

RESOLUTION NO. ZA-2024-047

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW A MOBILE FOOD VENDING VEHICLE FOR THE PROPERTIES LOCATED AT 1511 & 1569 SEBASTOPOL ROAD SANTA ROSA, APNS: 125-081-030, 125-081-032, FILE NO. CUP24-052

WHEREAS, a Minor Conditional Use Permit application was submitted to the Planning and Economic Development Department on September 23, 2024; 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 plans date stamp received November 11, 2024; 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 in that the applicant provided a site plan, which calls out the location of garbage bins, tables and chairs, and restrooms. Additionally, Mobile Food Vending is allowed within the CG zoning district with the approval of a Minor Conditional Use Permit; and
2. The proposed use is allowed within the Retail and Business Services General Plan Land Use designation, which accommodates retail and service enterprises, offices and restaurants; and
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 there are no proposed changes to existing structures, which are setback from Sebastopol Road, and there is a large parking lot suitable for the proposed use. There are similar commercial uses that surround the project sites; and
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 use spans to two sites that are along Sebastopol Road, which is designated by the General Plan for commercial and residential uses and there are other existing commercial uses in the immediate area. The property is located in a developed area where all required utilities and services are available; and

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 plans have been reviewed by City staff, including the Fire Department, Engineering and Development Services, Planning, and the Building Division, and the project has been conditioned to address compliance with City codes and regulations; and
6. The project has been found in compliance with the California Environmental Quality Act (CEQA):
 - Pursuant to CEQA Guidelines Section 15301, the project is categorically exempt from CEQA because the sites are developed, and the proposed use would involve a negligible expansion of the existing commercial and residential uses.
 - Pursuant to CEQA Guidelines Section 15304, the project is categorically exempt from CEQA because the Mobile Food Vending use 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. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
3. Comply with all requirements stated within Zoning Code Section 20-42.210.
4. Hours of operation shall be limited to 11:00 a.m. to 9:00 p.m., Sundays through Thursdays, and 11:00 a.m. to 10:00 p.m. Fridays and Saturdays.
5. No exterior signs are approved with this permit. A separate sign permit is required for any proposed signs.
6. Obtain building permits for the proposed project. The plans provided for the building permit should address accessible seating, accessible parking signage, the separation from the circulation path from the parking/driving areas, and required restrooms for employees.
7. No permanent improvements shall encroach into any public utility easements.
8. Any public utilities shall be kept accessible for city maintenance access at all times.

9. Any onsite striping and parking design shall comply with current codes and requirements for accessible parking, striping and access requirements.
10. Parking arrangement shall not block Fire Department access per 2022 California Fire Code Chapter 5, Appendix D, and Santa Rosa Street design standards.
11. A Limited Term (annual) Propane permit shall be required prior to two days of beginning of operation.
12. The kitchen fixed fire suppression system shall have its last service/certification within 6-months and a service tag shall be affixed to the system manual pull handle.
13. If frying is being performed a class k fire extinguisher shall be available and serviced within the last year.
14. Remain in compliance with the Noise Ordinance, City Code Chapter 17-16, as it relates to residential properties.
15. If using a generator, the generator shall be a “Quiet Generator”, or approved sound dampening equipment shall be used on the generator.

This Minor Conditional Use Permit is hereby approved on December 19, 2024, 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: _____
KRISTINAE TOOMIANS, ZONING ADMINISTRATOR