

## **RESOLUTION NO. ZA-2023-001**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A COMMERCIAL ENTERTAINMENT FACILITY - INDOOR FOR THE PROPERTY LOCATED AT 2061 SANTA ROSA PLAZA, SANTA ROSA, APN: 010-660-001, FILE NO. CUP22-058**

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 dated received September 23, 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 is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code; and
2. The proposed use is consistent with the General Plan and any applicable specific plan in that the subject property is located within the Core Mixed Use General Plan Land Use Designation, which has principal objectives of strengthening the role of the area as a business, governmental, retail, and entertainment hub. By serving as a location to provide entertainment to members of the community, the proposed land use achieves this objective; 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 land use would be located entirely within two existing suites to be combined in an existing shopping mall that otherwise provides retail and entertainment opportunities; 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 all utilities required to operate the proposed land use are present at the existing suites, and a building permit would be required to reoccupy the suite with a new tenant and would therefore be reviewed to be in compliance with State building codes related to access; 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 the proposed land use is contemplated by the Core Mixed Use zoning

district and would be required to comply with all applicable City ordinances, including the Noise Ordinance (City Code Chapter 17-16), and the proposed land use would provide a safe, fun, and active entertainment opportunity for the community as has been demonstrated in other locations that the proposed operator operates; and

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 1 exemption under CEQA Guidelines Section 15301 in that the site is entirely constructed and the proposed reoccupancy would involve a negligible or no expansion of the previous 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. A building permit is required and is subject to the building codes in effect at the time of building permit applications. The applicable codes change on January 1, 2023.
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. A minimum 18" clearance shall be maintained underneath fire sprinkler heads.
7. Bounce structures and other obstacles shall not block access to fire protection equipment or exits.
8. Any obstruction greater than four feet horizontally shall be required to have fire sprinkler protection underneath it. Contact a C-16 licensed fire sprinkler contractor for determination if necessary.
9. Plans submitted with the building permit application need to be prepared by a licensed design professional.
10. Children's play structures within a mall have specific code requirements (California Building Code Sections 402.6.3 and 424) that indicate limitations on materials, placement, and size of play structures.

11. The play equipment and tenant improvements are subject to compliance with State and Federal accessibility criteria. The building permit plans will be reviewed for compliance with State criteria (California Building Code Chapter 11B0. The applicant's design team is responsible for ensuring compliance with Federal criteria (Americans with Disabilities Act).

This Minor Conditional Use Permit is hereby approved on January 5, 2023, 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