



# CITY OF MERCED

City Council Chamber  
Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## Minutes Planning Commission

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Wednesday, April 17, 2024

6:00 PM

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### A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 6:00 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner SMITH led the Pledge of Allegiance to the Flag.

### B. ROLL CALL

**Present:** 7 - Chairperson Michael Harris, Member Jose Delgadillo, Vice Chair Mary Camper, Member Anthony Gonzalez, Member Yang Pao Thao, Member Walter Smith, and Member Emanuelle Ochoa

**Absent:** 0

### C. ORAL COMMUNICATIONS

There were no public comments.

### D. CONSENT CALENDAR

D.1 **SUBJECT:** Planning Commission Minutes of April 3, 2024

**ACTION:**

Approving and filing the Planning Commission Minutes of April 3, 2024

**A motion was made by Member Gonzalez, seconded by Member Thao and carried by the following vote, to approve the Consent Agenda.**

**Aye:** 7 - Chairperson Harris  
Member Delgadillo  
Vice Chair Camper  
Member Gonzalez  
Member Pao Thao  
Member Smith  
Member Ochoa

**No:** 0

**Absent:** 0

**D.2**

**SUBJECT:** Accept the Modified Resolution Recommending Denial to the City Council for General Plan Amendment #23-05, Zone Change #434, and Establishment of Planned Development (P-D) #81, and Adopt a Resolution of Denial for Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02.

**ACTION****PLANNING COMMISSION:**

Accept the Modified Resolution Recommending Denial for:

- 1) Environmental Review #23-45 (*Mitigated Negative Declaration*)
- 2) General Plan Amendment #23-05
- 3) Zone Change #434
- 4) Establishment of Planned Development (P-D) #81

Accept the Modified Resolution of Denial for:

- 1) Environmental Review #23-45 (*Mitigated Negative Declaration*)
- 2) Conditional Use Permit #1276
- 3) Site Plan Review Permit #538
- 4) Minor Use Permit #24-02

**CITY COUNCIL:**

Approve/Disapprove/Modify:

- 1) Environmental Review #23-45 (*Mitigated Negative Declaration*)
- 2) General Plan Amendment #23-05
- 3) Zone Change #434 (on appeal)
- 4) Establishment of Planned Development (P-D) #81
- 5) Conditional Use Permit #1276 (on appeal)
- 6) Site Plan Review Permit #538 (on appeal)
- 7) Minor Use Permit #24-02 (on appeal)

**SUMMARY**

On April 3, 2024, the Planning Commission held a public hearing and voted unanimously (7-0) to recommend denial to the City Council for General Plan Amendment #23-05, Zone Change #434, and Establishment of Planned Development (P-D) #81, and associated environmental review, and to deny Conditional Use Permit #1276, Site Plan Review Permit #538, Minor Use Permit #24-02, and associated environmental review. Staff

modified the draft resolutions and findings, based on the reasons provided by the Planning Commission, and is asking the Planning Commission to accept the modified resolutions. The draft resolutions are attached for consideration and action at Attachments A and B.

#### RECOMMENDATION

Planning staff recommends accepting the modified resolution recommending denial to the City Council for General Plan Amendment #23-05, Zone Change #434, and Establishment of Planned Development (P-D) #81, found at Attachment A of Staff Report #24-339, subject to modified Findings as described in the Planning Commission Resolution at Attachment A. Planning staff also recommends accepting the modified Resolution of Denial for Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02 found at Attachment A of Staff Report #24-339, subject to the modified Findings as described in the Planning Commission Resolution at Attachment B.

### E. PUBLIC HEARINGS AND ACTION ITEMS

#### E.1

**SUBJECT:** Conditional Use Permit #1275, initiated by Marina Ochoa on behalf of Any Merced, Inc., property owner. This application involves a request to operate a food truck within the Gas N Save parking lot, generally located on the northeast corner of 16th Street and Q Street (963 W. 16th Street), within a Central Commercial (C-C) Zone. \*PUBLIC HEARING\*

**ACTION:** Approve/Disapprove/Modify  
1) Environmental Review #24-02 (*Categorical Exemption*)  
2) Conditional Use Permit #1275

#### SUMMARY

Marina Ochoa is requesting approval to operate a food truck within the Gas N' Save parking lot located at 963 W. 16th Street (Attachment B). The food truck would be located at the northeast corner of the parcel, along the adjacent alley (Attachment C). Per Merced Municipal Code Land Use Table 20.10-1 - Permitted Land Uses in the Commercial Zoning Districts, Mobile Food Vendors are considered a conditional use within a Central Commercial (C-C) Zone, outside of the "City Center" area. The Planning Commission will be reviewing this proposal to ensure that the food truck is operated in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development. Staff is recommending approval of this request subject to conditions.

#### RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #24-02 (Categorical Exemption) and Conditional Use Permit #1275 subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of Draft Resolution #4133 (Attachment A).

Principal Planner LAN reviewed the report on this item. For further information, refer to Staff Report #24-324.

There was no one present wishing to speak regarding the project; therefore, public testimony was opened and closed at 6:12 PM.

**A motion was made by Vice Chair Camper, seconded by Member Delgadillo and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #24-02, and approve Conditional Use Permit #1275, subject to the Findings and twenty-five (25) Conditions set forth in Staff Report #24-324 (RESOLUTION #4133).**

**Aye:** 7 - Chairperson Harris  
Member Delgadillo  
Vice Chair Camper  
Member Gonzalez  
Member Pao Thao  
Member Smith  
Member Ochoa

**No:** 0

**Absent:** 0

## F. INFORMATION ITEMS

**F.1** **SUBJECT:** Report by Temporary Director of Development Services of Upcoming Agenda Items

### **ACTION**

Information only.

Temporary Director of Development Services ESPINOSA went over items for the next several Planning Commission meetings.

**F.2** **SUBJECT:** Calendar of Meetings/Events

|      |    |                                                      |
|------|----|------------------------------------------------------|
| Apr. | 15 | City Council, 6:00 p.m.                              |
|      | 17 | Planning Commission, 6:00 p.m.                       |
|      | 23 | Bicycle and Pedestrian Advisory Committee, 4:00 p.m. |
| May  | 6  | City Council, 6:00 p.m.                              |
|      | 8  | Planning Commission, 6:00 p.m.                       |
|      | 20 | City Council, 6:00 p.m.                              |
|      | 22 | Planning Commission, 6:00 p.m.                       |

|                   |    |                                                       |
|-------------------|----|-------------------------------------------------------|
| Jun.              | 3  | City Council, 6:00 p.m.                               |
|                   | 5  | Planning Commission, 6:00 p.m.                        |
|                   | 17 | City Council, 6:00 p.m.                               |
|                   | 20 | Planning Commission, 6:00 p.m. <b>(Thurs.) (To be</b> |
| <b>Cancelled)</b> |    |                                                       |
|                   | 25 | Bicycle and Pedestrian Advisory Committee, 4:00 p.m.  |

## G. ADJOURNMENT

**Clerk's Note:** The Regular Meeting adjourned at 6:17 PM.

**A motion was made by Member Ochoa, seconded by Member Gonzalez and carried by the following vote, to adjourn the Regular Meeting.**

**Aye:** 7 - Chairperson Harris  
Member Delgadillo  
Vice Chair Camper  
Member Gonzalez  
Member Pao Thao  
Member Smith  
Member Ochoa

**No:** 0

**Absent:** 0

BY:



KIM ESPINOSA, SECRETARY  
MERCED CITY PLANNING COMMISSION

APPROVED:

MICHAEL HARRIS, CHAIRPERSON  
MERCED CITY PLANNING COMMISSION