



August 13, 2017

NOTIFICATION OF STAFF DETERMINATION
FILE NO. CUP13-090
ROCK STAR UNIVERSITY
3410 INDUSTRIAL DRIVE, APN: 015-650-042

Pursuant to Condition of Approval No. 5 of Planning Commission Resolution No. 11716, approving a Conditional Use Permit for Rock Star University, Planning and Economic Development (PED) staff has reviewed the operation of the approved entertainment assembly facility at 3410 Industrial Drive. No Code Enforcement cases have been opened and PED has no record of complaints from neighbors of the facility. The findings of City Code Section 20-52.050(F) can be made and a Zoning Clearance granting the validity of Resolution No. 11716 for the duration of use may be issued.

A handwritten signature in blue ink, appearing to read "P. Streeter", with a long horizontal flourish extending to the right.

Patrick Streeter
Senior Planner

Attachments:
Attachment 1 – Planning Commission Resolution No. 11716

RESOLUTION NO. 11716

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR ROCK STAR UNIVERSITY - LOCATED AT 3410 INDUSTRIAL
DRIVE; APN: 015-650-042; FILE NUMBER CUP13-090

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit to allow an entertainment assembly facility use at 3410 Industrial Drive, Santa Rosa, also identified as Sonoma County Assessor's Parcel Number(s) 015-650-042;

WHEREAS, the Planning Commission held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission has considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed entertainment assembly facility use is allowed within the IL (Light Industrial) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that the proposed project has been reviewed by City staff and, as conditioned, has no outstanding issues;
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the property is located in an established light industrial area and, as a service with large space needs, implements the type of land use classification envisioned by the General Plan for this area;
- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity in that the project is surrounded on all sides by light industrial uses and the use has been conditioned to minimize impacts associated with entertainment assembly facilities;
- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints in that the use is proposed in a fully developed light industrial area with no adjacent residential land uses or sensitive receptors;

- E. 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 as the area is zoned for light industrial uses, the use has been conditioned to minimize impacts associated entertainment assembly facilities, and the proposed use has been exercised multiple times in the past through Temporary Use Permits without incident; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been found to qualify for a Class 32 Categorical Exemption under Section 15332 of the CEQA Guidelines in that the project is consistent with the General Plan and zoning, occurs within the City limits on a project site of no more than five acres, has no value as habitat for endangered, rare, or threatened species, can be adequately served by public utilities and services, and as supported by the documents titled Traffic Impact Study for Rock Star University (dated July 1, 2015) and Environmental Noise Assessment Report: Rock Star University (dated September 5, 2014), will not result in significant environmental impacts.

BE IT FURTHER RESOLVED, that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

BE IT FURTHER RESOLVED, that a Conditional Use Permit for Rock Star University is approved subject to each of the following conditions:

DEPARTMENT OF COMMUNITY DEVELOPMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.
2. All work shall be done according to the final approved plans received dated March 31, 2015, or otherwise as conditioned.
3. The address shall be displayed in a prominent location on the street side of the property. The numbers shall be no less than 6-inches in height and shall be of a contrasting color to the background to which they are attached. The address shall be illuminated during hours of darkness per City "Premises Identification" requirements.

EXPIRATION AND EXTENSION:

4. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from

date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.

5. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for two years, after which time the applicant or current operator of the approved use shall petition the Department of Community Development for a Zoning Clearance. If Community Development staff determines that the approved use, as conditioned, has been implemented in a manner consistent with the findings presented in City Code Section 20-52.050(F), Findings and Decision, this Conditional Use Permit shall then be valid for the duration of use.

BUILDING DIVISION:

6. Obtain a Building Permit for the proposed use.

PLANNING DIVISION:

7. Prior to implementing this Conditional Use Permit, the applicant shall provide the Community Development Department with evidence that all off-street parking requirements, as specified in City Code Section 20-36.040, have been met.
8. Consistent with the analysis performed in the Traffic Impact Study for Rock Star University dated received July 1, 2015, permitted hours of operation for the entertainment assembly venue use shall be from 6:30p.m. until midnight on weekdays and weekends. The entertainment assembly venue use shall not occur during the same hours that the music studio and production facility (school) use is occurring.
9. Before and during events, the operator shall actively direct all patrons to make priority use of any on-site parking or loading spaces and shall actively discourage the use of any off-site parking spaces that are located on any adjacent or nearby private property, unless a prior arrangement has been reached with the affected property owner.
10. Before, during, and after events, the operator shall provide security and/or closely monitor the event, such that patron safety is paramount, including pedestrian safety to and from off-site parking or on-street parking areas.
11. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.
12. SIGNING:
 - A. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.

- B. A planning sign permit application is required for all signs.
13. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.

FIRE DEPARTMENT

Applicant is advised that the following Fire Department Specific Conditions also apply to this project:

14. Applicant shall apply to the Building Department for a “change of use” to an Assembly building and shall comply with adopted Fire (CFC), Building (CBC) and Life Safety Codes in Title’s 19 & 24 for a Group A “Assembly” occupancy.
- A. The Fire Department publishes a checklist for use on commercial tenant improvements. It is available at http://srcity.org/departments/fire/prevention/checklists_library/Commercial%20Tenant%20Improvement%20Plan%20Review%20Checklist.pdf

Applicant is advised that the following Fire Department General Conditions also apply to this project:

15. Provide 12 inch illuminated address in accordance with Fire Department requirements at http://srcity.org/departments/fire/prevention/checklists_library/Building%20Addressing%20Standard.pdf Since building is over 15,000 ft²; a rooftop address is required (non illuminated)
16. Provide 1, 2A10BC rated (5 lb) fire extinguisher within the tenant space for each 3000 ft² of floor area, on each level and with a maximum travel distance of 75 feet. Provide vertical “fire extinguisher” signs.
17. It is necessary to demonstrate that the proposed occupancies (including change of use), mixed use, separation of vehicle storage/sales (requires fire barrier CBC 707), construction type and an egress system complying with CBC Section 1028 can be accommodated by this building.
- A. Fire Barrier needs to encompass the Performers Lounge, Storage and Restroom which are components of the Group A occupancy
18. Occupancy loads are determined based upon available square footage and proposed use of individual areas. We are in need of a seating/use plan that illustrates the areas of use, exit aisles, pathways and access to egress components. Large open areas without an identified use are evaluated at the most intense (worst case) occupant load factor.

19. The change to a Group A “public assembly” occupancy is a change of use that triggers the fire sprinkler ordinance.
 - A. Verify (or provide) quick response fire sprinklers for the areas defined in the sprinkler standard as “light hazard.” Minimally, this requires exchanging each fire sprinkler for a LH-QR model.
 - B. Concealed combustible spaces underneath stages and platforms shall be equipped with sprinkler protection per NFPA 13.
 - C. Minimally, provide one notification appliance within each new tenant space connected to the water flow monitoring fire alarm panel.
20. Air handling system(s) supplying >2000 cfm to interior spaces shall be equipped with duct smoke detection and connected to the fire alarm panel as an “alarm” initiation device(s).
21. Comply with Group A “public assembly” requirements. Typical improvements include:
 - A. Illuminated exit signage at exit doors
 - B. Directional exit signs on the path to exit doors
 - C. Emergency egress illumination for 90 minutes
 - D. Posted occupant load
 - E. No knowledge (panic) door hardware
 - F. Exit doors swing in the direction of exit travel.
 - G. Drapes and interior decorations comply with CFC 4804
 - H. Interior ceiling finish shall comply with CBC Table 803, minimally Class C.
 - I. Provide a Fire Safety and Evacuation Plan per CFC 404
 - J. All the above can be evaluated at the Building permit review.
22. Verify or provide a fire department key (Knox) box.
23. Mezzanine lacks an elevator. If an elevator is provided, comply with CBC 3002.4(a) as amended by the State of CA (medical stretcher).
24. Mezzanine shall comply with “openness” provision of CBC 505.2.3 to allow manual fire fighting hose streams.
25. An Emergency Responder Radio Coverage system (bi-directional emergency radio amplifier system) is required in new (change of use) buildings. A signal strength analysis can be provided to the fire department to demonstrate that existing signal strength is sufficient or a system is required to be installed. CFC Section 510.
26. Fire Lane markings shall be provided around the building in accordance with the Fire Code and Vehicle Code. A bulletin exists at

http://srcity.org/departments/fire/prevention/checklists_library/Fire%20Lanes%20Standard.pdf

27. This review excludes any pyrotechnic, open flame, candles or theatrical features (smoke, fog, etc.) and excludes use portable heating equipment, LPG, use of acoustical foam / sound control features
28. Deferred permits include: Operation of a Public Assembly, Live Entertainment, Fire Sprinkler modification, Fire Alarm modification.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 13th day of August, 2015, by the following vote:

AYES: (5) Chair Cisco, Commissioners Crocker, Dippel, Duggan and Groninga

NOES: (0)

ABSTAIN: (0)

ABSENT: (2) Vice-Chair Stanley and Commissioner DeRezendes-Claiche

APPROVED: 
CHAIR

ATTEST: 
SECRETARY

RESOLUTION NO. 11768

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOL AT ROCK STAR UNIVERSITY - LOCATED AT 3410 INDUSTRIAL DRIVE; APN: 015-650-042; FILE NUMBER CUP16-005

WHEREAS, on August 13, 2015, the Planning Commission of the City of Santa Rosa, via Resolution 11716, approved a Conditional Use Permit for the operation of an entertainment assembly facility at 3410 Industrial Drive, Santa Rosa, also identified as Sonoma County Assessor's Parcel Number(s) 015-650-042; and

WHEREAS, on February 2, 2016, an application was submitted requesting the approval of a Conditional Use Permit for the sale of alcohol at said entertainment assembly facility, associated with Rock Star University (Project); and

WHEREAS, on May 26, 2016, the Planning Commission held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission has considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit), the Planning Commission of the City of Santa Rosa finds and determines:

- A. 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;
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the property is located in an area designated by the General Plan for Light Industry, and as a component of an entertainment assembly facility, a service with large space needs, implements the type of land use classification envisioned by the General Plan for this area;
- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity in that the project is surrounded on all sides by established light industrial uses and the Project has been conditioned to minimize overflow impacts, particularly those relating to the sale of alcohol;

- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints in that the use is proposed for an existing facility within a fully developed light industrial area with no adjacent residential land uses or sensitive receptors;
- E. 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 as the area is zoned for industrial uses and the proposed use has been conditioned to minimize impacts associated with the sale of alcohol;
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been found to qualify for a Class 1 Categorical Exemption under Section 15301 because it involves permitting for a minor alteration to an existing use.

BE IT FURTHER RESOLVED, that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification) and Section 20-42.034.D (Alcoholic Beverage Sales – Grounds for modification or revocation).

BE IT FURTHER RESOLVED, that a Conditional Use Permit for the sale of alcohol at Rock Star University, is approved, subject to each of the following conditions:

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.

EXPIRATION AND EXTENSION:

2. This Conditional Use Permit shall be valid for a two-year period. If the approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
3. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.

PLANNING DIVISION:

4. This action approves the sale of beer and wine during operation of the entertainment assembly facility use at 3410 Industrial Drive approved via Planning Commission Resolution No. 11716.
5. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),

PROJECT DETAILS:

6. The operator of the establishment shall take all reasonable steps to ensure that the approved hours of operation are not a detriment to the surrounding area and to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during operating hours if directly related to the patrons of the subject venue.
 - a. “Reasonable steps” shall include calling the police in a timely manner; and requesting those engaging in objectionable activities to cease those activities, unless personal safety would be threatened in making the request.
 - b. “Nuisance” includes disturbances of peace, illegal drug activity, prostitution, public drunkenness, drinking in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.
7. The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during operating hours.
8. The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street as well as any parking lots under the control of the operator as needed to control litter, debris and trash.
9. The operator shall install and maintain one permanent, non-flammable trash container on the property’s exterior.
10. The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.

11. Staff training. Within 90 days from issuance of a certificate of occupancy (or if no Building Permit is required, within 90 days of issuance of the Conditional Use Permit), all owners, managers and employees selling alcoholic beverages shall complete a certified training program in responsible method and skills for selling alcoholic beverages. The certified program shall meet the standards of the California Department of Alcoholic Beverage Control (ABC) or other certifying/licensing body which the state may designate. New owners, managers and employees shall complete the training course within 30 days of the date of ownership or employment. Records of successful completion for each owner, manager and employee shall be maintained on the premises and presented upon request by a representative of the City.
12. The operator shall comply with all provisions of all local, state or federal laws, regulations or orders, including those of the ABC, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.
13. The operator shall comply with all provisions of the City Code and conditions imposed by City issued permits.
14. Any change in ABC license type or a substantial physical change or change in character of premises as defined in Title 4 of the California Code of Regulations Section 64.2(b), shall require a new Conditional Use Permit to continue operation.
15. No exterior signs, banners, or the like are approved with this permit. A Sign Permit application is required for any new signage.
16. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.

PLANNING COMMISSION

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

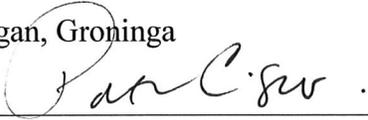
REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on this 14th day of April, 2016, by the following vote:

AYES: (4) Cisco, Crocker, Dippel, Edmonson

NOES: (0)

ABSTAIN: (1) Stanley

ABSENT: (2) Duggan, Groninga

APPROVED: 
Chair Cisco

ATTEST: 
Executive Secretary