

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT
THE SPECIALTY FOOD AND CONVENIENCE STORE LOCATED AT 1480
GUERNEVILLE ROAD; APN: 041-043-057; FILE NUMBER CUP17-132

WHEREAS, on November 3, 2016, the Zoning Administrator of the City of Santa Rosa adopted Resolution No. CUP16-059, which permitted a restaurant serving alcohol, a specialty food shop, and convenience store; and

WHEREAS, on November 30, 2017, an application was submitted requesting the approval of a Conditional Use Permit to modify a legal nonconforming use to allow the sale of beer and wine for off-site consumption at a permitted 10,000 square-foot taqueria, specialty foods shop, and convenience store located at 1480 Guerneville Road, also identified as Sonoma County Assessor's Parcel Number 041-043-057 (Project); and

WHEREAS, on March 8, 2018, the Planning Commission of the City of Santa Rosa 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 restaurant is allowed within the Public Institutional Zoning District with approval of a Minor Use Permit. The specialty food shop and convenience store have been determined legal non-conforming uses in that the existing general retail use was legally established and had not ceased to operate since the use commenced. Pursuant to Zoning Code Section 21-61.020, a nonconforming use may be modified provided the proposed new nonconforming use would not increase the degree or intensity of the nonconformity.
- B. The proposed use is consistent with the General Plan and the North Santa Rosa Station Area Specific Plan (Specific Plan) in that the sale of beer and wine is a component of the business plan for a restaurant and market that would serve the residents of the surrounding neighborhoods and transit riders as envisioned in the General Plan and Specific Plan;

- 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 project has adequate vehicle and bicycle parking spaces for the proposed use, and the operating characteristics, including product loading times, hours of operation, and number of employees per shift remain unchanged from the approved specialty foods shop and convenience store use;
- 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 a component of an existing facility;
- 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 site has historically supported retail uses, the location currently allows alcohol sale for on-site consumption, and the proposed use has been conditioned to minimize impacts associated with the sale of alcohol for off-site consumption;
- F. Alcohol sales are proposed to operate in the same space as a legal nonconforming use (specialty foods shop and convenience store) and would not increase the degree or the detrimental effects of the nonconformity in that no changes are proposed to the building footprint, delivery schedule, employees per shift, or hours of operation; and
- G. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been found to qualify for a Class 1 Categorical Exemption under CEQA Guidelines Section 15301 because it involves the permitting for an already operating retail sales use. Additionally, as an infill project, this action is exempt from CEQA pursuant to CEQA Guidelines Section 15332.

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) and Section 20-42.034.D (Alcoholic Beverage Sales – Grounds for modification or revocation).

BE IT FURTHER RESOLVED, that a Conditional Use Permit to modify a legal nonconforming use to include the sale of beer and wine for off-site consumption is approved, subject to each of the following conditions:

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GENERAL:

1. Compliance with the latest adopted 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.

2. Compliance with Zoning Administrator Resolution No. CUP16-059, which permits a restaurant serving alcohol, a specialty food shop, and convenience store and was adopted on November 3, 2016.

EXPIRATION AND EXTENSION:

3. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or 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.
4. 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.

BUILDING DIVISION:

5. A building permit is required prior to the installation of any new equipment that will accommodate alcohol sales.

PLANNING DIVISION:

6. This action approves the sale of beer and wine from the approximately 10,000 square foot restaurant and market located at 1480 Guerneville Road.
7. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).

PROJECT DETAILS:

8. The operator of the establishment shall take all reasonable steps to ensure that the approved hours of operation are not a detriment to the surrounding area and to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject alcoholic beverage outlet.
 - a. “Reasonable steps” shall include calling the police in a timely manner; and requesting those engaging in objectionable activities to cease those activities, unless personal safety would be threatened in making the request.
 - b. “Nuisance” includes disturbances of peace, illegal drug activity, prostitution, public drunkenness, drinking in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.

9. The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.
10. The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street as well as any parking lots under the control of the operator as needed to control litter, debris and trash.
11. The operator shall install and maintain one permanent, non-flammable trash container on the property's exterior.
12. The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.
13. Staff training. Within 90 days from issuance of a certificate of occupancy (or if no Building Permit is required, within 90 days of issuance of the Conditional Use Permit), all owners, managers and employees selling alcoholic beverages shall complete a certified training program in responsible method and skills for selling alcoholic beverages. The certified program shall meet the standards of the ABC or other certifying/licensing body which the state may designate. New owners, managers and employees shall complete the training course within 30 days of the date of ownership or employment. Records of successful completion for each owner, manager and employee shall be maintained on the premises and presented upon request by a representative of the City.
14. Signs and displays on the premises shall not obstruct the sales counter, cash register and customer from view from the exterior.
15. The operator shall install and maintain in working order, interior and exterior surveillance cameras and monitors. At a minimum the external cameras shall monitor the entrance to the premises and vicinity of at least 20 feet beyond the entrance to the premises. At a minimum, the interior camera shall monitor the cash register area. The tapes from these cameras shall be retained for at least 10 days from date of recording before destruction or reuse. The tapes shall be made available to the Police Department upon request.
16. A monitored robbery alarm system shall be installed and maintained in good working condition. An alarm permit shall be obtained from the Police Department prior to operation.
17. No beer or wine shall be displayed within five feet of the cash register or front door of the premises.
18. No video or arcade type games are permitted on the property. California State Lottery games are permitted.

19. Premises identification shall comply with City Code Section 18-16.034 and Fire Department Illuminated Address Signs bulletin.
20. A copy of the conditions of approval for the Conditional Use Permit must be kept on the premises of the establishment and be presented to any peace officer or any authorized City official upon request.
21. The operator shall comply with all provisions of all local, state or federal laws, regulations or orders, including those of the ABC, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.
22. Any change in ABC license type or a substantial physical change or change in 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.
23. All exterior lighting under control of the operator shall be maintained in working order and utilized to maintain a well-lit and safe shopping environment.
24. No exterior signs, banners, or the like are approved with this permit. A Sign Permit application is required for any new signage.
25. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.

PLANNING COMMISSION

26. TBD

NOW, THEREFORE, BE IT 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 this 8th day of March, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: _____
CASEY EDMONDSON, CHAIR

ATTEST: _____
CLARE HARTMAN, EXECUTIVE SECRETARY