

## RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
MAKING FINDINGS AND DETERMINATIONS AND DENYING A CONDITIONAL USE  
PERMIT TO ALLOW 7-ELEVEN, AN EXISTING CONVENIENCE STORE AT  
136 COLLEGE AVENUE, TO SELL BEER AND WINE FOR OFFSITE CONSUMPTION;  
CITY FILE NO. CUP22-052

WHEREAS, on August 29, 2022, project applications were submitted to the Planning and Economic Development Department, including both a request for Public Convenience or Necessity and a Conditional Use Permit for the sale of beer and wine for offsite consumption for 7-Eleven, located at 136 College Avenue, also identified as Sonoma County Assessor's Parcel Number 010-122-040; and

WHEREAS, on December 14, 2022, the Deputy Director of Planning approved a Public Convenience or Necessity for 7-Eleven for the sale of beer and wine for offsite consumption; 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, on August 24, 2023, 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, at the August 24, 2023, meeting, following the public hearing, at which one person spoke in favor of the project, concerns were raised by some Commissioners regarding potential negative impacts of alcohol sales at the subject 7-Eleven due to existing homeless issues and crime in the area and some Commissioners questioned whether the required finding for health and safety could be made. Conversely, other Commissioners identified the fact that the area has been designated for a mix of uses, that the applicant has demonstrated a willingness to run a modern convenience store that would be appropriate for the area, and that the sale of alcohol at this site, along with other goods, would not create or exacerbate a nuisance. A motion was made to adopt a resolution approving the Conditional Use Permit, and the Commission voted 3-3, with one Commissioner absent. Tie votes do not constitute a formal action on the motion. A second motion was made and passed unanimously to continue the item to October 26, 2023, when the full seven-member Commission would be present; and

WHEREAS, on October 26, 2023, the Planning Commission held a continued public hearing, and, again, 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 August 24, 2023, and October 26, 2023, public hearings; 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. Granting the permit would constitute, and exacerbate, an existing nuisance by increasing the concentration of existing outlets for the purchase of alcoholic beverages and, thereby, making access to alcoholic beverages more convenient for the unhoused in the area.

DENIED by the Planning Commission of the City of Santa Rosa on the 26<sup>th</sup> day of October 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
KAREN WEEKS, CHAIR

ATTEST: \_\_\_\_\_  
JESSICA JONES, EXECUTIVE SECRETARY