses exist to the north, south and west. The SMART rail tracks run north/south directly west of the western property line.

Existing Physical Conditions:Existing Uses

The site is developed with a ±10,000 sq. ft. retail commercial building. On May 28, 2015, a Zoning Clearance for a specialty market and convenience store was issued. The Zoning Clearance was based on replacing the long-standing use of the property as a general retail and landscape materials sales, furniture, furnishing, appliance/equipment store use with a use of similar or less intensity. On November 3, 2016, a Minor Use Permit (MUP) was approved, with conditions, to allow the Chavez Taqueria restaurant, serving alcoholic beverages, specialty foods shop and convenience store. The MUP required significant on and off-site improvements including, but not limited to:

- A new public fire hydrant
- Dedication of a 7.5 ft. public utility easement
- New curb, gutter, sidewalk and curb-cut along Herbert Lane
- Major utility upgrades
- A new commercial fire hydrant

1.2 DETAILED PROJECT DESCRIPTION:

The owner/operator of the Chavez Taqueria restaurant and specialty/convenience food store requests the ability to sell alcoholic beverages for off-site consumption. Upon review of the entitlements granted the property and the City of Santa Rosa Zoning Code, it appears that the request can be considered through the Minor Use Permit process.

Zoning Clearance: The Zoning Clearance, issued on May 28, 2016, allowed re-occupancy of a former Retail/Mixed designated property with another Retail/Mixed use as long as the non-conformity of the use was not greater than the general retail and landscape materials sales; furniture; furnishings; City of Santa Rosa

appliance/equipment store uses; and, approximately 1,000 sq. ft. of office.

Minor Conditional Use Permit: The Minor Conditional Use Permit (MUP), approved with conditions on November 3, 2016, found that a restaurant, serving alcoholic beverages; convenience store; and, specialty market was of a similar classification or nature (Retail/Mixed) to the former use and the conditional approval of the requested use would not increase the degree or intensity of the non-conformity beyond that of the former use. Through the issuance of the MUP, the new non-conforming base-line became the restaurant, serving alcohol; convenience market; and specialty food store.

The request is to modify the approved use by adding alcoholic beverage sales for off-site consumption. Because the use is legal non-conforming, the fundamental questions are:

- Are the current non-conforming uses, that is, restaurant, convenience store and specialty market of a classification or nature that allows for the consideration of the sale of alcoholic beverage for off-site consumption?

Yes. The current non-conforming uses are uses typical of a Retail Business category. Section 20-42.034 of the zoning code sets forth the procedure for the consideration of off-sale alcohol. The requested MUP will be elevated to Planning Commission review, thereby receiving the same review as required by code.

Will the addition of alcoholic beverage sales for off-site consumption increase the degree or intensity of the non-conformity?

The addition of alcoholic beverage sales for off-site consumption will:

- Not increase the size of the building
- Not increase the area of the building dedicated to retail sales
- Not change the hours of operation
- Not result in the need for additional employees
- Not require additional parking
- Not result in the need for additional on-site or off-site improvements
- Not result in the need for additional utility connections

City of San Diego

NOV 28 2017

Planning & Economic
Development Department 3

- Will be required to comply with all of the criteria established by Section 20-42.034 of the Santa Rosa City Zoning Code.

Based on the foregoing, it is believed that a Minor Conditional Use Permit for the sale of alcoholic beverages at 1480 can be considered under the provisions set forth in Section 20-61-.020 (Non-conforming Uses) of the City of Santa Zoning Code