

RESOLUTION NO. ZA-2022-049

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW A MOBILE FOOD VENDOR (ROY'S EXPRESS MEX INC FOOD TRUCK) TO OPERATE AT THE PROPERTIES LOCATED AT 505, 509, 515, 517 AND 523 SANTA ROSA AVENUE, SANTA ROSA, APNs: 010-223-057, 059, 061, 063, 063, FILE NO. CUP22-027

WHEREAS, on April 13, 2022, a Minor Conditional Use Permit application was filed with the Planning and Economic Development Department to allow a mobile food vendor to operate at 505, 509, 515, 517 and 523 Santa Rosa Avenue, 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 dated received July 8, 2022; and

WHEREAS, at the request of a member of the public, the matter has been properly noticed as a public hearing pursuant to Zoning Code Chapter 20-66; and

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:

- The proposed use is allowed within the CMU (Core Mixed Use) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that the mobile food vending use is allowed at the project site pursuant to Zoning Code Section 20-16.130, and the project is required to comply with all standards listed in Section 20-16.130, including both concentration and design criteria.
- The proposed use is consistent with the General Plan and any applicable specific plan in that the site is zoned CMU (Core Mixed Use) and the Core Mixed Use General Plan designation encourages retail and visitor supporting land uses such as the mobile food vending use proposed by this project.
- The design, location, size and operating characteristics of the proposed mobile food vendor would be compatible with the existing and future land uses in the vicinity in that the design is not distracting to passing motorists, the proposed location is on private property within the a commercially zoned area on Santa Rosa Avenue, and the size of the proposed use does not inhibit the surrounding businesses.
- The site is physically suited for the type, density, and intensity of the proposed mobile food vendor, including access, utilities, and the absence of physical constraints in that the project is located on private property, does not require building permits, has utilities available, is easily accessible by pedestrians and motorists, and is outside the 200 foot distance between other mobile food vendors. As required by a condition of approval, the project will provide access to either a portable restroom on-site or to a permanent

restroom facility within 200 feet of the site during all hours of operation, and will provide parking spaces as shown in the approved project drawings.

- 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 project is a permitted use with a Minor Conditional Use Permit for this location and has been reviewed and conditioned and vetted by all applicable City of Santa Rosa Departments.
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 4 exemption under State CEQA Guidelines Section 15304 (Minor Alterations to Land) in that the mobile food vendor is a minor temporary use of land having negligible or no permanent effects on the environment.

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. Only one Mobile food vendor shall be present on the site at a time.
2. The mobile food truck shall be located on the site as shown on the approved drawings. The mobile food truck shall be placed to not impede future access to building behind.
3. Mobile vendors shall maintain their immediate sales location in a clean and hazard free condition.
4. Mobile vendors shall maintain garbage container(s) immediately adjacent to the vending location for use by customers.
5. Hours of operation for mobile food vending businesses shall be between 10:00 a.m. and 10:00 p.m. Sunday through Thursday, and 10:00 a.m. to 12:00 a.m. on Friday and Saturday.
6. No mobile vendor shall use, play or employ any sound outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound in connection with the promotion of a vending operation.
7. Outdoor music is permitted consistent with the normally acceptable decibel levels outlined in the Noise and Safety Element of the Santa Rosa General Plan, and as determined by the Minor Conditional Use Permit.
8. An agreement for the use of properly operating restroom facilities within 200 feet of the mobile food vendor location shall be maintained at all times.

9. If a portable restroom facility is proposed, the restroom must be screened from public view to the greatest possible extent with a six-foot tall solid fence with two feet of lattice located on top of the solid fence. The portable restroom shall be located between the existing buildings, located outside of any visibility triangle and the proposed parking. The portable restroom must meet Federal accessibility criteria.
10. All signage shall be located on the vending equipment and is subject to the requirements of Chapter 20-38 (Signs).
11. No mobile food vendor shall sell alcoholic beverages.
12. Mobile vendors cooking food shall maintain a fire extinguisher at the vending location at all times.
13. Mobile vendors operating within a parking lot shall not inhibit traffic, circulation, shall maintain the minimum required on-site parking spaces for the principal uses. Future uses on-site will be required to calculate parking demand and provide adequate parking for all on-site uses in accordance with the City's Zoning Code; and
14. After the permitted hours of operation, all mobile vending equipment, including the mobile unit itself and any associated dining furniture and trash receptacles, shall be stored off-site or within an approved, enclosed structure on-site.
15. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
16. Obtain a building permit for the parking lot restriping. The building permit plans for the restriping are reviewed for the accessible parking space's compliance with CBC Chapter 11B and Zoning Code Parking and Lighting Standards. Please note: The church use identified for the building at 421 Santa Rosa Ave does not have a building permit for use of the building. The applicable distance to the restroom would be measured using the distance via the cross-walk, not the straight line distance.
17. A mobile food facility permit for mobile vehicles from the Sonoma County Environmental Health Department is required to store, prepare, package, serve or vend food. A review and approval of the equipment/building plans and site operating conditions are required prior to issuance and to maintain a mobile food facility permit to operate. The mobile food facility shall be operated within 200 feet travel distance of an approved and readily available toilet and handwashing facility, or as otherwise approved by the ENFORCEMENT AGENCY, to ensure that restroom facilities are available to facility employees whenever the mobile food facility is stopped to conduct business for more than a one-hour period.
18. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
19. Comply with all Fire Code permits and requirements. Please note: Parking arrangement shall not block Fire Department access per 2019 California Fire Code Chapter 5, Appendix D, and Santa Rosa Street design standards; The food truck must stay detached from the structure; No review or approval for the use of the adjacent structure by the Fire Department is covered by the CUP; and, A Limited Term (annual) Propane permit shall be required prior to two days of beginning of operation.

This Minor Conditional Use Permit for the mobile food vendor located at 505, 509, 515, 517 and 523 Santa Rosa Avenue, in the City of Santa Rosa, is hereby approved on this 15th day of September, 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: _____
SHARI MEADS, ZONING ADMINISTRATOR