

RESOLUTION PC24-12

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO APPROVING A CONDITIONAL USE PERMIT FOR A MOBILE FOOD VENDOR (FOOD TRUCK) IN THE COMMERCIAL MIXED USE (CMU) ZONING DISTRICT, IN THE PARKING LOT AT 1305 23RD STREET, SAN PABLO, (APN:410-103-001 AND APN:410-103-002)

WHEREAS, the project site at 1305 23rd Street is located in the Commercial Mixed Use district and is in current use as a church and adjacent parking lot; and

WHEREAS, an application has been submitted to propose placement of a mobile food truck on the southern portion of the existing parking lot and placement of an outdoor seating area on the lawn space north of an existing church building, in an area of the site that is currently underused; and,

WHEREAS, Table 17.34-A in Zoning Code Section 17.34.030 requires a Conditional Use Permit for mobile vending in the Commercial Mixed use (CMU) zone; and

WHEREAS, the proposed use is consistent with the City of San Pablo General Plan Policies LU-G-6, LU-G-7, LU I-29 and LU I-31 in that the use would provide a service to surrounding commercial and residential uses; and,

WHEREAS, the proposed use is consistent with the development regulations set forth in Zoning Ordinance Section 17.62.140 regarding Mobile Vending uses; and

WHEREAS, pursuant to Section 17.20.040 in order to approve the Use Permit, the Planning Commission shall make findings that the proposed use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City; and

WHEREAS, pursuant to the California Environmental Quality Act, the proposed project has been determined to be categorically exempt from the provisions of CEQA, as an accessory or appurtenant structure to an existing use, in accordance with CEQA Guidelines and pursuant to Section 15311; and,

WHEREAS, a public hearing notice has been provided by mail to the applicant, local affected agencies and to all property owners within 300 feet of the subject property, this notice has been published in the West County Times newspaper (West Contra Costa edition of the East Bay Times) in accordance with the requirements of Government Code Section 65091, and a public hearing was held on July 23, 2024, at which public testimony was considered.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of San Pablo has reviewed the proposed project and approves this request for a Conditional Use Permit for mobile vending, based on the following findings:

- A. The proposed project has been determined to be categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines pursuant to Section 15311, Accessory Structures, which exempts the construction or placement of minor structures accessory or appurtenant to existing commercial, industrial, or institutional facilities that have been determined to not have a significant effect on the environment. Specifically, Section 15311(c) exempts placement of temporary use items such as mobile food units that are generally in the same locations from time to time.

The project will involve the placement of a mobile food unit at the location of an existing institutional facility. None of the exceptions set forth in CEQA Guidelines Section 15300.2 which would preclude the use of this exemption are applicable.

- B. The proposed mobile vending use would be responsive to General Plan policy LU-I-29 calling for expansion of existing industrial or commercial areas with secondary uses.

The proposed mobile vending use would be located on an underused portion of an institutional use within a commercially zoned lot in an area that is developed with a mix of commercial and residential uses and would add to the vitality of the area by serving nearby residents, visitors, and workers.

- C. The proposed mobile vending use would be compliant with Zoning Ordinance development regulations pertaining to such uses.

The food truck is subject to Zoning Ordinance Section 17.62.140, Mobile Vending and is compliant with the regulations contained therein.

- D. That the establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city.

The proposed project meets all findings for a conditional use. The mobile vending truck is compatible with surrounding uses and will not be detrimental to the health, safety, peace, morals, or general comfort of the neighborhood and will be complementary to existing uses.

- E. Public notice of the hearing has been given by mail to the applicants, local affected agencies, all property owners within 300 feet of the subject

property and has been published in the West County Times newspaper (West Contra Costa edition of the East Bay Times), in accordance with the requirements of Government Code Section 65905.

Notices were mailed to owners of properties within a 300-foot radius of the site. The notices were mailed on July 10, 2024. In addition, a Public Hearing Notice was published in the West County Times newspaper (West Contra Costa edition of the East Bay Times) on Saturday, July 13, 2023.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo hereby approves this application for a Conditional Use Permit (PLAN2404-0023) for a mobile food truck subject to the following Conditions of Approval:

1. The Use Permit for the existing mobile food truck is effective after the appeal period has elapsed.
2. If the use granted by this Conditional Use Permit is discontinued for a period of six consecutive months, the Use Permit shall automatically expire.
3. The use shall be conducted in substantial compliance with the plans and application submitted to the Community Development Department in PLAN2404-0023 on June 20, 2024. Minor amendments to this Conditional Use Permit may be approved by the Zoning Administrator if it is determined the overall intent of the permit is fulfilled.
4. All parking spaces must be clearly striped, existing parking striping shall be repainted and unmarked parking spaces shall be properly striped.
5. The mobile vending truck shall be removed from the site at the end of each day, and then parked at Zee Cooks Commissary or another compliant commissary location. Overnight parking is not permitted.
6. The mobile vending truck shall obtain a San Pablo Business License prior to commencement of operations. Proof of lease of commissary shall be provided to the City of San Pablo as a condition of obtaining a City Business License.
7. Daily wash down of the truck shall only occur at an approved commissary.
8. The food truck operator shall provide at least one trash receptacle at all times to be placed adjacent to the food truck. The receptacle shall be emptied on a daily basis into the on-site dumpster. Employees shall clean the site of trash and debris at the end of the business day.
9. Hours of operation for the food truck are limited to the hours of 7 a.m. to 8 p.m. Monday through Sunday.

10. Preparation of food items shall only occur at Contra Costa Health Services approved facilities. Disposal of cooking waste is only permitted at the approved commissary location or other location approved by Contra Costa County Health Services.
11. Written permission of the property owner for use of the site and restrooms shall be maintained at all times.
12. The mobile food truck shall not impede traffic flow or impact sight lines.
13. Permits for use of the food truck and approved cooking and washing facilities shall be presented before obtaining a City of San Pablo Business License and maintained at all times, including:
 - a. Contra Costa County Health Services license for a mobile food truck.
 - b. State Certification of compliance with the Housing and Community Development agency (HCD) requirements.
 - c. Contra Costa County Health Services approval for the restaurant including disposal of cooking waste.
 - d. Signed approval for use of washing down facility and storage location.
 - e. Mobile food truck vehicle insurance and registration.
14. The applicant shall maintain a current business license issued by the City of San Pablo at all times.
15. Non-compliance of the conditions of approval may result in revocation of the business license and use permit.
16. Indemnification: Pursuant to Government Code Section 66474.9, the applicant (including any agent thereof) shall defend, indemnify, and hold harmless the City of San Pablo and its agents, officers, or employees from any claim to attack, set aside, void or annul, the City's approval concerning this planning application, which action is brought within the time period provided for in Section 66499.37. The City will promptly notify the applicant of any such claim, action, or proceeding and cooperate fully in the defense.

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct and are included herein by reference as findings.

Adopted this 23rd day of July 2024, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

ATTEST:

APPROVED:

Elizabeth H. Tyler
Secretary

Jerome Jackson
Chair