City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Bureau of Planning
and Zoning

April 5, 2016

Ms. Abigail Hayes
Abby's Jewelry
20 Piave Street
Rochester, NY 14606

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish a high-impact secondhand jewelry store, with hours of operation 10:00AM to 6:00PM, Monday through Saturday.

ON THE PREMISES AT: **1581 Dewey Avenue**

ZONING DISTRICT: **C-2 Community Center District**

APPLICATION NUMBER: **E-034-15-16**

VOTE: **4-1-0**

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on February 22, 2016, the City Planning Commission, as Lead Agency, issued a negative declaration for the proposed action, determining no significant effect on the environment in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code, and at the City Planning Commission meeting held on March 21, 2016, said application was **APPROVED FOR ONE (1) YEAR, UNTIL MARCH 31, 2017.**

Note: Pursuant to Section 120-192B(7) of the City Code, a Special Permit shall become null and void one (1) year after the date on which it was issued unless a Building Permit is obtained and maintained. **Please call Jill Wiedrick at 428-6914 to complete this process.**

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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Please note, at the February 22, 2016 City Planning Commission hearing, this application failed by a vote of 3-3-0 to receive four (4) concurring votes that are required for approval or denial. Pursuant to Section 120-184D.(1)(a) of the City of Rochester Zoning Code, this application was scheduled for the March 21, 2016 hearing to provide the applicant with another opportunity to present the application and obtain a decision on the merits. Therefore, the Decision herein is based on evidence and testimony presented during the February 22nd and March 21st meetings of the Planning Commission.

Resolution and Findings of Fact:

This decision was based on the following findings of fact:

Pursuant to Section 120-192B(2) and (3) of the Zoning Code, the Special Permit procedure is intended to provide a means to evaluate any use that is identified as having some special impact or uniqueness which requires a careful review of its location, design, configuration and special impact to determine the desirability of permitting its establishment on particular given site. A Special Permit use may or may not be appropriate in a particular location depending on a weighing in each case, of the public need and benefit against the local impact and effect and with regard to the following five criteria:

A. The proposed development will be in harmony with the goals, standards and objectives of the Comprehensive Plan:

1) The relevant goals and objectives of the Comprehensive Plan are reflected in the Zoning Code and its 2012 amendments which require Special Permit approval to establish a high-impact retail use in a C-2 Zoning District while other retail uses remain permitted as of right. Zoning Code §§ 120-43T, 120-42M. The proposed use is defined as a High-Impact retail use because it requires a secondhand dealer's license. The Zoning Code applies additional scrutiny and places additional restrictions on certain categories of retail sales and service that it classifies as "High-Impact." High-Impact retail includes secondhand dealers, firearms dealers, and shops selling tobacco products or lottery tickets. "High-impact retail sales and service and pawnbrokers, due to the nature, volume or intensity of the sales and services provided, have a history of or a likelihood of creating negative impacts to adjacent properties or the surrounding neighborhood by virtue of operational impacts such as noise, traffic, parking, loitering, and increased need for police services." Zoning Code §120-146.1. One of the additional general requirements is a separation of at least 500 feet from other High-Impact retail establishments as well as certain "protected uses" comprised of either public and semipublic uses, except police and fire stations, or private schools.

2) Per Section 120-192B(4)(d) and (e) of the Zoning Code, the Planning Commission can approve the application for a Special Permit "such conditions as may be necessary to prevent or minimize adverse effects upon other property in the neighborhood," including but not limited to issuing it for a specific time period. As such, the City Planning Commission granted a one (1) year temporary approval for Abigail Hayes, Abby's Jewelry, until March 31, 2017.

B. The proposed use will not have a substantial or undue adverse effect upon adjacent properties:

1) The subject property is a mixed use building at the corner of Dewey Avenue and Pullman Avenue. The building is legal for a store and two families on the first floor and four families on the second floor. The last legal use of the retail space was a dollar store. Parking is located in front of the building, according to the applicant.

2) R-1 zoned residential neighborhoods adjoin the C-2 zoned properties that line both sides of Dewey Avenue, beginning near the subject property and extending several blocks southward.

3) The applicant wishes to obtain a Special Permit to establish a high-impact secondhand jewelry store with hours of operation 10:00AM to 6:00PM, Monday through Saturday. The applicant will repair and sell jewelry, but also purchase and trade items on-site.

4) Oral and written testimony from neighbors indicated that there is concern that the secondhand jewelry store would bring an increase in illegal activity to the area.

5) The proposed use is within 500 feet of two other high-impact retail sales uses, grocery stores located at 1514 Dewey Avenue and 1548 Dewey Avenue. However, the Commission may waive the 500-foot separation requirement if it determines that unique physical conditions of the premises and/or or particular characteristics of surrounding properties make the separation requirement unnecessary to mitigate the adverse operational impacts, such as noise, traffic, parking, loitering, and increased need for police services, associated with the typical high-impact retail use. Zoning Code §120-129B. The City Planning Commission determined that a waiver of the 500-foot separation requirement is justified in this case based on the following factors: repairing and selling jewelry will be the applicant's primary activities with transactions in secondhand jewelry being a secondary activity; the store will not deal in other secondhand goods, such as electronics; a secondhand jewelry store is different in kind from a convenience store; the store hours are limited so it will not entail late night activities that can disturb the nearby residents; and the applicant is a City

resident living in the same Northwest Quadrant where the store would be located.

6) The City Planning Commission granted a temporary approval for one year until March 31, 2017, to reevaluate at the end of the term based on real-life experience whether the store can be operated without contributing to an increase in theft and other illegal or nuisance activities in the surrounding neighborhood.

C. The proposed use will not dominate the immediate vicinity nor interfere with the development and use of neighboring properties:

1) Pursuant to Section 120-146.1 of the Zoning Code, storefront transparency must be maintained and no interior shelving may block the windows of the storefront. The applicant is aware of this requirement and is not proposing to block the windows.

2) Given that the proposed use is not a convenience store and will only be operating between 10:00 AM and 6:00 PM Monday through Saturday, the City Planning Commission concluded that establishing this high-impact secondhand jewelry store would not dominate the immediate vicinity nor interfere with the development and use of neighboring properties, and therefore granted a one (1) year temporary approval until March 31, 2017, after which the applicant will need to return to the City Planning Commission to assess the impacts of this use on the surrounding area.

D. The proposed development will be served by essential public facilities and services:

The utilities and services available are sufficient to meet the demands of the proposed use.

E. The proposed use will not result in the destruction or damage of any natural, scenic or historic feature of significant importance:

There are no natural, scenic or historic features of significant importance on the site or in close proximity of the subject property that would be affected by this proposed use.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES FOR ONE (1) YEAR, UNTIL MARCH 31, 2017,** application **E-034-15-16 by Abigail Hayes, Abby's Jewelry,** to establish a high-impact secondhand jewelry store with hours of operation from 10:00 AM to 6:00 PM, Monday through Saturday**, at 1581 Dewey Avenue.**

This decision was based on the following testimony and evidence:

Supporting Testimony (February 22, 2016)
Abigail Hayes

Supporting Testimony (March 21, 2016)
Abigail Hayes

Opposing Testimony (February 22, 2016)
Kim Hare
Marsha Enright

Opposing Testimony (February 22, 2016)
Marsha Enright
Bill Collins

Evidence:
Staff Report
Special Permit Application and Standards
Addendum to Standards
Interior and Exterior Photographs
High Impact Buffer Map
Aerial Photograph of Site
Zoning Map
Site Location Map
Letter in Opposition from Maplewood Neighborhood Association, dated February 20, 2016
Email in Opposition from William Mackin, dated February 19, 2016
Email in Opposition from Ron Penders, Northwest Neighborhood Service Center, dated March 2, 2016
Personal Appearance Notice
Notification Labels
Speakers' List
Short Environmental Assessment Form Parts I and II
Notice of Environmental Determination dated February 11, 2016
Personal Appearance Notice
Notification Labels
Speakers' Lists

Record of Vote:

D. Watson	Approve for one year
S. Rebholz	Deny
E. Marlin	Absent
H. Hogan	Approve for one year
T. Bruce	Approve for one year
S. Mayer	Approve for one year

CITY OF ROCHESTER
NOTICE OF ENVIRONMENTAL DETERMINATION

Issued in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code.

NEGATIVE DECLARATION: The proposed action is one which will not have a significant effect on the environment.

ACTION: Classification: Unlisted
Description: Special Permit Determination

PROJECT: Location: 1581 Dewey Avenue
Applicant: Abigail Hayes
Description: To establish a high-impact secondhand jewelry store, operating between the hours of 10:00AM and 6:00PM, Monday through Saturday.

REASON(S) FOR DETERMINATION: The project site does not contain sensitive natural features (e.g. wetlands, steep slopes, erodible soils, wildlife habitat, etc.) No significant impacts are anticipated with respect to water or air quality. Community facilities/services (e.g. water supply, energy supplies, public safety, waste disposal and transportation) are adequate to accommodate and serve the proposed project. The project will not affect historic or archaeological resources. The project is compatible with the area and adjacent uses.

LEAD AGENCY: **City Planning Commission**

AGENCY CONTACT PERSON: **Jill Wiedrick, Sr. City Planner**
Bureau of Buildings and Zoning, (585) 428-6914

DATE ISSUED: **February 22, 2016**

This declaration and supporting information is on file and available for public inspection with the Bureau of Buildings & Zoning, Room 125-B, City Hall.

FILE REFERENCE NUMBER: **E-034-15-16**

DISTRIBUTION: Planning Commission
Case File

City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Bureau of Planning
and Zoning

April 5, 2016

Mr. Jerry Testa
Testa Construction, Inc.
12 Industrial Park Circle
Rochester, New York 14624

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish a career and technical education center for the adjacent charter school (University Preparatory School for Young Men).

ON THE PREMISES AT: **1302 Lake Avenue**

ZONING DISTRICT: **R-3 High Density Residential District**

APPLICATION NUMBER: **E-036-15-16**

VOTE: **5-0-0**

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on February 22, 2016, the Planning Commission, as Lead Agency, issued a negative declaration for the proposed action, determining no significant effect on the environment in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code, and at the City Planning Commission meeting held on March 21, 2016, said application was **APPROVED ON CONDITION THAT:**

- **The southern most entrance on Lake Avenue for the UPrep Campus is to be removed, the curb cut closed, the asphalt parking area regraded with topsoil, and grass planted, per drawing C-1 dated 1/21/2016.**

- **The enrollment at UPrep, including the career and technical education center, shall not exceed 450 students.**

Please Note: Pursuant to Section 120-192B(7) of the City Code, a Special Permit shall become null and void one (1) year after the date on which it was issued unless a Building Permit, Certificate of Zoning Compliance, and or a Certificate of Occupancy is obtained and maintained. **Please contact Jill Wiedrick at 428-6914 to complete the approval process.**

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CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

xc: Joseph Munno, UPREP, 1290 Lake Avenue, Rochester, New York 14613

Resolution and Findings of Fact:

This decision was based on the following findings of fact:

Pursuant to Section 120-192B(2) and (3) of the Zoning Code, the Special Permit procedure is intended to provide a means to evaluate any use that is identified as having some special impact or uniqueness which requires a careful review of its location, design, configuration and special impact to determine the desirability of permitting its establishment on particular given site. A Special Permit use may or may not be appropriate in a particular location depending on a weighing in each case, of the public need and benefit against the local impact and effect and with regard to the following five criteria:

A. The proposed building or use will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code that requires Special Permit approval for public and semipublic uses.

B. The proposed building or use will not have a substantial or undue adverse effect upon adjacent properties.

1) The subject property is located on Lake Avenue, near Seneca Parkway. This building was originally built as a single family home. Recently, the building had been used as a mix of offices and apartments. This property has been vacant since May 2010.

2) The applicant proposes to establish a career and technical education center for the adjacent charter school, University Preparatory School for Young Men (UPREP). As detailed in the floor plans provided by the applicant, there will be rooms dedicated to exercise, vocations and office space.

3) According to the applicant, the addition of this educational opportunity to UPREP will not result in any additional students, but may result in an increase in staff members. A sidewalk will be constructed between the existing charter school and the proposed career and technical education center so that students may safely go to and from classes. Per the applicant, parking will occur behind the building, as there is currently a 25 space parking area.

4) The applicant is also proposing to construct a stair tower at the rear of the building, so that the building meets current code requirements. There will be no other exterior changes. The applicant stated in oral testimony that they will remove the existing sign in the front yard of the property.

5) Oral and written testimony in support noted that this was an excellent reuse of a vacant building. Testimony indicated a desire for the two properties to be blended together with the use of landscaping to ensure that it looks like one campus. Further testimony noted the success of the school, open for five years, with a graduation rate of 94%.

6) Oral and written testimony in opposition to this application noted that there are several issues surrounding the operation of UPREP, located at the neighboring property, 1290 Lake Avenue. Neighbors submitted testimony regarding, traffic, noise, and parking issues. The applicant noted in testimony that UPREP administration would continue to monitor the students. The applicant declared that he would like to erect a fence between the school and the neighboring properties to reduce the impact of the school on the adjacent residential neighborhood. Please note that should the applicant choose to erect this fence, a separate permit will be necessary.

7) The City Planning Commission determined that it was necessary to remove the southern most entrance on Lake Avenue for the UPREP Campus, to close the curb cut, to regrade the asphalt parking area, and to plant grass, per drawing C-1 dated 1/21/2016. It should be noted that testimony received at the February 22, 2016 hearing indicated concern that emergency vehicles would not be able to access the school if the entrance was removed. Staff consulted with members of the Rochester Fire Department who determined that the loss of the driveway would not create access issues. Therefore, closing this curb cut and removing the driveway were made conditions of the approval.

8) The City Planning Commission also conditioned the approval on the enrollment at UPREP, including the career and technical education center, not exceeding 450 students. This was in response to City Planning Commission concerns that the career and technical education center would lead to an increase in student enrollment and function as a separate entity, rather than be used for the benefit of those students already attending UPREP.

9) The City Planning Commission determined that with the conditions noted above, the proposed career and technical education center will not have a substantial or undue adverse effect upon adjacent properties. The City Planning Commission recommends that the applicant meet with neighbors to ensure that the school fits into the residential neighborhood and contributes to its character, in hopes of preventing an adversarial relationship with those in the surrounding community.

C. The proposed building or use will not dominate the immediate vicinity nor interfere with the development and use of neighboring properties.

The proposal to establish a career and technical education center for the adjacent charter school, University Preparatory Charter School for Young Men, will not dominate the immediate vicinity nor interfere with the development and use of neighboring properties, as long as the conditions attached to this approval are implemented.

D. The proposed building or use will be served by essential public facilities and services.

The available utilities and services are sufficient to meet the demands of the proposed use.

E. The proposed building or use will not result in the destruction or damage of any natural, scenic or historic feature of significant importance.

There are no natural, scenic or historic features of significant importance on the site or in close proximity of the subject property that will be impacted by the proposed use.

Based on these facts and findings, be it resolved that the City Planning Commission **APPROVES ON CONDITION** application **E-036-15-16** by **Jerry Testa, Testa Construction, Inc.**, to establish a career and technical education center for the adjacent charter school (University Preparatory School for Young Men) at **1302 Lake Avenue.**

This decision was based on the following testimony and evidence:

Supporting Testimony (February 22, 2016):
Joseph Munno
Kim Hare
Marsha Enright

Supporting Testimony (March 21, 2016):
Joseph Munno
Marsha Enright
Elizabeth Cook

Opposing Testimony (February 22, 2016):
Greg Valenti

Opposing Testimony (March 21, 2016):
Chris Kingsley

Evidence:
Staff Report
Special Permit Application and Standards
Site Map
Aerial photograph of site
Site Plan Drawings
Letter in Support from Kim Hare, Maplewood Neighborhood Association, dated March 10, 2014
Personal Appearance Notice
Notification Labels
Speakers' list

Record of Vote:

D. Watson	Approve on Condition
S. Rebholz	Approve on Condition
E. Marlin	Absent
H. Hogan	Approve on Condition
T. Bruce	Approve on Condition
S. Mayer	Approve on Condition

CITY OF ROCHESTER
NOTICE OF ENVIRONMENTAL DETERMINATION

Issued in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code.

NEGATIVE DECLARATION: The proposed action is one which will not have a significant effect on the environment.

ACTION: Classification: Unlisted
Description: Special Permit Determination

PROJECT: Location: 1302 Lake Avenue
Applicant: Jerry Testa, Testa Construction, Inc.
Description: To establish a career and technical education center for the adjacent charter school (University Preparatory School for Young Men).

REASON(S) FOR DETERMINATION: The project site does not contain sensitive natural features (e.g. wetlands, steep slopes, erodible soils, wildlife habitat, etc.) No significant impacts are anticipated with respect to water or air quality. Community facilities/services (e.g. water supply, energy supplies, public safety, waste disposal and transportation) are adequate to accommodate and serve the proposed project. The project will not affect historic or archaeological resources. The project is compatible with the area and adjacent uses.

LEAD AGENCY: **City Planning Commission**

AGENCY CONTACT PERSON: **Jill Wiedrick, Senior City Planner**
Bureau of Planning and Zoning, (585) 428-6914

DATE ISSUED: **February 22, 2016**

This declaration and supporting information is on file and available for public inspection with the Bureau of Buildings & Zoning, Room 125-B, City Hall.

FILE REFERENCE NUMBER: **E-036-15-16**

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City of Rochester

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Rochester, New York 14614-1290
www.cityofrochester.gov

Bureau of Planning
and Zoning

April 5, 2016

Mr. James A. Boglioli, Esq.
Delta Sonic Carwash Systems, Inc.
570 Delaware Avenue
Buffalo, New York 14202

NOTICE OF DECISION

In the matter of the request for a Special Permit to: expand the existing Delta Sonic vehicle service operation and associated high-impact retail store.

ON THE PREMISES AT:	**718 East Main Street, et al.**
ZONING DISTRICT:	**Marketview Heights Urban Renewal District/C-2 Community Center District**
APPLICATION NUMBER:	**E-037-15-16**
VOTE:	**5-0-0**

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on March 21, 2016, said application was **APPROVED.**

Please Note: Pursuant to Section 120-192B(7) of the City Code, a Special Permit shall become null and void one (1) year after the date on which it was issued unless a Building Permit is obtained and maintained. **Please contact Jason Haremza at (585) 428-7761 to complete the approval process.**

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

xc: James A. Rumsey, 570 Delaware Avenue, Buffalo, New York 14202

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Resolution and Findings of Fact:

This decision was based on the following findings of fact:

Pursuant to Section 120-192B(2) and (3) of the Zoning Code, the Special Permit procedure is intended to provide a means to evaluate any use that is identified as having some special impact or uniqueness which requires a careful review of its location, design, configuration and special impact to determine the desirability of permitting its establishment on particular given site. A Special Permit use may or may not be appropriate in a particular location depending on a weighing in each case, of the public need and benefit against the local impact and effect and with regard to the following five criteria:

A. The proposed development will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

1) The goals and objectives of the Comprehensive Plan applicable to this application are reflected in the Zoning Code's Marketview Heights Urban Renewal District provisions as well as the requirement of Special Permit approval for vehicle service stations and high-impact retail uses under the C-2 zoning regulations.

2) The Marketview Heights Urban Renewal District (MHURD or District) established in 2014 is one of several urban renewal districts in the City of Rochester. Urban Renewal Districts are separate and distinct areas with objectives, actions and land use plans specifically tailored to each particular district for the purpose of eliminating substandard and deteriorated structures and other blighting influences through demolition and subsequent redevelopment. These districts are intended to promote economic development in the City and beautification of an area in both the public and private realm in a way that will encourage private development.

3) In January 2016, this Commission issued a favorable recommendation and in February 2016 the City Council enacted Zoning Code and Map amendments that re-designated Delta Sonic's and adjoining properties from MHURD/Center City District-Main Street to MHURD/C-2 Community Center District. This zoning amendment was enacted because it was determined that the neighborhood-type purpose of MHURD/C-2 zoning is more suitable to the area than downtown-type MHURD/CCD-M zoning and, therefore, will better position key sites, such as the project site, for redevelopment. The purpose for applying the C-2 District zoning regulations to this area was to provide diverse commercial development along the gateway transportation corridor of Main Street that serves as a neighborhood or village center consisting of a dense mixture of retail and other complementary uses that serves the adjacent mixed retail and residential neighborhood and the community at large. The C-2 District is preserved through appropriate design elements, amenities or treatments that create, enhance and reinforce the design relationships between the buildings, sites and streets and establish an ambience

that is uniquely urban and pedestrian-oriented. The district is also preserved by requiring special use permits for new or expanded convenience stores that are classified as High-Impact Retail and for vehicle fueling and car wash facilities that are classified as Vehicle Service Stations. If the area had remained zoned MHURD/CCD-Main Street, the proposed expansion of the High-Impact Retail use (i.e., the convenience store) would have been permitted as of right without special permit review and the expansion of the Vehicle Service Station use would have been prohibited outright.

4) The proposed redevelopment of the Delta Sonic site is consistent with the Special Permit and Zoning Code and Map Amendment described above and implements additional action items of the MHURD's Plan, including increasing the tax base and supporting continued economic development in and around the Rochester Public Market. The project will implement another key action item: enhancing the quality of the built environment through a design that preserves neighborhood character, increases density, and preserves walkability.

5) The proposed project is also within the study area of the East Main Arts and Market Initiative. The purpose of the East Main Arts and Market Initiative and the resulting plan, as specified by the City of Rochester, is to "identify multi-modal circulation, access, and parking improvements along with recommendations for land use development, streetscape enhancements, and community branding, as well as strategies to promote housing opportunities in the areas immediately east of Rochester's Center City, which adjoin both the Neighborhood of the Arts and the Public Market/Marketview Heights."

6) The applicant has modified the project design in a way that furthers the goals of these planning efforts, notably the façade improvements with substantial transparency, the use of high quality materials (brick), a two-story appearance, improved landscaping and hardscaping that will expand the sidewalk to improve the pedestrian experience, and the elimination of a curb opening to improve safety and circulation.

B. The proposed use will not have a substantial or undue adverse effect upon adjacent properties.

1) The site is located along East Main Street, a minor arterial street extending into the city center, with secondary frontages on North Union Street and Kenilworth Terrace. East Main Street, like many avenues in the City, has a mix of uses including multi-family dwellings, retail, and office uses.

2) The proposal is to redevelop the entire Delta Sonic site (a vehicle service operation), which includes façade renovations to provide a 2-story appearance for the existing 1-story structure; removal and replacement of the gas canopy, pumps, islands and underground tanks; installation of new signage, fencing, landscaping, lighting and vacuum stations; demolition of the existing stand-alone

±1,000 sq. ft. retail sales and service structure and its relocation to a ±2,900 square foot addition to the east side of the existing car wash facility; and new circulation, queuing patterns and striped parking areas. A small accessory structure (prep hut) will be constructed along the North Union Street frontage and will be creatively integrated into the landscaping and setback design. Additional accessory structures will be constructed for full-serve and self-serve pay booths.

3) The proposed hours of operation are Monday through Saturday, 7AM to 9PM and Sunday 8AM to 7PM and, therefore, will not disturb nearby residences with late night activity.

4) The City Planning Commission noted that Delta Sonic vehicle service station and high-impact retail uses have been in continual operation at this location without any objections from neighbors or enforcement or nuisance problems indicated in the application record. In addition, it was noted by the City Planning Commission that the site changes and improvements were necessary to the applicant's commercial viability and to ensure that the business continues to complement the neighborhood with its redevelopment plans.

5) The City Planning Commission noted that there were several improvements to the project plan, such as the elimination of one of the curb cuts, façade improvements and the addition of landscaping, all of which promote and improve walkability even while continuing an auto-oriented use.

6) The proposed expanded convenience store is within 500 feet of two other high-impact retail sales uses: convenience stores located at the vehicle service station at 650-672 East Main Street and in the first floor of a mixed use building at 155 North Union Street. Pursuant to Section 120-146.1 of the Zoning Code, high-impact retail sales and service uses shall not be located within 500 feet of any other high-impact use or within 500 feet of any protected use. However, the Commission may waive this requirement if it determines that unique physical conditions of the premises and/or or particular characteristics of surrounding properties make the separation requirement unnecessary to mitigate the adverse operational impacts, such as noise, traffic, parking, loitering, and increased need for police services, associated with the typical high-impact retail use. Zoning Code §120-129B. The City Planning Commission determined that a waiver of the 500-foot separation requirement is justified in this case by the following factors: the proposed high-impact use is merely an expanded version of an existing use that has had a long record of operation at the site; that the proposal is not to expand the store elements that trigger "high-impact" status (i.e., tobacco product and lottery sales) but rather to increase the floor area of the store so that the number and variety of other grocery and other convenience items would increase; that the expansion will not significantly increase the overall concentration of high-impact uses in the neighborhood; that the expansion increases business in the neighborhood in a way that is consistent with the MHURD and other redevelopment initiatives that have been reviewed and

endorsed by neighbors and neighborhood groups; that it is reasonable to allow the applicant to expand the store in a way that increases revenues to offset the applicant's substantial investments in site improvements that benefit the overall community; and that the site improvements likely would not be made absent an expanded store.

7) In summary, the City Planning Commission determined that the expansion of the existing Delta Sonic vehicle service operation and associated high-impact retail store would not have a substantial or undue adverse effect on neighboring properties.

C. The proposed will be developed so as not to interfere with the development and use of neighboring properties.

For the reasons described above, the proposal to expand the existing Delta Sonic vehicle service operation and associated high-impact retail store will be developed so as not to interfere with the development and use of neighboring properties. The City Planning Commission, after reviewing the application and testimony, determined that the proposal complements the surrounding properties.

D. The proposed building or use will be served by essential public facilities and services.

The available utilities and public services are sufficient to meet the demands of the proposed use.

E. The proposed building or use will not result in the destruction or damage of any natural, scenic or historic feature of significant importance.

There are no natural, scenic or historic features of significant importance on or near the subject premises that would be adversely affected by the proposed use.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES** application **E-037-15-16 James A. Boglioli, Esq, on behalf of Delta Sonic Carwash Systems, Inc.,** to expand the existing Delta Sonic vehicle service operation and associated high-impact retail store at **718 East Main Street, et al.**

This decision was based on the following testimony and evidence:

Supporting Testimony:
Matthew Oates

Opposing Testimony:
None

Evidence:
Staff Report
Special Permit Application and Standards
Letter of Intent
Preliminary Site Plan Findings, dated March 11, 2015
Site Plan
Site Map
High-Impact Buffer Map
Aerial photograph of site
Zoning Map
Personal Appearance Notice
Notification Labels
Speaker's List

Record of Vote:

D. Watson	Approve
S. Rebholz	Approve
E. Marlin	Absent
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Approve

City of Rochester

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Bureau of Planning
and Zoning

April 5, 2016

Ms. Yewbnesh Kebede
Addis-Ababa Restaurant
56 Chardonnay Drive
Fairport, New York 14450

NOTICE OF DECISION

In the matter of the request for a Special Permit to: consider an Alternative Parking Plan for seven parking spaces for the proposed sit-down restaurant.

ON THE PREMISES AT: **752 South Goodman Street**

ZONING DISTRICT: **C-2 Community Center District**

APPLICATION NUMBER: **E-039-15-16**

VOTE: **5-0-0**

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on March 21, 2016, said application was **APPROVED.**

Please Note: Pursuant to Section 120-192B(7) of the City Code, a Special Permit shall become null and void one (1) year after the date on which it was issued unless a Building Permit is obtained and maintained. **Please call Jill Wiedrick at (585) 428-6914 to complete this process.**

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CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

Resolution and Findings of Fact:

This decision was based on the following findings of fact:

Pursuant to Section 120-192B(2) and (3) of the Zoning Code, the Special Permit procedure is intended to provide a means to evaluate any use that is identified as having some special impact or uniqueness which requires a careful review of its location, design, configuration and special impact to determine the desirability of permitting its establishment on particular given site. A Special Permit use may or may not be appropriate in a particular location depending on a weighing in each case, of the public need and benefit against the local impact and effect and with regard to the following five criteria:

A. The proposed use will be in harmony with goals, standards and objectives of the Comprehensive Plan.

1) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code.

2) Within the 2003 Zoning Code is the potential for an Alternative Parking Plan. An alternative parking plan is a means to meet vehicle parking requirements other than to provide parking spaces on site in accordance with the ratios established in the Zoning Code.

B. The proposed use will not have substantial or undue adverse effect upon adjacent property.

1) The proposed sit-down restaurant will be located in a building previously divided into two spaces. One space was utilized as a coffee house while the other was used for retail. Approximately 1,300 square feet will be used as the sit-down restaurant, and approximately 600 square feet will be used for retail, associated with the sit-down restaurant.

2) Building permits reveal that this structure was originally constructed as a gas station, with additions constructed as time progressed. The proposed sit-down restaurant will operate Tuesday through Friday 7:00AM to 9:00PM, and Saturday and Sunday 9:00AM to 10:00PM.

3) The proposed sit-down restaurant has a parking requirement of 14 spaces. There are only 7 parking spaces on site. As a result, the applicant is seeking to resolve the parking deficit through an Alternative Parking Plan.

4) The applicant submitted the following Alternative Parking Plan:

- There is street parking available on South Clinton Avenue.
- The building is on two bus routes: South Clinton Avenue (Route 51) and South Goodman Street (Route 53).

- Numerous patrons from the business located there previously (Crossroads Coffee) took advantage of the bicycle rack already in place.
- People can walk to the restaurant as there is a lot of pedestrian activity in the area.

5) The City Planning Commission evaluated the Alternative Parking Plan that was submitted by the applicant and concluded that the following credits were reasonable:

On-Street Parking	1 parking spaces
Transit	2 parking spaces
Bicycle Parking	2 parking spaces
Pedestrian-oriented use	2 parking spaces

6) As such, the City Planning Commission approved the applicant's Alternative Parking Plan.

C. The proposed use will be developed so as not to interfere with the development and use of neighboring properties.

Given the above analysis as well as the fact that there was no opposition expressed either in testimony or in writing regarding this proposal, the City Planning Commission determined that approving this Alternative Parking Plan is unlikely to interfere with the development and use of neighboring properties.

D. The proposed use will be served by essential public facilities and services.

The utilities and services available are sufficient to meet the demands of the proposed use.

E. The proposed use will not result in the destruction or damage of any natural, scenic or historic feature of significant importance.

There are no natural, scenic or historic features of significant importance on the site or in close proximity of the subject property to be affected by the proposed use.

Based on these facts and findings, be it resolved that the City Planning Commission **APPROVES** application **E-039-15-16** by **Yewbnesh Kebede, Addis-Ababa Restaurant**, to consider an Alternative Parking Plan for seven parking spaces for the proposed sit-down restaurant at **752 South Goodman Street.**

This decision was based on the following testimony and evidence:

Supporting Testimony:
Yewbnesh Kebede
Selamaut Goden
Ed Simmons

Opposing Testimony:
None

Evidence:
Staff Report
Special Permit Application and Standards
Alternative Parking Plan
Survey Map
Exterior Photographs
Location Map
Zoning Map
Aerial Photograph
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Approved
S. Rebholz	Approved
E. Marlin	Absent
H. Hogan	Approved
T. Bruce	Approved
S. Mayer	Approved

City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Bureau of Planning
and Zoning

April 5, 2016

Mr. Abdul Musa
Fatboy Supermart, Inc.
1275 East Main Street
Rochester, New York 14609

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish a Full-Line Food Store, operating between the hours of 6:00AM and 9:00PM, daily.

ON THE PREMISES AT: **1275 East Main Street**

ZONING DISTRICT: **R-2 Medium Density Residential**

APPLICATION NUMBER: **E-040-15-16**

VOTE: **5-0-0**

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on March 21, 2016, the Planning Commission, as Lead Agency, issued a negative declaration for the proposed action, determining no significant effect on the environment in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code, and said application was **APPROVED.**

PLEASE NOTE Pursuant to Section 120-192B(7) of the City Code, a Special Permit shall become null and void one (1) year after the date on which it was issued unless a Building Permit is obtained and maintained. **Please call Jill Wiedrick at 428-6914 to complete this process.**

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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Resolution and Findings of Fact:

This decision was based on the following findings of fact:

Pursuant to Section 120-192B(2) and (3) of the Zoning Code, the Special Permit procedure is intended to provide a means to evaluate any use that is identified as having some special impact or uniqueness which requires a careful review of its location, design, configuration and special impact to determine the desirability of permitting its establishment on particular given site. A Special Permit use may or may not be appropriate in a particular location depending on a weighing in each case, of the public need and benefit against the local impact and effect and with regard to the following five criteria:

A. The proposed development will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

1) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code which requires special permit approval to establish a Full-Fine Food Store in a nonconforming nonresidential structure.

2) The R-2 Medium Density Residential District provides a mix of housing choices. The inclusion of single-family residential, two-family residential and multifamily residential provides a diversity of housing choices while the bulk and density regulations maintain the lower-density scale of the neighborhoods. These residential areas are located proximate to neighborhood-scale shopping and service opportunities. The district requirements are intended to preserve, promote and protect a quality of urban residential living characterized by unobstructed front yards, pedestrian-scale streetscapes and buildings scaled and designed to be compatible with the neighborhood.

B. The proposed use will not have a substantial or undue adverse effect upon adjacent properties.

1) The subject property is a one-story commercial structure located at the corner of East Main Street and Palmer Street. Records indicate that this structure was constructed as a gas station. It has most recently been used as a grocery store.

2) The Full-Line Food Store is proposed to operate between the hours of 6:00AM and 9:00PM. Parking is located on site.

3) As per Section 120-208, a Full-Line Food Store is a retail sales and service establishment that offers for sale a full selection of food products, including at least a variety of fresh produce, and not offering for sale products from more than one of the following categories: tobacco and lottery. The applicant has stated that he wishes to sell only tobacco.

4) Both oral and written testimony indicated that the applicant is a good business operator and that he takes care of the property. Further, a memorandum of agreement was submitted that indicates the applicant will be working with the Southeast Neighborhood Service Center and Foodlink for the guidance and direction on various aspects of managing and sustaining a profitable, health-oriented, Full-Line Food Store.

5) The City Planning Commission, noting the above, determined that the proposed Full-Line Food Store will not have a substantial or undue adverse effect upon adjacent property. Therefore, the City Planning Commission approved the proposed use.

C. The proposed use will be developed so as not to interfere with the development and use of neighboring properties.

1) It was noted by the City Planning Commission that the proposed use has an agreement in place between the Southeast Neighborhood Service Center and Foodlink to ensure that the Full-Line Food Store is not only adhering to local rules, regulations and ordinances, but also responding to the needs of the neighborhood.

2) As such, the City Planning Commission determined that the proposed Full-Line Food Store will be developed so as not to interfere with the development and use of neighboring properties.

D. The proposed use will be served by essential public facilities and services.

There are sufficient utilities and services to meet the demands of the proposed use.

E. The proposed use will not result in the destruction or damage of any natural, scenic or historic feature of significant importance.

There are no natural, scenic or historic features of significant importance on the site or in close proximity of the subject property that would be affected by this proposed use.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES** the application **E-040-15-16 by Abdul Musa, Fatboy Supermart, Inc.** to establish a Full-Line Food Store, operating between the hours of 6:00AM and 9:00PM, daily at **1275 East Main Street**.

This decision was based on the following testimony and evidence:

Supporting Testimony:
Gloria Winston, on behalf of the applicant

Opposing Testimony:
None

Evidence:
Staff Report
Special Permit Application and Standards
Floor Plan of Store
Interior Photographs
Exterior photographs of the site
Aerial photograph of site
Location Map
Zoning Map
Memorandum of Agreement between Southeast Neighborhood Service Center and Fatboy Grocery Store for management training and mentoring
Email of Support from Dorothy Parham, EMMA Business and Neighborhood Association, dated March 21, 2016
Email of Support from Nancy Johns-Price, Southeast Neighborhood Service Center, dated March 21, 2016
Petition of Support with 140 signature, submitted at hearing
Short Environmental Assessment Form Parts I and II
Notice of Environmental Determination dated March 21, 2016
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Approve
S. Rebholz	Approve
E. Marlin	Absent
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Approve

CITY OF ROCHESTER
NOTICE OF ENVIRONMENTAL DETERMINATION

Issued in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code.

NEGATIVE DECLARATION: The proposed action is one which will not have a significant effect on the environment.

ACTION: Classification: Unlisted
Description: Special Permit Determination

PROJECT: Location: 1275 East Main Street
Applicant: Abdul Musa, Fatboy Supermart, Inc.
Description: To establish a Full-Line Food Store, operating between the hours of 6:00AM and 9:00PM, daily.

REASON(S) FOR DETERMINATION: The project site does not contain sensitive natural features (e.g. wetlands, steep slopes, erodible soils, wildlife habitat, etc.) No significant impacts are anticipated with respect to water or air quality. Community facilities/services (e.g. water supply, energy supplies, public safety, waste disposal and transportation) are adequate to accommodate and serve the proposed project. The project will not affect historic or archaeological resources. The project is compatible with the area and adjacent uses.

LEAD AGENCY: **City Planning Commission**

AGENCY CONTACT PERSON: **Jill Wiedrick, Senior City Planner**
Bureau of Planning and Zoning, (585) 428-6914

DATE ISSUED: **March 21, 2016**

This declaration and supporting information is on file and available for public inspection with the Bureau of Buildings & Zoning, Room 125-B, City Hall.

FILE REFERENCE NUMBER: **E-040-15-16**

DISTRIBUTION: Planning Commission
Case File

City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Bureau of Planning
and Zoning

April 5, 2016

Mr. Mark Coon
Bell Atlantic Mobile of Rochester L.P. d/b/a Verizon Wireless
175 Calkins Road
Rochester, New York 14623

NOTICE OF DECISION

In the matter of the request for a Special Permit to: install a 'micro cell' wireless telecommunications facility of the rooftop of this commercial building.

ON THE PREMISES AT: **815 South Clinton Avenue**

ZONING DISTRICT: **C-2 Community Center District**

APPLICATION NUMBER: **E-041-15-16**

VOTE: **5-0-0**

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on March 21, 2016 said application was **APPROVED.**

Please Note: Pursuant to Section 120-192B(7) of the City Code, a Special Permit shall become null and void one (1) year after the date on which it was issued unless a Building Permit is obtained. **Please contact Jill Wiedrick at 428-6914 to complete the approval process.**

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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xc: Costich Engineers, 217 Lake Avenue, Rochester, New York 14608
Thomas C. Greiner, Jr., Esq., Nixon Peabody LLP, 1300 Clinton Square, Rochester, NY 14604
Robert Brenner, Esq., Nixon Peabody LLP, 1300 Clinton Square, Rochester, NY 14604

Resolution and Findings of Fact:

This decision was based on the following findings of fact:

Pursuant to Section 120-192B(2) and (3) of the Zoning Code, the Special Permit procedure is intended to provide a means to evaluate any use that is identified as having some special impact or uniqueness which requires a careful review of its location, design, configuration and special impact to determine the desirability of permitting its establishment on particular given site. A Special Permit use may or may not be appropriate in a particular location depending on a weighing in each case, of the public need and benefit against the local impact and effect and with regard to the following five criteria:

A. The proposed PWTF will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

1) The proposal supports Campaign Seven of the City's Rochester 2010: The Comprehensive Plan - Quality Service, to develop and maintain high quality services and infrastructure to our citizens, and provide an advanced and coordinated communications system that adapts to emerging technologies that serves the larger public interest.

2) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code that requires Special Permit approval for the installation of a Personal Wireless Telecommunications Facility (PWTF) on an existing structure.

3) The standards of the PWTF section of the code reflects a policy that expresses a preference that antennas be located on existing buildings and towers rather than on newly constructed towers. All proposed 'micro cell' wireless telecommunications facilities will be located on existing buildings.

B. The proposed PWTF will not have a substantial or undue adverse effect upon adjacent properties.

1) The applicant wishes to install a 'micro cell' wireless telecommunications facility to help alleviate existing or projected capacity concerns affecting nearby traditional cell antenna locations. Micro cells are intended to provide 'hot spot' type coverage to specific buildings, structures or locations where the area to be covered is less than a radius of 1,000 feet. These systems operate at extremely low radio frequency power and are in full compliance with FCC regulations.

2) The proposed 'micro cell' wireless telecommunications facility will operate using an antenna referred to as a 'Cantenna.' A Cantenna is cylindrical, 24 inches tall and 15 inches in diameter. A Cantenna weighs between 17 and 23 pounds, depending on the model. Cantennas are mounted above the roofline to 'see' the service area and to provide the intended coverage. The installation also includes a small GPS antenna mounted in the vicinity of the equipment, as well as a cabinet for operation.

3) The City Planning Commission examined the submitted drawings and noted that the majority of equipment necessary for operation of the proposed Cantenna is located within the structure. This was determined by the City Planning Commission as preferable to having equipment located outside of the structure.

4) The City Planning Commission noted that the addition of a 'micro cell' telecommunications facility to 815 South Clinton Avenue will fill a gap that currently exists, making communication easier not only for the community, but also for emergency services.

5) The City Planning Commission determined that the proposed 'micro cell' telecommunications facility located at 815 South Clinton Avenue will not have a substantial or undue adverse effect upon adjacent properties.

6) The City Planning Commission therefore approved the installation of the 'micro cell' wireless telecommunications facility as per the drawings submitted, for 815 South Clinton Avenue.

C. The proposed PWTF will not dominate the immediate vicinity or interfere with the development and use of neighboring properties.

The City Planning Commission determined that the proposed 'micro cell' wireless telecommunications facility at 815 South Clinton Avenue will not dominate the immediate vicinity or interfere with the development and use of neighboring properties.

D. The proposed PWTF will be served by essential public facilities and services.

The available utilities and services are sufficient to meet the demands of the proposed installation of a 'micro cell' telecommunications facility on the rooftop of the existing structure located at 615 South Clinton Avenue.

E. The proposed PWTF will not result in the destruction or damage of any natural, scenic or historic feature of significant importance.

Installation of a 'micro cell' telecommunications facility at 815 South Clinton Avenue, will not result in the destruction or damage of any natural, scenic or historic feature of significant importance.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES** application **E-041-15-16** by Bell Atlantic Mobile of Rochester L.P. d/b/a Verizon Wireless, to install a 'micro cell' wireless telecommunications facility on the rooftop of this commercial building at **815 South Clinton Avenue.**

This decision was based on the following testimony and evidence:

Supporting Testimony:
Robert Brenner, attorney representing applicant

Opposing Testimony:
None

Evidence:
Staff Report
Special Permit Application and Standards
Project Description
Applicable Legal Standards
Compliance with the City's wireless telecommunications facility standards
Statement of need and site selection analysis by RF engineering department
A report detailing the Applicant's existing and proposed wireless telecommunications sites in the City
Structural integrity letter
Proof of compliance with applicable federal regulations
Site Plan
Copy of lease evidencing landowner's consent to application
Copy of Verizon Wireless' FCC licenses
Photosimulation report (including viewshed map)
Personal Appearance Notice
Notification Labels
Speakers' Lists

Record of Vote:

D. Watson	Approve
S. Rebholz	Approve
E. Marlin	Absent
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Approve

City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Bureau of Planning
and Zoning

April 5, 2016

Mr. Tom Beaman
California Rollin II Express
695 Park Avenue
Rochester, New York 14607

NOTICE OF DECISION

In the matter of the request for a Special Permit to: consider an Alternative Parking Plan for eight parking spaces for the proposed sit-down restaurant.

ON THE PREMISES AT: **691 Park Avenue**

ZONING DISTRICT: **C-2 Community Center District**

APPLICATION NUMBER: **E-042-15-16**

VOTE: **5-0-0**

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on March 21, 2016, said application was **APPROVED.**

Please Note: Pursuant to Section 120-192B(7) of the City Code, a Special Permit shall become null and void one (1) year after the date on which it was issued unless a Building Permit is obtained and maintained. **Please call Jill Wiedrick at (585) 428-6914 to complete this process.**

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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Resolution and Findings of Fact:

This decision was based on the following findings of fact:

Pursuant to Section 120-192B(2) and (3) of the Zoning Code, the Special Permit procedure is intended to provide a means to evaluate any use that is identified as having some special impact or uniqueness which requires a careful review of its location, design, configuration and special impact to determine the desirability of permitting its establishment on particular given site. A Special Permit use may or may not be appropriate in a particular location depending on a weighing in each case, of the public need and benefit against the local impact and effect and with regard to the following five criteria:

A. The proposed use will be in harmony with goals, standards and objectives of the Comprehensive Plan.

1) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code.

2) Within the 2003 Zoning Code is the potential for an alternative parking plan. An alternative parking plan is a means to meet vehicle parking requirements other than provide parking spaces on site in accordance with the ratios established in the Zoning Code.

B. The proposed use will not have substantial or undue adverse effect upon adjacent property.

1) The proposed sit-down restaurant is located on Park Avenue between Somerton Street and Berkeley Street. The building is a mixed use building with 3 stores and 6 families on the first floor, and 7 families on the second floor. The proposed sit-down restaurant will be located in a portion of the building once utilized as a bakery. The proposed restaurant will operate between 11:00AM and 10:00PM, daily.

2) The proposed sit-down restaurant has a parking requirement of 8 spaces. Please note, as a sit-down restaurant, the proposed restaurant requires a total of ten spaces, as 10 parking spaces are required per 1,000 square feet. Previously, this location was a retail operation. As a result, a pre-existing deficiency exists of two parking spaces, as retail requires two parking spaces per 1,000 square feet. Therefore, when the two parking spaces are subtracted from the 10 parking space requirement, a total of 8 spaces are necessary for the proposed sit-down restaurant.

3) There are no parking spaces on site. Therefore, the applicant is seeking to resolve the parking deficit through an Alternative Parking Plan.

4) The applicant submitted the following Alternative Parking Plan:

On-Street Parking	2 parking spaces
Transit	4 parking spaces
Bicycle Parking	2 parking spaces

5) The City Planning Commission evaluated the Alternative Parking Plan that was submitted by the applicant and concluded that the following credits were more reasonable:

On-Street Parking	2 parking spaces
Transit	2 parking spaces
Bicycle Parking	2 parking spaces
Pedestrian-oriented use	2 parking spaces

6) Since the above plan meets the parking requirement, the City Planning Commission approved an Alternative Parking Plan.

C. The proposed use will be developed so as not to interfere with the development and use of neighboring properties.

Given the above analysis as well as the fact that there was no opposition expressed either in testimony or in writing regarding this proposal, the City Planning Commission determined that approving this alternative parking plan is unlikely to interfere with the development and use of neighboring properties.

D. The proposed use will be served by essential public facilities and services.

The utilities and services available are sufficient to meet the demands of the proposed use.

E. The proposed use will not result in the destruction or damage of any natural, scenic or historic feature of significant importance.

There are no natural, scenic or historic features of significant importance on the site or in close proximity of the subject property to be affected by the proposed use.

Based on these facts and findings, be it resolved that the City Planning Commission **APPROVES** application **E-042-15-16** by **Tom Beaman, California Rollin II Express**, to consider an Alternative Parking Plan for eight parking spaces for the proposed sit-down restaurant at **691 Park Avenue.**

This decision was based on the following testimony and evidence:

Supporting Testimony:
Tom Beaman

Opposing Testimony:
None

Evidence:
Staff Report
Special Permit Application and Standards
Alternative Parking Plan
Maps of bus stops
Survey Map
Floor Plan
Exterior Photographs
Location Map
Zoning Map
Aerial Photograph
Letter of Support from Park-Meigs Neighborhood Association, dated March 21, 2016
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Approve
S. Rebholz	Approve
E. Marlin	Absent
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Approve