

**CITY OF MERCED**  
**Site Plan Review Committee**

**MINUTES**

Planning Conference Room  
2<sup>nd</sup> Floor Civic Center  
Thursday, October 18, 2018

Chairperson McBRIDE called the meeting to order at 1:35 p.m.

1. **ROLL CALL**

Committee Members Present: Plans Examiner II England (for Chief Building Official Frazier), City Engineer Son, and Director of Development Services McBride

Committee Members Absent: None

Staff Present: Associate Planner Nelson, Planner Mendoza-Gonzalez, and Development Services Technician II/Recording Secretary Kuykendall

2. **MINUTES**

M/S SON-ENGLAND, and carried by unanimous voice vote, to approve the Minutes of August 16, 2018, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Site Plan Application #422, submitted by Ma Guadalupe Garcias, applicant for David McGhee, Timothy L. Reusch, Anita Reusch, and Susan McGhee, property owners, to allow a food truck on the same parcel as a pest management company (Advanced Pest Management) and an automotive repair shop (Super Shop) located at 1525 and 1535 W 14th St, within a General Commercial (C-G) Zone.

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Development Services Technician II KUYKENDALL reviewed the application. Refer to Draft Site Plan Resolution #422 for further information.

The applicant was in attendance to answer questions from the Committee.

Development Services Technician II KUYKENDALL recommended modifying Condition #18 to allow the taco truck to begin operation upon the submittal of Design Review and Building permit applications, as opposed to beginning operation after the permits have been obtained. This would allow the taco truck to begin operating sooner and be less impacted by this Condition.

M/S SON/ENGLAND, and carried by the following vote to adopt a Categorical Exemption regarding Environmental Review #18-57, and approve Site Plan Application #422, subject to the Findings and eighteen (18) conditions set forth in Draft Resolution #422 with a modification to Condition #18 as follows:

(Note: ~~Strikethrough~~ deleted language, underline added language.)

“18. The mobile food vendor business licenses shall not be issued until the existing businesses (Super Shop and Advanced IPM Pest Management) have ~~obtained~~ submitted all necessary building and design review ~~permits~~ permit applications for their signage.”

AYES: Committee Members England, Son, and Chairperson McBride

NOES: None

ABSENT: None

## 5. **INFORMATION ITEMS**

### 5.1 Calendar of Meetings/Events

There was no discussion regarding the calendar of meetings/events.

Site Plan Review Committee Minutes

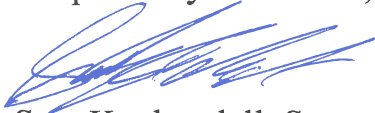
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6. **ADJOURNMENT**

There being no further business, Chairperson McBRIDE adjourned the meeting at 1:45 p.m.

Respectfully submitted,



Sam Kuykendall, Secretary

Merced City Site Plan Review Committee

APPROVED:



Scott McBride, Chairperson/

Director of Development Services

Merced City Site Plan Review Committee

CITY OF MERCED  
SITE PLAN APPROVAL  
RESOLUTION #422

<u>Lupita's Mexican Food Truck</u> APPLICANT	<u>Food Truck</u> PROJECT
<u>404 E. Grant Rd.</u> ADDRESS	<u>1535 W 14<sup>th</sup> Street</u> PROJECT SITE
<u>El Nido, Ca, 95317</u> CITY/STATE/ZIP	<u>031-181-010</u> APN
<u>(559) 223-1238</u> PHONE	<u>General Commercial (C-G)</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and administratively approved Site Plan Application #422 on October 18, 2018, submitted by Ma Guadalupe Garcias, applicant for David McGhee, Timothy L. Reusch, Anita Reusch, and Susan McGhee, property owners, to allow a food truck on the same parcel as a pest management company (Advanced Pest Management) and an automotive repair shop (Super Shop) located at 1525 and 1535 W 14<sup>th</sup> St (APN 031-181-010), within a General Commercial (C-G) Zone. Said property being more particularly described as Lot 2 as shown on the Map entitled "Parcel Map for Bernice Duffus," recorded in Volume 30, Page 21 of Merced County Records; also known as Assessor's Parcel Number (APN) 031-181-010.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15311, Class 11 (Exhibit D); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) A food truck is allowed with Site Plan Review approval within the General Commercial (C-G) Zone and complies with the General Plan designation of General Commercial (CG).
- B) As proposed by the applicant, the food truck satisfies the City Standards and expectations outlined under the Merced Municipal Code Section 20.44.020 – Food Trucks in Fixed Locations, regarding operational standards, hours of operation, parking and access, maintenance, advertising, and licenses.
- C) The subject site is currently occupied by an automotive repair shop (Super Shop) and a pest management company (Advanced Pest Management).
- D) The food truck would be located near the southeast corner of the parcel, approximately 25 feet from 14<sup>th</sup> Street and approximately 120 feet from V Street (see Exhibit B).
- E) The food truck would not block any driving aisles, fire lanes, fire hydrants, parking stalls, or building exits.



- F) This proposal does not include any outdoor seats or tables.
- G) Reserved parking for food truck patrons (2 spaces as required by code) would be available at the two parking spaces adjacent to the north of the food truck (see Exhibit B).
- H) Employee restrooms would be available inside Super Shop (see Condition #17).
- I) The applicant has acknowledged that the business will not utilize or install illuminated signs, movable signs, inflatable signs, A-Frame signs, flags, or pennants. Business signage will be located on the food truck only (see Condition #8).

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #422 subject to the following conditions:

- 1) All conditions contained in Site Plan Approval Resolution #79-1 ("Standard Conditions of Site Plan Approval") shall apply.
- 2) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply including, but not limited to, the California Building Code and Fire Codes.
- 3) The site shall be constructed as shown on Exhibit B (site plan) and as modified by the conditions of approval within this resolution.
- 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, 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.
- 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.

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- 6) Modifications to the location of the food truck shall be subject to review by the Planning Manager, or if deemed necessary, the Site Plan Review Committee.
- 7) At least two trash receptacles shall be provided while food is being served. The site and immediate area shall be maintained free of all debris and trash generated from the use.
- 8) All signage shall be contained on the food truck. No A-frame signs, banners, flags, or other moving or portable signs shall be permitted for this use anywhere onsite or off site.
- 9) The hours of operation shall be any span of time between 7:00 a.m. and 9:00 p.m. daily.
- 10) 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.
- 11) Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or an alternative approved facility.
- 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, as shown on Exhibit C, or as otherwise required by the WQCD.
- 13) The applicant shall comply with all City of Merced business licensing requirements and all requirements of the Merced County Health Department.
- 14) If problems arise as a result of this business that may require excessive Police Department service calls 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) Food truck activities shall in no way interfere with the operation of the existing business on the lot, or nearby businesses, including noise, litter, loitering, and traffic circulation.
- 16) The applicant shall comply with all regulations found in Merced Municipals Code Section 20.44.020 - Food Trucks in Fixed Locations.
- 17) The applicant shall provide restroom facilities for their employees. These restrooms shall be available in a permanent building that meets the Health Department's requirements for distance from the business operation. Portable toilets shall not be allowed.
- 18) The mobile food vendor business licenses shall not be issued until the existing businesses (Super Shop and Advanced IPM Pest Management) have submitted all necessary building and design review permit applications for their signage.

If there are any questions concerning these findings and/or conditions, please contact Sam Kuykendall at (209) 385-6927.

10-18-2018

DATE



SIGNATURE

Development Services Tech II

TITLE

Site Plan Review #422

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Exhibits:

- A) Location Map
- B) Site Plan
- C) Water Quality Control Division Best Management Practices Brochure
- D) Categorical Exemption





EXHIBIT A



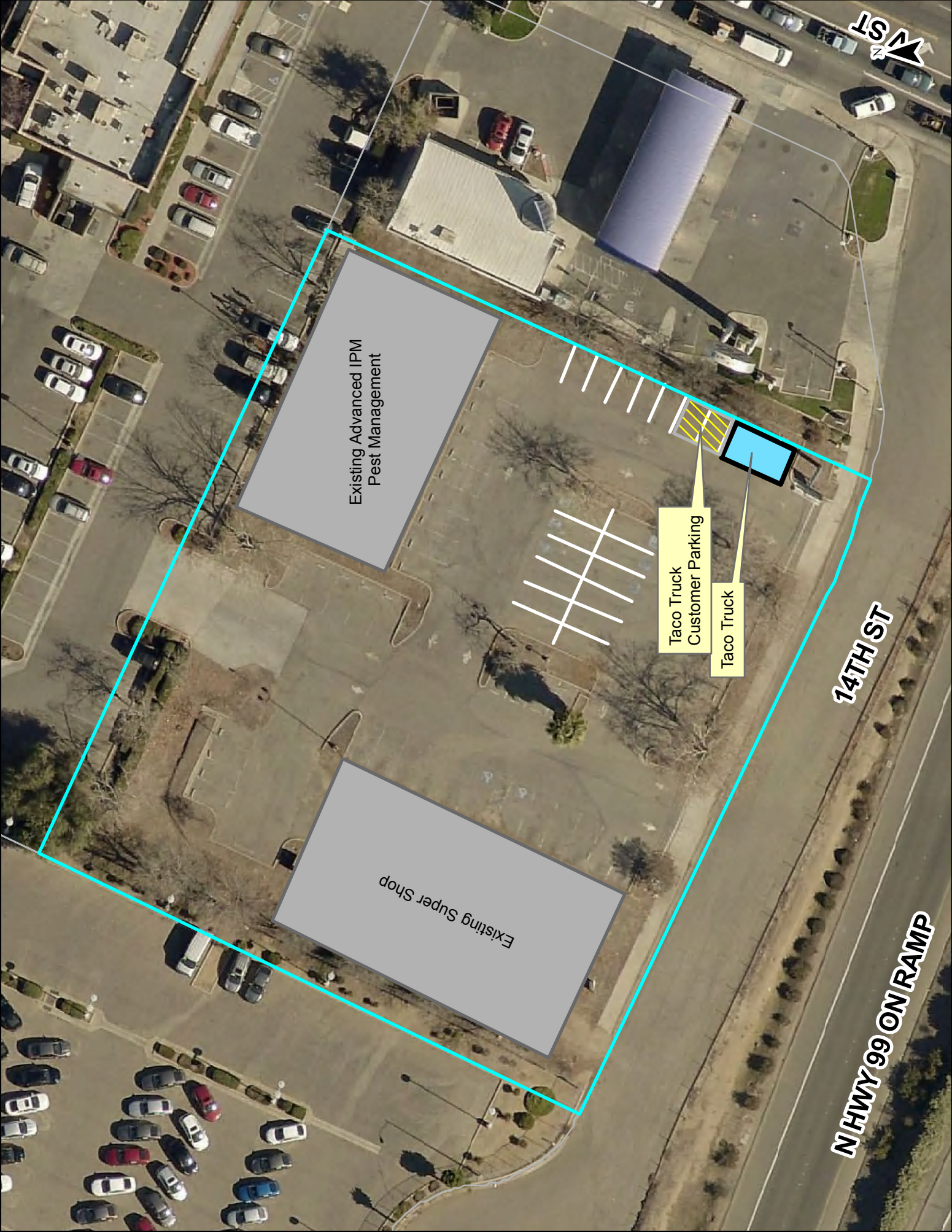


EXHIBIT B



#### MERCED MUNICIPAL CODE

15.50.050 - Discharge of non-storm water prohibited

A. Except as provided in Section 15.50.060, it is unlawful, and a misdemeanor subject to punishment in accordance with Chapter 1.12 of this Code, for any person to make or cause to be made any non-storm water discharge.

B. Notwithstanding the exemptions provided by Section 15.50.060, 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 a 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.

#### 1.12.020 - 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 exceeding 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](http://www.cityofmerced.org)

**FOOD TRUCKS  
AND  
STORM WATER**





The City of Merced is promoting 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 pursuant 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 lands on the ground of areas such as streets, sidewalks, drainage channels, or parking lots of the City of Merced eventually becomes storm water pollution. Everything that flows into a storm drain, goes directly to our creeks and rivers, untreated. This means aquatic life can die off 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

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**To:** \_\_\_\_\_ Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

**From: (Public Agency)**  
City of Merced  
678 West 18th St.  
Merced, CA 95340

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

**Project Title:** SP #422 (Environmental Review #18-57)

**Project Applicant:** Lupita's Mexican Food

**Project Location (Specific):** 1535 W 14<sup>th</sup> St (APN: 031-181-010)

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

**Description of Nature, Purpose, and Beneficiaries of Project:**

**Name of Public Agency Approving Project:** City of Merced

**Name of Person or Agency Carrying Out Project:** Lupita's Mexican Food

**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));  
☒ Categorical Exemption. State Type and Section Number: 15301 (a)  
☐ 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 consists of minor/exterior alterations, such as operating a food truck within a developed commercial site, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

**Lead Agency:** City of Merced

**Contact Person:** Sam Kuykendall **Area Code/Telephone:** (209) 385-6927

**Signature:**  **Date:** 10/3/18 **Title:** Planning Technician

  X   Signed by Lead Agency **Date Received for Filing at OPR:** \_\_\_\_\_  
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code  
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

EXHIBIT D