



CITY OF MERCED

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

Meeting Agenda

Planning Commission

Wednesday, October 23, 2024

6:00 PM

City Council Chamber, 2nd Floor, Merced Civic
Center, 678 W. 18th Street, Merced, CA 95340

NOTICE TO PUBLIC

WELCOME TO THE MEETING OF THE MERCED PLANNING COMMISSION

At least 72 hours prior to each regular Planning Commission meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the Planning Division Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Commission will be available for public inspection at the Planning Division Office during regular business hours. The Planning Commission also serves as the Board of Zoning Adjustment and the Design Review/Historic Preservation Commission. Assisted hearing devices are available for meetings held in the Council Chamber.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CLERK

Members of the audience who wish to address the Planning Commission are requested to complete a speaker card available at the podium against the right-hand side of the Council Chamber. Please submit the completed card to the Clerk before the item is called, preferably before the meeting begins. Speakers will be called up, 3 to 5 at a time, in the order in which the forms are received. Please use the microphone and state your name and city of residence for the record. For permits, licenses, and other entitlements, the applicant will be allowed 15 minutes (including rebuttal), the appellant/leader of the opposition will be allowed 15 minutes (including rebuttal), and all other speakers shall have 3 minutes each, unless the number of speakers is over 10, which in that case, comments shall be limited to 2 minutes each. For all other issues, for 3 or less speakers, 3 minutes each and for over 10 speakers, 2 minutes each shall be allotted. A timer clock is located above the City Council dais illuminating the remaining time. Once the buzzer sounds, please be courteous and conclude your remarks.

Material may be emailed to planningweb@cityofmerced.org no later than 1 PM on the day of the meeting. Please specify which portion of the agenda you are commenting on, for example, Item # or Oral Communications. Your comments will be presented to the Planning Commission at the appropriate time. Any correspondence received after 1 PM will be distributed to the Planning Commission and retained for the official record.

A. CALL TO ORDER

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

B. ROLL CALL

C. PUBLIC COMMENT

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 3 minutes. The Chairperson may, at their discretion, reduce the time to 2 minutes if there are more than 10 speakers, in order to accommodate as many speakers as possible. State law prohibits the Planning Commission from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item. Please submit a Request to Speak card prior to the item being called.

D. CONSENT CALENDAR

Adoption of the Consent Calendar may be made with one motion of the Planning Commission provided that any Planning Commission member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately. With Consent items, there is generally no staff presentation but staff is available for questions.

D.1 [24-1055](#) **SUBJECT:** Planning Commission Minutes of October 9, 2024

ACTION:

Approving and filing the Planning Commission Minutes of October 9, 2024

E. PUBLIC HEARINGS AND ACTION ITEMS

Members of the public who wish to speak on public hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Commission for discussion and action. Further comment will not be received unless requested by the Commission.

E.1 [24-941](#) **SUBJECT:** Conditional Use Permit #1282, initiated by Maria Aguilar, on behalf of Antonio and Laura Sanchez, property owners. This application involves a request to operate a food truck within the parking lot at 301 West 16th Street, generally located on the northwest corner of Martin Luther King Jr Way and West 16th Street, within a Central Commercial (C-C) Zone. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify
1) Environmental Review #24-27 (*Categorical*)

Exemption)

2) Conditional Use Permit #1282

SUMMARY

Maria Aguilar is requesting conditional use permit approval to operate a food truck within the parking lot located at 301 West 16th Street (Attachment B). Mobile Food Vendors are considered a conditional use within a Central Commercial (C-C) Zone. The proposed food truck would be located within a parking lot near the southern corner portion of the parcel (Attachment C). The Planning Commission will be reviewing this proposal to ensure that the new site plan is designed 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 #24-27 (Categorical Exemption) and Conditional Use Permit #1282 (including the adoption of the Resolution at Attachment A).

E.2 [24-980](#)

SUBJECT: General Plan Amendment #24-01, Northeast Yosemite Specific Plan Amendment #6, Zone Change #433, Establishment of Planned (P-D) Development #82, and Vesting Tentative Subdivision Map #1329 (“Paulson Ranch”), initiated by Stonefield Home, Inc., property owner. The General Plan Amendment would amend the Merced General Plan Transportation and Circulation Element by modifying the City of Merced Circulation Plan (Figure 4.1) and all associated maps and descriptions throughout the General Plan, to eliminate Destiny Drive (a collector road) from going through the subject site to Paulson Road (extension). The Northeast Yosemite Specific Plan Amendment would modify the design, layout, and circulation of the residential subdivision previously approved for this site. The Zone Change would be a change in zoning from Medium Density Residential (R-3-2) for a 1.08-acre portion of the project site for the Establishment of Planned Development (P-D) #82 to allow for 16 of the 113 lots to be small lots between 2,200 square feet and 3,700 square feet (with a zero-lot-line development). The Vesting Tentative Subdivision Map would subdivide approximately 39.12 acres into 113 single family lots (mostly between 6,000 and 7,000 square feet). The subject site is generally located on the south side of E. Cardella Road, 1,900 feet east of G Street. *PUBLIC HEARING*

ACTION: Table (withdraw) this item (at the applicant’s request).

SUMMARY

The developer is revising its proposal. The developer requests that this item be tabled to allow them to make modifications to its site plan and land use requests. After submission of the new proposal, staff will set a new public hearing date and prepare new notices of the hearing date and time.

RECOMMENDATION

Planning staff recommends that this item be tabled to allow the developer to make changes to its proposal.

E.3 [24-1061](#)

SUBJECT: Cancellation of November 6, 2024, Planning Commission Meeting due to a lack of items and November 20, 2024, and December 18, 2024, Planning Commission Meetings due to the holidays

ACTION:

Cancel the Planning Commission Meetings of November 6, 2024, November 20, 2024, and December 18, 2024

F. INFORMATION ITEMS

F.1 [24-1056](#)

SUBJECT: Report by Temporary Director of Development Services of Upcoming Agenda Items

ACTION

Information only.

F.2 [24-1057](#)

SUBJECT: Calendar of Meetings/Events

Oct.	21	City Council, 6:00 p.m.
	22	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.
	23	Planning Commission, 6:00 p.m.
Nov.	4	City Council, 6:00 p.m.
	6	Planning Commission, 6:00 p.m. (To be Cancelled)
	18	City Council, 6:00 p.m.
	20	Planning Commission, 6:00 p.m. (To be Cancelled)
Dec.	2	City Council, 6:00 p.m.
	4	Planning Commission, 6:00 p.m.
	10	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.
	16	City Council, 6:00 p.m.
	18	Planning Commission, 6:00 p.m. (To be Cancelled)

G. ADJOURNMENT



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 24-1055

Meeting Date: 10/23/2024

Report Prepared by: Kayla Abarca, Administrative Assistant II, Planning Division

SUBJECT: Planning Commission Minutes of October 9, 2024

ACTION:

Approving and filing the Planning Commission Minutes of October 9, 2024



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, October 9, 2024

6:00 PM

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

Clerk's Note: Commissioner OCHOA was absent, excused.

Present: 6 - Chairperson Michael Harris, Member Jose Delgadillo, Vice Chair Anthony Gonzalez, Member Yang Pao Thao, Member Walter Smith, and Member Jeremiah Greggains

Absent: 1 - Member Emanuelle Ochoa

C. PUBLIC COMMENT

There were no public comments.

D. CONSENT CALENDAR

D.1

SUBJECT: Vacation #24-02, to abandon an undeveloped 10-foot-wide storm drain easement at 1965 West Olive Avenue

ACTION:

Finding

1) The proposed vacation is consistent with the General Plan.

SUMMARY

Merced Security Storage, LLC is requesting a vacation of a 10-foot-wide storm drain easement at the eastern portion of 1965 West Olive Avenue (Attachment 1). This public utility easement was originally included in the plans for this development, but it was never completed. City Engineering and Planning have agreed that the proposed easement is no longer needed and can be returned to the property owner. The General Plan does not address the abandonment or vacation of easements; and thus, this

action does not conflict with any General Plan policies, text, or maps, so it can be considered “consistent.” The area to be vacated is 10 feet wide and runs from the southern property line to the northern property line for approximately 13,850 square feet. (Attachment 3)

RECOMMENDATION

Adopt a motion by minute action adopting a Finding that the proposed Vacation #24-02 is consistent with the General Plan.

A motion was made by Member Greggains, seconded by Member Gonzalez and carried by the following vote to find Vacation #24-02 consistent with the General Plan.

Aye: 6 - Chairperson Harris
Member Delgadillo
Vice Chair Gonzalez
Member Pao Thao
Member Smith
Member Greggains

No: 0

Absent: 1 - Member Ochoa

D.2

SUBJECT: Planning Commission Minutes of September 18, 2024

ACTION:

Approving and filing the Planning Commission Minutes of September 18, 2024

Chairperson HARRIS pulled this item for separate consideration.

A motion was made by Chairperson Harris, seconded by Member Gonzalez and carried by the following vote, to approve the minutes as amended by adding that a petition with over 100 signatures was received in opposition to CUP #1277 (Item E.1).

Aye: 6 - Chairperson Harris
Member Delgadillo
Vice Chair Gonzalez
Member Pao Thao
Member Smith
Member Greggains

No: 0

Absent: 1 - Member Ochoa

E. PUBLIC HEARINGS AND ACTION ITEMS

E.1

SUBJECT: Conditional Use Permit #1281, initiated by Moe Jawad, property owner. The application involves a request to establish a mobile

food vendor plaza for up to ten mobile food vendors with on-site seating for customers. The project consists of three parcels that total 0.68 acres or 30,000 square feet. The subject site is generally located on the northeast corner of West 16th Street and Martin Luther King Jr Way. The site has a General Plan designation of Regional/Central Commercial (CC) and is zoned Central Commercial (C-C). **PUBLIC HEARING**

- ACTION:**
- 1) Approve/Disapprove/Modify
 - 2) Environmental Review #24-24 (*Categorical Exemption*)
 - 3) Conditional Use Permit #1281

SUMMARY

Moe Jawad is requesting conditional use permit approval to establish a food truck parking area to allow up to ten food truck vendors and outdoor seating located at the northeast corner of West 16th and Martin Luther King Jr Way (231 and 245 W 16th Street and 1616 Martin Luther King Jr. Way). Mobile food vendor parking areas are considered a conditional use within a Central Commercial (C-C) Zone. The proposed parking area spans across multiple lots. The Planning Commission will be reviewing this proposal to ensure that the provided site plan is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development. Staff is recommending approval with conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #24-24 (*Categorical Exemption*) and Conditional Use Permit #1281 (including the adoption of the Draft Resolution at Attachment A) subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of the Draft Resolution.

Associate Planner RENTERIA reviewed the report on this item. For further information, refer to Staff Report #24-921.

Public Testimony was opened at 6:14 PM.

Staff received 1 email from JOHN LEWIS. The email was provided to the Planning Commission via email prior to the meeting and posted on the City's website.

Speaker from the Audience in Favor

ROBERT DYLINEA, Applicant, Merced, CA

There were no speakers in opposition to the project.

Public Testimony was closed at 6:41 PM.

The applicant requested to modify several conditions as follows: (Note: Strikethrough deleted language, underline added language.)

"13. The applicant shall ensure that all food truck vendors onsite have been notified that they must comply with the Water Quality Control Division's (WQCD) Best Management Practices regarding the disposal of cooking grease and proper cleaning of kitchen equipment, as shown on Attachment D of Staff Report #24-921 or as otherwise required by the WQCD.

"17. It shall be the applicants responsibility to make reasonable efforts to ensure that all customers park in an orderly fashion and do not block the driveway entrances or interfere with other customers driving through the site to access the parking on the adjacent parcel to the east.

"23. During hours of operation, food truck employees shall have access to a cell phone (either their own or one provided by the ~~business~~ food truck owner) in case of emergencies.

"29. ~~The applicant must contact the~~ The food truck operators shall obtain any applicable San Joaquin Air Pollution Control District permits prior to operating if the food trucks will be using gas generators""

A motion was made by Member Delgadillo, seconded by Member Gonzalez and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #24-24, and approve Conditional Use Permit #1281, subject to the Findings and thirty (30) Conditions as set forth in Staff Report #24-921, with Conditions #13, #17, #23, and #29 amended as shown above (RESOLUTION #4142).

Aye: 6 - Chairperson Harris
Member Delgadillo
Vice Chair Gonzalez
Member Pao Thao
Member Smith
Member Greggains

No: 0

Absent: 1 - Member Ochoa

F. INFORMATION ITEMS

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

ACTION
Information only.

F.2

SUBJECT: Calendar of Meetings/Events

- | | | |
|------|----|---|
| Oct. | 7 | City Council, 6:00 p.m. |
| | 9 | Planning Commission, 6:00 p.m. |
| | 21 | City Council, 6:00 p.m. |
| | 22 | Bicycle and Pedestrian Advisory Committee, 4:00 p.m. |
| | 23 | Planning Commission, 6:00 p.m. |
| Nov. | 4 | City Council, 6:00 p.m. |
| | 6 | Planning Commission, 6:00 p.m. (To be Cancelled) |
| | 18 | City Council, 6:00 p.m. |
| | 20 | Planning Commission, 6:00 p.m. (To be Cancelled) |

G. ADJOURNMENT

BY:

APPROVED:



KIM ESPINOSA, SECRETARY
MERCED CITY PLANNING COMMISSION

MICHAEL HARRIS, CHAIRPERSON
MERCED CITY PLANNING COMMISSION

CITY OF MERCED
Planning Commission

Resolution #4142

WHEREAS, the Merced City Planning Commission at its regular meeting of October 9, 2024, held a public hearing and considered **Conditional Use Permit #1281**, submitted by Moe Jawad, property owner. The application involves a request to establish a mobile food vendor plaza for up to ten mobile food vendors with on-site seating for customers. The project consists of three parcels that total 0.68 acres or 30,000 square feet. The subject site is generally located on the northeast corner of West 16th Street and Martin Luther King Jr Way. The site has a General Plan designation of Regional/Central Commercial (CC) and is zoned Central Commercial (C-C) also known as Assessor’s Parcel Number (APN) 031-154-010, 031-154-011 and 031-154-012; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through K (Exhibit B) of Staff Report #24-921; and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E), and other Considerations as outlined in Exhibit B; and,

NOW THEREFORE, after reviewing the City’s Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #24-24, and approve Conditional Use Permit #1281, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

Upon motion by Commissioner Delgadillo, seconded by Commissioner Gonzalez, and carried by the following vote:

AYES: Commissioners Greggains, Thao, Delgadillo, Smith, Gonzalez, and Chairperson Harris

NOES: None

ABSENT: Commissioner Ochoa

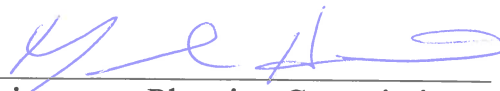
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4142

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October 9, 2024

Adopted this 9 th day of October 2024



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings

Conditions of Approval
Planning Commission Resolution # 4142
Conditional Use Permit #1281

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) - Attachment C of Staff Report #24-921, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City’s attorney’s fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval

of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. The applicant and all participating food truck vendors onsite shall comply with all City of Merced business licensing requirements and with all requirements of the Merced County Environmental Health Department. The applicant shall be responsible for ensuring that all food truck vendors meet this requirement.
8. At least two trash receptacles per food truck shall be provided while food is being served. The site and the immediate surrounding area shall be maintained free of all debris and trash generated from this use. Any permanent trash receptacles placed within the outdoor seating area shall be of the tamperproof variety. The Applicant shall work with the City Refuse Department to determine the proper location for a trash enclosure and if a recycling container will be required to comply with AB 341.
9. All signing shall be contained on the food trucks. No A-frame signs, banners, inflatable signs, feather signs, pennant signs, flags, or other moving or portable signs shall be permitted for this use anywhere onsite. (Some of these signs may be allowed during the applicant's 30-day grand opening period only). A temporary banner permit shall be obtained prior to installing any temporary signs. However, one permanent sign identifying the food truck parking area may be allowed. Details to be worked out with staff.
10. This approval allows the request for extended hours of 7 days a week from 6:00 a.m. to 3:00 a.m. If the applicant wishes to extend or modify the business hours in the future, they must obtain approval from the Director of Development Services and the Police Chief, or if deemed necessary by the Director of Development Services, be referred back to the Planning Commission for action.

11. If the business is open after dark, lights shall be provided on the vehicle or on the property that are sufficient to light the vehicle and at least a 50-foot radius around the vehicle. If lights are not provided, the business shall close at sundown.
12. Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility.
13. The applicant shall ensure that all food truck operators onsite are notified that they must comply with the Water Quality Control Division's (WQCD) Best Management Practices regarding the disposal of cooking grease and proper cleaning of kitchen equipment, as shown on Attachment D of Staff Report #24-921 or as otherwise required by the WQCD.
14. If problems arise as a result of this use that may require excessive Police Department service calls to the site, in the opinion of the Police Chief, or within the immediate area including, but not limited to, excessive harassment, malicious property damage, lewd and/or disorderly conduct, this approval may be subject to review and revocation by the City of Merced.
15. In the future, if there are excessive calls for police assistance, the Police Chief may require the applicant to install exterior video surveillance cameras. Any video related to criminal investigations must be accessible immediately for viewing by the Merced Police Department or any other law enforcement agency. A recorded copy of surveillance video, requested in connection with a criminal investigation, must be reasonably accessible and available within 24 hours when requested by law enforcement. The business owner is responsible for maintaining the video surveillance equipment in an operable manner at all times.
16. Food trucks shall be oriented in a manner that allows room for customers to gather without being in danger of collisions from vehicles entering/exiting the site. The food trucks shall not block the driving aisles or access to the alley.
17. The applicant shall make reasonable efforts to ensure all customers park in an orderly fashion and do not block the driveway entrances or interfere with other customers driving through the site to access the parking on the adjacent parcel to the east.

18. The applicant shall comply with all regulations found in Merced Municipal Code Section 20.44.020 - Food Trucks in Fixed Locations, except as modified by these conditions.
19. The applicant shall provide parking at a ratio of 2 parking stalls per food truck onsite or 1 parking stall per every 2.5 seats, whichever number is greater. The new parking spaces shall be designed to meet Zoning requirements and the City's Engineering Standards.
20. The parking stalls shall be striped with paint.
21. Food truck activities shall in no way interfere with the operation of nearby businesses, including noise, litter, loitering, and traffic circulation.
22. The business owner(s) shall ensure that restroom facilities are available for the employees that meet the Merced County Environmental Health Department's requirements and distance from the business operation. Facilities that are classified as portable toilets shall not be allowed.
23. During hours of operation, food truck employees shall have access to a cell phone (either their own or one provided by the food truck operator) in case of emergencies.
24. The sale of alcohol by any mobile food vendor is prohibited.
25. Minor adjustments to the site plan may be reviewed and approved by the Director of Development Services, or if deemed necessary, be referred to the Planning Commission.
26. Any music (live or played over outdoor speakers) shall be kept to a minimum noise level so as not to travel outside the immediate area and disturb the surrounding businesses. Music may only be played between the hours of 7:00 a.m. and 9:00 p.m. daily.
27. Any outdoor heating units or large tents used onsite shall be listed and approved by the Fire Department.
28. The food truck shall comply with the Fire Departments Food Truck Safety Fact Sheet shown at Attachment E of Planning Commission Staff Report #24-921.
29. The food truck operator shall obtain any applicable permits from the San Joaquin Valley Air Pollution Control District prior to operating if the food trucks will be using gas generators.

30. If the operations are to remain on site for longer than two years from the date of approval of this Conditional Use Permit, the applicant must install a trash enclosure per Refuse Department Standards. The applicant must also provide permanent utilities to the food trucks, including a permanent power source and plumbing.

**Findings and Considerations
Planning Commission Resolution #4142
Conditional Use Permit #1281**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed Project complies with the General Plan designation of Regional/ Community Commercial (CC) and the zoning designation of Central Commercial (C-C) with approval of this Conditional Use Permit.

Traffic/Circulation

- B) The proposed site plan shows vehicle access to the subject site from 16th Street and the alley north of the project site with two 14.5-foot-wide one-way drive aisles to be maintained, on the north and south portion of the project site. Circulation leads from W. 16th Street out to the alley access at the northern portion of the subject site leading out to Martin Luther King Jr. Way. Customer and employee parking stalls would be located within the spaces to be created per Engineering Standards. The food truck parking area and outdoor seating would be located along the southwest portion of the subject site. All parking areas and seating areas shall be designed to satisfy the City's Engineering Standards for parking lots (Condition #19 of Staff Report #24-921), oriented in a manner that does not block any driving aisles, and provides ample space for customers to gather around the food trucks without backing into traffic. The parking lot would be striped with a fresh coat of paint to accommodate the proposed site plan (Condition #20 of Staff Report #24-921).

Parking

- C) The subject site used to be a KFC and a restaurant, the KFC building has since been demolished and the restaurant building is currently vacant. The site already contains ample parking spaces; the applicant has also proposed to place two rows of parking in the northeast corner of the project site and a third row of parking along the northern portion of the project site, for a total of 23 stalls. The Applicant is proposing 12 tables for customer use (an average of 96 seats). Parking for the food trucks shall be provided at a ratio of 2 parking stalls per food truck or 1 parking stall per every 2.5 outdoor seats, whichever number is greater (Condition #19 of Staff Report #24-921). Based on the number of seats, the site shall require a minimum of 38; depending on space, the applicant has been

contacted by 5 interested food truck vendors to participate; at 2 spaces per truck, the requirement would be 10 parking spaces. Parking requirements would be reviewed by Planning staff as food truck vendors request business license approval to sell within the subject site.

Public Improvements/City Services

- D) The subject site is fully developed and most public improvements are existing. Each food truck would be self-contained and would not require a separate connection to the City's sewer and/or water systems.

Site Design

- E) The subject site includes three lots generally located at the northeast corner of Martin Luther King Jr. Way and W. 16th Street. Vehicle access is available from W. 16th Street, at the southern portion of the subject site, and an alleyway at the northern portion of the site which leads to Martin Luther King Jr. Way. Outdoor seating and food truck parking is reserved along the center-southwest portion of the site (Attachment C of Staff Report #24-921). The applicant proposes the use of 12 tables (an average of 96 seats). The subject site, parking stalls, and driving aisles shall be designed to meet the City's Engineering Standards for parking lots.

Neighborhood Impact/Interference

- F) The subject site is surrounded by a variety of commercial uses. Surrounding uses to the north, south, east, and west, include a vacant building (former restaurant), Appliance Repair, Golden Dreams Retail Store, a thrift store, and a vacant furniture store building. Many of the uses in the neighborhood consist of businesses and there's many entertainment uses (restaurants and bars) half of a block away. Given the existing commercial surroundings staff is of the opinion that the proposed food truck parking is in conformance with the area and can conveniently sell food to employees working and residents living in the neighborhood.

Signage

- G) Food trucks are not allowed any signs other than what is provided on the vehicle itself. Condition #9 of Staff Report #24-921 prohibits the use of any A-frame signs, feather signs, pennants, or other freestanding signs. However, a permanent sign to identify the parking area itself can be allowed (details to be worked out with staff).

Truck Details/Operation/Hours of Operation

- H) The applicant does not have a list of confirmed vendors to be participating, but they have been approached by 5 interested vendors. Food trucks shall be standard in appearance and size and meet the requirements of the Merced County Environmental Health Department. Trash receptacles would be provided to collect the disposable plates, eating utensils, aluminum foil, and paper bags that are typically used to serve their meals (Condition #8 of Staff Report #24-921). The sale of alcohol is prohibited (Condition #24 of Staff Report #24-921) by any food truck. The applicant proposes to use the vacant restaurant building on site for employee restroom, which is within a 200-foot-distance from where the food trucks would be located. Employee restrooms shall be made available within a 200-foot-distnace of the site as allowed by the Health Department and agreed upon by the property owner (Condition #22 of Staff Report #24-921). Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility (Condition #12 of Staff Report #12-921). The applicant shall comply with the Water Quality Control Division's (WQCD) Best Management Practices regarding the disposal of cooking grease and proper cleaning of kitchen equipment, as shown at Attachment D of Staff Report #24-921, or as otherwise required by the WQCD (Condition #13 of Staff Report #24-921).
- I) The applicant has proposed hours of operation be 7 days a week from 6:00 a.m. to 3:00 a.m., which is outside of the usual 7:00 a.m. to 9:00 p.m. hours that most food trucks in the City operate within. Because of the number of nearby uses that stay open later, (such as bars, restaurants, the movie theater, etc.)the applicants have proposed these expanded hours. Staff is recommending a number of conditions in order to address these expanded hours, including Condition # 26, which limits the playing of music past 9:00 p.m., Condition #14 which allows the City to review the permit if excessive calls for service are received; Condition #15 regarding security and surveillance, etc.

Conditional Use Permit Findings

- J) A Conditional Use Permit is required to allow mobile food vendors within a Central Commercial Zone per Merced Municipal Code (MMC) Table 20.10-1 Permitted Land Uses in the Commercial Zoning Districts.

In order for the Planning Commission to approve or deny a conditional use permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) “Findings for Approval for Conditional Use Permits.”

MMC 20.68.020 (E) Findings for Approval.

1. *The proposed use is consistent with the purpose and standards of the zoning district, the general plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

The proposed project complies with the General Plan designation of Regional/ Community Commercial (CC) and the zoning designation of Central Commercial (C-C) with approval of this Conditional Use Permit.

2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

The mobile food vendor shall be required to comply with all relevant standards and requirements from MMC Section 20.44.020 – Food Trucks in Fixed Location, to provide compatibility with surrounding sites. Said standards and requirements are in regard to hours of operation, parking, access, maintenance, advertising, and licenses required, including modifications within this approval.

3. *The proposed use will not be detrimental to the public health, safety, and welfare of the City.*

To ensure the proposal is not detrimental to the public health, safety, and welfare of the City, the applicant shall subsequently apply for permit approval from the Merced County Environmental Health Department, as required for establishments selling hot meals. The Environmental Health Department would inspect food truck cooking facilities before the business could sell food to the general public.

4. *The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.*

The proposed mobile food vendors are located within the City and can be adequately accessed through existing roads. Each food truck would be self-contained with its own water and power and would

not need to hook-up to City utilities. Each food truck would be serviced at an appropriate commissary facility.

Environmental Clearance

- K) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e. no further environmental review is needed) is being recommended (Attachment F of Staff Report #24-921).



ADMINISTRATIVE REPORT

File #: 24-941

Meeting Date: 10/23/2024

Planning Commission Staff Report

Report Prepared by: Matt Livingston, Assistant Planner, Development Services Department

SUBJECT: Conditional Use Permit #1282, initiated by Maria Aguilar, on behalf of Antonio and Laura Sanchez, property owners. This application involves a request to operate a food truck within the parking lot at 301 West 16th Street, generally located on the northwest corner of Martin Luther King Jr Way and West 16th Street, within a Central Commercial (C-C) Zone. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #24-27 (Categorical Exemption)
- 2) Conditional Use Permit #1282

SUMMARY

Maria Aguilar is requesting conditional use permit approval to operate a food truck within the parking lot located at 301 West 16th Street (Attachment B). Mobile Food Vendors are considered a conditional use within a Central Commercial (C-C) Zone. The proposed food truck would be located within a parking lot near the southern corner portion of the parcel (Attachment C). The Planning Commission will be reviewing this proposal to ensure that the new site plan is designed 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 #24-27 (Categorical Exemption) and Conditional Use Permit #1282 (including the adoption of the Resolution at Attachment A).

DISCUSSION

Project Description

The applicant is proposing to operate a food truck within the parking lot located at 301 West 16th Street. (Attachment B). The food truck would be located within a parking lot near the southern corner portion of the parcel and be oriented in a manner that does not block driving aisles or fire lanes (Attachment C). The food truck would operate daily between 7:00 a.m. and 9:00 p.m., as allowed by the City's Zoning Ordinance (Merced Municipal Code 20.44.020). Employee restrooms would be located inside the adjacent building (currently occupied by Sanchez Appliance), as allowed by the

Merced County Environmental Health Department. The sale of alcohol by the food truck is prohibited (Condition #22).

Surrounding uses as noted in Attachment B.

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Stereo Plus Accessories	Central Commercial (C-C)	Regional/Community Commercial (RC)
South	Unoccupied (Used to be Minerva's Furniture Gallery)	General Commercial (C-G)	General Commercial (CG)
East	Pulga Insurance Services	Central Commercial (C-C)	Regional/Community Commercial (RC)
West	Sanchez Appliance	Central Commercial (C-C)	Regional/Community Commercial (RC)

Background

Sanchez Appliance is currently operating at 315 West 16th Street. 301 West 16th Street currently serves as the parking lot for this business and has the same ownership. The lot that Sanchez Appliance sits on is roughly 4,500 square feet, and the parking lot on which this proposed food truck would operate is roughly 5,000 square feet. There are 2 entrances into this lot, one from West 16th Street, and one from Martin Luther King Jr Way. The proposed location of this food truck will not block or impede traffic from accessing this lot.

Findings/Considerations

Please refer to Exhibit B of the Draft Planning Commission Resolution at Attachment A.

ATTACHMENTS

- A) Draft Planning Commission Resolution
- B) Location Map
- C) Site Plan
- D) Water Quality Control Division Best Management Practices Brochure
- E) Categorical Exemption
- F) Presentation

CITY OF MERCED
Planning Commission

Resolution #4143

WHEREAS, the Merced City Planning Commission at its regular meeting of October 23, 2024, held a public hearing and considered **Conditional Use Permit #1282**, initiated by Maria Aguilar on behalf of Antonio and Laura Sanchez, property owners. This application involves a request to operate a food truck at 301 West 16th Street. The subject site is generally located on the northwest corner of Martin Luther King Jr Way and West 16th Street, within a Zoning Classification of Central Commercial (C-C) Zone; Assessor’s Parcel Number (APN) 031-152-11.

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J (Exhibit B) of Staff Report #24-941; and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E), and other Considerations as outlined in Exhibit B; and,

NOW THEREFORE, after reviewing the City’s Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #24-27, and approve Conditional Use Permit #1282, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

Upon motion by Commissioner _____, seconded by Commissioner _____, and carried by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION #4143

Page 2

October 23, 2024

Adopted this 23rd day of October 2024

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B – Findings

Conditions of Approval
Planning Commission Resolution #4143
Conditional Use Permit #1282

1. The proposed project shall be constructed/designed/operated as shown on the Site Plan (Attachment C of Staff Report #24-941), except as modified by the conditions.
2. All conditions contained in Resolution #1282-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #16 which has been superseded by Code) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City’s attorney’s fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4143

of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. The applicant shall comply with all City of Merced business licensing requirements and with all requirements of the Merced County Environmental Health Department.
8. No outdoor tables or chairs shall be permitted on the premises, unless otherwise approved by the Planning Department in consideration of all relevant parking and vehicle circulation areas on this site.
9. At least two tamperproof trash receptacles shall be provided while food is being served. The site and the immediate surrounding area shall be maintained free of all debris and trash generated from this use.
10. All signing shall be contained on the food truck. No A-frame signs, banners, inflatable signs, feather signs, pennant signs, flags, or other moving or portable signs shall be permitted for this use anywhere on or off the site.
11. The hours of operation shall be any span of time between 7:00 a.m. and 9:00 p.m. and the business may be open 7 days a week. However, if the business is open after dark, lights shall be provided on the vehicle or on the property that are sufficient to light the vehicle and at least a 50-foot radius around the vehicle. If lights are not provided, the food truck shall close at sundown.
12. If the business owners wish to extend the business hours in the future, they must obtain approval from the Development Services Director or designee, or if deemed necessary by the Development Services Director or designee, be referred back to the Planning Commission for action.

13. Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility.
14. The applicant shall comply with the Water Quality Control Division's (WQCD) Best Management Practices regarding the disposal of cooking grease and proper cleaning of kitchen equipment, as shown on Attachment D of Staff Report #24-941, or as otherwise required by the WQCD.
15. If problems arise as a result of this business that may require excessive Police Department service calls, in the opinion of the Police Chief, to the site or within the immediate area including, but not limited to, excessive harassment, malicious property damage, lewd and/or disorderly conduct, this approval may be subject to review and revocation by the City of Merced.
16. During hours of operation, food truck employees shall have access to a cell phone (either their own or one provided by the business owner) in case of emergencies.
17. In the future, if there are excessive calls for police assistance in the opinion of the Police Chief, the Police Chief may require the applicant to install exterior video surveillance cameras. Any video related to criminal investigations must be accessible immediately for viewing by the Merced Police Department or any other law enforcement agency. A recorded copy of surveillance video, requested in connection with a criminal investigation, must be reasonably accessible and available within 24 hours when requested by law enforcement. The business owner is responsible for maintaining the video surveillance equipment in an operable manner at all times.
18. The food truck shall be oriented as to not block the parking stalls to allow room for customers to gather without being in danger of collisions from vehicles entering/exiting the site.
19. It shall be the operator's responsibility to ensure all customers park in an orderly fashion and don't block the driveway entrances or interfere with other customers visiting the site.
20. The applicant shall comply with all regulations found in Merced Municipal Code Section 20.44.020 - Food Trucks in Fixed Locations, except as modified by these conditions.

21. Food truck activities shall in no way interfere with the operation of any business on the lot, or nearby businesses, including noise, litter, loitering, and traffic circulation, refuse service, and public safety.
22. The owner shall ensure that restroom facilities are available for the employees. These restrooms shall be provided in a permanent building that meets the Health Department's requirements for distance from the business operation. Portable toilets shall not be allowed.
23. The mobile food vendor is prohibited from selling alcohol.
24. "No Loitering" signs shall be posted on the food truck and building onsite at specific locations approved by the City Police Department.
25. The site is to remain well lit, as required by the City Police Department.
26. If the food truck will not stay at this location after hours, the water and electrical hookups must be secured.
27. The onsite bathrooms must be secured during non-business hours.
28. The operators of this food truck must identify what they will use as commissary, as the property does not have a grease interceptor.
29. All electric cords must be organized in a way to prevent tripping, and outlets must not be overcharged with multiple connections, per the City Fire department.
30. Propane tanks must not exceed 5 gallons in size without special approval from the City Fire Department.
31. Replacement of fuel gas containers in portable outdoor gas-fired heating appliances shall not be conducted while the public is present.
32. Spare tanks are not allowed in the area.
33. No motorized vehicles shall be parked within 20 feet of the food truck.
34. Fire extinguishers must be located in an easily accessible location.
35. No combustible storage is allowed near any cooking equipment or other sources of ignition.
36. No Cooking operations used under any membrane structures. (Canopies)
37. In lieu of the applicant submitting a new site plan, the 2 proposed new parking spaces shown in Attachment C of Staff Report #24-941 may not be used as there is not enough space for them.

**Findings and Considerations
Planning Commission Resolution #4143
Conditional Use Permit #1282**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed Project complies with the General Plan designation of Regional/Community Commercial (RC) and the zoning classification of Central Commercial District (C-C), with approval of this Conditional Use Permit.

Traffic/Circulation

- B) The applicant is proposing to locate the food truck at the southwest corner of a parking lot located at 301 W. 16th Street. The parking on this property supports Sanchez Appliance (Attachment C of Staff Report #24-941). The food truck would be oriented in a way to not affect the flow of traffic and parking in this lot, and to provide space for customers to gather around the food truck (Condition #18 of Staff Report #24-941). Orienting the food truck in this manner allows vehicles to enter and exit the subject site without impediments. In addition, the applicant shall be required to preserve access for the Refuse Department so that their trucks can access this site and serve this property (Condition #21 of Staff Report #24-941).

Parking

- C) The subject site must meet the minimum parking requirements for the existing businesses onsite and the proposed food truck. This parking lot is used by Sanchez Appliance. Typically, a mobile food vendor is required to have a minimum of 2 parking stalls. This location falls within the High-Quality Transit area and qualifies for a parking reduction, therefore, the parking provided onsite has been deemed to be adequate.

Public Improvements/City Services

- D) The subject site is fully developed, and most public improvements are existing. The food truck is self-contained and would not require a separate connection to the City's sewer and/or water systems.

Site Design

- E) The subject site is located on the northwest corner of West 16th Street and Martin Luther King Jr Way. The subject site is a paved 0.11-acre parcel that is currently being used as parking for Sanchez Appliance at 315 W. 16th Street. Vehicle access is available from driveways along West 16th and Martin Luther King Jr Way. Customer parking is available along the northern portion of the parcel, in front of Sanchez Appliance. As shown at Attachment C of Staff Report #24-941, the food truck would be located near the southern portion of the parcel and oriented in a manner that does not create congestion for customers driving to and from the site. The property owner is not proposing to make any other modifications. Outdoor seating is prohibited (e.g., tables, umbrellas, chairs, etc.) as shown under Condition #8 of Staff Report #24-941, unless subsequently approved by the Planning Department. “No Loitering” signs shall be posted on the food truck onsite at specific locations approved by the City Police Department (Condition #24 of Staff Report #24-941).

Neighborhood Impact/Interference

- F) The subject site is located on 16th Street, a busy street in Downtown, surrounded by a variety of commercial uses. Adjacent to the north of this property exists a stereo and car accessories store. To the east is an insurance service business. To the south of the site is a vacant building that used to be Minerva’s Furniture Gallery. Given the existing traffic volumes and dense variety of commercial uses throughout the neighborhood, staff does not anticipate that this proposal would significantly change the neighborhood’s character.

Signage

- G) The food truck is not allowed any signs other than what is provided on the vehicle itself. Condition #10 of Staff Report #24-941 prohibits the use of any A-frame signs, inflatable signs, feather signs, pennants, or other freestanding signs.

Truck Details/Operation

- H) Per the Municipal Code, the food truck can operate daily between 7:00 a.m. to 9:00 p.m. Trash receptacles will be provided to collect the plates, forks, aluminum foil, and paper bags that are typically used to serve these meals (Condition #9 of Staff Report #24-941). The sale of alcohol is prohibited (Condition #23 of Staff Report #24-941). Employee restrooms will be available inside Sanchez Appliance as allowed by the Health Department and agreed upon by the property owner (Condition #22 of Staff Report #24-941). Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility (Condition #13 of Staff Report #24-941). The applicant shall comply with the Water Quality Control Division's (WQCD) Best Management Practices regarding the disposal of cooking grease and proper cleaning of kitchen equipment, as shown at Attachment D of Staff Report #24-941, or as otherwise required by the WQCD (Condition #14 of Staff Report #24-941).

Conditional Use Permit Findings

- I) A Conditional Use Permit is required to allow mobile food vendors within the Central Commercial District Zone per Merced Municipal Code (MMC) Table 20.10-1 Permitted Land Uses in the Commercial Zoning Districts. In order for the Planning Commission to approve or deny a conditional use permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) "Findings for Approval for Conditional Use Permits."

MMC 20.68.020 (E) Findings for Approval.

- 1. The proposed use is consistent with the purpose and standards of the zoning district, the general plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

The proposed project complies with the General Plan designation of Regional/Community Commercial (RC) and the zoning classification of Central Commercial District (C-C) with approval of this Conditional Use Permit.

- 2. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

The mobile food vendor shall be required to comply with all relevant standards and requirements from MMC Section 20.44.020 – Food Trucks in Fixed Location, to provide compatibility with surrounding sites. Said standards and requirements are in regard to hours of operation, parking, access, maintenance, advertising, and licenses required.

3. *The proposed use will not be detrimental to the public health, safety, and welfare of the City.*

To ensure the proposal is not detrimental to the public health, safety, and welfare of the City, the applicant shall subsequently apply for permit approval from the Merced County Environmental Health Department, as required for establishments selling hot meals. The Environmental Health Department would inspect food truck cooking facilities before the business could sell food to the general public.

4. *The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.*

The proposed mobile food vendor is located within the City and can be adequately accessed through existing roads. The food truck would be self-contained with its own water and power and would not need to hook-up to City utilities. The food truck would be serviced at an appropriate commissary facility.

Environmental Clearance

- J) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e., no further environmental review is needed) is being recommended (Attachment E of Staff Report #24-941).



Stereo Plus Accessories

Intoxalock Ignition Interlock

Restrooms

Sanchez Appliance

Food truck

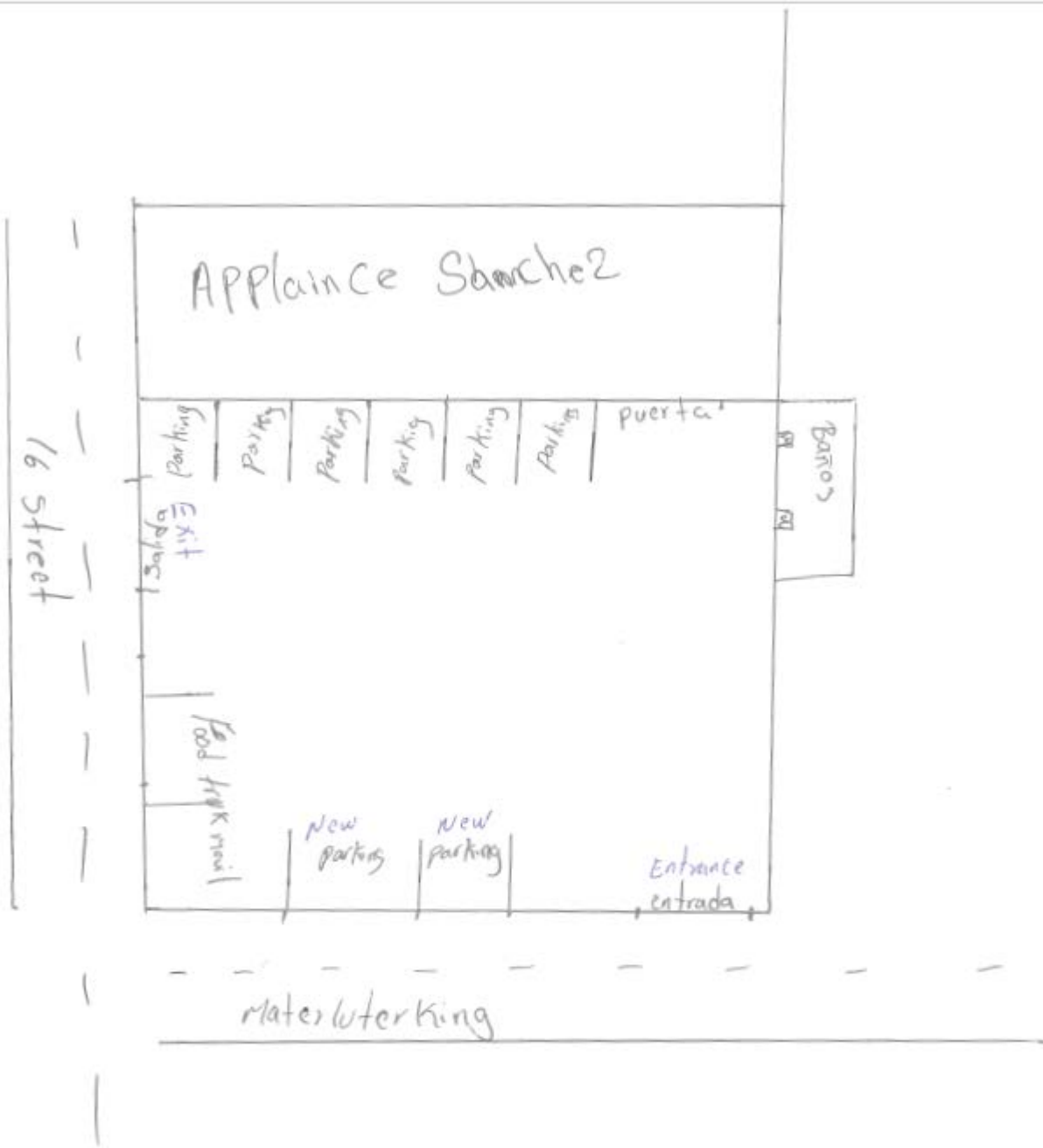
MLK Jr Way

West 16th Street

Starbucks

Unoccupied lot,
(Used to be Minervas
Furniture Gallery)

Pulga Insurance



MERCED MUNICIPAL CODE

15.50050 - Discharge of non-storm water prohibited

A. Except as provided in Section 15.50060, it is unlawful, and a misdemeanor subject to penalties in accordance with Chapter 1.12 of the Code, for any person to make or cause to be made any non-storm water discharge.

B. Notwithstanding the exemptions provided by Section 15.50060, if the regional water quality control board or the enforcement official determines that any otherwise exempt discharge causes or significantly contributes to violations of any storm water permit, or conveys significant quantities of pollutants to surface water or storm water conveyance, or is a danger to public health or safety, such discharge shall be prohibited from entering the storm water conveyance system.

15.50050 - General penalties

A. Misdemeanors. Unless otherwise provided, any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail of Merced County for a period not to exceed one (1) year, or by both such fine and imprisonment.

**REPORT
ILLEGAL DUMPING
(209) 385-6905**

City of 
Merced
Gateway to Yosemite



For further information, please contact our office at:

City of Merced
Water Quality Control Division
1776 Grogan Avenue
Merced, CA 95341
(209) 385-6204
www.cityofmerced.org

**FOOD TRUCKS
AND
STORM WATER**



The City of Merced is providing storm water pollution prevention through public outreach and the Storm Water Ordinance. The Merced Municipal Code 15.50.020 - Purpose and intent states:

A. The purpose of this chapter is to protect and promote the health, safety, and general welfare of the citizens of City of Merced by controlling non-storm water discharges to the storm water conveyance system from spills, dumping, or disposal of materials other than storm water, and by reducing pollutants in urban storm water discharges to the maximum extent practicable.

B. This chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies, and wetlands in a manner permitted to and consistent with the Federal Clean Water Act (33 U.S.C. Sections 1251 et seq.) and any subsequent amendments thereto by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges into the storm drain system.



Anything that spills or leaks on the ground of areas such as streets, sidewalks, drainage channels, or parking lots of the City of Merced eventually becomes storm water pollutants. Everything that flows into a storm drain, goes directly to our creeks and rivers, untreated. This means aquatic life can die and areas for water recreation become unsafe for human enjoyment.

Mobile Food Trucks play a major role in minimizing storm water pollution, because of the mobile aspect of the business. The following are important responsibilities of Food Trucks to aid in the protection of our environment, as well as, the health, safety and general welfare of the citizens of Merced.

DO'S

Visit commissary DAILY for disposing of fats, oils and grease - keep logs



Clean spills using dry methods, like absorbents



Clean kitchen equipment indoors or at wash facility with an oil separator or a grease interceptor



Clean mobile food truck at an approved wash facility



DON'TS

Do not dispose of waste fats, oils and grease in storm drains or drainage ditches



Do not use water to clean up spills



Do not clean kitchen equipment outdoors where wastewater could impact the storm drain



Do not clean mobile food truck at place of residence



NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044
Merced, CA 95340

From: (Public Agency)
City of Merced
678 West 18th St.

X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Conditional Use Permit #1282 (Environmental Review #24-27)

Project Applicant: Maria Aguilar for Antonio and Laura Sanchez (property owners)

Project Location (Specific): 301 W. 16th Street **APN:** 031-152-011

Project Location - City: Merced **Project Location - County:** Merced

Description of Nature, Purpose, and Beneficiaries of Project: Operate a food truck in the parking lot of an appliance repair store.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Maria Aguilar for Antonio and Laura Sanchez (property owners)

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- X Categorical Exemption. State Type and Section Number: 15311c
- Statutory Exemptions. State Code Number: _____.
- General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: As defined under the above referenced Section, the proposed project is considered an accessory structure. Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

- (a) On-premise signs
- (b) Small parking lots
- (c) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

Lead Agency: City of Merced

Contact Person: Matt Livingston **Area Code/Telephone:** (209) 388-7350

Signature: Matt Livingston Date: September 17, 2024

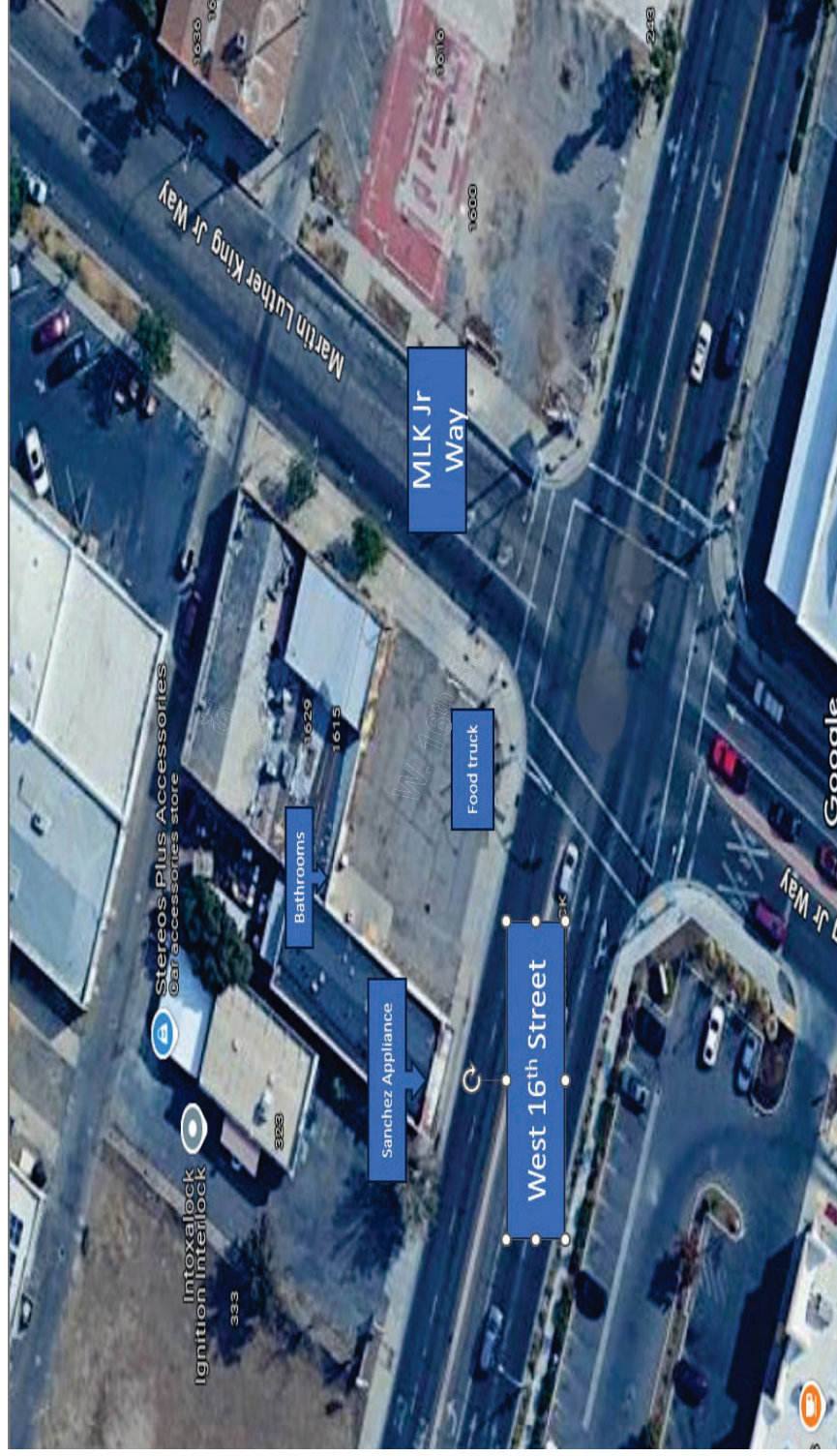
Title: Assistant Planner

X Signed by Lead Agency Date Received for Filing at OPR: n/a
(If applicable)

CUP #1282

Maria Aguilar
Food Truck/Trailer in a C-C Zone
301 West 16th Street

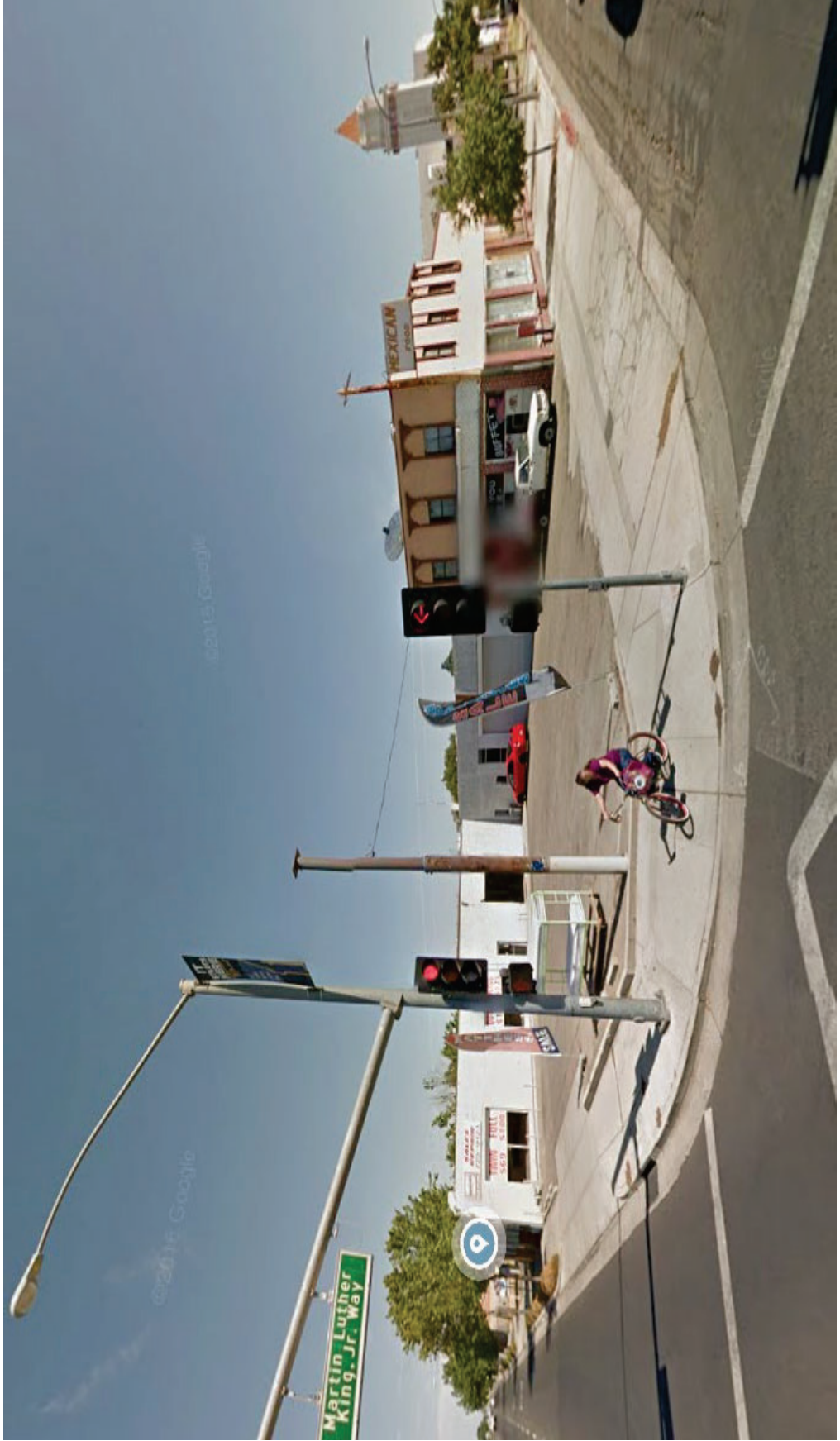
Location Map



REQUEST:

- Locate a food truck/trailer on a gas station parking lot.
- Subject site is within the C-C Zone, which requires CUP review.

Street View



Site Plan

- Vehicle access from 16th St. and Martin Luther King Jr Way
- Food trailer oriented in a way that allows for flow of traffic and parking.
- Bathrooms inside existing Sanchez Appliance Store. No portable restrooms.
- The two “new parking” spaces on this plan will not be implemented as there is not enough space. (Condition 37)



Safety Concerns and Conditions

Staff is including the following conditions:

- **Condition #9:** At least 2 trash receptacles shall be provided while food is being served.
- **Condition #10:** Prohibits temporary signs.
- **Condition #11:** Limits the hours of operation between 7:00 a.m. and 9:00 p.m.
- **Conditions #15 & #17:** Notes that the City may revoke this CUP if excessive service calls are made to the PD and that the PD reserves the right to require video cameras in the future.
- **Condition #23:** Prohibits the sale of alcohol.
- **Condition #24:** Requires posting “No Loitering” signs.



Operational Conditions

- **Condition #7:** Requires compliance with Merced County Environmental Health Department.
- **Condition #14:** Requires compliance with the City's Water Quality Control Division's requirement for disposal of cooking grease and proper cleaning of kitchen equipment.
- **Condition #22:** Requires employees' access to indoor restrooms (from Sanchez Appliances) as allowed by the Health Department. Portable restrooms are prohibited.



Planning Commission may approve, modify, or

deny:

- Environmental Review #24-27 (Cat. Ex.)
- Conditional Use Permit #1282

(subject to 37 Conditions of Approval)



ADMINISTRATIVE REPORT

File #: 24-980

Meeting Date: 10/23/2024

Planning Commission Staff Report

Report Prepared by: Francisco Mendoza-Gonzalez, Senior Planner, Development Services Department

SUBJECT: General Plan Amendment #24-01, Northeast Yosemite Specific Plan Amendment #6, Zone Change #433, Establishment of Planned (P-D) Development #82, and Vesting Tentative Subdivision Map #1329 (“Paulson Ranch”), initiated by Stonefield Home, Inc., property owner. The General Plan Amendment would amend the Merced General Plan Transportation and Circulation Element by modifying the City of Merced Circulation Plan (Figure 4.1) and all associated maps and descriptions throughout the General Plan, to eliminate Destiny Drive (a collector road) from going through the subject site to Paulson Road (extension). The Northeast Yosemite Specific Plan Amendment would modify the design, layout, and circulation of the residential subdivision previously approved for this site. The Zone Change would be a change in zoning from Medium Density Residential (R-3-2) for a 1.08-acre portion of the project site for the Establishment of Planned Development (P-D) #82 to allow for 16 of the 113 lots to be small lots between 2,200 square feet and 3,700 square feet (with a zero-lot-line development). The Vesting Tentative Subdivision Map would subdivide approximately 39.12 acres into 113 single family lots (mostly between 6,000 and 7,000 square feet). The subject site is generally located on the south side of E. Cardella Road, 1,900 feet east of G Street. *PUBLIC HEARING*

ACTION: Table (withdraw) this item (at the applicant’s request).

SUMMARY

The developer is revising its proposal. The developer requests that this item be tabled to allow them to make modifications to its site plan and land use requests. After submission of the new proposal, staff will set a new public hearing date and prepare new notices of the hearing date and time.

RECOMMENDATION

Planning staff recommends that this item be tabled to allow the developer to make changes to its proposal.



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 24-1061

Meeting Date: 10/23/2024

Report Prepared by: Kim Espinosa, Temporary Director of Development Services

SUBJECT: Cancellation of November 6, 2024, Planning Commission Meeting due to a lack of items and November 20, 2024, and December 18, 2024, Planning Commission Meetings due to the holidays

ACTION:

Cancel the Planning Commission Meetings of November 6, 2024, November 20, 2024, and December 18, 2024



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 24-1056

Meeting Date: 10/23/2024

Planning Commission Staff Report

SUBJECT: Report by Temporary Director of Development Services of Upcoming Agenda Items

ACTION

Information only.



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 24-1057

Meeting Date: 10/23/2024

Planning Commission Staff Report

SUBJECT: Calendar of Meetings/Events

Oct.	21	City Council, 6:00 p.m.
	22	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.
	23	Planning Commission, 6:00 p.m.
Nov.	4	City Council, 6:00 p.m.
	6	Planning Commission, 6:00 p.m. (To be Cancelled)
	18	City Council, 6:00 p.m.
	20	Planning Commission, 6:00 p.m. (To be Cancelled)
Dec.	2	City Council, 6:00 p.m.
	4	Planning Commission, 6:00 p.m.
	10	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.
	16	City Council, 6:00 p.m.
	18	Planning Commission, 6:00 p.m. (To be Cancelled)