

Maloney, Mike

From: Maloney, Mike
Sent: Wednesday, March 7, 2018 5:38 PM
To: _PLANCOM - Planning Commission
Cc: Streeter, Patrick
Subject: 3/8 PC - Item 9.2

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Chair Edmondson and Members of the Planning Commission

The following information is in response to questions from members of the Commission regarding alcohol sales for 1480 Guerneville Road, Item 9.2 on tomorrow's agenda.

To clarify the Zoning section of the Staff Report – the action before the Planning Commission is denial or approval of a minor use permit for increased intensity of a non-conforming use (specialty grocery market and convenience store). Pursuant to [Zoning Code Section 20-61.020\(C\)\(2\)](#), the Commission is charged with determining whether the addition of alcohol sales to the legal nonconforming use would result in an increase in the degree or detrimental effects of the nonconformity.

In the interest of public disclosure and participation, the minor use permit was elevated to the Planning Commission for consideration. Although, as stated in the Staff Report, a Conditional Use Permit specifically for alcohol sales is not required, as a discretionary approval, the Commission may choose to consider the provisions of [Zoning Code Section 20-42.032](#) as they apply to this business (though the findings of this chapter do not need to be made). Staff contacted Alcoholic Beverage Control (ABC) and the Santa Rosa Police Department for comment as it relates to the Alcohol Sales code section referenced above:

ABC – The census tract for the Super Chavez Market is not identified by the ABC as over-concentrated with the Type 20 (Wine and Beer Off-sale) license type or a high-crime area, therefore a Public Convenience or Necessity (PCN) determination is not required for this business.

Police Department – Statistics for the vicinity of the market for the period from March 2017 to March 2018 do not indicate a high degree of alcohol-related calls for service. The Police Department has reviewed the operating plan and security plan for the market and has no issues. A recommendation from the Police Department would be that sale of beer and malt beverages in individual containers be prohibited.

Regarding revocation or modification of the permit under [Section 20-54.100](#): this section of the Code pertains to a City-initiated change to a land use approval. For land uses operating outside of the provisions of the permit, the standard course of action would include progressive penalty through the Code Enforcement division. If the City determines that an entitlement should be revoked or modified, Section 20-54.100 provides the mechanism by which that can be done. For an operator/applicant-initiated change, Section 20-61.020 is the appropriate Code section.

Lastly, the Staff Report cites 40 employees in the project description. The applicant has stated that the business has been operating with 25 – 28 employees and that there are no plans to change that number.

These items will also be discussed during the staff presentation on Thursday. Please contact me if there are any questions.

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