

RESOLUTION NO. CUP20-016

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT TO ALLOW GIO Y LOS MAGOS A MOBILE FOOD VENDOR TO OPERATE FOR THE PROPERTY LOCATED AT 440 DUTTON AVENURE, SANTA ROSA, APN: 125-121-027

The Santa Rosa Zoning Administrator has completed the review of your application. Please be advised that your Minor Conditional Use Permit to allow for a mobile food vendor to operate at the coner of Sebastopol Road and Dutton Avenuer at the property located on 440 Sebastopol Avenue, between hours of 5:00 p.m. to 11:00 p.m., using the restroom facility located on the same site has been granted based on your project description and official approved exhibit dated October 28, 2020. The Santa Rosa Zoning Administrator has based this action on the following findings:

- 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. 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;
- The proposed use is consistent with the General Plan and any applicable specific plan in that the property is located within the General Commercial-Station Area (CG-SA) zoning district that have street frontage on Sebastopol Road, between Stony Point Road and Olive Street and designated Retail and Business Service by the General Plan, which allows mobile food vendor uses through Minor Conditional Use permit per Section 20-42.210 form zoning code;
- 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 the location is on the private parking lot, and the size and location 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 a private property and does not require a Building Permit and has an agreement with the tenant on the same lot to provide use of the restroom facility during all hours of operation;
- 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,
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 4 exemption under Section 15304 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. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
2. Hours of operation for mobile food vending businesses shall be between 5:00 p.m. and 11:00 p.m.
3. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
4. This approved mobile food vendor use is only allowed at the location described on the approved site plan dated received by the City on October 28, 2020.
5. Comply with Santa Rosa Engineering and Development Services conditions attached hereto and incorporated here as Exhibit "A", dated October 20, 2020.
6. No exterior signs are approved with this permit.
7. 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.
8. Mobile vendors shall maintain their immediate sales location in a clean and hazard free condition.
9. Mobile vendors shall maintain garbage container(s) immediately adjacent to the vending location for use by customers.
10. 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.
11. 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
12. No mobile food vendor shall sell alcoholic beverages.
13. Mobile vendors cooking food shall maintain a fire extinguisher at the vending location at all times.
14. 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 and in no case shall not occupy more than four parking spaces; and

15. 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

This Minor Conditional Use Permit for a mobile food vendor is hereby approved on this 5th day of November 2020, 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: _____
ANDY GUSTAVSON, ZONING ADMINISTRATOR