

RESOLUTION NO. ZA-2024-037

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW MOBILE FOOD VENDING FOR THE PROPERTY LOCATED AT 1750 SANTA ROSA AVENUE, SANTA ROSA, APN: 038-131-023, FILE NO. CUP24-033

WHEREAS, a Minor Conditional Use Permit application was submitted to the Planning and Economic Development Department on June 26, 2024; 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 September 5, 2024; 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 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.
2. The proposed use is consistent with the General Plan and any applicable specific plan in that the Retail and Business Services General Plan designation encourages retail and visitor supporting land uses such as the Mobile Food Vending use proposed by this project.
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 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 project has also been conditioned limiting hours of operation so they cannot stay open later than 9:00 p.m. given the proximity to residential uses.
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 project is located on private property, has utilities available, is easily accessible by pedestrians and motorists, and is outside the 200-foot distance between other mobile food vendors. The

applicant has provided a Restroom Use Agreement with the existing business onsite, and the project site provides sufficient parking for both the existing and proposed use.

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 project is a permitted use with a Minor Conditional Use Permit for this location and has been reviewed and conditioned by appropriate or requisite City staff, including.....
6. The project has been found in compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15304, the project is categorically exempt from CEQA because the Mobile Food Vending use 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. Comply with all conditions of approval as set forth in Engineering Development Services Exhibit "A", dated August 20, 2024, attached hereto and incorporated here in
2. A mobile food facility permit for mobile vehicles with Sonoma County Environmental Health 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.
3. Only one mobile food vendor shall be present on the site at a time.
4. 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 and remaining parking on site.
5. Mobile food vendors shall maintain their immediate sales location in a clean and hazard free condition.
6. Mobile food vendors shall maintain covered garbage, recycling, and compost container(s) immediately adjacent to the vending location for customer use.
7. No mobile food vendor shall use, play or employ any sound outcry, amplifier, loudspeaker, radio or any other instrument or device to produce sound in connection with the promotion of a vending operation.

8. 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 City Code Chapter 17-16.
9. 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.
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 or cannabis products.
12. Mobile food vendors cooking food shall at all times maintain a working fire extinguisher(s) or the appropriate type and rating at the vending location.
13. Mobile food vendors operating within a parking lot shall not inhibit traffic circulation and shall maintain the minimum required on-site parking spaces for the principal use on the property.
14. After the permitted hours of operation, all mobile vending equipment, including the mobile unit itself and any associated onsite dining furniture, 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. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.

This Minor Conditional Use Permit is hereby approved on November 7, 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: _____
KRISTINAE TOOMIANS, ZONING ADMINISTRATOR

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
ENGINEERING DEVELOPMENT SERVICES

EXHIBIT "A"
08/20/2024

Momo Man Food Truck
1750 Santa Rosa Ave
CUP24-033

- I. Developer's engineer shall obtain the current City Design and Construction Standards and the Engineering Development Services Department's Standard Conditions of Approval dated August 27, 2008 and comply with all requirements therein unless specifically waived or altered by written variance by the City Engineer.
- II. In addition, the following summary constitutes the recommended conditions of approval on the subject application/development based on the plans stamped received **June 26, 2024**:

WATER AND WASTEWATER

1. No permanent improvements shall encroach into any public utility easements.
2. Any public utilities shall be kept accessible for city maintenance access at all times.

FIRE – (from Mike Johnson dated July 25, 2024)

3. Parking arrangement shall not block Fire Department access per 2022 California Fire Code Chapter 5, Appendix D, and Santa Rosa Street design standards.
4. A Limited Term (annual) Propane permit shall be required prior to two days of beginning of operation.
5. The kitchen fixed fire suppression system shall have its last service/certification within 6-months and a service tag shall be affixed to the system manual pull handle.
6. If frying is being performed a class k fire extinguisher shall be available and serviced within the last year.



08/20/2024

CLEVE GURNEY, PE – DEPUTY DIRECTOR DEVELOPMENT SERVICES