

## **RESOLUTION NO. CUP21-070**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT TO ALLOW SAMMY SMOKE SHOP, AN APPROXIMATELY 1,760 SQUARE-FOOT TOBACCO RETAIL STORE FOR THE PROPERTY LOCATED AT 2350 SANTA ROSA AVENUE, SUITE D, SANTA ROSA, APN: 044-041-099**

The Santa Rosa Zoning Administrator has completed the review of your application. Please be advised that your Minor Conditional Use Permit to allow a tobacco retail store has been granted based on your project description and official approved exhibit dated August 4, 2021. The Santa Rosa Zoning Administrator has based this action on the following findings:

- The proposed use is allowed within the applicable CG (General Commercial) zoning district with approval of a Minor Conditional Use Permit and complies with all other applicable provisions of this Zoning Code and the City Code. The matter has been properly noticed as required by Zoning Code Section 20-52.050.E.2.a, and no request for a public hearing has been received; and
- The proposed use is consistent with the General Plan and any applicable specific plan in that the Project site's land use designation is Retail and Business Services, which identifies retail establishments of this use are allowed with approval of a Minor Conditional Use Permit; and
- The design, location, size and operating characteristics of the proposed tobacco retail business would be compatible with the existing and future land uses in the vicinity in that the site is designed to accommodate this type of use and no outdoor changes are proposed. The site is located in a commercial development and is across the street from other commercial developments that provide a variety of uses that would be compatible with the proposed retail store; and
- The site is physically suited for the type, density, and intensity of the proposed tobacco retail store, including access, utilities, and the absence of physical constraints in that the site is fully developed with safe access to and from the site, and is served by all required utilities; and
- 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 tobacco products are available to persons 21 years of age or older only and the project has been reviewed by applicable City Staff, including the Santa Rosa Police Department, and outside agencies and has been conditioned accordingly; and
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 1 categorical exemption under CEQA Guidelines Section 15301 in that the Project involves the use of an

existing facility where no exterior modifications are proposed, and the previous use was another retail 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. Obtain a building permit for the proposed use.
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 Sonoma County Health Permit may be required prior to issuance of building permits.
7. Provide a window sign warning the no persons under the age of 18 may be allowed inside the retail store.

This Minor Conditional Use Permit is hereby approved on this 6th day of January, 2022, for the duration of use provided conditions are complied with and use has commenced within two years from approval date. The approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: \_\_\_\_\_  
ANDREW TRIPPEL, ZONING ADMINISTRATOR