



## Legislation Details (With Text)

**File #:** 24-324      **Version:** 1      **Name:**  
**Type:** Public Hearing Item      **Status:** Agenda Ready  
**File created:** 3/28/2024      **In control:** Planning Commission  
**On agenda:** 4/17/2024      **Final action:** 4/17/2024  
**Title:** SUBJECT: Conditional Use Permit #1275, initiated by Marina Ochoa on behalf of Any Merced, Inc., property owner. This application involves a request to operate a food truck within the Gas N Save parking lot, generally located on the northeast corner of 16th Street and Q Street (963 W. 16th Street), within a Central Commercial (C-C) Zone. \*PUBLIC HEARING\*  
ACTION: Approve/Disapprove/Modify  
1) Environmental Review #24-02 (Categorical Exemption)  
2) Conditional Use Permit #1275

### SUMMARY

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

### RECOMMENDATION

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

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Attch A: Draft PC Reso #4133 and Exhibits, 2. Attch B: Location Map, 3. Attch C: Site Plan, 4. Attch D: Water Quality Control Best Management Practices, 5. Attch E: Draft Cat Exemption, 6. Attch F PC 4.17.24 CUP #1275- Food truck PPT.pdf

| Date      | Ver. | Action By           | Action   | Result |
|-----------|------|---------------------|----------|--------|
| 4/17/2024 | 1    | Planning Commission | approved | Pass   |

### Planning Commission Staff Report

*Report Prepared by: Jonnie Lan, AICP, Principal Planner, Development Services Department*

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**ACTION:** Approve/Disapprove/Modify

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## 2) Conditional Use Permit #1275

**SUMMARY**

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

**RECOMMENDATION**

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

**DISCUSSION**Project Description

The applicant is proposing to operate a food trailer within the Gas N' Save parking lot located at 963 W. 16th Street (Attachment B). The food truck would be located at the southeast corner of the property, along the adjacent alley, 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 convenience market, as allowed by the Merced County Environmental Health Department. The sale of alcohol by the food truck is prohibited (Condition #24).

Surrounding Uses

| <b>Surrounding Land</b> | <b>Existing Use of Land</b>                                                  | <b>City Zoning Designation</b> | <b>City General Plan Land Use Designation</b> |
|-------------------------|------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------|
| North                   | Plantology (a nursery) and Corea Vacuum & Sewing (both across alley)         | Central Commercial (C-C)       | Regional Community Commercial (RC)            |
| South                   | El Bajio Market and Mister Car Wash (both across W. 16 <sup>th</sup> Street) | General Commercial (C-G)       | General Commercial (CG)                       |
| East                    | West Coast Tires & Auto Center                                               | Central Commercial (C-C)       | Regional Community Commercial (RC)            |
| West                    | Vacant 0.33-Acre Lot (across Q Street)                                       | Central Commercial (C-C)       | Regional Community Commercial (RC)            |

Background

City records do not clearly show when the gas station and convenience market were developed onsite. However, in 2019, a conditional use permit application was submitted for a food truck to be located onsite (CUP #1230). The application was withdrawn by the applicant and never considered by the Planning Commission.

Findings/Considerations

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

**ATTACHMENTS**

- A) Draft Planning Commission Resolution #4133
- B) Location Map
- C) Site Plan
- D) Water Quality Control Division Best Management Practices Brochure
- E) Categorical Exemption
- F) Presentation