

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 CIRCLE K, AN EXISTING CONVENIENCE STORE AT 2799 4TH STREET, TO SELL BEER AND WINE FOR OFFSITE CONSUMPTION - CITY FILE NO. CUP24-047

WHEREAS, on September 10, 2024, project applications were submitted to the Planning and Economic Development Department for a Conditional Use Permit for the sale of beer and wine for offsite consumption for an existing Circle K store located at 2799 4th Street also identified as Sonoma County Assessor's Parcel Number 181-190-006; and

WHEREAS, the Circle K operates daily from 5:00 a.m. to 11:00 p.m.; and

WHEREAS, the proposed project has been reviewed in compliance with Zoning Code Section 20-42.034, which establishes specific criteria for review in connection with an application for the sale of alcohol beverages, and the project has been conditioned to remain in compliance; 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 consistent with the General Plan. The project site is in an area that allows development of either single or multiple land uses per the General Plan Land Use Diagram. These include Retail and Business Services, along with Medium Density Residential (8.0 to 18.0 units per gross acre), and the area is intended for retail and service enterprises, offices, restaurants, regional centers, large grocery stores with Conditional Use Permit approval, along with higher density residential development including attached single-family units and multi-family residential. The project implements General Plan Policy LUL-E, by providing retail services fulfilling everyday needs for nearby residents. Circle K is a long-standing convenience store with fuel service stations. The addition of beer and wine sales will complete the food, beverage and fuel one-stop-shop for automobile drivers as well as food and beverage one-stop-shop for

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residents within walking distance; and

- B. The proposed use is allowed within the applicable PD 98-003 (Planned Development) zoning district, which is consistent with the General Plan land use designation and complies with all other applicable provisions of the Zoning Code and the City Code in that the proposed sale of beer and wine for offsite consumption has been found in compliance with Zoning Code Section 20-42.034 (Alcoholic Beverage Sales) and the project has been conditioned to remain in compliance; and
- 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 for offsite consumption is a minor change to the existing operation of the convenience store and will not result in any significant expansion of the use or the structure. Circle K is an experienced operator and purveyor of alcoholic beverages. The store has an extensive surveillance system with cameras that covers the premises inside and out, as well as an alarm system permitted by the Santa Rosa Police Department; and
- D. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints in that the proposed use will be located entirely within an existing commercial building. With customer entry on the southwest elevation, and the cooler vault on the opposite northeast corner, the existing store layout allows for beer and wine to be displayed separately from the store's entry and cashier area. The property is in an area with adequate access from both 4th Street and Farmers Lane and served by existing utilities and emergency services. The project plans have been reviewed by the Police Department and Planning Division, and no issues were raised; 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. The site is in an area designated for convenience-type uses serving nearby residential development. 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 schools or religious facilities; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
- Pursuant to CEQA Guidelines Section 15301, the project is categorically exempt because it involves a negligible expansion to an existing convenience store (General Retail) and will not result in any significant impacts.
 - Pursuant to CEQA Guidelines Section 15183, the project is consistent with the City's General Plan, for which Environmental Impact Reports were certified by Council, The General Plan EIR was certified in 2009, State Clearing House 2008092114.

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- 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).

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 the Circle K Store to allow the sale of beer and wine for offsite consumption at 2799 4th Street is approved subject to each of the following conditions:

DEPARTMENT OF COMMUNITY DEVELOPMENT

GENERAL:

1. Compliance with applicable provisions of Zoning Code Section 20-42.034, Alcohol Beverage Sales.
2. Compliance with Zoning Code Section 20-30.080, Outdoor Lighting.
3. Compliance with State of California Alcoholic Beverage Control (ABC) for the duration of the use.
4. Any change in ABC license type 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.
5. Circle K hours of operation are from 5:00 a.m. to 11:00 p.m. Any extension of these hours requires compliance with permit requirements set forth in the Zoning Code.
6. 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 unless otherwise approved by Ordinance.
7. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
8. No exterior signs, banners, or the like are approved with this permit. A Planning sign permit application is required for all signs.

BE IT 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.

BE IT FURTHER RESOLVED that this Conditional Use Permit shall be valid for the duration of the use, provided conditions are complied with and use has commenced within two (2) years from approval date. If conditions have not been met or if an approved use has not commenced within two years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 8th day of May 2025 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
CHAIR

ATTEST: _____
EXECUTIVE SECRETARY