

RESOLUTION NO. ZA-2023-043

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A MOBILE FOOD VENDOR (TACOS EL MANTECAS / PEPE'S TACO TRUCK) TO OPERATE AT THE PROPERTY LOCATED AT 440 DUTTON AVENUE, SANTA ROSA, APN: 125-121-027

WHEREAS, the Santa Rosa Zoning Administrator has completed the review of a Minor Conditional Use Permit application to allow the proposed use for the project described above;

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 28, 2021; 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:

- The proposed use is allowed within the SMU (Station Mixed Use) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. The matter has been properly noticed as required by Zoning Code Section 20-52.050.E.2.a, and no request for a public hearing has been received; and
- The proposed use is consistent with the General Plan land use designation of Station Mixed Use and the Roseland Area/Sebastopol Road Specific Plan. The property is zoned SMU (Station Mixed Use), consistent with the General Plan land use designation, and the mobile food vending use is allowed with the approval of a Minor Conditional Use Permit; and
- 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, is outside the 200-foot setback distance from other mobile food vendors, and, as conditioned, the size of the proposed use does not inhibit the surrounding businesses; and
- 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 as a condition of approval will provide access to a permanent restroom facility within 200 feet of the truck during all hours of operation, and occupies a shared space where only one mobile vendor will operate at a time; and

- 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 approval of a Minor Conditional Use Permit for this location and has been reviewed, conditioned and vetted by applicable City of Santa Rosa Departments; and
- 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. Hours of operation for mobile food vending businesses shall be between 6:00 a.m. and 11:00 p.m.
3. The Mobile food vendor shall be located on the property as demonstrated by the submitted site plan.
4. The Mobile vendor shall maintain their immediate sales location in a clean and hazard free condition.
5. The Mobile vendor shall maintain garbage container(s) immediately adjacent to the vending location for use by customers. All loose trash shall be removed daily.
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 Noise Ordinance.
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 hours of operation for the mobile food vending operation.
9. All signage shall be located on the vending equipment and is subject to the requirements of Chapter 20-38 (Signs).

10. No mobile food vendor shall sell alcoholic beverages.
11. The mobile food vendor is required to obtain and maintain an annual propane operational permit from the Fire Department.
12. All fire protection systems and devices are required to be maintained in accordance with all codes and standards.
13. The food truck is subject to an annual inspection by Fire Department staff.
14. Twelve-inch building address characters shall be provided at the vending location per City/Fire Dept. standards.
15. Storage or use of any hazardous materials at the site may require a Hazardous Materials Inventory Statement to be submitted to the Fire Dept. for review via the California Environmental Reporting System (CERS). Materials in excess of the permitted amounts will require a Hazardous Materials Management Plan to be submitted to the Fire Dept. for review and approval and may require payment of Hazardous Material Use or Hazardous Waste Generator permit fees.
16. Mobile vendors operating within a parking lot shall not inhibit traffic, circulation, or parking of the site and the surrounding sites.
17. The mobile food vendor shall maintain the minimum required on-site parking spaces for the principal use on the property.
18. Customers of the mobile food vendors shall not park on the neighboring properties.
19. 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.
20. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
21. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
22. Comply with all Fire Code permits and requirements.

This Minor Conditional Use Permit for the mobile food vendor (Tacos El Mantecas / Pepe's Food Truck), where only one vendor is permitted at any time, located at 440 Dutton Avenue in the City of Santa Rosa is hereby approved on this 17th day of August 2023, 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: _____
SUSIE MURRAY, ZONING ADMINISTRATOR