

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT TO ALLOW THE EXISTING VALERO GAS STATION LOCATED AT 4501
HIGHWAY 12, APN 182-490-016, TO SELL BEER AND WINE FOR OFF-SITE
CONSUMPTION - FILE NUMBER CUP21-007

WHEREAS, an application was filed with Planning and Economic Development on January 25, 2021, requesting the approval of a Conditional Use Permit for the Valero Gas station, located at 4501 Highway 12 and also identified as Sonoma County Assessor's Parcel Number 182-490-016, to sell beer and wine for off-site consumption; and

WHEREAS, Zoning Code Section 20-42.034 establishes additional criteria for review in connection with an application for the sale of alcohol beverages for off-site consumption and requires the Planning Commission to make certain findings to approve a Conditional Use Permit pursuant to Section 20-52.050; and

WHEREAS, the Planning Commission 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 use is allowed within the applicable CN (Neighborhood Commercial) zoning district and complies with all other applicable provisions of the Zoning Code and the City Code in that 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 off-site alcohol sale;
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that 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;
- 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 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;

- 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 addition 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.; and
- 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 proposed addition 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 a close approximately to any school or religious facility; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a 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). 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).

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).

BE IT FURTHER RESOLVED that a Conditional Use Permit for Valero Gas Station for the sale of beer and wine for off-site consumption, to be located at 4501 Highway 12, is approved subject to each of the following conditions:

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

GENERAL:

1. Compliance with the latest 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. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
3. Off-sale beer and wine sales shall be permitted as an ancillary portion of the convenience food store retail sales use.

4. Compliance with the Zoning Ordinance standards applying to Alcoholic Beverage Sales, in addition to State Alcoholic Beverage Control shall be achieved for the duration of the use.
5. Any change in ABC license type including, but not limited to, a change from a Type 20 to a Type 21 license, or a substantial physical change or 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.
6. This Conditional Use Permit shall be valid for a two-year period. 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.
7. 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.
8. Compliance with the City's Outdoor Lighting Ordinance in Zoning Code Section 20-30-080 is required.
9. No exterior signs, banners, or the like are approved with this permit. A Planning sign permit application is required for all signs.

FURTHER 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 the 12th day of August 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
KAREN WEEKS CHAIR

ATTEST: _____
ANDREW TRIPPEL, EXECUTIVE SECRETARY