

RESOLUTION NO. ZA-2023-045

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO LEGALIZE THE CONTINUATION OF A NON-CONFORMING ARTISAN/CRAFT PRODUCT MANUFACTURING USE FOR THE PROPERTY LOCATED AT 1365 KOWELL ROAD, SANTA ROSA, APN: 010-510-018, FILE NO. CUP23-006

WHEREAS, a Minor Conditional Use Permit application was submitted to the Planning and Economic Development Department on January 24, 2023; and

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 January 24, 2023; and

WHEREAS, the structure located at the project site was constructed in 1937 when the surrounding area primarily consisted of rural farmland and very low density residential development; and

WHEREAS, the project site is located in the R-1-6 zoning district which does not allow artisan/craft product manufacturing; however, based on all available records and information, has never been used as a single-family dwelling and has instead been operated as various light industrial and commercial uses; and

WHEREAS, pursuant to City of Santa Rosa Zoning Code Section 20-61.020, if a nonconforming use of land, or a nonconforming use of a conforming structure, is discontinued for a continuous period of at least six months, the rights to legal nonconforming status shall terminate. The nonconforming use of land has not discontinued based on all available information and the materials submitted by the applicant (Attachment 2); and

WHEREAS, pursuant to City of Santa Rosa Zoning Code Section 20-61.020 (Nonconforming uses), a nonconforming use may be changed to another nonconforming use of a similar or more restricted classification or nature; provided, the proposed new nonconforming use would not increase the degree or intensity of the nonconformity; and

WHEREAS, the proposed project would not consist of any on-site sales of manufactured artisan/craft products; and

WHEREAS, the operation of the proposed use would not generate noises, odors, or other impacts that would potentially result in a nuisance and incompatibility with the surrounding area due to the types of materials and the manufacturing process involved with the proposed use; and

WHEREAS, the property is currently undergoing a Code Enforcement case (CE19-0266) related to the placement of storage containers in the required setback. The site plan indicates that all storage containers will be removed and the project has been conditioned to work with Code Enforcement to establish a schedule to remove all containers from the property; 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 nonconforming use is allowed within the applicable zoning district due to its similarity in nature to previous legal nonconforming uses on the site pursuant to Zoning Code Section 20-61.020, and the project complies with all other applicable provisions of this Zoning Code and the City Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan in that the General Plan allows for the continuance of non-conforming uses subject to certain restrictions, including that the nonconformity cannot be enlarged or expanded;
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 use would not generate noxious odors or objectionable noises that would disrupt the reasonable enjoyment of the surrounding single-family residential development, and no on-site sale of products would occur as a result of the proposed use;
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 use would operate within a historically operating warehouse that is served by all necessary utilities, including electricity, water, and sewer;
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 use would occur entirely within the existing warehouse and would contain any generated noises within the confines of the structure, and would not generate traffic that exceeds that typical of a single-family residence in that no commercial/industrial deliveries or on-site sales would occur as described in the Traffic Analysis included as Attachment 3;
6. The project has been found in compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15303, the Project is categorically exempt from CEQA because the proposed use would operate in the same structure as the previous warehouse (less than 10,000 SF) use and at a similar or lesser intensity. The proposed use does not involve the use of significant amounts of hazardous substances, and all necessary public services and facilities are available, including water, sewer and emergency services. No new construction is proposed and the site has no known habitat.

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 building permits for the proposed project.
2. No noise generating activities other than those normally associated with residential development shall occur before 9:00 a.m. or after 5:00 p.m.
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. If the legal nonconforming use ceases operation for a period of six months, the legal nonconforming status is lost.
6. Work with Code Enforcement to establish a plan to removal all shipping containers from the site.
7. Within seven days after all storage containers have been removed, contact your Code Enforcement Officer so the violation can be closed.

This Minor Conditional Use Permit is hereby approved on September 7, 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