

RESOLUTION PC21-06

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 2698 EL PORTAL DRIVE, SAN PABLO, (APN 416-101-017)

WHEREAS, the property at 2698 El Portal Drive is currently developed with a small strip-style center containing a liquor store and nail salon, and is zoned Commercial Mixed Use; and

WHEREAS, an application has been submitted to propose placement of a mobile food truck along with two outdoor tables at the northwest corner of the property, in an area 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, in accordance with CEQA Guidelines and pursuant to Section 15332, Infill Projects, as it involves development on a site that is five acres or less, is surrounded by urban uses, has no habitat value, is adequately served by all required utilities and public services, would not result in any significant effects on traffic, noise or air quality, and would be consistent with general plan and zoning regulations; 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 May 25, 2021, 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 proposal 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 15332, Infill Projects, as it involves development on a site that is five acres or less, is surrounded by urban uses, has no habitat value, is adequately served by all required utilities and public services, would not result in any significant effects on traffic, noise or air quality, and would be consistent with general plan and zoning regulations.

Pursuant to CEQA Guidelines Section 15332, the City finds as follows: (a) the project is consistent with the applicable general plan, specific plan, and zoning designations, policies, and regulations; (b) the project occurs within City limits on a site that is less than five acres which is substantially surrounded by urban uses; (c) the project is located on a site that has no value as habitat for endangered, rare, or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) the site can be adequately served by all required utilities and public services.

- B. The proposed mobile vending use would be responsive to General Plan policies calling for expansion of existing commercial areas with secondary uses.

The proposed mobile vending use would be located on an underused portion of a commercial 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 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 and pursuant to the Conditions of Approval must remain compliant.

- 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. 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. The proposed location would not conflict with parking or access 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 May 12, 2021. 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, May 15, 2021.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo hereby approves this application for a Conditional Use Permit (PLAN2103-0010) for a mobile food truck based upon the following Conditions of Approval:

1. The Use Permit for the existing mobile food truck is effective after the appeal period has elapsed.
2. The use shall be conducted in substantial compliance with the plans and application submitted to the Community Development Department in PLAN2103-0010, including but not limited to overnight storage of the mobile food truck at 3300 Giant Road, San Pablo. 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.
3. The use shall be conducted in compliance with all requirements of San Pablo Municipal Code Section 17.62.140, Mobile Vending. Failure to comply may result in amendment or revocation of the use permit.
4. The use is conditioned on the same or less-intensive occupancy of the adjoining commercial spaces at 2698 El Portal Drive, San Pablo. If those uses should intensify in any manner, then this Conditional Use Permit may be brought forward at a public hearing for further review by the Planning Commission and the Use Permit modified or revoked.
5. Wash down of the truck shall only occur at an approved commissary and proof of lease of commissary must be presented before obtaining a City of San Pablo Business License.
6. The applicant shall provide at least one trash receptacle at all times adjacent

to the food truck. The receptacle shall be emptied on a daily basis into the on-site dumpster. Employees must clean the site of trash and debris at the end of the business day.

7. Hours of operation are limited to the hours of 7 a.m. to 8 p.m. Monday through Sunday.
8. The applicant shall remove the food truck and picnic tables at the end of business each day. Overnight parking is not permitted.
9. Preparation of food items may 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.
10. Written permission of the property owner for use of the site and restrooms shall be maintained at all times.
11. The mobile food truck shall not impede traffic flow or impact sight lines. It shall be placed so as not to interfere with the striped pedestrian way extending from El Portal Drive along the western edge of the site. If the placement of the food truck or the congregation of patrons impedes traffic or sight lines or causes any public nuisance issues, then this Conditional Use Permit may be amended or revoked.
12. 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.
13. The applicant shall maintain a current business license issued by the City of San Pablo at all times.
14. Non-compliance of the conditions of approval may result in revocation of the business license and use permit.
15. 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 25th day of May 2021, by the following vote:

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

ATTEST:

APPROVED:

Libby Tyler, Secretary

Paul Morris, Chairman