

RESOLUTION NO. CUP21-044

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT TO ALLOW JALAPENO MEXICAN GRILL (MOBILE FOOD VENDORS) TO OPERATE AT THE PROPERTY LOCATED AT 921 SEBASTOPOL ROAD, SANTA ROSA, APN: 125-101-047

The Santa Rosa Zoning Administrator has completed the review of your application. Your Minor Conditional Use Permit to allow a mobile food vendor to operate at the easterly side of the property at 921 Sebastopol Road (herein "Project Site") only when the mobile food vendor (Tamales Magos) is not operating on the Project Site, has been granted based on your project description and official approved exhibit date stamped June 16, 2021, as conditioned. The Santa Rosa Zoning Administrator has based this action on the following findings:

- 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. 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 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 such as the use proposed by this project; 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 within the allowable mobile food vending area on Sebastopol Road, is outside the 200-foot setback distance from other mobile food vendors, and 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 either a portable restroom on-site (subject to conditions) or to a permanent restroom facility within 200 feet of the site during all hours of operation, and occupies a shared space on the southeastern property line, between the public right-of-way and the fuel canopy; 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 a Minor Conditional Use Permit for this location and has been reviewed and conditioned and vetted by all 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. One vendor between 6:00 a.m. to 11:00 a.m., and one vendor between 11:00 a.m. to 11:00 p.m.
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 vendors shall be located on the southeast side of the property, 20 feet from the east property line and between the service station canopy. Access to the service bays and the parking stalls shall not be impeded.
4. Mobile vendors shall maintain their immediate sales location in a clean and hazard free condition.
5. Mobile vendors shall maintain garbage container(s) immediately adjacent to the vending location for use by customers.
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 proposed, the 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. The food truck is required to obtain and maintain an annual propane operational permit from the Fire Department.
13. All fire protection systems and devices are required to be maintained in accordance with all codes and standards.
14. The food truck is subject to an annual inspection by Fire Department staff.
15. Twelve-inch building address characters shall be provided at the vending location per City/Fire Dept. standards.
16. 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.
17. Mobile vendors operating within a parking lot shall not inhibit traffic, circulation, or parking of the site and the surrounding sites.
18. The mobile food vendor shall maintain the minimum four (4) required on-site parking spaces for the principal use (944 convenience store) on the property and in no case shall occupy more than four (4) parking spaces.
19. Customers of the mobile food vendors shall not park on the neighboring properties.
20. 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.
21. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
22. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
23. Comply with all Fire Code permits and requirements.

This Minor Conditional Use Permit for the mobile food vendors Jalapeno Mexican Grill and Tamales Magoes, where only one vendor is permitted at any time, located at 921 Sebastopol Road in the City of Santa Rosa is hereby approved on this 2nd day of September 2021, 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

