

## **RESOLUTION NO. ZA-2022-059**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW A MOBILE FOOD VENDING LAND USE FOR EL 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 vending use 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, as conditioned, 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 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 other than for restriping the parking lot and on-site lighting, 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 a permanent restroom facility for employees within 200 feet of the site during all hours of operation and will provide parking spaces as shown in the approved project drawings and as conditioned below.

- 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 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 the building behind.
3. Mobile food vendor shall maintain the five parcels along Santa Rosa Avenue included in this approval in a clean and hazard free condition.
4. Mobile food vendor shall maintain covered trash, recycling, and compost container(s) immediately adjacent to the vending location in sufficient quantity to maintain all five (5) subject parcels free of waste. Trash containers shall have instructions in English and Spanish for what use of each container.
5. Sound levels at all property lines shall comply with the normally acceptable residential decibel levels outlined in City Code Chapter 17-16, Noise, which are 55 decibels from 7 a.m. to 7 p.m., 50 decibels from 7 p.m. to 10 p.m., and 45 decibels from 10 p.m. to 7 a.m.
6. Hours of operation 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. (midnight) on Friday and Saturday.
7. No mobile vendor shall play amplified music except with an approved Special Event

Permit.

8. In the event of unlawful activity, including excessive noise or unsafe driving it is the business operator's responsibility to immediately notify the Santa Rosa Police Department.
9. In the event that noise levels are not contained to the allowable decibel levels pursuant to Chapter 17-16, hours of operation shall be reduced and/or other protective measures will be required.
10. An agreement for the use of permanent properly operating restroom facilities within 200 feet of the mobile food vendor location shall be maintained at all times.
11. All signage shall be located on the vending equipment and is subject to the requirements of Chapter 20-38 (Signs).
12. No mobile food vendor shall sell alcoholic beverages.
13. Mobile vendor cooking food shall maintain a properly rated fire extinguisher at the vending location at all times.
14. After the permitted hours of operation, all mobile vending equipment, including the mobile unit itself and associated trash, recycling, and compost container(s) shall be stored off-site or within an approved, enclosed structure on-site.
15. Outdoor lighting in compliance with City Code Section 20-38.080, Outdoor Lighting, shall be provided across each of the five parcels included in this approval.
16. Parking shall be limited to the 21 spaces shown on the Staff Modified Site Plan: 14 spaces along the east property line facing Santa Rosa Avenue; 4 parking opposite of Santa Rosa Ave and facing the storage building (which includes 2 ADA spaces); and, 3 spaces along the northern property line facing Sebastopol Avenue. On-site parking shall be prohibited in any other location for the mobile food vendor.
17. Vehicle roll stops or an approved barrier (e.g., a concrete curb) shall be installed in all approved parking spaces to prevent vehicles from encroaching onto the public sidewalk and/or outside of the intended parking area. No vehicles shall encroach onto the public sidewalk at any time.
18. The applicant shall provide a safety barrier and chain or cable system as shown on the Staff Modified Site Plan to prevent vehicles from using driveway access points and unused areas on-site which are not intended to be part of the proposed use.
19. Obtain a building permit for the parking lot restriping and any updated light fixtures. 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.
20. Mobile vendor operating within a parking lot shall not inhibit traffic or circulation and 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.
21. Comply with all applicable federal, state, and local codes. Failure to comply may result

in issuance of a citation and/or revocation of approval.

22. 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.
23. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
24. 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.
25. Comply with all conditions of approval in the attached Exhibit A Department of Planning and Economic Development Services Exhibit A, dated August 16, 2022.

This Minor Conditional Use Permit to allow mobile food vending, is hereby approved on October 20, 2022, 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: \_\_\_\_\_  
SHARI MEADS, ZONING ADMINISTRATOR

Attachment: EDS Exhibit A, dated August 16, 2022