

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
April 13, 2023

PROJECT TITLE

Alcoholic Beverage Sales at The
European Food Store

APPLICANT

Olga Rozhkova

ADDRESS/LOCATION

100 Burt Street, Suite M

PROPERTY OWNER

HR Plaza LLC.

ASSESSOR'S PARCEL NUMBER

044-091-046

FILE NUMBERS

CUP22-054 (PRJ22-022)

APPLICATION DATES

August 25, 2022

APPLICATION COMPLETION DATES

October 10, 2022

REQUESTED ENTITLEMENTS

Conditional Use Permit (CUP)

FURTHER ACTIONS REQUIRED

None

PROJECT SITE ZONING

General Commercial (CG)

GENERAL PLAN DESIGNATION

Retail and Business Services

PROJECT PLANNER

Suzanne Hartman

RECOMMENDATION

Approval

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE PLANNING
COMMISSION

FROM: SUZANNE HARTMAN, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: ALCOHOL SALES AT THE EUROPEAN FOOD STORE

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 the sale of alcohol for off-site consumption from the existing multi-commercial building located at 100 Burt Street.

EXECUTIVE SUMMARY

The applicant seeks a Conditional Use Permit to allow the sale of beer, wine and distilled spirits for off-site consumption. Per Zoning Code [Section 20-42.034](#), in addition to the regulations of the applicable zoning district, convenience stores with a floor area of less than 10,000 square feet, that propose to sell alcohol for on-site or off-site consumption shall be permitted only by approval of a Conditional Use Permit.

BACKGROUND

1. Project Description

The European Food Store is an existing retail establishment that is located within an existing multi-tenant commercial building located at 100 Burt Street. The applicant is seeking a Conditional Use Permit for the sale of alcoholic beverages (Type 20 ABC License) for off-site consumption.

2. Surrounding Land Uses

The site is located along the Santa Rosa Avenue corridor and Burt Street, and is surrounded with land uses that are a mix of commercial and various residential uses.

North:	Medium Residential and Retail and Business Services
South:	Mobile Home Park
East:	Medium Residential
West:	Retail and Business Services

3. Existing Land Use – Project Site

The project site is zoned as General Commercial, and the General Plan Land Use designation is Retail and Business Services. The specialty European grocery store is located within the South Santa Rosa retail shopping center (Avenue Shoppes).

4. Project History

August 25, 2022	Project application submitted.
October 10, 2022	Application was deemed complete.
March 28, 2023	Planning Commission public hearing noticing distributed.
April 13, 2023	Public Hearing

ANALYSIS

1. General Plan

The [General Plan](#) addresses issues related to the physical development and growth of Santa Rosa and guides the City's planning and zoning functions. The 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 proposed use complies with these General Plan policies, which encourage providing various types of commercial services that are easily accessible and attractive, that satisfy the needs of people who live and work in Santa Rosa. The most relevant applicable General Plan goals and policies with Staff's analysis are included in the list below.

- 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 proposed use complies with these General Plan policies, which encourage providing a range of commercial services that are easily accessible and attractive, and that satisfy the needs of people who live and work in Santa Rosa.

2. Zoning

The [Zoning Code](#) implements the goals and policies of the General Plan by classifying and regulating the use of land and structure development within the City. The project site is zoned as General Commercial (CG). The CG zoning district is applied to areas appropriate for a range of retail and service land uses that primarily serve residents and businesses throughout the City, including restaurants, personal and business services and shops. The CG zoning district is consistent with the Retail and Business Services land use classification of the General Plan. The applicant proposes to add alcoholic beverage sales to an existing convenience store (The European Food Store), which sells a variety of specialty foods.

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(B)

Per Zoning Code Section 20-42.034(B), in considering a Conditional Use Permit application, the Planning Commission may choose to waive any of the following standards, and/or to impose revised or additional standards as conditions of approval:

1. Customer and site visitor management.

a. The operator of the establishment shall take all reasonable steps 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.

(1) "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.

(2) "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.

b. 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.

c. The operator shall ensure that the hours of operation shall not be a detriment to the surrounding area.

2. Trash, litter, graffiti.

a. 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.

b. The operator shall install and maintain one permanent, non-flammable trash container on the property's exterior.

c. The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.

3. 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.

4. Staffing, surveillance, and security.

a. Signs and displays on the premises shall not obstruct the sales counter, cash register and customer from view from the exterior.

b. 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.

c. 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.

d. Restrooms shall remain locked and under the control of the cashier.

e. The premises shall be staffed with at least one person during hours of operation who shall not be responsible for dispensing fuel or auto servicing.

5. Limitations on product sales and display.

a. The operator shall not sell, furnish or give away empty cups, glasses or similar receptacles commonly used for the drinking of *beverages* in quantities of less than 24 count in their original packaging.

b. Coolers, tubs and other storage containers holding *alcoholic beverage* shall be equipped with a locking mechanism which shall be in place and used to restrict access by customers during the hours when sales of *alcoholic beverages* are prohibited.

c. No beer or wine shall be displayed within five feet of the cash register or front door of the premises.

d. No video or arcade type games are permitted on the property. California State Lottery games are permitted.

6. Signs, postings.

a. Premises identification shall comply with City Code Section 18-16.034 and Fire Department Illuminated Address Signs bulletin.

b. 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.

c. Signs shall be posed on the inside of the premises stating that drinking on the premises or in public is prohibited by law.

7. Compliance with other requirements.

a. 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.

b. The operator shall comply with all provisions of the City Code and conditions imposed by City issued permits.

c. 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.

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

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

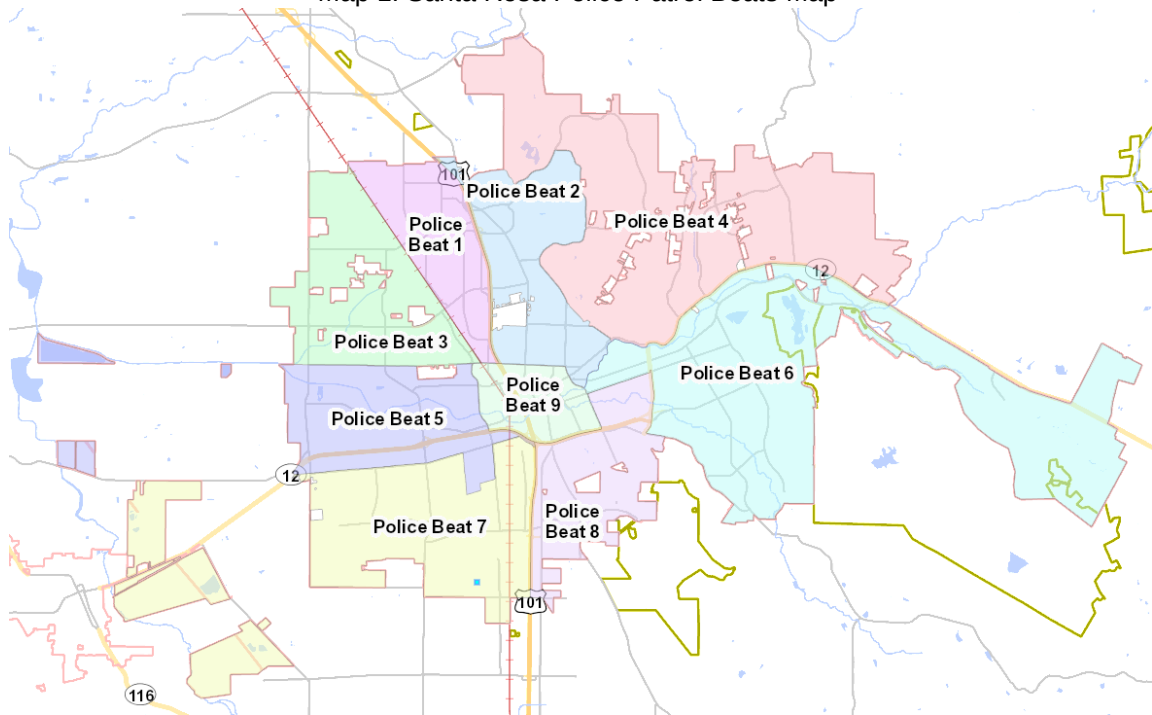
a. Whether the use serves public convenience or necessity.

Staff Response: The Applicant submitted a request for determination of Public Convenience or Necessity for The European Food Store, for a Type 20 License, for the sale of beer and wine for consumption off the premises where sold. Statistical information reported by the ABC indicates this location is within an area with a high concentration of liquor licenses. The Santa Rosa Police Department has reviewed the proposal and has not indicated any concerns for the proposed sale of alcohol. It was determined on January 27, 2023, by the Planning and Economic Development Director that public convenience would be served by the issuance of a Type 20 ABC License. .

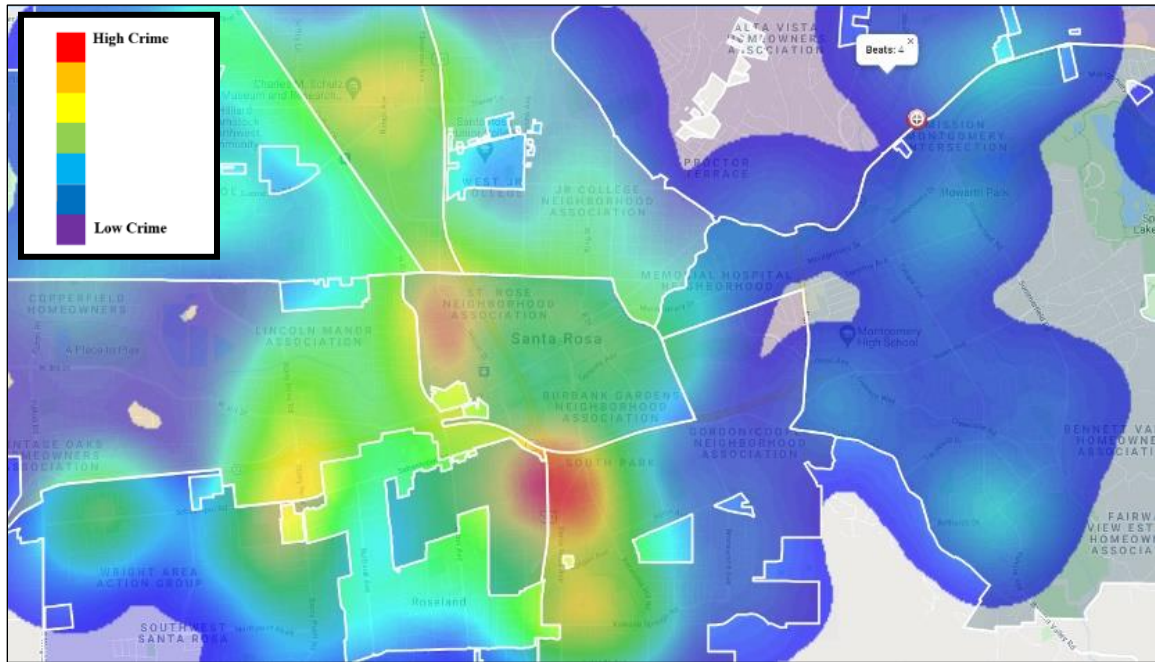
b. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.

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 8 (District 1). As shown in Map 2, the crime rate and density are not significantly higher in Beat 8 compared to other beats of the City during the last year.

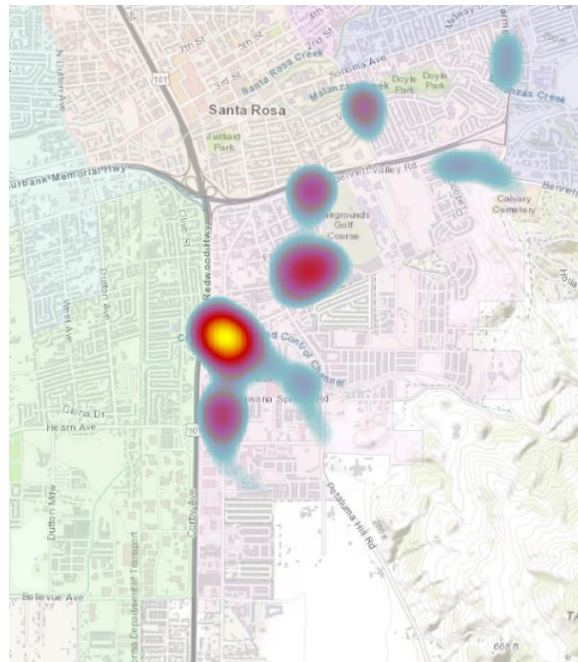
Map 1. Santa Rosa Police Patrol Beats Map



Map 2. Santa Rosa Crime Density Map. Dark red indicates hot spots.



Map 3. Santa Rosa, Beat 8, Alcohol-Related Crime Density Map (Radius 40)
from March 2022 to March 2023



- c. 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: There are currently 18 active alcohol licenses with the project site's designated census tract (1514.05). As noted above, the subject area does not have an overconcentration of Type 20 licenses according to limits established by the ABC based on census data.

- d. 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 March 1, 2022, to present, within Police Beat 8. During this period, shown in Map 3, there was a total of 64 alcohol-related arrests. No data suggests that there have been any alcohol-related arrests within 1,000 feet of the project site within this past year.

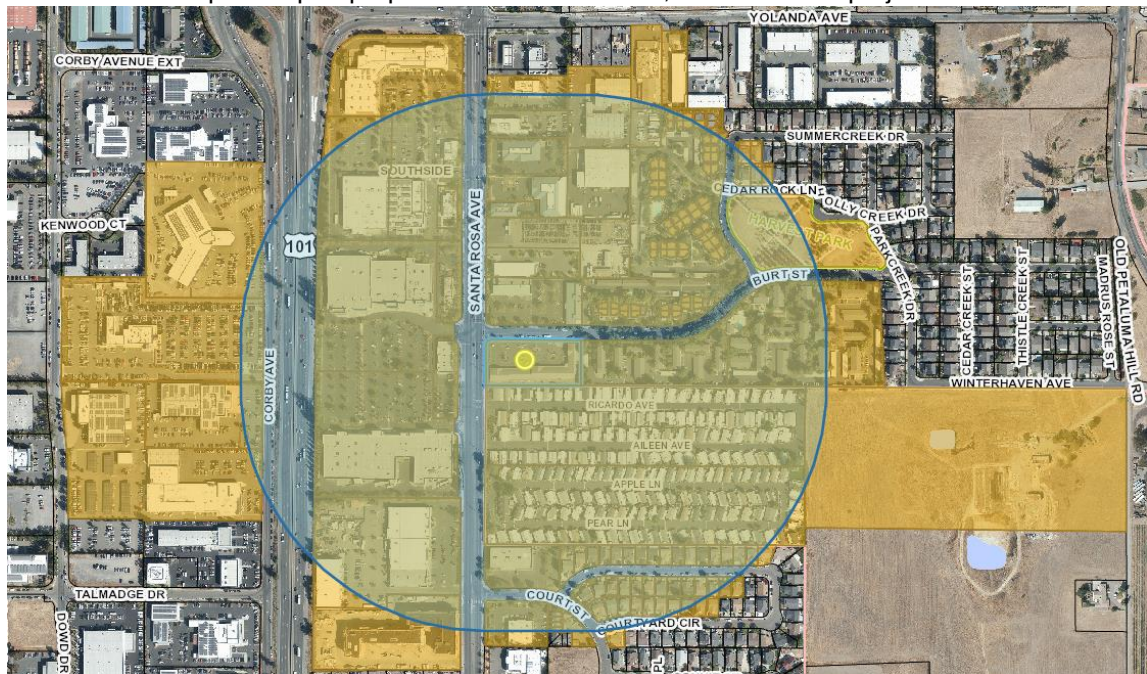
- e. The proximity of the alcoholic beverage outlet to residential districts, day care centers, park and recreation facilities, places of religious assembly, and schools.

Staff Response: The site is located southeast of the Santa Rosa Southside Shopping Center, on the east side of Highway 101. There are no distance requirements established from residential districts, day care centers, park and recreation facilities, places of religious assembly, or schools in the City 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 5, Map 6 and Map 7, the closest place of religious assemblies and the closest schools are more than 2,000 feet away from the project site and the closest childcare facility is more than 1,000 feet away from the project site. There are residential districts and one community park (Harvest Park) that are within 1,000 feet of the project site; the distance between The European Food Store and Harvest park is more than 600 feet.

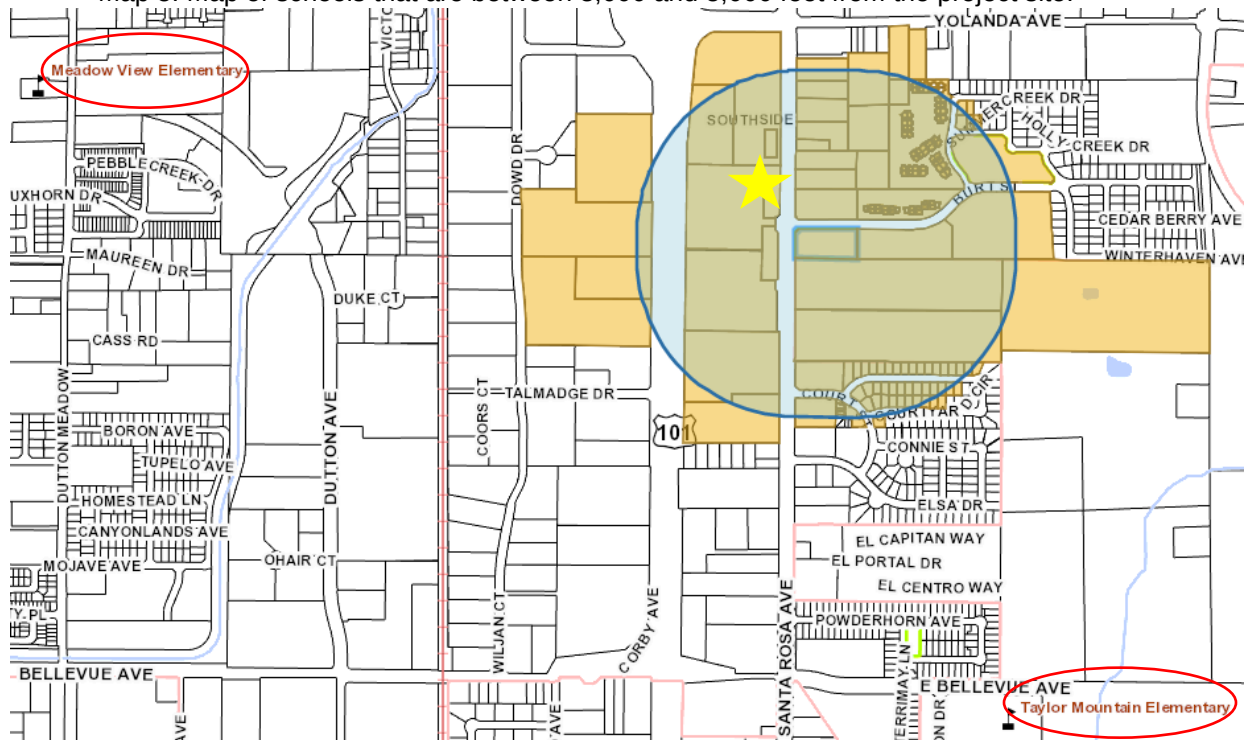
ALCHOLIC BEVERAGE SALES AT THE EUROPEAN FOOD STORE

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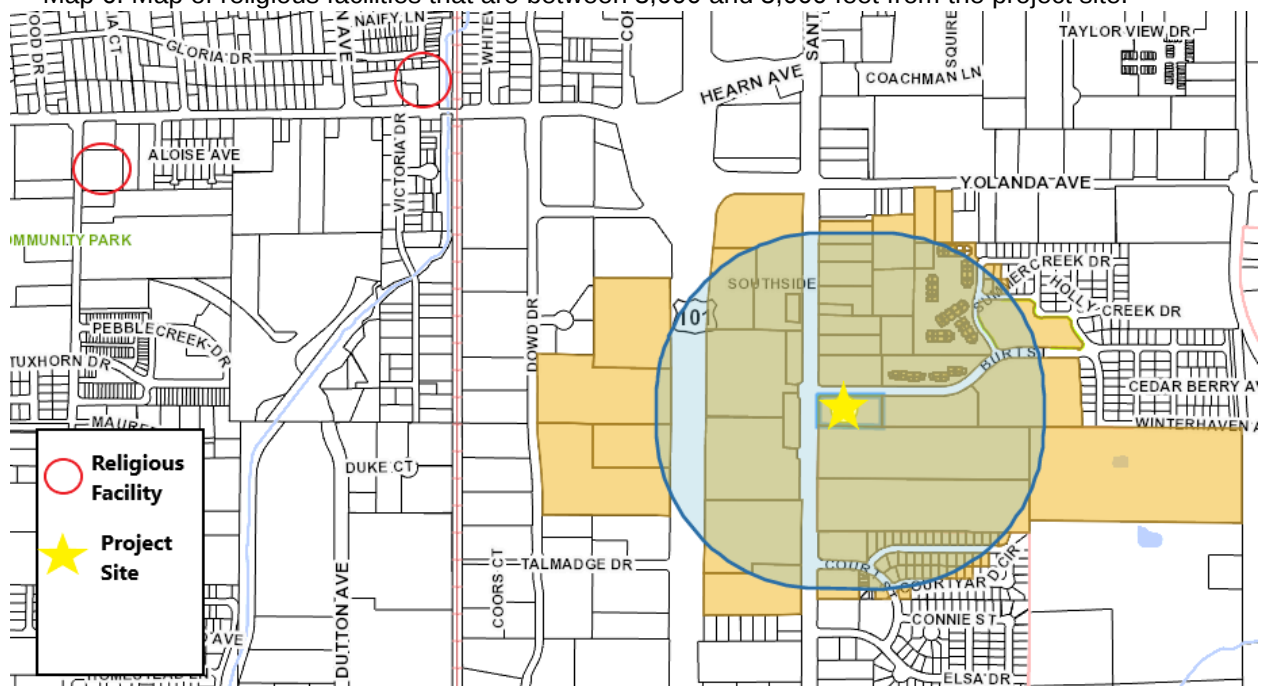
Map 4. Map of properties that are within 1,000 feet of the project site.



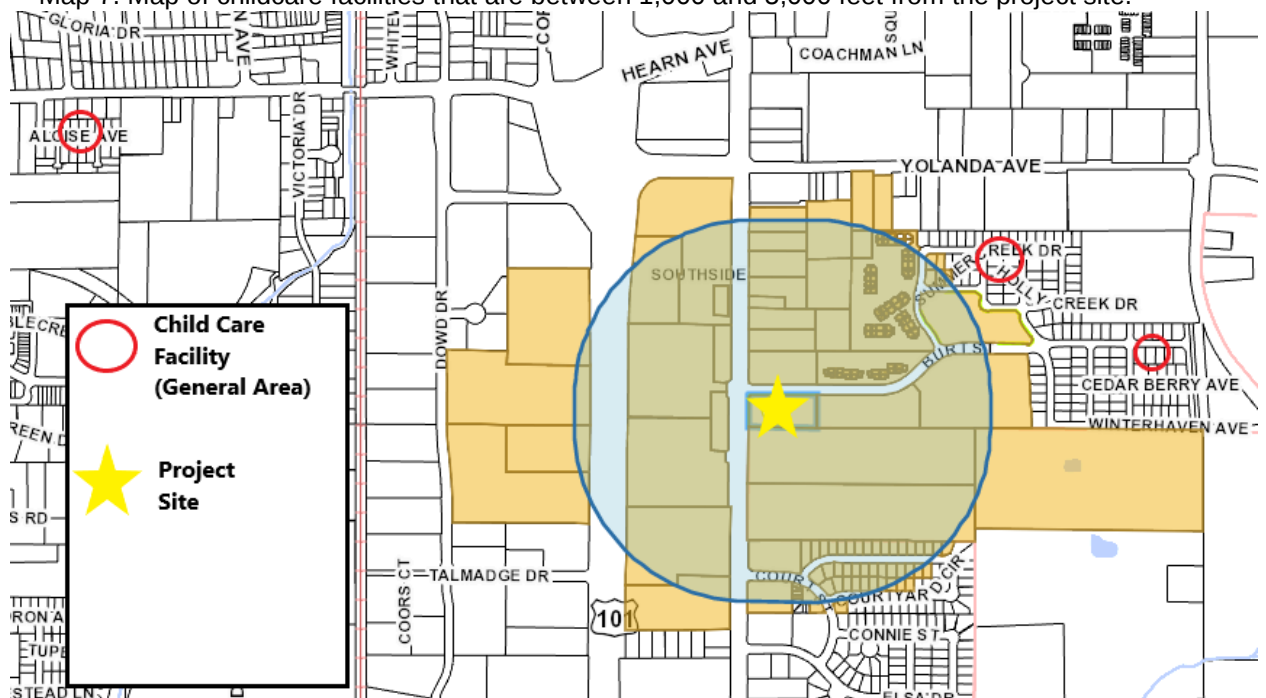
Map 5. Map of schools that are between 3,000 and 5,000 feet from the project site.



Map 6. Map of religious facilities that are between 3,000 and 5,000 feet from the project site.



Map 7. Map of childcare facilities that are between 1,000 and 5,000 feet from the project site.



- f. 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 operator of the establishment proposes to have staff closely monitor the designated location of alcoholic beverages within the store and will not display any alcoholic beverages near the entryway/exitway.

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

Per Zoning Code Section 20-52.050, the Planning Commission must make each of the following findings to approve the Conditional Use Permit:

- a. 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 use is allowed, with the approval of a Conditional Use Permit, within the General Commercial zoning district, and complies with the standards and criteria in [Section 20-42.034](#) (Alcoholic Beverage Sales) of the Zoning Code.

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

Staff Response: The site has a General Plan Land Use designation of Retail and Business Services, which allows retail and service enterprises, offices, and restaurants. The proposed retail sales alcoholic beverages is consistent with the intent of the land use designation.

- 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.

Staff Response: The proposed use is within an existing commercial building that is located in an area designated for commercial uses with large retail stores.

- 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.

Staff Response: The proposed use will be located entirely within an existing commercial building. Adequate vehicular access to the site is provided from Santa Rosa Avenue. 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.

- 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.

Staff Response: The proposed project will be consistent with the land uses along Santa Rosa Avenue, which contain a variety of office, commercial and some residential uses. The Santa Rosa Police Department has no comments or conditions regarding the proposed use at this location. Additionally, the site is not located in close proximity to any schools or religious facilities.

FISCAL IMPACT

Approval of the Project will not have an effect on the General Fund.

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 consists of the operation of an existing structure involving a negligible expansion of the existing use. Pursuant to CEQA Guidelines Section 15300.2, no exceptions to the Class 1 exemption are applicable to this Project.
- Class 3 Categorical Exemption under CEQA Guidelines Section 15303 in that the project involves a change of use, which will not require any exterior modifications to the structure/site.

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.)

PUBLIC 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 - Plan Set
Attachment 5 - PCN Approval Letter

Resolution

CONTACT

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