

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A MAJOR CONDITIONAL USE PERMIT FOR ALCOHOLIC BEVERAGE SALES FOR OFF-SITE CONSUMPTION AND EXTENDED HOURS OF OPERATION (6:00 A.M. TO 12:00 A.M., SEVEN DAYS PER WEEK) LOCATED AT 1995 SEBASTOPOL ROAD – FILE NUMBER PLN25-0495

WHEREAS, on January 8, 2026, a project application was submitted to the Planning and Economic Development Department for a Major Conditional Use Permit to allow alcoholic beverage sales for off-site consumption and extended hours of operation in conjunction with a permitted neighborhood-serving market use to be located at 1995 Sebastopol Road, also identified as Sonoma County Assessor’s Parcel Number 125-071-013; and

WHEREAS, the project includes a request for extended hours of operation for the retail market use. Extended hours of operation are defined by the Zoning Code as hours of operation between 11:00 p.m. and 6:00 a.m., and the project proposes hours of operation from 6:00 a.m. to 12:00 a.m., seven days per week; and

WHEREAS, a Notice of Application for the proposed project was mailed to surrounding property owners and tenants on April 17, 2026, in accordance with the noticing requirements of the Zoning Code; and

WHEREAS, the proposed project has been reviewed in compliance with Zoning Code Section 20-42.034 (Alcoholic Beverage Sales), which establishes specific criteria for review in connection with applications for the sale of alcoholic 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 report, oral and written testimony, the General Plan, the Roseland Area/Sebastopol Road Specific Plan, zoning on the subject property, written comments, and other materials presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the application, staff report, reports, documents, project plans, conditions of approval, agency comments, testimony, written comments, 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 CG (General Commercial) zoning district, which is consistent with the General Plan land use designation of Retail and

Business Services. The underlying market use is permitted by right, and the Major Conditional Use Permit is required for alcoholic beverage sales for off-site consumption and extended hours of operation. A neighborhood-serving market with the sale of alcoholic beverages for off-site consumption and extended hours of operation from 6:00 a.m. to 12:00 a.m., seven days per week, is allowed within the CG zoning district subject to approval of a Major Conditional Use Permit. The project has been reviewed for compliance with applicable provisions of the Zoning Code, including Section 20-42.034 (Alcoholic Beverage Sales), and the City Code, subject to the Conditions of Approval; and

- B. The proposed use is consistent with the Santa Rosa General Plan 2050 and the Roseland Area/Sebastopol Road Specific Plan, which encourages local-serving retail uses within the plan area and along the Sebastopol Road corridor. The site is designated Retail and Business Services and is located within an Area of Change and Equity Priority Area, where neighborhood-serving commercial uses are anticipated and encouraged. The underlying market use is consistent with the land use designation, and the discretionary components of this request – alcohol sales and extended hours – are evaluated and conditioned to ensure consistency with applicable General Plan and Roseland Area/Sebastopol Road Specific Plan policies; and
- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with existing and future land uses in the vicinity. The project is located along a commercial corridor and operates within an existing building footprint. Public concerns raised during outreach are addressed through operational limitations and security measures included as conditions of approval. With the imposed conditions of approval, the proposed alcohol sales and extended hours will be compatible with the surrounding commercial corridor and nearby residential uses and are not anticipated to create nuisance or public safety impacts beyond those typical of a neighborhood-serving market in this zoning district; and
- D. The site is physically suitable for the type, density, and intensity of the proposed use, including access, parking, and utilities. The project site is located at the northeast corner of Sebastopol Road and Stony Point Road and is served by existing driveways providing full access from Sebastopol Road and right-turn-only outbound access from Stony Point Road. No changes to driveway locations or design are proposed. The project provides 29 on-site parking spaces. While Zoning Code Chapter 20-36 would require 30 spaces based on floor area, Zoning Code Section 20-36.040(C)(2) allows a change in use without requiring additional parking where no building expansion is proposed and the parking deficiency does not exceed 10 spaces or 25 percent of the required amount, whichever is greater. The one-space deficiency is well below this threshold. Additionally, a Preliminary Transportation Impact Study prepared by W-Trans (April 9, 2026) estimates peak parking demand at approximately 20 spaces, confirming the 29-space supply is adequate to serve the use. The site is served by existing public utilities and emergency services, and no physical constraints have been identified that would preclude the proposed use; and

- E. Granting the permit would not constitute a nuisance or be injurious or detrimental to public interest, health, safety, convenience, or welfare. The proposed alcohol sales and extended hours, as conditioned, are not anticipated to result in nuisance conditions or be detrimental to public health, safety, or welfare. Conditions of approval requiring lighting, surveillance, on-site management presence, and monitoring of exterior areas are intended to minimize loitering and protect nearby residential uses; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is categorically exempt pursuant to CEQA Guidelines Section 15301, Existing Facilities, because the project involves reuse of an existing commercial building with minor on-site improvements and no expansion of use beyond the existing commercial site. No exceptions to the categorical exemption apply pursuant to CEQA Guidelines Section 15300.2.

BE IT FURTHER RESOLVED, that after further consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-42.034 (Alcoholic Beverage Sales), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed sale of alcoholic beverages for off-site consumption would serve public convenience in that the alcohol sales are accessory to a permitted neighborhood-serving market use located within the CG (General Commercial) zoning district and the Roseland Area/Sebastopol Road Specific Plan area. The project site is designated Retail and Business Services in the Santa Rosa General Plan 2050 and is located within an Area of Change and Equity Priority Area. The market is intended to serve nearby residents, employees, and transit users in the surrounding Roseland area. The alcohol sales are ancillary to the primary market sales and do not constitute a standalone liquor store. Although the census tract is over-concentrated with respect to alcohol licenses, the California Department of Alcoholic Beverage Control (ABC) is not requiring a Public Convenience or Necessity determination because the applicant's existing Type 21, Off-Sale General license at 1930 Sebastopol Road will be transferred to this location, resulting in no net increase in the number of active licenses. Furthermore, the proposed hours of operation are less permissive than those currently authorized at the existing location, which operates until 2:00 a.m. on Fridays and Saturdays. The Commission finds that the license transfer, combined with the reduction in late-night hours, supports a finding of public convenience without increasing alcohol availability in the area.
- B. The project was referred to the Santa Rosa Police Department as part of interdepartmental review. Police reviewed incident data within approximately 1,000 feet of the project site and indicated that the data reflects existing area activity and does not indicate a location-specific or use-related public safety concern. Police did not express concerns regarding the proposed accessory alcohol sales or proposed hours of operation at this location.
- C. Based on coordination with the California Department of Alcoholic Beverage Control (ABC), the census tract in which the project is located is over-concentrated with respect

to alcohol licenses. However, ABC has indicated that a Public Convenience or Necessity (PCN) determination is not required for this application because the applicant's existing Type 21, Off-Sale General license at 1930 Sebastopol Road will be transferred to the new location at 1995 Sebastopol Road, resulting in no net change in the number of active licenses in the census tract. Final determination regarding license issuance remains under ABC authority.

- D. The Planning Commission considered information provided by the Santa Rosa Police Department regarding conditions in the surrounding project vicinity, including law enforcement activity data and input from departmental staff familiar with the area. The Police Department indicated that it does not prepare comparative high- or low-crime area designations and does not provide a direct correlation between the sales location of alcohol and arrest records. Based on departmental experience and familiarity with the area, Police did not express concerns that the proposed accessory alcohol sales and hours of operation would create public safety issues at this location. The project incorporates operational and environmental design measures intended to minimize nuisance activity and enhance site visibility and control, including exterior lighting, surveillance cameras, and active on-site management.
- E. The project site is located along the Sebastopol Road commercial corridor at its intersection with Stony Point Road and is surrounded primarily by commercial uses. Several residential subdivisions are located within approximately one-quarter mile of the site. Two schools are located at an approximately half-mile distance from the project site: Cesar Chavez Language Academy and St. Michael's Orthodox Elementary School. There are no day care centers or public parks in the immediate vicinity. The Commission finds that the proximity to residential uses and the nearby schools is addressed through the Conditional Use Permit process and the imposed operational conditions, including security measures, lighting, and hours limitations, intended to ensure compatibility with surrounding uses.
- F. The site plan and operational characteristics incorporate features intended to assist in reducing alcohol-related problems, including open visibility within the store supported by checkout counter placement near the entrance, well-lit exterior premises, security cameras monitoring interior and exterior areas 24 hours per day, "No Loitering" signage posted on the exterior, mandatory identification checks for all alcohol purchases using point-of-sale controls, and employee training in responsible beverage service and legal compliance. These features promote natural surveillance, improve site control, support responsible alcohol sales, and reduce opportunities for loitering and nuisance behavior. Compliance with these measures is required through conditions of approval.

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 sale of alcoholic beverages for off-site consumption and extended hours of operation from 6:00 a.m. to 12:00

a.m., seven days per week, for a neighborhood-serving market to be located at 1995 Sebastopol Road, is approved subject to each of the following conditions:

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of applicable permit review and approval. All applicable fees must be paid prior to issuance of any required permit.
2. All work shall be completed in substantial conformance with the final approved plans, dated March 23, 2026, except as may be modified by these Conditions of Approval.
3. The address shall be displayed in a prominent location on the street side of the property. The numbers shall be no less than 6-inches in height and shall be of a contrasting color to the background to which they are attached. The address shall be illuminated during hours of darkness per City "Premises Identification" requirements.
4. Compliance with applicable provisions of Zoning Code Section 20-42.034, Alcohol Beverage Sales.
5. Compliance with Zoning Code Section 20-30.080, Outdoor Lighting.
6. Alcohol sales shall remain subject to all applicable requirements and approvals of the California Department of Alcoholic Beverage Control (ABC) for the duration of the use.
7. Any change in ABC license type, substantial physical change, or change in character of the premises as defined in Title 4 of the California Code of Regulations Section 64.2(b) requires a new Conditional Use Permit to continue operation.
8. Hours of operation are from 6:00 a.m. to 12:00 a.m. Any extension of these hours requires compliance with permit requirements set forth in the Zoning Code.
9. The permittee shall not permit loitering on the premises or in adjacent areas under its control. The operator shall monitor the exterior of the business during operating hours and shall request individuals engaged in nuisance activity to leave the premises.
10. The operator shall maintain the premises and adjacent frontage free of litter and debris at all times. Trash receptacles shall be provided and regularly serviced.
11. Commencement of alcohol sales at the project site shall be contingent upon the successful transfer of the existing Type 21 ABC license from 1930 Sebastopol Road to 1995 Sebastopol Road, or another license transfer within the same census tract that does not result in a net increase in active off-sale alcohol licenses. Alcohol sales at 1995 Sebastopol Road shall not commence until alcohol sales at the existing MD Market location at 1930 Sebastopol Road have ceased. If the proposed license transfer would

result in a net new license or net increase in active off-sale alcohol licenses in the census tract, the permittee shall obtain any required City approval, including any required Public Convenience or Necessity determination, before commencing alcohol sales.

SECURITY AND OPERATIONS:

12. Security cameras covering interior and exterior areas shall be maintained in operable condition at all times during business hours. Recorded footage shall be retained for a minimum of 30 days and made available to law enforcement upon request.
13. “No Loitering” signage shall be posted and maintained on the exterior of the premises at all times.
14. Mandatory identification checks shall be required for all alcohol purchases using point-of-sale controls.
15. All employees involved in alcohol sales shall complete training in responsible beverage service and legal compliance prior to handling alcohol sales. Documentation of training shall be maintained on-site and made available to the City upon request.
16. Alcoholic beverages shall be sold for off-site consumption only. On-site consumption of alcoholic beverages is prohibited.

EXPIRATION AND EXTENSION:

17. This Conditional Use Permit shall expire 24 months from the date of approval if not exercised. If construction has not begun, a building permit has not been issued, or the approved use has not commenced within twenty-four (24) months from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
18. 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.

ENGINEERING CONDITIONS:

19. Any improvements within the public right-of-way shall require an Encroachment Permit prior to construction. Contact Engineering Development Services at (707) 543-3200 to determine specific requirements applicable to this project.

PLANNING DIVISION:

20. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
21. PROJECT DETAILS:

- A.** All project details shall be in accordance with the restrictions and limitations of the City Zoning and Uniform Building Codes, as well as the City's Design Review Guidelines.
- B.** Any new fencing, trash enclosure, exterior equipment, or similar accessory site element shall be compatible with the existing building and site design and shall be reviewed and approved by the Planning Division prior to installation or building permit issuance, as applicable.
- C.** All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architecturally designed element approved by the Design Review Board or Planning Division.
- D.** All outdoor storage of materials or refuse bins/cans shall be maintained within a completely screened structure or area. The design of the screened structure or area shall be approved by the Planning Division prior to issuance of a building permit.

22. LANDSCAPING:

- A.** All required landscaping and irrigation must be maintained.
- B.** Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans, except where not required.
- C.** All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.

23. LIGHTING:

- A.** All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit in accordance with the Design Review approval.
- B.** Light sources shall be concealed from public view.
- C.** All lighting shall be directed toward the subject property and away from adjacent properties.
- D.** The mounting height of lighting fixtures in parking and storage areas shall not exceed 16 feet in height. Lower mounting heights are encouraged.

24. PARKING:

- A.** Any new or modified parking lot improvements shall be constructed to City standards.
- B.** Any new or modified planter areas shall include concrete curbing unless otherwise approved by the Planning Division.

- C. Parking spaces shall be striped according to City standards, and all accessible and compact spaces shall be identified and marked accordingly.
- D. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit, if applicable.

25. SIGNING:

- A. A planning sign permit application is required for all signs.
- B. Sign permit approval shall be obtained prior to application for a building permit.
- C. Building permits for sign installations shall be separate permits from other building permits issued for construction.

26. Failure to comply with the Conditions of Approval, approved hours of operation, or operational requirements may result in enforcement action, including modification or revocation of the Conditional Use Permit pursuant to Zoning Code Section 20-54.100.

BE IT FURTHER RESOLVED, that the Planning Commission finds and determines that this entitlement would not be granted but for the applicability and validity of each of the above conditions of approval, and that if any condition is determined to be invalid or unenforceable, the Commission would have imposed other valid conditions to achieve the purposes and intent of this approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 25th day of June 2026 by the following vote:

AYES:

NOES:

ABSTAIN/RECUSE:

ABSENT:

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
JESSICA JONES, EXECUTIVE SECRETARY