

RESOLUTION NO. ZA-2023-053

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW A NIGHT CLUB USE FOR THE PROPERTY LOCATED AT 505 MENDOCINO AVENUE SANTA ROSA, APN: 010-044-008, FILE NO. CUP23-034

WHEREAS, CE22-0202 determined that the property at 505 Mendocino Avenue is operating in violation of the Zoning Code, in that excessive noise and music could be heard coming from the site after hours in the absence of required permits; and

WHEREAS, Zoning Code Section 20-50.080(A)(5)(a) allows the processing of entitlements for properties with active code violations only when the entitlement would resolve the violation; and

WHEREAS, a Minor Conditional Use Permit to allow a night club use at the subject property would legalize the illegal activities in that the Zoning Code defines “night club” as “a bar/tavern serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc.”, and the active code violations involve the operation as a bar after hours with music; and

WHEREAS, a Minor Conditional Use Permit application was submitted to the Planning and Economic Development Department on May 18, 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 May 18, 2023; 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 use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code; in that the night club use, including the sale of alcohol for on-site consumption and entertainment, is allowed within the CMU Zoning District, with the approval of a Minor Conditional Use Permit.
2. The proposed use is consistent with the General Plan and any applicable specific plan in that the property is located within an area designated Core Mixed Use on the General Plan land use diagram and is within the boundary of the Downtown Station Area Plan.

Areas with this land use designation are intended to foster a vital mix of residential, retail, office, governmental, entertainment, cultural, educational, and hotel uses to activate the greater Courthouse Square area and key transit corridors. The proposed use implements Downtown Station Area Plan Policies LU-1.1 and LU-1.2 by contributing to a variety of uses in the Core Mixed Use area and establishing a vibrant urban core in the greater Courthouse Square area.

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 space, located on the crossing of Mendocino Avenue and 7th Street, is surrounded by other commercial uses on all sides and currently operates as a full service restaurant with bar. Additionally, the applicant is installing soundproof barriers to minimize noise.
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 site is located in an area zoned for retail, service, and entertainment uses. The applicant is not proposing any additional construction, instead, suggesting measures to minimize the noise generated by the proposed nightclub. These measures include relocating the entrance from the current patio to the bar and moving the band and DJ to a different location. Additionally, sound barriers will be added to the existing windows.
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. Noise will be contained within the walls of the building and decibel levels will be monitored by employees to ensure compliance with the Noise Ordinance; security personnel will be on site during extended hours from 10 p.m. to 2 a.m.
6. The project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 1, Section 15301, in that the project involves the negligible expansion of an existing use within an existing structure. Additionally, the project qualifies for a statutory exemption under Section 15182 in that the proposed use is consistent with the adopted Downtown Area Specific Plan.

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. A building permit is required for all on-site demolition, construction, and/or change of 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. Amplified music shall occur only inside the building.
4. Sound levels shall be monitored every 15 minutes during extended hours. In the event that decibel levels exceed allowable levels as defined in the Santa Rosa Noise Ordinance, City Code Chapter 17-16, music shall be stopped.
5. Maintain “Public Occupancy – Establishments serving alcohol with bar and/or providing live entertainment” permit from the Fire Department for routine occupancy “bar check” inspections.
6. A copy of the conditions of approval for the Conditional Use Permit must be kept on the premises of the establishment and be presented to any peace officer or any authorized city official upon request.
7. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
8. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
9. No exterior signs are approved with this permit. A separate sign permit is required.

This Minor Conditional Use Permit is hereby approved on November 16, 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: _____
KRISTINAE TOOMIANS, ZONING ADMINISTRATOR