

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4180**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of May 6, 2026, held a public hearing and considered **Conditional Use Permit #26-0021**, and **Environmental Review #26-0051**, initiated by V&S Real Estate Investment LLC, property owners. This application involves a request to operate a multi-food truck park within the vacant parking lot of an approximately 1.16 -acre lot at 402 Mercy Avenue. The subject site is generally located south of Mercey Avenue, approximately 205 feet east of Sandpiper Avenue. The subject site has a General Plan designation of Office Commercial (CO) and a Zoning classification of Office Commercial (C-O). Said property being more particularly described as Parcel 2, as shown on that certain map entitled “V&S Real Estate Investments LLC” recorded Volume 115, Page 21 of Merced County Records; also known as Assessor’s Parcel Number (APN) 231-200-002; and

**WHEREAS**, mobile food trucks are permitted in Office Commercial Zoning districts with a Conditional Use Permit in accordance with Merced Municipal Code Section 20.10.020; and

**WHEREAS**, mobile food trucks in fixed locations are governed by Merced Municipal Code Section 20.44.020, which requires, among other items, a site plan review permit or conditional use permit for all food trucks that park in a fixed location; and

**WHEREAS**, the Merced City Planning Commission concurs with and adopts Conditions of Approval to this Planning Commission Resolution #4180, Conditional Use Permit #26-0021 contained in Exhibit A; and

**WHEREAS**, the Merced City Planning Commission concurs with and adopts Findings/Considerations as follows: Finding A – General Plan Compliance and Policies Related to this Application; Finding B – Traffic/Circulation; Finding C – Parking; Finding D – Public Improvements/City Services; Finding E – Site Design; Finding F – Neighborhood Impact/Interference; Finding G – Signage; Finding H – Truck Details/Operation; Finding I – Conditional Use Permit Findings; and Finding J – Environmental Review # 26-0051(Exhibit C); 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 C; and,

PLANNING COMMISSION RESOLUTION #4179

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**NOW THEREFORE**, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission

does resolve to hereby find that the Project is Categorical Exempt from the California Environmental Project Act and adopts Categorical Exemption #26-0051 (CEQA Section 15332 Findings and Categorical Exemption), and approve Conditional Use Permit #26-0021, subject to the Conditions set forth in Exhibit A, Exhibit B and Findings and Conditions set forth in Exhibit C, all 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 #4179

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May 6, 2026

Adopted this 6<sup>th</sup> day of May 2026

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B – Resolution #1249-Amended (“Standard Conditional Use Permit  
Conditions”)

Exhibit C – Findings and Considerations

**Conditions of Approval**  
**Planning Commission Resolution #4180**  
**Conditional Use Permit #26-0021**

1. The proposed project shall be constructed/designed/operated as shown on the Site Plan, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #16 which has been superseded by Code) shall apply and such Resolution is attached hereto and incorporated herein by this reference as Exhibit B.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. 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

EXHIBIT A

OF PLANNING COMMISSION RESOLUTION #4180

developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

5. 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.
6. The applicant shall comply with all City of Merced business licensing requirements and with all requirements of the Merced County Environmental Health Department.
7. 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.
8. At least two tamperproof trash receptacles shall be provided while food is being served (per food truck). The site and the immediate surrounding area shall be maintained free of all debris and trash generated from this use.
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 on or off the site.
10. 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 trucks shall close at sundown.
11. 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.
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 comply with the Water Quality Control Division's

(WQCD) Best Management Practices regarding the disposal of cooking grease and proper cleaning of kitchen equipment, or as otherwise required by the WQCD.

14. 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.
15. 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.
16. The food trucks 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.
17. 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.
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. 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. All onsite refuse enclosures shall be subject to Calgreen Standards.
20. 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.
21. The mobile food vendors are prohibited from selling alcohol.
22. "No Loitering" signs shall be posted on the food trucks and building onsite at specific locations approved by the City Police Department.
23. The site is to remain well lit, as required by the City Police Department.
24. The operators of the food trucks must identify what they will use as commissary, as the property does not have a grease interceptor.

25. 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.
26. Propane tanks must not exceed 5 gallons in size without special approval from the City Fire Department.
27. Replacement of fuel gas containers in portable outdoor gas-fired heating appliances shall not be conducted while the public is present.
28. Spare tanks are not allowed in the area.
29. No motorized vehicles shall be parked within 10 feet of the food trucks.
30. Fire extinguishers must be located in an easily accessible location.
31. No combustible storage is allowed near any cooking equipment or other sources of ignition.
32. No cooking operations allowed under any membrane structures (canopies).
33. No food trucks shall be parked over any onsite manholes or storm drains at any time.

**CITY OF MERCED**  
**Planning Commission**

**Resolution #1249 - AMENDED**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of August 22, 2007, considered modification to Resolution #1249 (Conditional Use Permit Standard Conditions) to reflect recent revisions in procedures and code requirements.

**NOW, THEREFORE, BE IT RESOLVED** that the Merced City Planning Commission does approve the following conditions which shall hereafter be referred to and become a part of approval of each Conditional Use Permit in the City of Merced:

1. Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with zoning, building, and all other codes and ordinances of the City of Merced.
2. All mechanical equipment and appurtenances, including gas and water meters, electrical boxes, air conditioners, etc., shall be screened from public view and adjacent properties, subject to the approval of the Planning Department. Roof vents shall be painted to blend with roof materials.
3. All trash and storage areas shall be screened from public view or enclosed within an area by a wall or other material not less than six (6) feet in height, as approved by Planning Department.
4. Street improvements shall be installed at the direction of the City Engineer to City standards. Improvements shall include, but are not limited to, grading, streetlights, traffic signs, location of all utilities, curbs and gutters, sidewalks, wheelchair ramps, along with water, sewer and storm drainage systems.
5. All outdoor lighting shall be directed away from adjacent streets and properties.
6. All property not occupied by structures, paving or landscaped on the subject site shall be maintained for both health and aesthetic reasons; grasses and weeds shall be kept to a minimum or as otherwise

required by the Planning Commission and the County Health Department.

7. Street trees shall be planted 40 feet on center across the frontage of the property, consistent with Recreation and Parks Department standards.
8. Detailed landscape and sprinkler plans, including trees, shrubs and ground covers, and incorporating foundation and peripheral plantings, along with screening of parking areas, shall be approved by the Planning Department prior to the issuance of building permits. All landscaping shall be installed prior to occupancy and shall thereafter be maintained minimally to these standards.
9. For any conditional use permit application approved within a planned development, an accurate reproduction of the adopted site plan, at a scale of 1 inch = \_\_\_\_\_ feet (as specified by the Planning Department), shall be provided to the City within 30 days of approval or prior to the issuance of any building permit, whichever is sooner.
10. Where architectural features and/or construction materials have been specified, two sets of color samples must accompany construction drawings submitted for building permits. (NOTE: Colors can be affected by the surface they are covering -- thus, colors so affected may be required to be illustrated on the actual surface material proposed. For example, a transparent wood stain that will be covering Douglas Fir shall be shown on a Douglas Fir sample, not Pine or Redwood).
11. Any proposed subsequent modification of the subject site or structure thereon, including but not limited to the following actions, shall be first reported to the city for review and revision of said conditional use permit: Actions affecting how people or materials move on, off or around the site; the physical appearance of the site or structures thereon (including but not limited to signing, architecture, landscaping, paving, etc.); the type of activity (ies) or land use(s) pursued thereon; the number of people employed thereon or otherwise involved with on-site activities or land uses; etc.
12. No outside sales, displays or storage shall be allowed unless the provisions of this use permit are modified to allow such activity(ies).

Temporary exterior sales promotions may be permitted with prior approval of the City Planning Director and/or Planning Commission.

13. Any change of use and/or remodel of an existing building will require a new certificate of occupancy to certify the adequacy of the building for the proposed new use; approval of the use permit is subject to provisions of Sections 306 and 302 of the Uniform Building Code and elimination of electrical and plumbing hazards.
14. Landscape trees are to meet the following requirements:
  - a) Street Trees - Shall be 15-gallon minimum size trees with species consistent with the City of Merced Street Trees Master Plan.
  - b) Specimen Trees - Shall be 24-inch box minimum size trees. The number required, if any, shall be determined on a case-by-case basis.
  - c) Other Landscape Trees - Shall be 5-gallon minimum trees unless larger trees are specified in a case-by-case basis.
15. Prospective apartments should be placed on notice regarding minimum standards the City would be likely to impose if they are subsequently proposed for condominium conversions.

The developer is placed on notice that apartment units, to have reasonable chance for approval if proposed for condominium conversion in the future, should be constructed to existing condominium ordinance provisions and other standards presently in practice or under serious consideration, including a minimum STC noise standard of 56 for both mutual walls and ceilings/floors, 200 cubic feet of storage per individual unit (outside of traditional closet space), and a minimum of two parking spaces per unit and possibly more, depending upon the type of space provided.

16. The applicant shall indemnify, protect, defend, 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, or proceedings 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. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the city, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

17. 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.
18. The City, its Planning Commission and City Council as appropriate, retain the right and jurisdiction to review this Conditional Use Permit in the event the business conducted therein is modified, changed in scope, or the owner or operator seeks to or does actually expand, alter, reconfigure, or change the use. This reservation of the right of review of this Conditional Use Permit issued hereunder is in addition to, and not in lieu of, the right of the City, its Planning Commission and City Council as appropriate, to review and revoke this Conditional Use Permit or to modify this Conditional Use Permit for any violation of the conditions imposed.

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

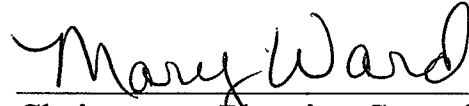
AYES: Commissioners Shankland, McCoy, Amey, Cervantes,  
Williams, Acheson, and Chairperson Ward  
NOES: None  
ABSENT: None

PLANNING COMMISSION RESOLUTION #1175 – AMENDED

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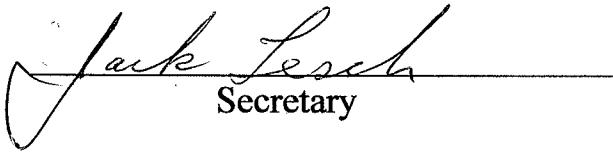
August 22, 2007

Adopted this 22<sup>nd</sup> day of August, 2007



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

n:shared:planning:PC Resolutions:#1249 Amended CUP Standard Conditions

**Findings and Considerations**  
**Planning Commission Resolution #4180**  
**Conditional Use Permit #26-0021**

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

- A) The proposed Project complies with the General Plan designation of Office Commercial (CO) and the Zoning classification of Office Commercial (C-O), with approval of this Conditional Use Permit.

**Traffic/Circulation**

- B) The applicant is proposing to locate two food trucks at 402 Mercy Avenue. The food trucks 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 trucks (Condition #16). This includes positioning the food trucks within the lot and away from the driving aisle across from Sandpiper Avenue and Mercy Avenue. Orienting the food trucks 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 #19).

**Parking**

- C) Typically, a mobile food vendor is required to have a minimum of 2 parking stalls. The vacant parking lot currently has 29 existing parking, therefore, the parking provided onsite has been deemed adequate.

**Public Improvements/City Services**

- D) The subject site is fully developed, and public improvements are existing. The food trucks are 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 southeast of Mercy Avenue and Sandpiper Avenue. The subject site is a paved 1.04-acre parcel that is currently a vacant parking lot site. Vehicle access is available from driveways along Mercy Avenue and Sandpiper Avenue. Customer parking is available on the western and southern portions of the parcel. As shown on the site plan at Attachment C, the food trucks would be located near the south portion of the parcel. The proposed mobile food vendors would be located out of the way of the entrances and exits into the site and oriented in a manner that does not create congestion for customers driving or walking within the site. The property owner is not proposing to make any other modifications to the site. Outdoor seating is prohibited (e.g., tables, umbrellas, chairs, etc.) as shown under Condition #7, unless subsequently approved by the Planning Department. “No Loitering” signs shall be posted on the food trucks onsite at specific locations approved by the City Police Department (Condition #22)

### **Neighborhood Impact/Interference**

- F) The mobile food vendors would be located within a commercial vacant lot. This site is surrounded by various commercial uses. Given the fact that this proposal would be in a commercial vacant lot, and surrounded by other commercial uses, staff does not anticipate that this proposal would significantly change the neighborhood’s character.

### **Signage**

- G) The food trucks shall not display any signs other than what is provided on the vehicle itself. The trucks shall not use any A-frame signs, inflatable signs, feather signs, pennants, or other freestanding signs (Condition #9).

## **Truck Details/Operation**

- H) Per the Municipal Code, the food trucks 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 #8). The sale of alcohol is prohibited (Condition #21). Employee restrooms will be available inside Merced Heart Associates located on the west side adjacent parcel to the site as allowed by the Health Department and agreed upon by the property owner (Condition #20). Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility (Condition #12). 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, or as otherwise required by the WQCD (Condition #13).

## **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 Office Commercial (CO) and the Zoning classification of Office Commercial (C-O) 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 vendors 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 the 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. The food trucks would be self-contained with its own water and power and would not need to hook-up to City utilities. The food trucks 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 (CEQA Section 1533 Findings and Categorical Exemption (i.e., no further environmental review is needed) is being recommended.