

## **RESOLUTION NO. ZA-2022-064**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A PERSONAL SERVICES – RESTRICTED WITH AN ACCESSORY RETAIL LAND USE CONSISTING OF A TATTOO STUDIO CALLED TATTOO HAVEN FOR THE PROPERTY LOCATED AT 525 4<sup>TH</sup> STREET, SUITE B, SANTA ROSA, APN: 010-053-033, FILE NO. CUP22-051**

WHEREAS, the Santa Rosa Zoning Administrator has completed review of the Minor Conditional Use Permit application to allow the proposed use for the project described above; and

WHEREAS, the Minor Conditional Use Permit approval to allow the proposed use is based on the project description and official approved exhibit date stamp received August 22, 2022; and

WHEREAS, the matter has been properly noticed as required by Section 20-52.050.E.2.a and no request for a public hearing has been received;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 20-52.050.F, the Zoning Administrator of the City of Santa Rosa finds and determines that:

1. The proposed use personal services – restricted use for a Tattoo Shop is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that the property is zoned CMU-DSA (Core Mixed Use, Downtown Station Area). According to Zoning Code Section 20-23.030, Table 2-6, a Minor Conditional Use Permit is required for the operation of a Personal Services – Restricted land use for properties zoned Core Mixed Use and Accessory Retail Use is permitted in the Core Mixed Use zoning district. In addition, the DSA combining district applies design standards to new development, and therefore, does not impact this proposed project. The proposed Accessory Retail Use is permitted and follows Zoning Code Section 20-42.024 in that there will be no external evidence of any commercial activity other than the primary use of the site, nor access to any space used for the accessory retail use other than from within the primary structure; and
2. The proposed use is consistent with the General Plan and any applicable specific plan in that the proposed uses are located in a commercial area and implement General Plan Policy EV-A-5, which is to maintain diversity in the types of jobs available in Santa Rosa to lessen the impact of economic cycles and Downtown Station Area Specific Plan Policy LU-1.2 to foster a rich mix of uses in the Core, Station, Maker, and Neighborhood Mixed use areas, while allowing differences in emphasis on uses to distinguished between them, and Downtown Station Area Specific Plan Policy LU-3.1 to expand and diversify the Downtown employment base by attracting new employers; and
3. The design, location, size and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity in that the proposed

tattoo studio will be located within an existing commercial building and would operate Monday through Sunday, 11 a.m. to 7 p.m.; and

4. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints in that the proposed studio would be located entirely within an existing commercial plaza designed for commercial uses with sufficient parking; and
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located in that there will only be minor modifications to the interior and the studio will not remain open past 7 p.m. There will only be five artists working, resulting in limited customer turnover and customers will primarily be seen by appointment, with limited to no walk-ins. In addition, the tattoo studio will be located on the second floor of a structure within the Downtown Station Area and not easily visible from the public right-of-way; and
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for Class 1 Categorical Exemption under CEQA Guidelines §15301 in that the project is located within an existing structure involving a minor interior modification to an existing structure involving negligible or no expansion of the former use.

This entitlement would not be granted but for the applicability and validity of each and every one of the below conditions and that if any one or more of the below conditions is invalid, this entitlement would not have been granted without requiring other valid conditions for achieving the purposes and intents of such approval. The approval of the project is contingent upon compliance with all the conditions listed below. Use shall not commence until all conditions of approval have been complied with. Additional permits and fees are/may be required. **It is the responsibility of the applicant to pursue and demonstrate compliance.**

#### Conditions of Approval

1. Obtain a building permit for the proposed project, after issuance of a County Environmental Health Department permit.
2. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturdays. No construction is permitted on Sundays and holidays.
3. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
4. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
5. No exterior signs are approved with this permit. A separate sign permit is required.
6. The applicant shall enforce a “no loitering” policy on the property.
7. All artists performing body art in the facility are required to register with Sonoma County Environmental Health.

8. The project is subject to the building and fire codes in effect at time of the building permit application. The next code cycle is scheduled to go into effect on January 1, 2023.

This Minor Conditional Use Permit is hereby approved on November 3, 2022, for the duration of the use provided that conditions are complied with and that the use has commenced within 24 months from the approval date. The approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: \_\_\_\_\_  
SHARI MEADS, ZONING ADMINISTRATOR