

ORDINANCE NO. ORD-2025-005

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO AMEND SECTIONS 20-23.030 AND 20-24.030 REGARDING REQUIREMENTS FOR ADULT ENTERTAINMENT BUSINESSES

WHEREAS, adult entertainment business is listed as a land use within the Municipal Code, Title 20, Division 2, Zoning Districts and Allowable Land Uses; and

WHEREAS, Zoning Code Section 20-23.030, Table 2-6, Allowed Land Uses and Permit Requirements for Commercial Zoning Districts, and Municipal Code Section 20-24.030, Table 2-10, Allowed Land Uses and Permit Requirements for Industrial Zoning Districts, do not identify what, if any, permits are required for adult entertainment businesses. The land use tables only include an “S,” which stands for “see specific use regulations for permit requirements,” and refers to Municipal Code Chapter 20-40, Adult Entertainment Businesses; and

WHEREAS, while the specific regulations located in Municipal Code Chapter 20-40 include applicability and location requirements, the Chapter refers back to the Allowed Land Uses and Permit Requirements tables in Division 2 for permitting requirements; and

WHEREAS, there are no other references in the Municipal Code that specify what, if any, permits are required for adult entertainment businesses; and

WHEREAS, the purpose of Municipal Code Chapter 20-40 is “to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of sexually oriented businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, parks and residentially zoned districts or uses”; and

WHEREAS, pursuant to Municipal Code Section 20-52.050, Conditional Use Permit (CUP) and Minor Conditional Use Permit (MUP), the purpose of a CUP and MUP is to “provide a process for reviewing land use activities that may be desirable in the applicable zoning district, but whose effect on the site and surroundings cannot be determined before being proposed for a particular location”; and

WHEREAS, given the specific purpose of the regulations within Municipal Code Chapter 20-40, identified herein, the appropriate permit requirement for adult entertainment businesses is a CUP, with the review authority being the Santa Rosa Planning Commission; and

WHEREAS, on February 27, 2025, the Planning Commission of the City of Santa Rosa held a duly noticed public hearing and recommended to the City Council adoption of the Municipal Code Text Amendments as stated herein; and

WHEREAS, on March 4, 2025, the Santa Rosa City Council met, reviewed, and discussed the proposed Ordinance.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Section 20-23.030 of the Santa Rosa City Code, Commercial district land uses and permit requirements, Table 2-6, is amended to revise “Adult entertainment business” under Recreation, Education & Public Assembly Uses to read as follows:

| | | | | | | | | | | | |
|---|------------|--|------------|------------|------------|------------|------------|----------------|-------------|---------------------------------|-------------------|
| TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts* | P | Permitted Use, Zoning Clearance required | | | | | | | | | |
| | MUP | Minor Conditional Use Permit required | | | | | | | | | |
| | CUP | Conditional Use Permit required | | | | | | | | | |
| | S | See Specific Use Regulations for permit requirement | | | | | | | | | |
| | — | Use not allowed | | | | | | | | | |
| PERMIT REQUIRED BY DISTRICT | | | | | | | | | | | |
| LAND USE (1) | CO | CN (7) | CG | CV | CMU | SMU | MMU | CSC (2) | TV-M | Specific Use Regulations | |
| RECREATION, EDUCATION & PUBLIC ASSEMBLY USES | | | | | | | | | | | |
| Adult entertainment business | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP | Chap 20-40 |

Section 2. Section 20-24.030 of the Santa Rosa City Code, Industrial district land uses and permit requirements, Table 2-10 is amended to revise “Adult entertainment business” under Recreation, Education & Public Assembly Uses to read as follows:

| | | | | | |
|---|------------|--|------------|---------------------------------|--|
| TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Districts* | P | Permitted Use, Zoning Clearance required | | | |
| | MUP | Minor Conditional Use Permit required | | | |
| | CUP | Conditional Use Permit required | | | |
| | S | See Specific Use Regulations for permit requirement | | | |
| | — | Use not allowed | | | |
| PERMIT REQUIRED BY ZONE (2) | | | | | |
| LAND USE (1) | BP | IL | IG | Specific Use Regulations | |
| RECREATION, EDUCATION & PUBLIC ASSEMBLY USES | | | | | |
| Adult entertainment business | CUP | CUP | CUP | Chap 20-40 | |

Section 3. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and because it is not a project as defined in CEQA Guidelines Section 15378, as it has no potential for resulting in a physical change in the environment, directly or indirectly. Additionally, or alternatively, the Ordinance is exempt from CEQA under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that this Ordinance or its implementation of the Amendments would have a significant effect on the environment, would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. The Ordinance is also exempt from CEQA pursuant to CEQA Guidelines section 15301 in that no new development or construction is authorized by the Ordinance and nothing in the Ordinance permits any expansion of use beyond the level of land uses already existing in the City.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

Section 5. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on March 4th, 2025.

IN COUNCIL DULY PASSED AND ADOPTED this 18th day of March, 2025.

AYES: (5) Mayor Stapp, Council Members Bañuelos, MacDonald, Okrepkie, Rogers

NOES: (0)

ABSENT: (2) Vice Mayor Alvarez, Council Member Fleming

ABSTAIN/RECUSE: (0)

ATTEST: _____ APPROVED: _____
Deputy City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney