



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:



KIM ESPINOSA, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:



MICHAEL HARRIS, CHAIRPERSON
MERCED CITY PLANNING COMMISSION