

Public Hearing

CONDITIONAL USE PERMIT FOR THE
SALE OF BEER, WINE, AND SPIRITS AT
AN EXISTING GROCERY STORE
(MANOLO FARMERS MARKET)
LOCATED AT 303 HIGHLAND AVENUE
2024-11 CUP



Planning Commission Action

- Public hearing on October 7
 - Planning Commission recommended approval with one additional condition related to electronic verification
 - Six community members spoke in opposition to the item; three others were opposed, but did not speak



Overhead



Overhead



Street View



Site Characteristics

- 3.35 acre commercial property
 - Located on the east side of Highland Ave. between E. 2nd Street and E. 4th St.
 - Existing 27,000 square-foot grocery store (Manolo Farmers Market) with parking area
 - Zoned Minor, Mixed-Use Corridor (MXC-1)
- Surrounding area is a mix of commercial and residential uses
- Existing CUP for beer and wine sales since 1990. Extended hours approved in 2000.

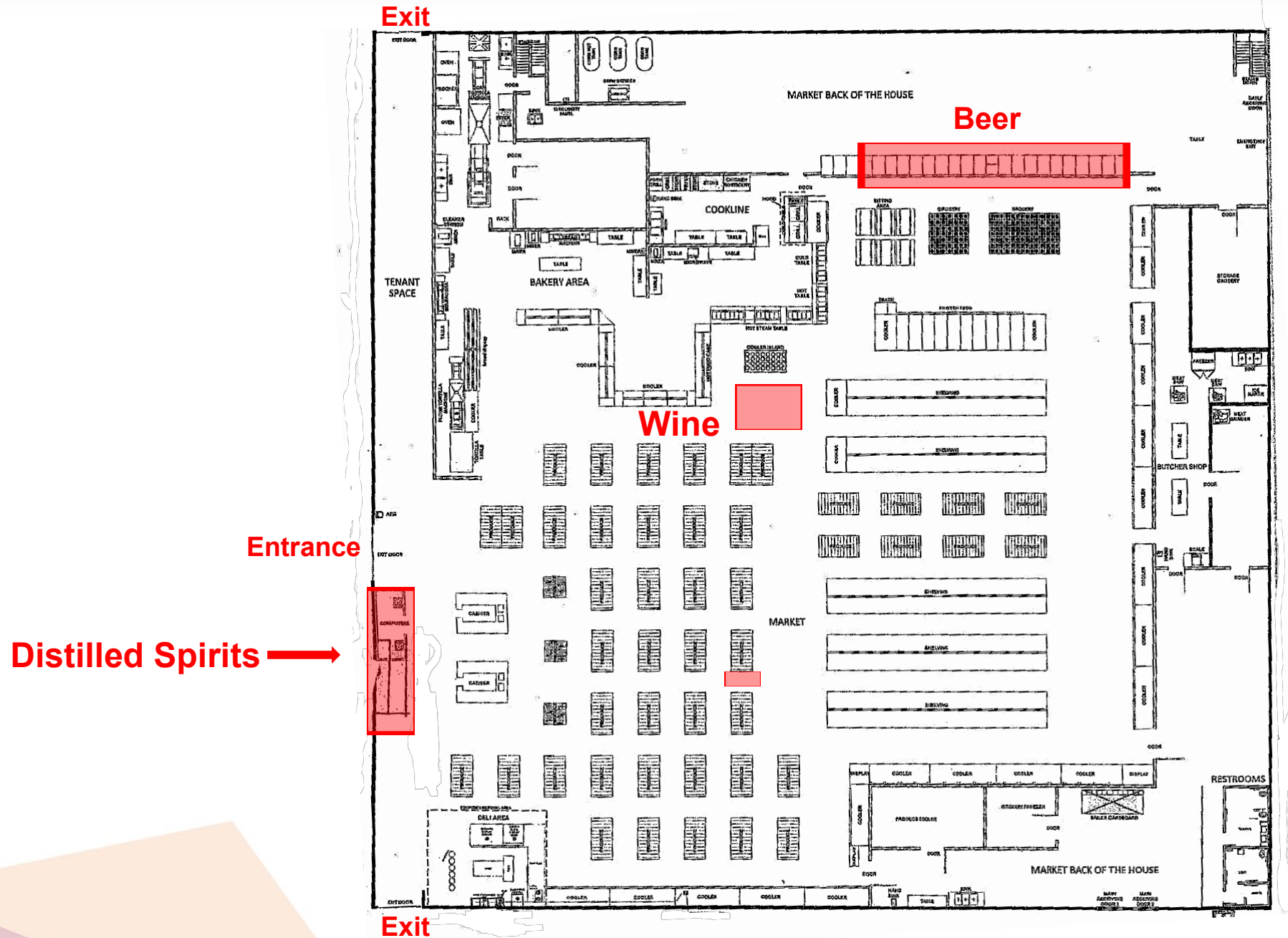


Proposal

- The business proposes to upgrade their ABC license to sell distilled spirits in addition to beer and wine
 - Manolo Farmers Market has had ABC License (Type-20) since 1990
- Proposed hours of operation are from 7:00 a.m. to 10:00 p.m. daily
 - Previous CUP approved for 7:00 a.m. to 11:00 p.m.
- Floor plan indicates the total area dedicated to alcohol sales
 - Existing beer and wine - 408 square feet
 - Proposed distilled spirits located behind a sales counter - 64 square feet



Floor Plan



Staff Analysis

- NCMC 18.30.050 allows for alcohol sales for off-site consumption in the MXC-1 with approved CUP
- Additional requirements related to alcohol CUPs:
 - Expanded Mailing – notice to owners/occupants within 660 ft. (737 total)
 - Community meeting – Applicant held July 8, 2024 – no attendees
 - Distance requirements – Not applicable with grocery stores
- Census Tract 118.02– Currently has five off-sale licenses
 - ABC website updated after staff report was written
 - Four are recommended by ABC
 - Applicant is one – no additional
- Adhere to City Council Policy 707
 - Addressed with standard conditions of approval



Comments Received:

Police Department (PD)

- Risk Assessment – given 11 points
 - Low risk – 12 points or less
 - Assigns points based on type of business, license concentration, calls for service, etc.

Institute for Public Strategies (IPS)

- Recommendations
 - In-person Responsible Beverage Sales and Service (RBSS) training for all staff.
 - Daily litter removal and timely graffiti removal from areas under control of the licensee.
 - Post signs in both English and Spanish related to the sale of alcoholic beverages to persons under 21.
 - Post signs prohibiting open alcoholic beverage containers on the premises/loitering
- Incorporated into conditions of approval

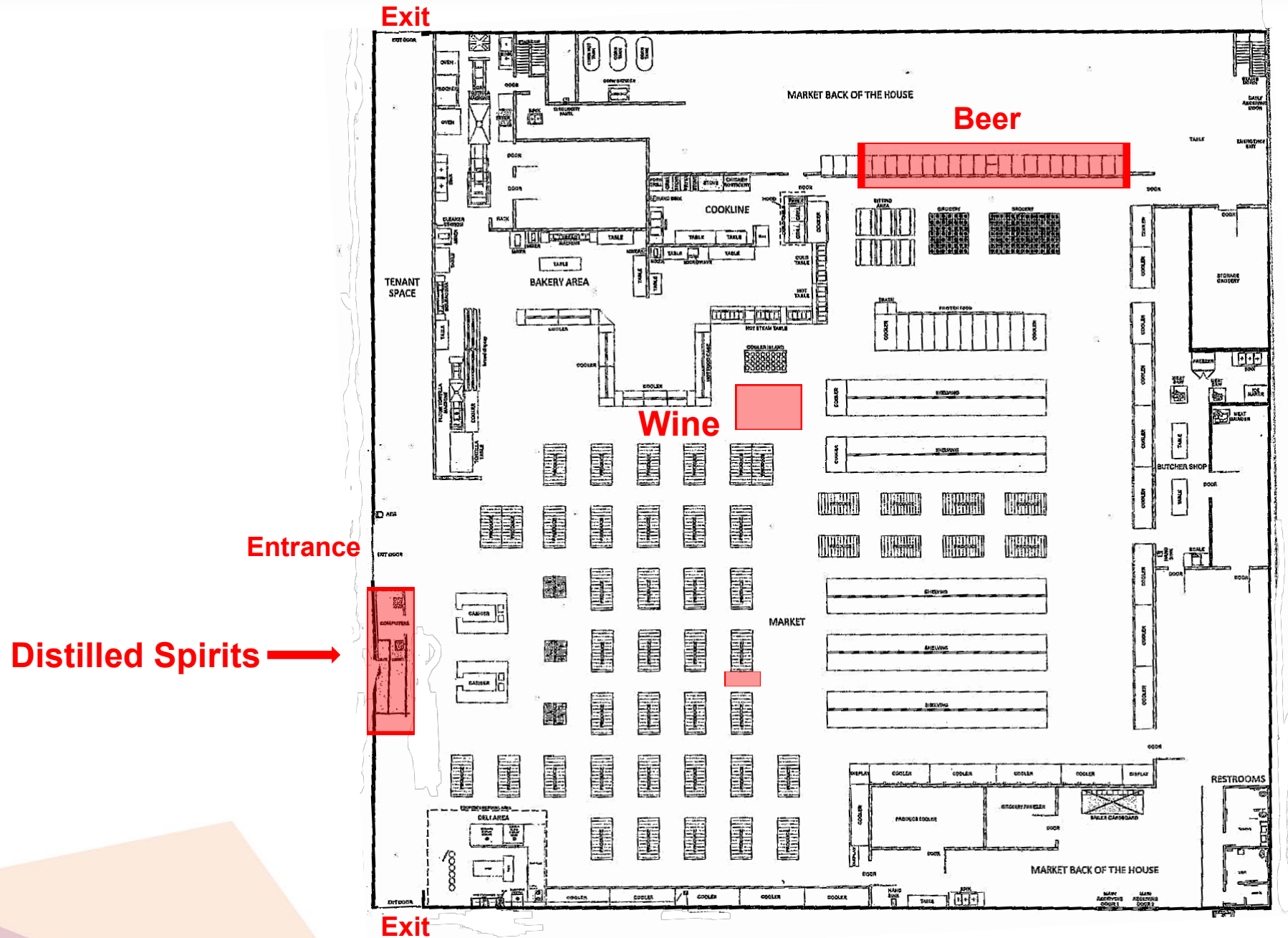


Recommended Conditions

- Standard Conditions of Approval
- Electronic age verification
- Conditions specific to off-site alcohol sales per Council Policy 707
 - Hours of operation
 - Responsible Beverage Service and Sales (RBSS)
 - Alcohol sales for off-site consumption to remain accessory
- Application-specific conditions
 - Maintain conditions of existing CUP (2000-20)
 - IPS comments related to signage, graffiti, and litter
 - Distilled spirits to be stored in a lockable cabinet behind the sales counter



Floor Plan



Summary

- Proposed use is consistent with the General Plan
 - Alcohol sales for off-site consumption are a conditionally-allowed use in MXC-1 zone
 - Alcohol sales would be accessory to the grocery store in an established commercial area
 - Inclusion of conditions consistent with Council Policy 707 intended to alleviate concerns related to area impacts
 - Additional conditions addressing IPS comment



Options

- Find project exempt from CEQA & approve 2024-11 CUP based on findings listed in the draft resolution / findings determined by the Council; or
- Find project not exempt from CEQA and/or deny 2024-11 CUP based on findings listed in the draft resolution / findings determined by the Council; or
- Continue the item for additional information
- Staff recommending approval

