

RESOLUTION NO. ZA-2024-011

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO LEGALIZE THE WAREHOUSE, WHOLESALING AND DISTRIBUTION LAND USE OPERATION FOR THE PROPERTY LOCATED AT 240 BARHAM AVENUE SANTA ROSA, APN: 037-161-030, FILE NO. CUP23-069

WHEREAS, a Minor Conditional Use Permit application was submitted to the Planning and Economic Development Department on October 11, 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 October 11, 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. The property is located in the “Mixed Residential-Light Industrial/Commercial Areas” of the PD 96-002 Planned Development district, which allows the operation of Warehouses with approval of a Minor Conditional Use Permit.
2. The proposed use is consistent with the General Plan and the Roseland Area/Sebastopol Road Specific Plan. The proposed use is not permitted in the R-3 zoning district, which is the implementing zoning district associated with the property’s Medium-Density Residential General Plan Land Use Designation. However, the previous operation at 240 Barham Avenue consisted of Manufacturing/Processing-Light (Food and Beverage Product Manufacturing), a legal nonconforming use for this site. Pursuant to Zoning Code Section 20-61.020(B)(1), a nonconforming use may be replaced with a similar nonconforming use that would not increase the intensity of the nonconformity. The proposed Warehouse, Wholesaling and Distribution use is of a similar light industrial nature, and its operation is of a lesser intensity as the warehouse would not have any employees or be accessible to the public.
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. The site is surrounded by residential uses, and the proposed use does not constitute any unusual noise or disturbances; the operation is of a lesser intensity than the previous

Manufacturing/Processing-Light (Food and Beverage) use at this site and will consist of decreased vehicular and pedestrian traffic.

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 existing warehouse building is appropriate for the proposed use and there is sufficient parking onsite.
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 will not result in an increase in traffic, noise, or odors. The warehouse will only be for private use and will be accessed infrequently.
6. The project has been found in compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15301, the project is categorically exempt from CEQA because the proposed use consists of the operation of an existing facility and involves no expansion of the former 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 building permits for the proposed project.
2. The applicant shall submit a Temporary Use Permit application to the Planning and Economic Development Department to legalize the onsite temporary fencing no later than April 18, 2024. If no Temporary Use Permit application is submitted by this date, the fencing shall be removed. Otherwise, the unpermitted structure may be subject to Code Enforcement action.
3. Fire service features for buildings, structures and premises shall comply with all City adopted building standards, [California Code of Regulations Title 24 Building Standards](#) and [Santa Rosa City Code](#).
4. The project may be subject to additional fire protection requirements at the time of building permit submittal, not limited to the installation of an automatic fire sprinkler system.
5. Construction hours shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturday. No construction is permitted on Sundays and holidays.
6. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.

7. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
8. No exterior signs are approved with this permit. A separate sign permit is required.

This Minor Conditional Use Permit is hereby approved on April 4, 2024, 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: _____
CONOR MCKAY, ZONING ADMINISTRATOR