

## **RESOLUTION NO. ZA-2022-066**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A MOBILE FOOD VENDING USE FOR THE PROPERTY LOCATED AT 2728 SANTA ROSA AVENUE, SANTA ROSA, APN: 044-081-037, FILE NO. CUP22-036**

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 August 12, 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;
2. The proposed use is consistent with the General Plan and any applicable specific plan in that the General Plan Land Use designation of the property is Retail & Business Services, which accommodates retail uses such as Mobile Food Vending;
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 truck is proposed to be located in a parking lot that serves an existing Building and Landscape Materials Sales land use. The parking requirement for Mobile Food Vending land uses is determined via the Minor Conditional Use Permit approval process. The parking requirement for the existing Building and Landscape Materials Sales land use is one space per 1,000 SF of outdoor display area, which would result in a parking requirement of 51 parking spaces; however, Staff can make the required findings for a parking reduction pursuant to Zoning Code Section 20-36.050 because the existing Building and Landscape Materials Sales land use consists strictly of the sales of pottery, which inherently results in a lower parking demand than the requirements established by Table 3-4 in Zoning Code Section 20-36.040. The applicant proposes to pave additional areas within the property boundary and add additional striping which would result in a total of 30 parking spaces which is anticipated to accommodate both the existing Building and Landscape Materials Sales land use and Mobile Food Vending land use due to the anticipated peak parking demand differing between the existing Building and Landscape Materials Sales land use and the proposed Mobile Food Vending land use due to the Building and Landscape Materials Sales land use closing at 4:30, which is before the anticipated peak dinner rush. Additionally, the duration of parking space occupation is

anticipated to be much lower than a standard restaurant in that no on-site dining is proposed with the Mobile Food Vending land use;

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 site includes the provision of restrooms available to customers and employees of the mobile food vending operation within 200 feet as is required by Zoning Code Section 20-42.210, and all required utilities are currently serving the site as it was formerly operated as an Auto Vehicle Sales land 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 proposed Mobile Food Vending land use is not anticipated to generate significant traffic, and the operation would not significantly conflict with the existing Building and Landscape Materials Sales land use, and the operation of a Mobile Food Vending land use is allowed with the approval of a Minor Conditional Use Permit in the General Commercial (CG) zoning district;
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 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. A building permit is required for all on site demolition, construction, and/or change of use.
2. Construction hours shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Saturday. No construction is permitted on Sundays and holidays.
3. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
4. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
5. No exterior signs are approved with this permit. A separate sign permit is required.
6. Only one mobile food vendor shall be present on the site at a time.
7. 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.

8. Mobile food vendor shall maintain the parcel included in this approval in a clean and hazard free condition.
9. Mobile food vendor shall maintain covered trash, recycling, and compost container(s) immediately adjacent to the vending location in sufficient quantity to maintain the subject parcel free of waste. Trash containers shall have instructions in English and Spanish for use of each container.
10. 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.
11. Hours of operation shall be between 10:00 a.m. and 11:00 p.m. daily.
12. Mobile vendor shall not play amplified music except with an approved Special Event Permit.
13. 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.
14. 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.
15. No mobile food vendor shall sell alcoholic beverages.
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 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 all conditions of approval in the attached Exhibit A prepared by Engineering Development Services, dated August 16, 2022.

This Minor Conditional Use Permit is hereby approved on November 17, 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

Exhibit A – Engineering Development Services conditions