

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
August 12, 2021

PROJECT TITLE

Valero Gas Station

ADDRESS/LOCATION

4501 Highway 12

ASSESSOR'S PARCEL NUMBER

182-490-016

APPLICATION DATE

January 25, 2021

REQUESTED ENTITLEMENTS

Conditional Use Permit (CUP)

PROJECT SITE ZONING

CN (Neighborhood Commercial)

PROJECT PLANNER

Monet Sheikhal

APPLICANT

Primo De Guzman

PROPERTY OWNER

Alex Gaviola

FILE NUMBER

CUP21-007

APPLICATION COMPLETION DATE

January 25, 2021

FURTHER ACTIONS REQUIRED

N/A

GENERAL PLAN DESIGNATION

Retail and Business Services

RECOMMENDATION

Approval

Agenda Item #10.1
For Planning Commission Meeting of August 12, 2021

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE PLANNING
COMMISSION

FROM: MONET SHEIKHALI, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: VALERO GAS STATION USE PERMIT TO ALLOW SALE OF
BEER AND WINE FOR OFF-SITE CONSUMPTION

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 allow sale of beer and wine for off-site consumption at the existing Valero gas station located at 4501 Highway 12.

EXECUTIVE SUMMARY

The applicant seeks a Conditional Use Permit (CUP) to allow the existing Valero gas station to sell beer and wine for off-site consumption. Per Zoning Code [Section 20-42.034](#), in addition to the regulations of the applicable zoning district, any establishment under 10,000 square feet that sells alcohol for on-site or off-site consumption, including liquor stores, convenience food stores, markets, taverns, and bars, shall be permitted only by Conditional Use Permit.

BACKGROUND

1. Project Description

The existing Valero gas station has been in operation since late 1990 and offers fueling services for motorists and sells convenience items stores such as snacks, drinks, hygiene products, candy and cigarettes, and serves sandwiches at the Subway shop. The current store owner is requesting to include the sale of beer and wine, a Type 20 Beer and Wine license, for off-site consumption. The beer and wine sales would only account for one to two percent of overall sales. The sale of beer

and wine for off-site consumption will be limited between the hours of 6:00 am and 2:00 am daily in accordance with the Department of Alcohol Beverage Control policy.

2. Existing and Surrounding Land Uses

Existing	Retail and Business Services
North	Medium Density Residential
South	Retail and Business Services
East	Retail and Business Services
West	Retail and Business Services

The site is located along the Highway 12 corridor at the northwest corner of its intersection with Mission Boulevard along with other commercial uses. The surrounding area land uses are a mix of commercial, office, and residential uses. Immediately adjacent to the north is a multifamily residential use and on the west side is a medical office.

3. Project History

January 25, 2021	Project applications submitted.
March 31, 2021	Application was deemed complete.
June 6, 2021	Notice of Pending Application was mailed to property owners and tenants within 600-feet of the project site.
August 2, 2021	Planning Commission public hearing noticing distributed.

ANALYSIS

1. General Plan

The proposed project site is designated as Retail and Business Services on the General Plan Land Use Diagram. This classification is intended to accommodate retail and service enterprises, offices, and restaurants. The following General Plan goals and policies are applicable to the Project:

- EV-A Maintain a positive business climate in the community.
- EV-A-5 Maintain diversity in the types of jobs available in Santa Rosa to lessen the impact of economic cycles.
- 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.

The current use and changes proposed by this project comply with General Plan policies which encourages providing a range of commercial services that are easily

accessible and attractive, that satisfies the needs of people who live and work in Santa Rosa.

2. Zoning

Existing	CN (Neighborhood Commercial)
North	PD 0474 (Planned Development)
South	PD 0307 (Planned Development)
East	CN (Neighborhood Commercial)
West	PD 0165 (Planned Development)

The project site is located within a Neighborhood Commercial (CN) zoning district and is surrounded by Residential and Commercial zoning districts. The CN zoning district is applied to areas within and adjacent to residential neighborhoods appropriate for limited retail and service centers for convenience shopping. Uses in these centers are intended to provide for the day-to-day needs of local neighborhoods and workplaces, but not to be of such scope and variety as to attract substantial traffic volumes from outside the neighborhood.

The proposed project will not increase the traffic in the area, and it is anticipated that the delivery of beer and wine to the Valero gas station will happen once a week in coordination with the delivery of goods being sold in the convenience store.

This application is regulated by the sections of the Zoning Code pertaining to Alcoholic Beverage Sales (Section 20-42.034) and Conditional Use Permits (Section 20-52.050). The related review criteria and required findings under these sections are discussed below.

Alcoholic Beverage Sales, Zoning Code Section 20-42.034(C)

Per section 20-42.034(C), when making the findings to grant a Conditional Use Permit, the Planning Commission shall consider the following:

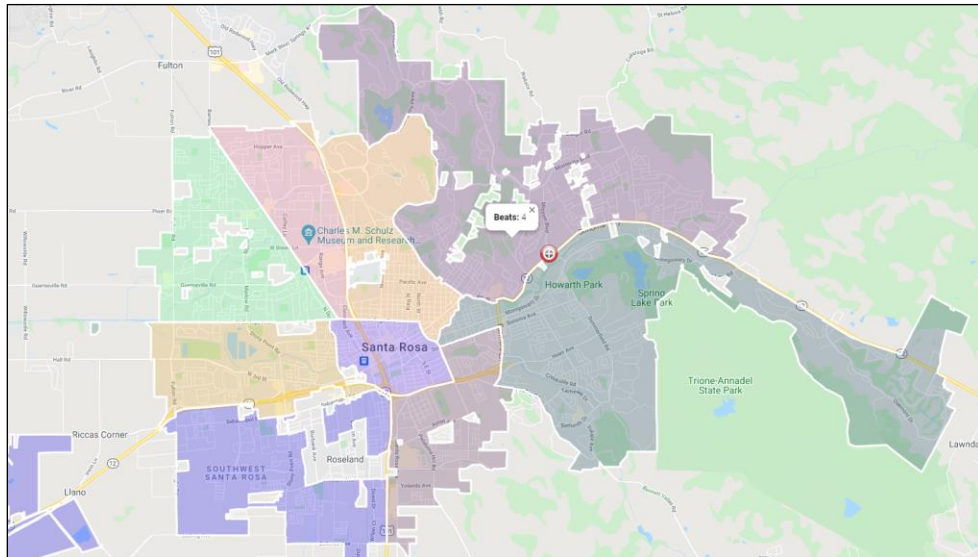
1. Whether the use serves public convenience or necessity.

Staff Response: The proposed use would respond to public convenience or necessity because the area is underserved in that there are only 3 Type 20 licenses in an area where ABC would allow a maximum of 10. An undue concentration would occur if there were more than 10 Type 20 licenses.

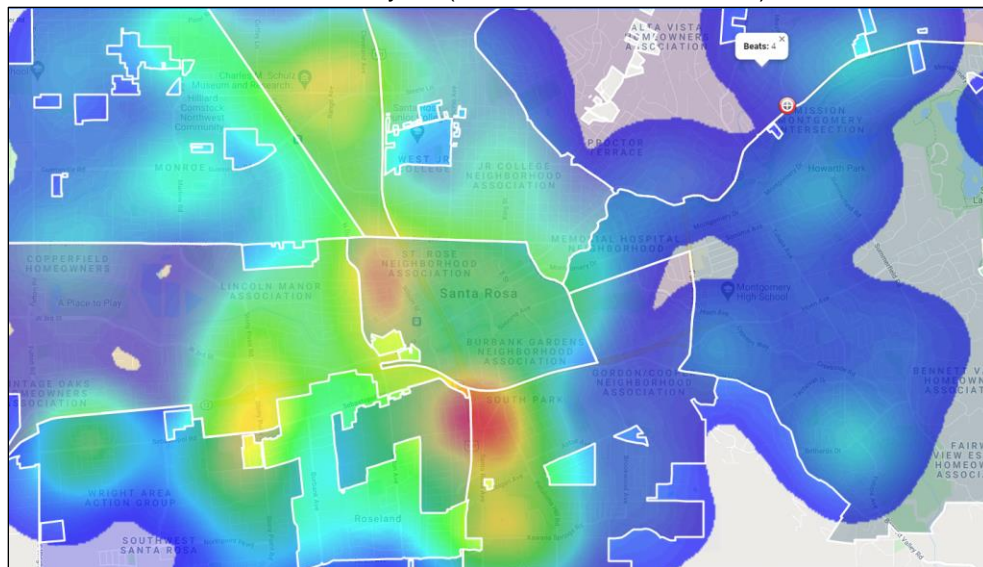
2. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.

Staff Response: The Santa Rosa Police Department operates nine patrol beats in the City of Santa Rosa. As shown in Map 1, the project is located in Beat 4 (District 3). As shown in Map 2, in this beat crime rate or density has been significantly lower compared to other beats of the city during the last year.

Map 1. Santa Rosa Police Patrol Beats Map



Map 2. Santa Rosa Crime Density Map
from the last year (07/13/2020 to 07/13/2021)



3. The number of alcohol licenses per capita in the reporting district and in adjacent reporting districts as compared to the county-wide average.

Staff Response: As noted above, the subject area does not have an over-concentration of Type 20 licenses according to limits established by ABC based on census data.

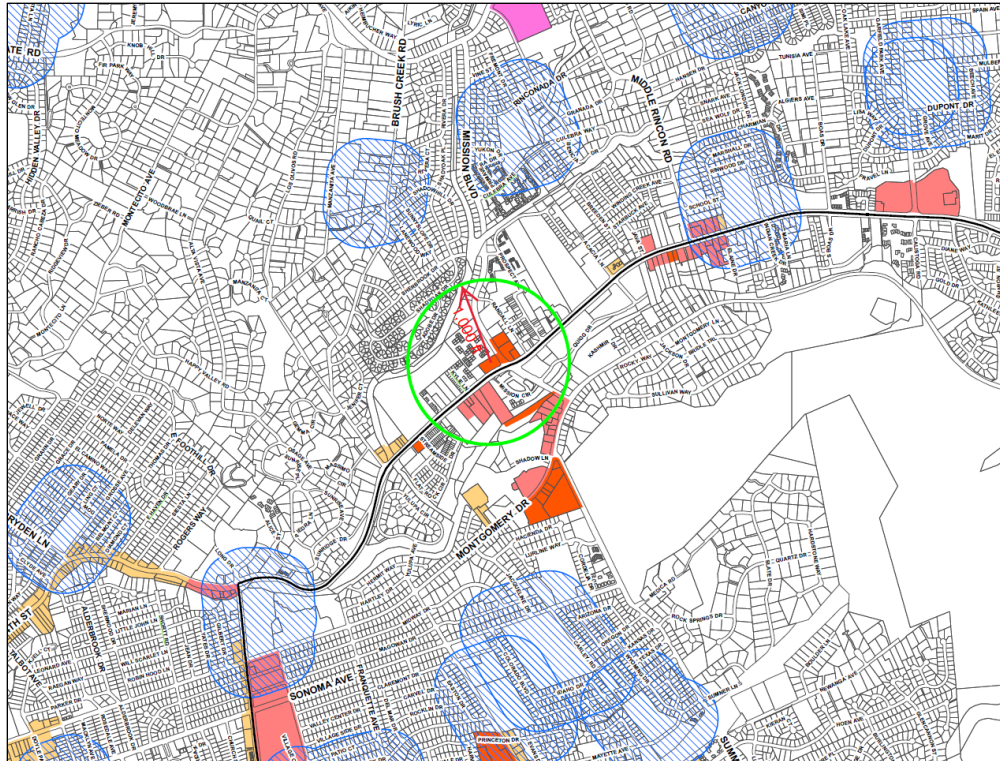
4. The numbers of alcohol-related calls for service, crimes or arrests in the reporting district and in adjacent reporting districts.

Staff Response: The Police Department has provided a list of arrests and citations that occurred between July 6, 2018 and July 7, 2021, within a 1,000-foot radius from the project site. During this period, there were a total of 251 arrests 28 of which were alcohol related. Only one of the alcohol related arrests happened on the 4501 Highway 12 property. The remaining arrests were within the 1,000 feet radius, which included 11 public intoxication (alcohol, drug, or a combination), and 17 DUI related arrests.

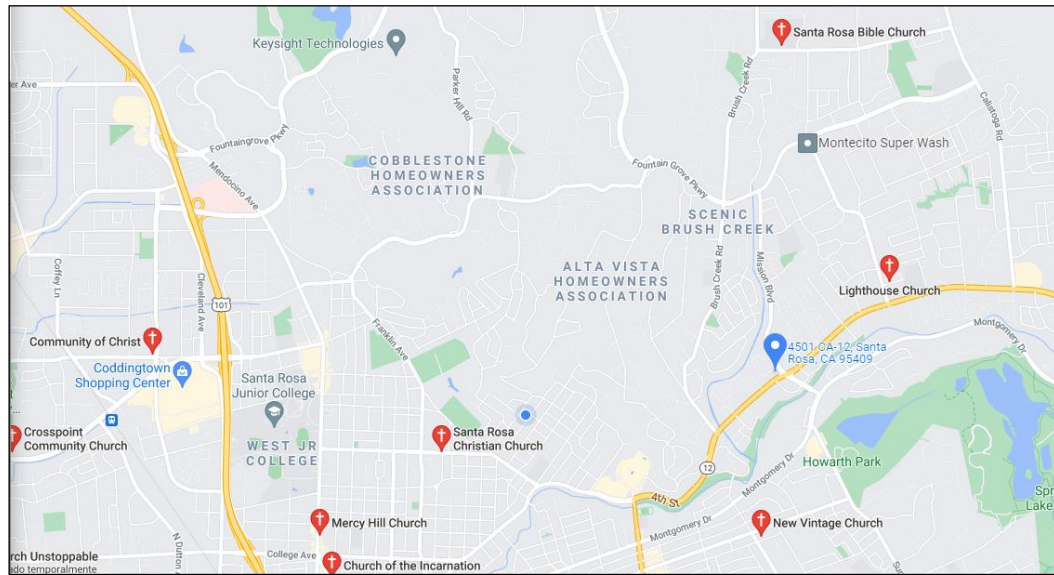
5. The proximity of the alcoholic beverage outlet to residential districts, day care centers, park and recreation facilities, places of religious assembly, and schools.

Staff Response: The site is located on the northwest corner of the intersection of Highway 12 and Mission Boulevard. There are no distance requirements established from such uses in the ordinance. The Police Department has not indicated a concern that there may be issues specifically related to the location of the schools and the location of the subject property. As observed in Map 3 and Map 4, the closest school and the closest place of religious assembly are more than 2,000 feet away from the project site.

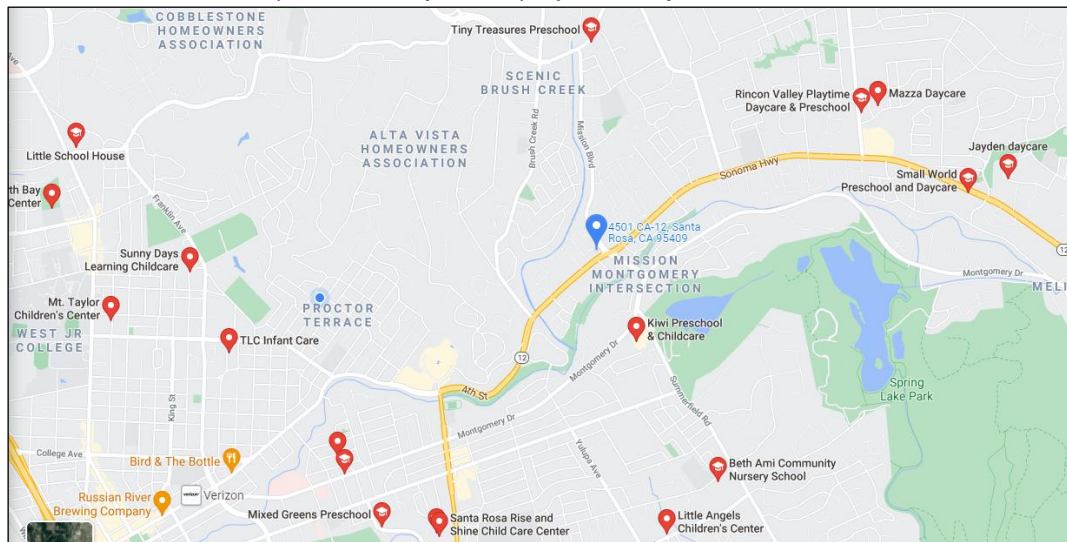
Map 3. Proximity of the project to schools.



Map 4. Proximity of the project to places of religious assembly.



Map 5. Proximity of the project to day care facilities.



6. Whether the site plan and floor plan incorporated design features to assist in reducing alcohol related problems. These features may include, but are not limited to, openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

Staff Response: The entire service station is equipped with security cameras which serves as a preventive to unlawful behavior. The floor plan shows the walk-in cooler is on the opposite wall from the entrance. The coolers are equipped with locks to secure the merchandise during periods when alcohol

sales are not allowed. Any graffiti painted or marked upon the premises is removed or painted over within 72 hours of discovery. Signs are posted on premises stating, "No open alcoholic beverage containers are allowed on these premises" and "No loitering is allowed on or in front of these premises".

Conditional Use Permit Criteria, Zoning Code Section 20-52.050.

Per section 20-42.034(C), the Planning Commission must make each of the following findings to approve the CUP:

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code.

Staff Response: The proposed alcohol sale complies with the standards and criteria in [Section 20-42.034](#) (Alcoholic Beverage Sales) of the Zoning Code and a Conditional Use permit is submitted for the proposed sale of beer and wine for off-site consumption;

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Staff Response: The site is zoned CN (Neighborhood Commercial) which is consistent with the General Plan Land Use designation and the purpose of the CN zoning district is to provide limited retail and service centers for convenience shopping adjacent to residential neighborhood;

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

Staff Response: The proposed addition of beer and wine sales is a minor change to the existing operation of the convenience store and will not result in any expansion of the use or structure.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

Staff Response: The proposed use will be located entirely within an existing commercial building. Adequate vehicular access to the site is provided from Highway 12. The building and site will be fully accessible pursuant to Americans with Disabilities Act (ADA) standards. All necessary utilities are available at the project site, including water, wastewater, storm drainage, gas, and electric services.

5. 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; and

Staff Response: The proposed project will be consistent with the land uses along Highway 12, which contains a variety of office, commercial, and residential uses. The Santa Rosa Police Department has no comments or conditions regarding the addition of beer and wine sales for off-site consumption from this location. Additionally, the site is not located in close proximity to any school or religious facility.

In summary, staff finds the project meets the above findings outlined in the Zoning Code. However, it is not within the City's authority to impose any restrictions on the alcoholic beverage container size, number of units a customer may buy or alcohol content; that power is reserved for the ABC. This type of restriction can be applied only if the applicant volunteers to restrict sales and subsequently ABC incorporates this restriction into the liquor license.

7. Neighborhood Comments

On June 6, 2021, a Notice of Application was mailed to surrounding property owners. To date, three responses have been received and all responses oppose the project. Comments include:

- Concentration of facilities selling alcoholic beverages for off-site consumption
- The sale of alcoholic beverages from a gas station

Staff response: Based on the data available, the ABC would issue up to 10 licenses in this area and only three have been issued. Overconcentration is not associated with an objective measure and therefore cannot be specifically analyzed; however, ABC criteria for license issuance provides a tool for evaluating potential for overconcentration. Based upon ABC criteria, approval of the proposed use would not result in an overconcentration.

Public Improvements/On-Site Improvements

N/A

ENVIRONMENTAL IMPACT

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and staff has determined that the project qualifies for:

- Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that the project is located within an existing structure involving a negligible expansion of an existing use that will not result in significant impact(s).

The City has further determined that 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.)

NOTIFICATION

The project was noticed as a public hearing per 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 and occupants, 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. Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

ISSUES

There are no unresolved issues.

ATTACHMENTS

Attachment 1	Disclosure Form
Attachment 2	Location Map
Attachment 3	Project Description
Attachment 4	Site Plan
Attachment 5	1,000 feet distance from schools
Attachment 6	Public Comments
Resolution	

CONTACT

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