



City of Greenfield

Greenfield Civic Center
599 El Camino Real
Greenfield, CA 93927

Planning Commission Agenda

Tuesday, June 6, 2023
6:00 P.M.

CHAIR STEPHANIE GARCIA
VICE CHAIR CYNTHIA ZAVALA
COMMISSIONER TINA MARTINEZ
COMMISSIONER ROBERT URQUIDES
COMMISSIONER ERNEST GALLARDO

The Greenfield Planning Commission meeting on June 6, 2023, at 6:00 p.m. will be held in the City Council Chambers located at 599 El Camino Real, Greenfield, California 93927, and will be open to the public. This meeting will also be accessible online and may be viewed through the following options:

Facebook Live: <https://www.facebook.com/GreenfieldCA/>

Zoom Meeting: <http://planning.ci.greenfield.ca.us>

Meeting ID: 876 8074 3187

(No passcode needs to be entered)

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE

D. PUBLIC COMMENTS FROM THE AUDIENCE REGARDING ITEMS NOT ON THE AGENDA

E. CONSENT AGENDA

1. Adoption of the May 2, 2023 Planning Commission Minutes

F. PUBLIC HEARING

1. Consideration of a resolution approving a Conditional Use Permit to allow for a Type 21 Liquor License for off-site Sales of Liquor in addition to Beer and Wine at 186 4th Street (APN: 024-072-041)
 - a. Staff Report
 - b. Open/Close Public Hearing
 - c. Planning Commission Discussion and Decision

G. OTHER BUSINESS

1. Summary on Brown Act Requirements
 - a. Oral Staff Report
 - b. Public Comments
 - c. Planning Commission Comments

2. Staff Responses to Questions and Comments Raised by the Planning Commission at prior Meetings – Topics include: Dog Waste Bags for City Parks, Opportunities for Economic Development Conferences, Potential for Safety Improvements to Stop Sign at El Camino Real and Pine, Status of Proposition 68 Grant for Community Recreation Center, and Potential for CDD-related social media posts to be on City’s Main Facebook Page
 - a. Oral Staff Report
 - b. Public Comments
 - c. Planning Commission Comments

H. COMMENTS FROM PLANNING COMMISSION AND STAFF

I. ADJOURNMENT

ADJOURNMENT

Meeting Adjourned by Chair Garcia at 7:33 p.m.



Planning Commission Memo

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

DATE: June 1, 2023

AGENDA DATE June 6, 2023

TO: Planning Commissioners

PREPARED BY: Danielle Powell, Senior Planner

TITLE: **CONSIDERATION OF A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A TYPE 21 LIQUOR LICENSE (OFF-SALE BEER, WINE, AND SPIRITS) AT 186 4TH STREET, APN: 024-072-041, PERMIT #PLN 23012**

AUTHORITY AND PROCEDURES

Zoning Code – Conditional Use Permit

The Conditional Use Permit (CUP) provisions are set forth in Section 17.16.060 of the Zoning Code. Allowable land uses in each zoning district are set forth in Table 17.26-1 of Section 17.26.040 of the Zoning Code. Table 17.26-1 requires a CUP in Neighborhood Commercial (C-N) Zoning Districts for alcoholic beverage sales. A CUP allows for the individual review of uses having unusual site development features or operating characteristics, to ensure compatibility with surrounding areas and uses.

The Planning Commission is the designated approving authority for CUPs and, given a specific CUP application, may approve, conditionally approve, or deny the proposed application. As part of the CUP process, the Commission may “impose conditions and/or require performance guarantees for the CUP to ensure compliance with this Section and other applicable provisions of the Green Municipal Code, and to prevent adverse or detrimental impacts to public health, safety, or welfare” (Section 17.16.060.D). CUPs may be granted only when the Planning Commission determines that the proposed use or activity complies with the following findings:

1. The proposed use is consistent with the General Plan, Specific Plan (if applicable), and all applicable provisions of the Greenfield Municipal Code;

2. The establishment, maintenance, or operation of the use applied for meets the applicable land use compatibility criteria of the General Plan; and
3. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of the public.

BACKGROUND

The owner of the Oak Avenue Mini Mart (Mini Mart) is working to obtain a Type 21 liquor license (general off-site sale of beer, wine, and spirits) from a business in Moss Landing. The Mini Mart currently has a Type 20 liquor license and Conditional Use Permit that was issued in November of 2007 for general off-sale of beer and wine. The activation of the Type 21 license is subject to the completion of the State Department of Alcoholic Beverage Control (ABC) license requirements by the owner. As part of the licensing process, State ABC staff refers the license to the local jurisdiction for zoning review of the location and to decide whether the sale of alcohol from this location meets a public convenience or necessity. Mr. Dongjun Cho, the Mini Mart owner, submitted an application for a CUP to allow a Type 21 liquor license on April 28, 2023. City staff deemed the application complete for processing on May 26, 2023.

PROJECT DESCRIPTION

The Mini Mart is located on the southeast corner of Oak Avenue and 4th Street. It has an assigned address of 186 4th Street. Products sold currently include beer and wine for off-site consumption. The business is open from 5:00 am to 10:00 pm Monday through Thursday, 5:00 am to 11:00 pm Friday and Saturday, and 8:00 am to 10:00 pm on Sunday. In accordance with the existing CUP No. 2007-05, beer and wine are sold from 6:00 am to 10:00 pm. Staff are always present during operating hours, and building and parking lot areas are well lit. A surveillance system is in place and consists of nine exterior cameras and at least twelve interior cameras.

The applicant has stated he is seeking a change in his license type to increase the variety of items in the store, increase the store's sales, and increase sales tax revenue for the City. Few problems related to the sale of alcohol have been reported at this location. Spirits would be available for sale between 6:00 am and 10:00 pm, consistent with the existing CUP for beer and wine sales.

Figure 1 – Location Map



DISCUSSION

As noted, the subject property is within the Neighborhood Commercial Zoning District and the sale of alcoholic beverages is permissible within this zoning district with a CUP approved by the Planning Commission.

ABC License Process and Distribution of Licenses in Greenfield

State ABC develops guidelines for the number of allocated retail alcohol licenses in each census tract throughout the State, based solely on census tract population. The number of licenses allocated under the formula is a guideline for use by local jurisdictions. A local jurisdiction can allow additional licenses at its discretion provided the jurisdiction can make certain findings. The Oak Avenue Mini Mart is located within Census Tract 112.02, which covers the central, northern, and eastern portion of Greenfield (see Figure 2 – Census Tract Map). According to ABC, seven off-sale licenses have already been issued including the Oak Avenue Mini Mart. This is the maximum allowed by ABC for this area, without being considered overconcentrated.

Since the number of licenses issued is currently equal to the number typically allowed by ABC for this area, Mr. Cho has agreed to cancel his Type 20 license once their Type 21 is approved. This ensures the existing Type 20 off-sale license will be replaced with the Type 21 off-sale license, leaving the total number of off-sale licenses in the census tract at seven. 3 of the 7

licenses in Census Tract 112.02 are Type 21 licenses, including the licenses for Rite Aid, Rancho San Miguel Market, and the Greenfield Arco. As of May 2023, there are a total of 15 off-sale ABC licenses located within the City of Greenfield, seven in Census Tract 112.02, seven in Census Tract 112.03, and one in Census Tract 112.04. for the Shell Station at the northern end of the town. Table 1 below shows all active, and one surrendered, State ABC licenses within City Limits. The highlighted rows are the off-sale licenses located within Census Tract 112.02.

Figure 2 – Census Tract Map

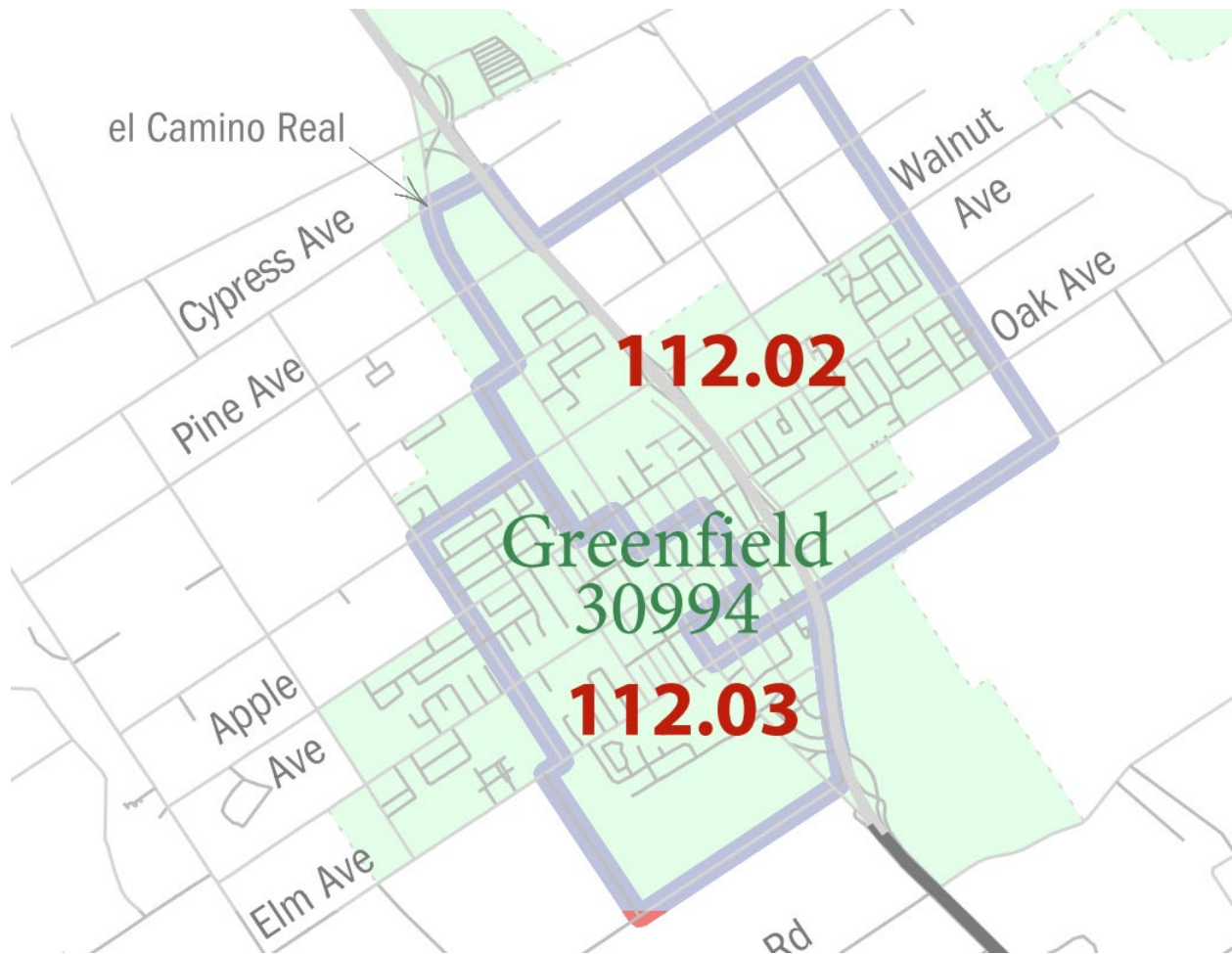


Table 1 – All ABC Liquor Licenses in the City of Greenfield

Status	License Type	Premises Address	Business Name	Census Tract
ACTIVE	21	650 WALNUT AVE	RITE AID STORE 5879	112.02
ACTIVE	41	602 WALNUT AVE	LA FOGATA	112.02
ACTIVE	41	5 EL CAMINO REAL	EL MICHOACANO RESTAURANT	112.03
ACTIVE	20	214-216 EL CAMINO REAL	MARTINEZ TORTILLERIA Y PANADERIA	112.03
SUREND	41	670 WALNUT AVE	CHEEZERS GOURMET PIZZA	112.02
ACTIVE	41	331 EL CAMINO REAL	TAQUERIA LAS FUENTES	112.03
ACTIVE	20	186 4TH ST	OAK AVENUE MART	112.02
ACTIVE	20	899 EL CAMINO REAL	GREENFIELD SHELL	112.04
ACTIVE	20	401 EL CAMINO REAL	LA PRINCESA MARKET	112.02
ACTIVE	21	500 WALNUT AVE	RANCHO SAN MIGUEL MARKET	112.02
ACTIVE	21	3 EL CAMINO REAL	TRES AMIGOS	112.03
ACTIVE	41	104 EL CAMINO REAL	TACOS EL GRULLENSE	112.03
ACTIVE	20	103 EL CAMINO REAL	MENDOZA MARKET	112.03
ACTIVE	20	348 EL CAMINO REAL	GREENFIELD MARKET	112.02
ACTIVE	20	326 EL CAMINO REAL	DOLLAR GENERAL 17815	112.02
ACTIVE	21	359 WALNUT AVE	GREENFIELD ARCO	112.02
ACTIVE	42	102 EL CAMINO REAL	EL PARRANDERO SPORTS	112.03
ACTIVE	20	202 EL CAMINO REAL	MORA CHEVRON	112.03
ACTIVE	47	246 EL CAMINO REAL	EL RINCONCITO RESTAURANT Y CAFE	112.03
ACTIVE	58	246 EL CAMINO REAL	EL RINCONCITO RESTAURANT Y CAFE	112.03
ACTIVE	21	851 OAK AVE	EL REY MARKET	112.03
ACTIVE	20	135 EL CAMINO REAL	TIENDA LA MICHOACANA	112.03
ACTIVE	21	145 EL CAMINO REAL	FASTRIP #9912	112.03

- Type 20 Off-sale beer & wine
- Type 21 Off-sale general (beer, wine, spirits)
- Type 41 On-sale beer & wine - eating place
- Type 42 On-sale beer & wine - public premises
- Type 47 On-sale general (beer, wine, spirits) - eating place
- Type 58 Caterer's permit

Input from Police Department

In developing this report, staff consulted with the Greenfield Police Department to identify crime activity within the general area. The report provided by the Police Department indicates that from 2020-2021, crime at the Oak Avenue Mini Mart was less than at similar locations

throughout the City. The Police Department does not object to the Type 21 license request at this location.

Zoning Code Compliance

Because the City requires businesses or developments to come up to compliance with Zoning Code development standards and requirements when new changes are proposed, a condition of approval is being added for removal of all window signs and the bars on the windows of the building. Currently, the window signage is out of compliance with Sections 17.62.050.H.1 and 17.62.030.B.12 of the Zoning Code (greater than 10% of the windows are covered by signs). Additionally, removal of the bars on the windows was a condition of approval of the original CUP in 2007. City staff does not support installing or retaining bars on windows in retail or commercial zoning districts, as such bars have a negative aesthetic impact. The applicant has agreed to remove the bars on the window, and as an alternative, has proposed the addition of a polycarbonate sheet and mirrored tint to the existing windows to improve security. Staff supports this alternative, and the Planning Commission should specifically comment on this alternative in the Commission's deliberations.

A CUP is discretionary and may either be approved or denied based on the required findings. Staff supports the change in license type from Type 20 to Type 21. However, the Planning Commission is free to take alternative action as noted below in Alternatives.

CEQA

The proposed CUP would allow a use that is consistent with the site's Neighborhood Commercial Zoning, within an existing building. As such, the project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 of the State Guidelines for the Implementation of CEQA. The CUP would not facilitate substantial additions or changes in use.

RECOMMENDATION

Given that crime rates are low at the subject location, and that a change in license type would not result in an overconcentration of off-sale licenses in Census Tract 112.02, staff recommends that the Planning Commission approve a resolution allowing the change in ABC license type from Type 20 to Type 21, allowing off-sales of distilled spirits in addition to beer and wine at the Oak Avenue Mini Mart.

ALTERNATIVES

1. Deny the proposed CUP.
2. Approve the proposed CUP with specific changes and/or revised or additional conditions of approval.

PROPOSED MOTION

**I MOVE THAT THE PLANNING COMMISSION OF THE CITY OF GREENFIELD
ADOPT RESOLUTION NO. 2023-11 APPROVING A CONDITIONAL USE PERMIT TO
ALLOW OFF-SALE GENERAL ALCOHOLIC BEVERAGE SALES AT 186 4th STREET**

ATTACHMENTS

1. Planning Commission Resolution No. 2023-11, including
Exhibit A. Conditions of Approval

CITY OF GREENFIELD PLANNING COMMISSION

RESOLUTION NO. 2023-11

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GREENFIELD
APPROVING A CONDITIONAL USE PERMIT FOR OFF-SALE GENERAL
ALCOHOLIC BEVERAGE SALES AT 186 4TH STREET**

WHEREAS, Section 17.26.040 of the City of Greenfield municipal code allows alcoholic beverage sales in the C-N, Neighborhood Commercial Zoning District subject to issuance of a conditional use permit; and

WHEREAS, Section 17.26.060 of the City of Greenfield municipal code designates the Planning Commission as the approving authority for issuance of conditional use permits; and

WHEREAS, conditional use permits are quasi-jurisdictional and shall be granted only when the Planning Commission determines that the proposed use or activity (1) is consistent with the General Plan and all applicable provisions of title 17.16 of the City of Greenfield municipal code and (2) that the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of the public; and

WHEREAS, the conditional use permit request was heard by the Planning Commission at a duly-noticed public hearing on June 6, 2023; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Planning Commission of the City of Greenfield has considered all written and verbal evidence regarding the conditional use permit application at the public hearing and makes the following findings:

1. **FINDING:** That the proposed use is consistent with the General Plan and all applicable provisions of the City of Greenfield municipal code.
 - (a) The proposed location at 186 4th Street is in the Neighborhood Commercial Center land use designation and C-N, Neighborhood Commercial, zoning district of the City of Greenfield zoning code; and
 - (b) Alcoholic beverage sales are an allowed use in the C-N, Neighborhood Commercial, district subject to issuance by the Planning Commission of a conditional use permit.
2. **FINDING:** That the establishment, maintenance, or operation of the use applied for meets the applicable land use compatibility criteria of the General Plan.
 - (a) The project location is at 186 4th Street and is designated Neighborhood Commercial Center in the City's Land Use Element of the General Plan. The operation of convenience store including one that offers sales of alcoholic

beverages is consistent with the allowable uses in the Neighborhood Commercial Center Land Use Designation and therefore meets the land use compatibility of the General Plan.

3. FINDING: That the establishment, maintenance, or operation of off-sale general alcoholic beverage sales at a grocery and consumer goods retail store at 186 4th Street will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of the public.

(a) The location, design, or operating characteristics of the Oak Avenue Mini Mart do not present any identifiable adverse impacts on the health, safety, peace, morals, comfort, or general welfare of the public.

(b) Due to the location and the availability of a broad range of products including alcoholic beverages, the sale of said beverages will serve a public convenience need as well as serve the public’s necessity.

(c) The conditions of approval for issuance of a conditional use permit will impose restrictions on sales and enhanced safety measures that will protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission of the City of Greenfield, after consideration of all written and verbal evidence regarding this matter at the public hearing, does hereby:

1. Approve a Class 1 Categorical Exemption Pursuant to CEQA Guidelines Section 15301 for the proposed project; and
2. Grant approval of a Conditional Use Permit for an off-sale general alcoholic beverage license (Type 21 license) at 186 4th Street, the Oak Avenue Mini Mart, subject to approval by the State Alcoholic Beverage Control Department and the attached conditions of approval.

PASSED AND ADOPTED by the Planning Commission of the City of Greenfield, at a regularly scheduled meeting of the Planning Commission held on this 6th day of June 2023, by the following vote:

AYES, and all in favor, therefore, Commissioners:

NOES, Commissioners:

ABSENT, Commissioners:

Stephanie Garcia, Chairperson

Attest:

Paul Mugan, Secretary

PLANNING COMMISSION RESOLUTION NO. 2023-11

EXHIBIT A

CONDITIONS OF APPROVAL FOR CUP FOR 186 4th Street (APN: 024-072-041; PLN #23012)

COA Number	Condition of Approval (COA)/Mitigation Measure	Party Responsible for Compliance	Timing	Verification of Compliance (Initials/Date)
General				
1	This Conditional Use Permit (CUP) approval is for the property at 186 4th Street (APN: 024-072-041) in accordance with the following project description: Conditional Use Permit for off-sale beer, wine, and spirits alcoholic beverage sales at a grocery and consumer goods retail store, Oak Avenue Mini Mart.	N/A	Throughout entirety of use	
2	This use permit shall expire on June 6, 2024 if the applicant has not obtained the requisite ABC license.	Applicant/owner	1 year after approval	
3	This CUP authorizes retail sales of beer, wine and spirits within a Neighborhood Commercial Zoning District, subject to issuance by the State Department of Alcoholic Beverage Control an Off-Sale General (Beer, Wine, and Spirits; Type 21) License.	N/A	Throughout entirety of use	
4	The authorization of retail sales of beer, wine, and spirits for offsite consumption allowed through this CUP may be revoked by the Planning Commission upon finding by the Planning Commission that the operation of off-sale beer, wine, and spirits (a) is or has become a public nuisance, (b) is detrimental to the public health, safety, or welfare, or (c) the holder of this CUP has violated any of the CUP's terms or conditions. The authorization of retail sales of beer, wine, and spirits for offsite consumption may also be revoked by the Planning Commission upon finding that the State Department of Alcoholic Beverage Control revokes or suspends such license.	N/A	Throughout entirety of use	
5	This CUP shall run with the land and shall not be transferrable to another location or address.	N/A	N/A	
6	The use shall be conducted in compliance with all Local, State, and Federal laws and regulations, and in conformance with the approved plans.	Applicant/owner	Throughout entirety of use	
7	The issuance of a permit or approval of plans and specifications shall not be construed as a permit or an approval of any work that violates the Greenfield Municipal Code.	Applicant/owner	Throughout entirety of use	
8	The business shall comply with section 17.62.030 of the City of Greenfield municipal code regarding window signage. All existing window signage and bars shall be removed within 60 days of approval of this Conditional Use Permit.	Applicant/owner	Throughout entirety of use	
9	The sale of alcoholic liquor beverages shall be prohibited between the hours of 10:00 PM and 6:00 AM.	Applicant/owner	Throughout entirety of use	
10	The on-site security camera system will be integrated and coordinated with the surveillance system installed by the Greenfield Police Department.	Applicant/owner	Throughout entirety of use	

Acknowledgement and Acceptance

This Conditional Use permit is hereby accepted upon the express terms and conditions hereof. The undersigned hereby acknowledges the approved terms and conditions, and agrees to conform to and comply with said terms and conditions of approval of this permit.

 Dongjun Cho
 Applicant/Owner
 Oak Avenue Mini Mart

 Date