

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
MARCH 8, 2018

PROJECT TITLE

1480 Guerneville Road – Alcohol Sales

APPLICANT

Matthew Cappiello

ADDRESS/LOCATION

1480 Guerneville Road

PROPERTY OWNER

1480 Guerneville Rd, LP

ASSESSOR'S PARCEL NUMBER

041-043-057

FILE NUMBER

CUP17-132

APPLICATION DATE

November 30, 2017

APPLICATION COMPLETION DATE

December 12, 2017

REQUESTED ENTITLEMENTS

Conditional Use Permit

FURTHER ACTIONS REQUIRED

None

PROJECT SITE ZONING

PI-SA (Public and Institutional, Station
Area combining district)

GENERAL PLAN DESIGNATION

Public/Institutional

PROJECT PLANNER

Patrick Streeter

RECOMMENDATION

Approval

Agenda Item # _____
For Planning Commission Meeting of: March 8, 2018

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR EDMONDSON AND MEMBERS OF THE COMMISSION
FROM: PATRICK STREETER, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT
SUBJECT: 1480 GUERNEVILLE ROAD – ALCOHOL SALES

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 modify a permitted legal nonconforming use to include the sale of beer and wine for off-site consumption at 1480 Guerneville Road.

EXECUTIVE SUMMARY

Super Chavez Taqueria and Market, an approved, existing restaurant and specialty food and convenience store seeks to add alcohol sales for off-site consumption to its operations. The Zoning Administrator of the City of Santa Rosa approved a minor Conditional Use Permit (CUP) in 2016, which permitted the operation of a restaurant serving alcohol as well as a specialty food shop, convenience store, ancillary office space, and storage areas. The minor Use Permit approved the specialty food shop and convenience store within the Public Institutional zoning district as a legal nonconforming use. The request before the Planning Commission to allow alcohol sales for off-site consumption is subject to a minor Conditional Use Permit as a modification to a legal nonconforming use. Consideration of the CUP has been elevated to the Planning Commission because the Planning Commission is typically the review authority for alcohol sales for off-site consumption. Because staff has determined that the addition of alcohol sales to the entitled specialty food shop and convenience store would not increase the degree of nonconformity and because the applicant has addressed the change of use through operational and security considerations, staff is recommending approval.

BACKGROUND

1. Project Description

The Super Chavez Market is an approved taqueria restaurant and specialty food/convenience store located at 1480 Guerneville Road, adjacent to the Santa Rosa North Station of the Sonoma Marin Area Rail Transit (SMART) line. The restaurant and market are located within a single 10,000 square foot building on a 1.07-acre parcel. The majority of the building is dedicated to the retail uses, with the small taqueria located in the southeast corner of the building. In addition to serving the dense residential development surrounding the market, the business plan seeks to capitalize on the proximity to the SMART station through the sale of prepared food, groceries, and beverages to rail riders. Although there are large grocery stores within a half-mile of the site (Target, Whole Foods), Super Chavez Market would be the only neighborhood-scale market in the vicinity.

The approved business hours are 7am to 9pm, daily, and the market intends to hire approximately 40 employees, with a stated intention of hiring from the surrounding neighborhood. Beer and wine would be located in refrigerators and shelves in an observable area near the check-out area of the market. The applicant has provided a security plan which includes exterior and interior cameras, a burglar alarm system, and security personnel to monitor the exterior areas of the parcel. Employees will be familiarized with California Department of Alcoholic Beverage Control (ABC) guidelines and regulations and trained to prevent the sale of alcohol to underage customers or intoxicated persons. No change to building footprint, number of employees, or hours of operation is proposed with this CUP application.

2. Surrounding Land Uses

North:	Residential condominiums
South:	SMART station, single-family residential beyond
East:	Residential apartments, government offices, shopping mall beyond
West:	SMART right-of-way, residential condominiums beyond

The project site is located in an area with dense residential development. Coddington Mall Apartments, Parc Station Apartments, and Villa Rosa Condominiums are adjacent to the Super Chavez Market. The Coddington Mall and other retail outlets are located within one half-mile of the site. The SMART Santa Rosa North station is located southwest of the market, immediately adjacent to the SMART multi-use path and a channelized portion of Steele Creek.

3. Existing Land Use – Project Site

The project site is developed with a 10,000 square foot single-story building, parking lot, and some vegetation. The Super Chavez Market, which includes a restaurant serving alcohol, a specialty food shop, and convenience store was

approved through Zoning Administrator Resolution No. CUP16-059 on November 3, 2016.

4. Project History

On November 3, 2016, the Zoning Administrator adopted Resolution No. CUP16-059, which permitted a restaurant serving alcohol, a specialty food shop, and convenience store.

On May 25, 2017, an application was submitted to the Department of Planning and Economic Development (PED) for a General Plan Amendment to change the project parcel land use designation from Public/Institutional to Transit Village – Mixed Use and a Zoning Map Amendment to reclassify the project parcel from the PI (Public Institution) district to the TV-M (Transit Village – Mixed Use) district.

On November 30, 2017, the General Plan and Zoning Map Amendment applications were withdrawn and an application for a Conditional Use Permit to modify a legal nonconforming use adding alcohol sales for off-site consumption, was submitted to PED.

On January 29, 2018, a Notice of Application was mailed to nearby property owners. As of the time of this writing, no comments have been received by staff.

PRIOR CITY COUNCIL REVIEW

Not applicable for this project.

ANALYSIS

1. General Plan

The General Plan land use designation for the project site is Public/Institutional, which is intended to support governmental or semi-public facilities such as hospitals, utilities, or government office centers. The parcel has been used for commercial retail purposes since at least 1964 when the existing building was constructed. The following General Plan policies are applicable to the project:

- | | |
|---------|---|
| 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. |
| EV-B | Facilitate the retention and expansion of existing businesses and provide sufficient land for business expansion and attraction of new employers that utilize the area's existing labor pool. |

EV-C Promote new retail and higher density uses along the city's regional/arterial corridors.

As identified above, several General Plan policies call for neighborhood serving retail uses that satisfy the needs of people who live and work in Santa Rosa, as well as attract a regional clientele. The subject site is located along a regional arterial road and adjacent to the SMART station. In addition to the regional clientele, the market would serve the existing and planned dense residential development surrounding the SMART station. Staff finds the proposed retail sale of alcohol to be consistent with the General Plan and an appropriate use for the site and its surroundings.

2. Other Applicable Plans – North Santa Rosa Station Area Specific Plan

The project site is within the study area of the North Santa Rosa Station Area Specific Plan (Specific Plan), which focuses on concentrating development intensity and density within one half- mile of the SMART station at Guerneville Road. The plan promotes a mixture of pedestrian and transit friendly residential, retail, office, and open space land uses. Some of the Specific Plan policies applicable to the project include:

Policy E-1.1. Expand local-serving retail and personal services uses to accommodate daily needs of station area users, visitors, employees, and residents within easy walking distance of residential areas and the SMART station.

Policy E-1.2. Encourage unique local retail and service businesses to locate within the Plan area.

Policy CM-1.2. Encourage infill retail development along the Guerneville Road street frontage.

The restaurant and grocery market intends to serve riders of the SMART line as well as the residential neighborhoods within walking distance of the project site. The addition of beer and wine sales to the approved market is in line with the business plan of the market.

3. Zoning

North: R-3-30-SA (Multi-family Residential; Station Area)
South: TV-M-SA and TV-R-SA (Transit Village Mixed and Transit Village Residential; Station Area)
East: TV-R-SA (Transit Village Residential; Station Area)
West: R-3-30-SA and TV-M-SA (Transit Village Mixed and Multi-family Residential; Station Area)

The project site is located with the PI-SA (Public and Institutional; Station Area combining district) zoning district. This special purpose zoning district implements the Public/Institutional land-use designation of the General Plan and is intended to accommodate public and semi-public facilities and assembly areas. While Restaurant Serving Alcohol is identified as a permitted use in the PI district, Grocery and General Retail land uses are not included in the allowable land use table of the Zoning Code. The Station Area combining district defers to the primary zoning district (PI) for allowable land uses and imposes several development standards to construction within the district boundaries.

Alcohol Sales

Pursuant to Zoning Code Section 20-42.034(A), a retailer of 10,000 square feet or greater, that sells alcoholic beverages as a normal part of business, is permitted by right and not subject to a Conditional Use Permit for alcohol sales. Because the retail use is a legal nonconforming use however, a Conditional Use Permit is required for modification of the use. Alcohol sales at the restaurant and the market remain subject to ABC licensing requirements.

Legal Nonconforming Use

The project is proposing to add alcohol sales to a legal nonconforming use: specialty grocery market and convenience store. Zoning Code section 20-61.020(C)(2) allows changes to a nonconforming use of a structure provided that in reviewing a use permit, the review authority can find, in addition to the standard use permit findings, that the enlargement, expansion, extension, or increase in use would not increase the degree or the detrimental effects of the nonconformity. It is staff's determination that by adding the sale of beer and wine to the already permitted grocery market, with no change to number of employees or operating hours, there would be a negligible change to the degree of nonconformity.

Parking

Because the sale of alcohol is not considered an expansion of the business and there is no increase in retail floor area proposed, off-street parking supply was not analyzed by City staff.

4. Design Guidelines

No exterior changes to the building or site are proposed.

5. Neighborhood Comments

A Notice of Application was sent to nearby property owners on January 29, 2018.

To date no response to the Notice of Application or Notice of Public Hearing has been received by staff. Prior to the November 3, 2016, Zoning Administrator meeting, a letter of opposition to the restaurant and market was received by staff. The letter expressed opposition to the nature of the business, traffic and parking impacts, potential conflict with nearby businesses, and proximity to residential uses.

6. Public Improvements/On-Site Improvements

No site improvements are proposed with this Conditional Use Permit application. Zoning Administrator Resolution No. 16-059, which approved the taqueria and market, included substantial improvements as conditions of approval. These improvements include a new public and private on-site fire hydrant, dedication of a public utility easement, utility upgrades, a covered trash enclosure, and construction of a curb, gutter, sidewalk, and curb cut along Herbert Lane.

ENVIRONMENTAL IMPACT

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, applicable to existing facilities involving no expansion of the facility.

Additionally, the project qualifies for a Class 32 exemption, per Section 15332, as it involves an infill development on a site of less than five acres, within City limits, substantially surrounded by urban uses, with no value as habitat for endangered, rare or threatened species, adequately served by necessary utilities and public services, and the project has no foreseeable significant adverse impacts.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

The Super Chavez Market went before the Zoning Administrator on November 3, 2016. At that meeting, the Zoning Administrator adopted Resolution No. CUP16-059, which permitted a restaurant serving alcohol, a specialty food shop, and convenience store.

NOTIFICATION

The project was noticed as a public hearing pursuant to 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, 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.

ISSUES

The applicant originally pursued a Zoning Map Amendment and a General Plan Amendment to eliminate the nonconforming status of the restaurant and market. However, due to the complex nature of amending those documents, potential conflicts with the North Santa Rosa Station Area Specific Plan, and environmental review, the modification to a legal nonconforming use currently under consideration presented itself as the preferred permitting path.

ATTACHMENTS

- Attachment 1 - Disclosure Form
- Attachment 2 - Location Map
- Attachment 3 - General Plan and Zoning Map
- Attachment 4 - Project description, prepared by J. Kapolchok and Associates, dated received November 28, 2017
- Attachment 5 – Project plan set, dated received December 12, 2017
- Attachment 6 - Operational and Security Plan, dated received December 12, 2017
- Attachment 7 - Zoning Administrator Resolution No. CUP16-059, approving a conditional use permit to allow a taqueria restaurant, specialty food shop, and convenience store, adopted November 3, 2016
- Attachment 8 - Letter in opposition to the convenience store, taqueria restaurant, and specialty food shop, dated October 30, 2016

Draft Resolution

CONTACT

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