

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND RECOMMENDING TO CITY COUNCIL AMENDMENTS TO TITLE 20 OF THE SANTA ROSA CITY CODE TO AMEND SECTIONS 20-23.030 AND 20-24.030 REGARDING PERMITTING REQUIREMENTS FOR ADULT ENTERTAINMENT BUSINESSES

WHEREAS, adult entertainment business is listed as a land use within the Municipal Code, Title 20, Division 2, Zoning Districts and Allowable Land Uses; and

WHEREAS, Zoning Code Section 20-23.030, Table 2-6, Allowed Land Uses and Permit Requirements for Commercial Zoning Districts, and Municipal Code Section 20-24.030, Table 2-10, Allowed Land Uses and Permit Requirements for Industrial Zoning Districts, do not identify what, if any, permits are required for adult entertainment businesses. The land use tables only include an “S,” which stands for “see specific use regulations for permit requirements,” and refers to Municipal Code Chapter 20-40, Adult Entertainment Businesses; and

WHEREAS, while the specific regulations located in Municipal Code Chapter 20-40 include applicability and location requirements, the Chapter refers back to the Allowed Land Uses and Permit Requirements tables in Division 2 for permitting requirements; and

WHEREAS, there are no other references in the Municipal Code that specify what, if any, permits are required for adult entertainment businesses; and

WHEREAS, the purpose of Municipal Code Chapter 20-40 is “to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of sexually oriented businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, parks and residentially zoned districts or uses”; and

WHEREAS, pursuant to Municipal Code Section 20-52.050, Conditional Use Permit (CUP) and Minor Conditional Use Permit (MUP), the purpose of a CUP and MUP is to “provide a process for reviewing land use activities that may be desirable in the applicable zoning district, but whose effect on the site and surroundings cannot be determined before being proposed for a particular location”; and

WHEREAS, given the specific purpose of the regulations within Municipal Code Chapter 20-40, identified herein, the appropriate permit requirement for adult entertainment businesses is a CUP, with the review authority being the Santa Rosa Planning Commission; and

WHEREAS, on February 27, 2025, the Planning Commission of the City of Santa Rosa held a duly noticed public hearing to consider recommending to the City Council adoption of Municipal Code Text Amendments to add permitting requirements for adult entertainment businesses within the commercial and industrial zoning districts; and

WHEREAS, the Planning Commission has received, reviewed and given due consideration to the records and reports herein, and the oral and other evidence received at the public hearing, from the public and City staff.

NOW, THEREFORE, BE IT RESOLVED that based on the evidence presented and the records and files herein, and pursuant to City Code Section 20-64.050 (Findings), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed amendments are consistent with the goals and policies of all elements of the General Plan, and all applicable specific plans, in that they clarify the permitting requirements for adult entertainment businesses within commercial and industrial zoning districts where they are currently allowed, but for which no specific permitting requirements are identified.
- B. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the amendments are intended to provide clarity regarding the permitting requirements for adult entertainment businesses and the associated appropriate review authority for such permit. The review authority for the proposed Conditional Use Permit for adult entertainment businesses is the Planning Commission, which is a seven-member body whose purpose is to analyze and enforce land use within the City. Given the purpose of the regulations within Municipal Code Chapter 20-40, Adult Entertainment Businesses, is “to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of sexually-oriented businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, parks and residentially zoned districts or uses”, a Conditional Use Permit is the appropriate permit for such uses.
- C. The proposed amendments are internally consistent with other applicable provisions of the Zoning and Municipal Codes in that the proposed addition of permitting requirements for adult entertainment businesses, where the permitting requirements do not currently exist, will clear up a missing regulatory requirement for such uses within the Code.
- D. The proposed amendments to the Zoning and Municipal Codes have been reviewed in compliance with the California Environmental Quality Act (CEQA) and it has determined that the proposed action is exempt from CEQA pursuant to CEQA Guidelines Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and because it is not a project as defined in CEQA Guidelines Section 15378, as it has no potential for resulting in a physical change in the environment, directly or indirectly. Additionally, or alternatively, the Ordinance is exempt from CEQA under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that this Ordinance or its implementation of the Amendments would have a significant effect on the environment, would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. The Ordinance is also exempt from CEQA pursuant to CEQA Guidelines section 15301 in that no new development or construction is authorized by the Ordinance

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and nothing in the Ordinance permits any expansion of use beyond the level of land uses already existing in the City.

BE IT FURTHER RESOLVED that, after public hearing on February 27, 2025, the Planning Commission of the City of Santa Rosa finds that amending the Santa Rosa Zoning Code, as follows, is required for public convenience, necessity, and general welfare:

Section 1. Section 20-23.030 of the Santa Rosa City Code, Commercial district land uses and permit requirements, Table 2-6, is amended to revise “Adult entertainment business” under Recreation, Education & Public Assembly Uses to read as follows:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts*	P	Permitted Use, Zoning Clearance required								
	MUP	Minor Conditional Use Permit required								
	CUP	Conditional Use Permit required								
	S	See Specific Use Regulations for permit requirement								
	—	Use not allowed								
PERMIT REQUIRED BY DISTRICT										
LAND USE (1)	CO	CN (7)	CG	CV	CMU	SMU	MMU	CSC (2)	TV-M	Specific Use Regulations
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES										
Adult entertainment business	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Chap 20-40

Section 2. Section 20-24.030 of the Santa Rosa City Code, Industrial district land uses and permit requirements, Table 2-10 is amended to revise “Adult entertainment business” under Recreation, Education & Public Assembly Uses to read as follows:

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Districts*	P	Permitted Use, Zoning Clearance required		
	MUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	S	See Specific Use Regulations for permit requirement		
	—	Use not allowed		
PERMIT REQUIRED BY ZONE (2)				
LAND USE (1)	BP	IL	IG	Specific Use Regulations
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
Adult entertainment business	CUP	CUP	CUP	Chap 20-40

BE IT FURTHER RESOLVED that the Planning Commission of the City of Santa Rosa recommends that the City Council adopt Municipal Code text amendments as stated herein.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 27th day of February 2025 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
JESSICA JONES, EXECUTIVE SECRETARY