

RESOLUTION NO. ZA-2023-012

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW A MOBILE FOOD VENDING USE LOCATED AT 1212 PETALUMA HILL ROAD, SANTA ROSA, ASSESSOR'S PARCEL NO. 038-161-021, FILE NO. CUP22-059

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 23, 2022; 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 General Commercial (CG) 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 by approval of a Minor Conditional Use Permit and complies with Zoning Code Section 20-16.130; and
2. The proposed use is consistent with the General Plan and any applicable specific plan in that the project site is zoned Retail and Business Services and the General Plan land use designation encourages retail and service enterprises, offices, and restaurants; and
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 and the size of the proposed use is not anticipated to inhibit the current principal use; and
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 proposed mobile food vendor shall be conducted entirely upon private property, shall not interfere with the principal operation and shall not inhibit traffic circulation; and
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 all applicable City of Santa Rosa Departments; and

6. 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 truck 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. Mobile vendor shall maintain covered garbage, recycling, and composting container(s) immediately adjacent to the vending location for use by customers.
2. Hours of operation for mobile food vending businesses shall be between 6:00 a.m. and 11:00 p.m., or as determined by the Minor Conditional Use Permit.
3. 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.
4. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
5. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
6. No exterior signs are approved with this permit. A separate sign permit is required.
7. No permanent improvements shall encroach into any public utility easements.
8. Any public utilities shall be kept accessible for city maintenance access at all times.
9. The food truck shall not block the sight distance of the sidewalk or vehicles exiting the driveway.
10. A Limited Term (annual) Propane permit shall be required prior to two days of beginning of operation.
11. 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.

This Minor Conditional Use Permit is hereby approved on January 19, 2023, 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: _____
SUSIE MURRAY, ZONING ADMINISTRATOR