

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND UPHOLDING THE DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT'S APPROVAL OF A ZONING CLEARANCE AUTHORIZING THE CONTINUATION OF A CONVENIENCE STORE (A LEGAL NONCONFORMING USE) WITH LIMITED HOURS OF OPERATION FROM 8:00 AM TO 8:00 PM DAILY FOR QUICK PICK MARKET LOCATED AT 201 W. 7TH STREET; ASSESSOR'S PARCEL NUMBER 010-155-008; FILE NUMBER ZC17-0056

WHEREAS, on January 18, 2017, Rajinder Singh filed paperwork requesting a Zoning Clearance authorizing the continuation of a convenience store (a Legal Nonconforming Use) with hours of operation from 5:00 AM to 11:30 PM daily; and

WHEREAS, on March 13, 2017, the Director of Planning and Economic Development approved a Zoning Clearance authorizing the continuation of a convenience store (a Legal Nonconforming Use) with hours of operation from 8:00 AM to 8 PM daily; and

WHEREAS, on June 26, 2017, the applicant filed an appeal of the Director of Planning and Economic Development's approval of the Zoning Clearance; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the appeal 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 appeal, the staff reports, oral and written, the General Plan and zoning applicable to the project, the testimony, written comments, and other materials presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Santa Rosa finds and determines that:

1. Evidence reflecting past hours of operation ranging from approximately 8:00 AM to 8:00 PM was provided by neighborhood residents.
2. The vested right to hours of operation of a Legal Nonconforming Use is to those hours of operation that have been previously established and not to Normal and Extended hours of operation as defined by the Zoning Ordinance.
3. This action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 in that the project involves the operation and permitting of an existing structure and use.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Santa Rosa does hereby deny the appeal and upholds the Director of Planning and Economic Development's approval of a Zoning Clearance authorizing the continuation of a convenience store (a Legal Nonconforming Use) with limited hours of operation from 8:00 AM to 8:00 PM daily for Quick Pick Market located at 201 W. 7th Street, based on the information provided.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 30th day of November, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Chair

ATTEST: _____
Executive Secretary