

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL  
USE PERMIT FOR EXTENDED HOURS OF OPERATION FOR ROCK STAR UNIVERSITY  
– LOCATED AT 3410 INDUSTRIAL DRIVE; APN: 015-650-042; FILE NUMBER CUP17-  
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WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit to allow extended hours of operation for an existing 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 extended hours of operation for the 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;

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- 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 proposed project, as conditioned, requires that the operator of the venue provide parking and traffic direction, provide event security, and ensure pedestrian safety to and from on-site and off-site parking areas to minimize impacts associated with the late night operations of the entertainment assembly facilities, and the proposed use has been exercised multiple times in the past 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 3 Categorical Exemption under Section 15303(c) of the CEQA Guidelines, in that: the project is in an urbanized area, does not exceed 10,000-square-feet in floor area, does not involve the use of significant amounts of hazardous substances, is located where all necessary public services and facilities are available, the surrounding area is not environmentally sensitive, and there will be no modifications made to the exterior of the structure. The proposed use 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 extended hours of operation 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. Unless otherwise amended by this resolution, the approved conditions found in Resolutions 11716 and 11768 for Conditional Use Permits CUP13-090 and CUP16-005, relating to the entertainment assembly facility, shall remain in full force and effect.

##### **EXPIRATION AND EXTENSION:**

3. 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

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shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.

4. 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 the use.

**PLANNING DIVISION:**

5. Prior to implementing this Conditional Use Permit, the applicant shall provide the Community Development Department with a modified parking covenant that reflects the extended hours of operation.
6. 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:*

7. CA Building Code 1004.3 requires posting of Occupant Load signage in Assembly areas. Permitted Occupant Load shall be based on Occupant Load Factors in Building Code as modified and approved by Fire Department. Permitted Occupant Load in a given space may vary with use for Dining (Tables and Chairs), Seating (Chairs Only), or Standing. Existing Occupant Load sign(s) shall be revised to reflect permitted capacities for each use noted above. Signs shall be reviewed and approved by Fire inspector.

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 14th day of June, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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APPROVED: \_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
SECRETARY

DRAFT