City of Santa Rosa

7-Eleven Sales of Beer & Wine for Offsite Consumption

136 College Avenue

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Planning and Economic Development

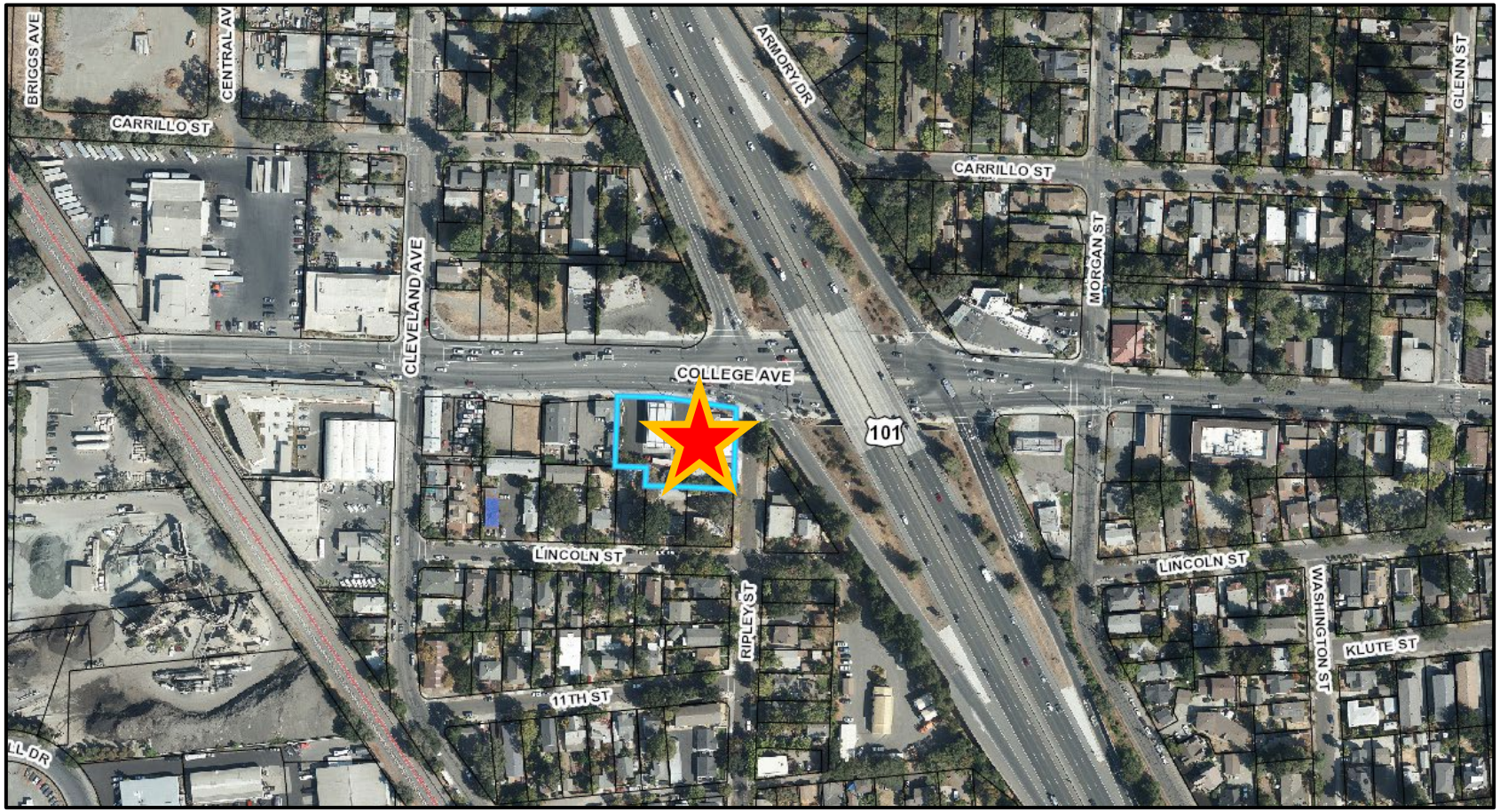
City of Santa Rosa

Project Description

The project: Sell beer and wine for off-site consumption from the existing 7-Eleven convenience store with fueling service.

- Pursuant to the State of California Alcoholic Beverage Control (ABC), sales of beer and wine would only be permitted from 6:00 a.m. to 2:00 a.m.

Neighborhood Context



City of Santa Rosa

1,000-Foot Buffer

Existing Conditions

Previous Application History

July/August 2002 – Planning Commission/Council

- Approved expansion of the service station and the addition of a convenience store.

March 2004 – Police Chief/Council

- Approved a Public Convenience or Necessity (on Appeal)

July/September 2004 – Planning Commission/Council

- Denied CUP for the sale of beer and wine for offsite consumption (Council on Appeal)

Findings for 2004 Denial

Finding 1: The proposed use would not be consistent with General Plan Policy LUL-E, which is to "Promote livable neighborhoods."

Finding 2: The rear of the convenience market is adjacent to a dead-end street, which creates a unique problem with regard to alcohol use and potential loitering.

Finding 3: There is a significant transient population in the area with a history of problems as described by those who spoke at the Planning Commission meeting.

Findings for 2004 Denial (Cont'd)

Finding 4: Alcohol is currently available for sale at various locations near the project site as outlined in the diagram presented at the meeting.

Finding 5: The proposed use is not appropriate at the time due to lack of compatibility with the surrounding neighborhood, the lack of harmonious integrations with the neighborhood, and the potential for a nuisance.

Finding 6: The proposed use is not appropriate at this time because it will not serve the public health, safety, and welfare.

Previous Application History (Cont'd)

November 2009 – Council

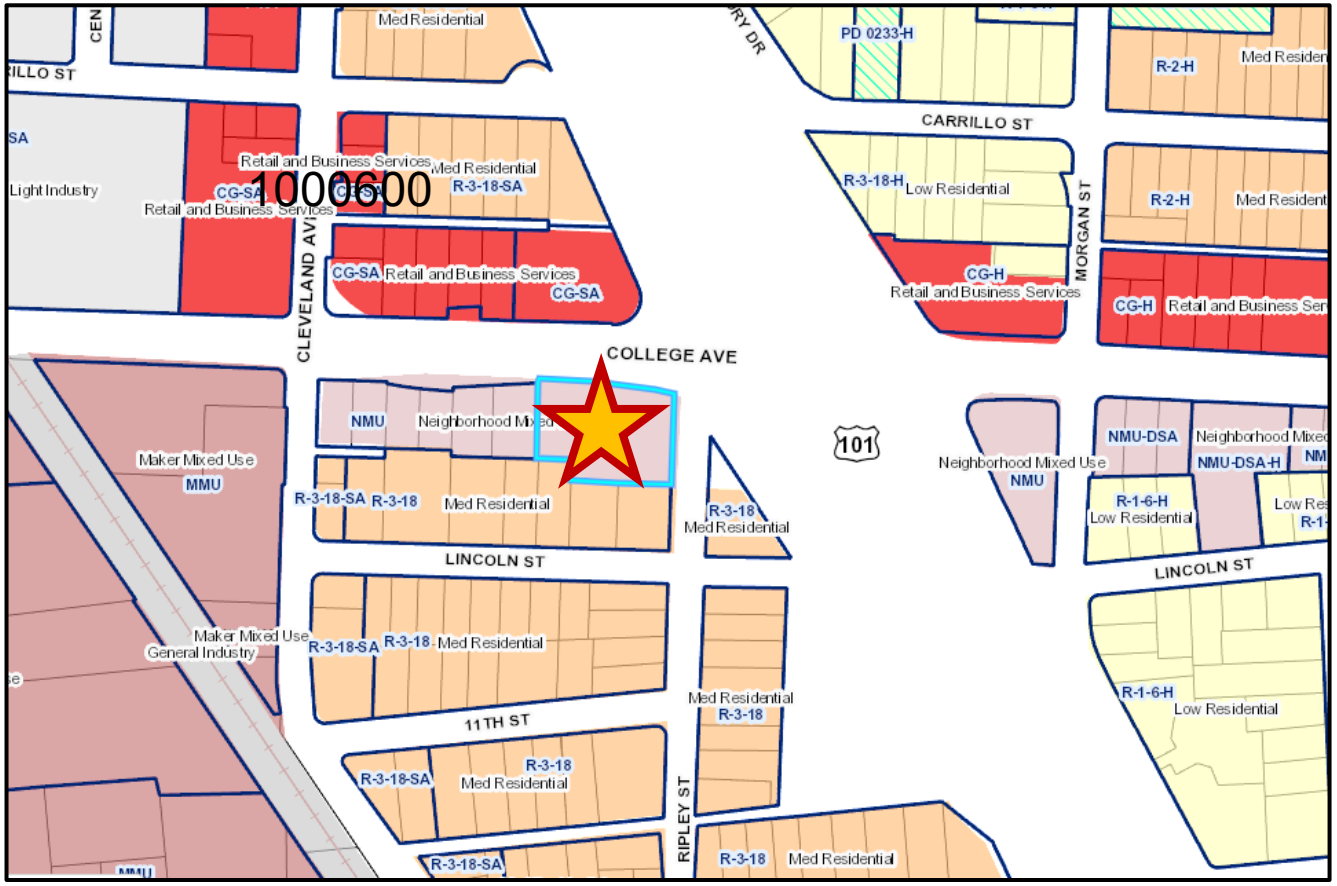
- Approved PCN
- Application was submitted by another business operator

PCN - Public Convenience or Necessity (not "and')

Beer & Wine Sales Within 1,000 Feet

General Plan land use designation: Neighborhood Mixed Use

Zoning: NMU (Neighborhood Mixed Use, within the –SA combining district)



General Plan & Zoning

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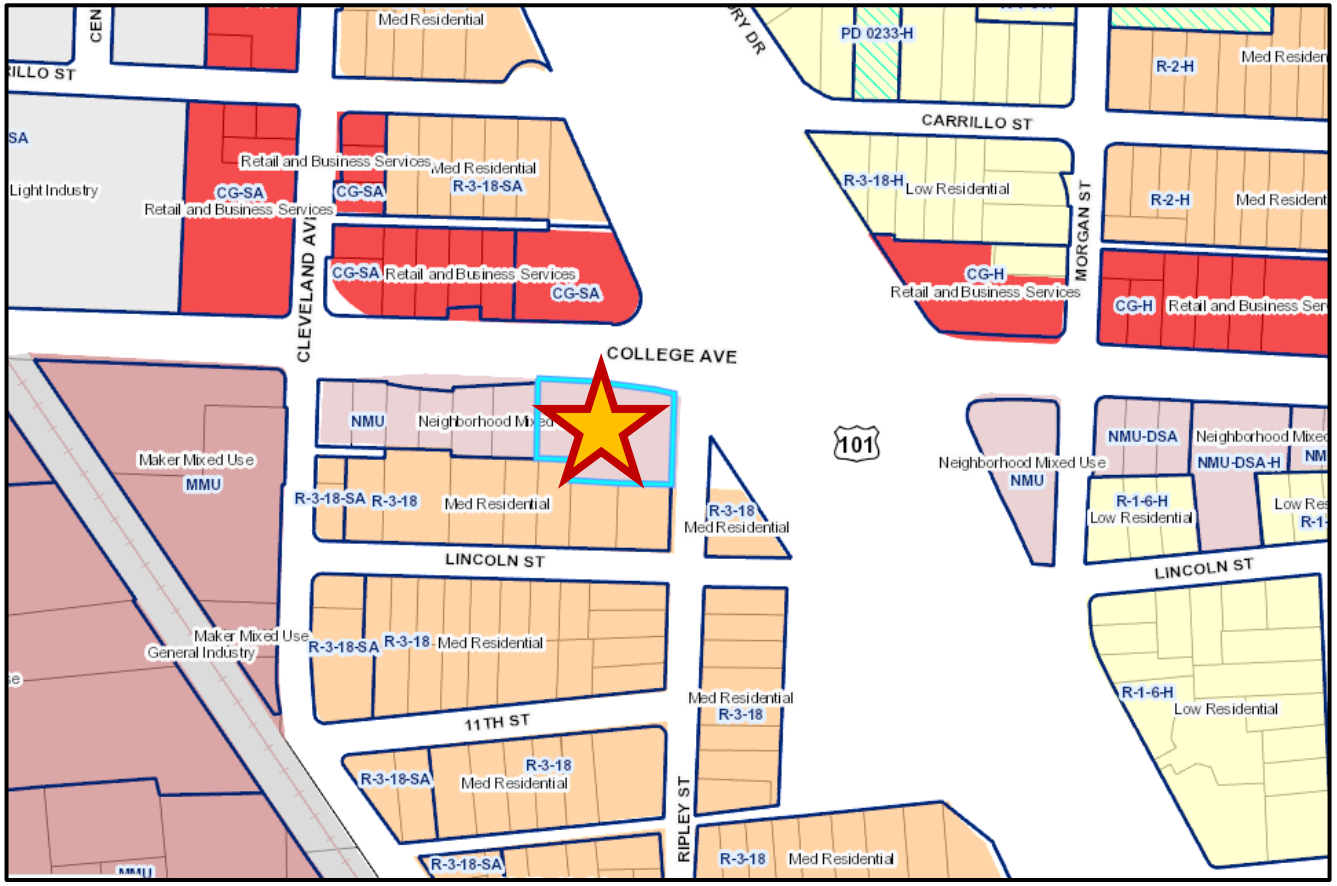

Operating standards - Zoning Code Section 20-42.034

1. Customer and site visitor management – Take steps to correct objectionable behavior at and around the site
2. Trash, litter, graffiti – Pick up debris and remove graffiti at and around the site
3. Staff training – Provide required staff training within 90 days of approval of the CUP
4. Staffing, surveillance, and security –
   - Maintain surveillance equipment and don't block the view
   - Provide a robbery alarm system with required permits
   - Bathrooms must stay locked
   - One staff member in the store at all times

Operating Standards - Zoning Code Section 20-42.034

5. Limitations on product sales and display
   - No displays within five feet of the front door or cash register
   - No video or arcade games
   - Areas used for alcoholic beverages shall be lockable
   - Package sizes of no less than 24 for cups and other servicing containers
6. Signs, postings
   - Signs posted prohibiting consumption onsite
   - Illuminated address
   - Copy of CUP with conditions of approval on the premises
7. Compliance with other requirements
   - Compliance with ABC/other government agency requirements
   - Changes to ABC license require a new CUP

Zoning Code

Additional Review Criteria - Zoning Code Section 20-42.034

- Use serves public convenience or necessity
- Crime rate - reporting district & adjacent reporting districts compared to other areas in the City.
- Concentration of licenses per capita in the reporting district and in adjacent reporting districts as compared to the county-wide average.
- The numbers of alcohol-related calls for service, crimes or arrests in the reporting district and in adjacent reporting districts.

Zoning Code

Additional Review Criteria - Zoning Code Section 20-42.034

- The proximity of the alcoholic beverage outlet to residential districts, day care center, park and recreation facilities, places of religious assembly, and schools.
- Whether the site plan and floor plan incorporated design features to assist in reducing alcohol related problems.
  - Openness to surveillance and control of the premises,
  - Perimeter, and surrounding properties,
  - Reduction of opportunities for congregating,
  - Illumination of exterior areas,
  - Limiting furnishings and features that encourage loitering/nuisance behavior.

Required Findings

The use is allowed within the Neighborhood Mixed Use zoning district & complies with all other applicable provisions of the City Code.

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

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

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

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.

Required Findings Cont'd

California Environmental Quality Act (CEQA)

Reviewed in compliance with the California CEQA:

- CEQA Guidelines Section 15301 - Involves a negligible expansion to an existing convenience store (General Retail)
- CEQA Guidelines Section 15183 - Consistent with General Plan and Downtown Station Area Specific Plan

Issues

Project plans reviewed by Planning, Fire, Traffic, Engineering, Building and Police.

Housing and Community Services was consulted and new concerns were raised.

No issues were raised as part of Staff review.

Public Comments

Two public comments received; one opposing and one supporting the project.

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Recommendation

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, approve a Conditional Use Permit allowing the sale of beer and wine for offsite consumption for 7-Eleven at 136 College Avenue.

Questions

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