

## **RESOLUTION NO. ZA-2022-050**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW A MOBILE FOOD VENDOR TO OPERATE AT 1124 SEBASTOPOL ROAD, SANTA ROSA, APN: 125-142- 070**

WHEREAS, on April 11, 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 1124 Sebastopol Road, 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 April 11, 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:

- The proposed use is allowed within the CG (General Commercial) 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, and the project will comply with all standards listed in Zoning Code Section 20.42.120, which regulates mobile food vending.
- The proposed use is consistent with the General Plan and any applicable specific plan in that the site is zoned CG (General Commercial) within the allowable mobile food vending area between Stony Point Road and Olive Street (Section 20.42.210) and the Retail/Medium-Density Residential General Plan designation allows for mobile food vending similar to the 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 allowable mobile food vending area on Sebastopol Road, 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, will not require building permits, and the site has utilities available. In addition, the site is easily accessible by pedestrians and motorists, the site greater than 200 feet of distance between other mobile food vendors, and the site 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. Further, the project conditions will ensure hours of operation will not conflict with the auto repair use on-site, and drive aisle or access to the 6 parking spaces on-site will not be blocked.

- 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 vendors shall be located on the east side of the property between the east property line and the service station canopy. Access to the service bays and the parking stalls shall not be impeded.
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 commence daily after the current auto repair use closes, either 5:00 or 5:30 p.m. as stated in the hours of operation of the auto repair use, and shall daily close at 11:00 p.m.. If the auto repair use is not open for business on any particular day, then the mobile food vendor hours of operation are approved from 5:00 p.m. to 11:00 p.m.
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, instead, proposed absent the off site restroom, the portable 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 behind the mobile food vending facility and must be located outside of any visibility triangle and the front setback area. 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 on the property during operating hours of the auto repair business.
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 the Minor CUP approval.
16. 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.
17. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
18. 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; 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 1124 Sebastopol Road in the City of Santa Rosa is hereby approved on this 1st day of September 2022, for the duration of the proposed 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