

**CITY OF MERCED
Planning Commission**

MINUTES

Merced City Council Chambers
Wednesday, September 5, 2018

Chairperson DYLINA called the meeting to order at 7:01 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Mary Camper, Scott G. Drexel, Michael Harris, Jeremy Martinez, Peter Padilla, Sam Rashe, and Chairperson Robert Dylina

Commissioners Absent: None

Staff Present: Director of Development Services McBride, Planning Manager Espinosa, Associate Planner Nelson, Planner Mendoza-Gonzalez, Deputy City Attorney Fincher, and Recording Secretary Davis

1. **APPROVAL OF AGENDA**

M/S PADILLA-MARTINEZ, and carried by unanimous voice vote, to approve the Agenda as submitted.

2. **MINUTES**

M/S PADILLA-HARRIS, and carried by unanimous voice vote, to approve the Minutes of August 22, 2018, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 (Consent) Vacation #18-02, initiated by Benchmark Engineering on behalf of Stonefield Home, Inc., to abandon an approximately 5.88-acre parcel dedicated as a park site, generally located at the southwest corner of M Street and Arrow Wood Drive.

Commissioner CAMPER recused herself due to a professional conflict.

The Commission did not request a report on this item. For further information, refer to Staff Report #18-21.

M/S HARRIS-RASHE, and carried by the following vote, to find that the proposed Vacation #18-02 (to abandon an approximately 5.88-acre parcel dedicated as a park site, generally located at the southwest corner of M Street and Arrow Wood Drive), is consistent with the *Merced Vision 2030 General Plan*.

AYES: Commissioners Drexel, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: None

ABSTAIN: Commissioner Camper

Commissioner CAMPER returned to the dais.

- 4.2 Conditional Use Permit #1227, initiated by Marco Polo Antunez and Omero Antunez Ortiz on behalf of Vinay Vohra and Vikram Vohra, property owners. This application involves a request to operate a food truck within the Shell gas station parking lot, generally located on the northeast corner of R Street and Main Street (1720 R Street), within a Central Commercial (C-C) Zone.

Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #18-22.

Public testimony was opened at 7:12 p.m.

Speaker from the Audience in Favor:

MARCO POLO ANTUNEZ (with interpretor), Applicant, Merced

The Applicant reviewed his experience running a food truck while living in Mexico.

There were no speakers from the audience in opposition to the project.

Public testimony was completed at 7:14 p.m.

M/S PADILLA-HARRIS, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #18-55, and approve Conditional Use Permit #1227, subject to the Findings and twenty-seven (27) Conditions set forth in Staff Report #18-22 (RESOLUTION #4004):

AYES: Commissioners Camper, Drexel, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: None

ABSTAIN: None

4.3 Overview of Bellevue Ranch Upcoming Changes

Associate Planner NELSON provided a brief overview of upcoming changes within the Bellevue Ranch Master Development Plan (BRMDP).

4.4 Commercial Cannabis Business Permit Applications for Dispensaries – Availability of Applications for Review by Planning Commission.

Planning Manager ESPINOSA announced to the Commission that redacted copies of all Commercial Cannabis Business Permits for Dispensaries were available for review. CDs with the copies of the applications were provided to the Commission at the meeting.

5. **INFORMATION ITEMS**

5.1 Calendar of Meetings/Events

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings.

Chairperson DYLINEA reiterated to the Commission that he will not be present at the Planning Commission meeting of September 18, 2018.

6. **ADJOURNMENT**

There being no further business, Chairperson DYLINEA adjourned the meeting at 7:51 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



ROBERT DYLINEA, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #4004

WHEREAS, the Merced City Planning Commission at its regular meeting of September 5, 2018, held a public hearing and considered **Conditional Use Permit #1227**, initiated by Marco Polo Antunez and Omero Antunez Ortiz on behalf of Vinay Vohra and Vikram Vohra, property owners. This application involves a request to operate a food truck within the Shell gas station parking lot, generally located on the northeast corner of R Street and Main Street (1720 R Street), within a Central Commercial (C-C) Zone; also known as Assessor's Parcel Number 031-113-018; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through I of Staff Report #18-22; 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 #18-55, and approve Conditional Use Permit #1227, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Drexel, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: None

ABSTAIN: Commissioner Camper

PLANNING COMMISSION RESOLUTION # 4004

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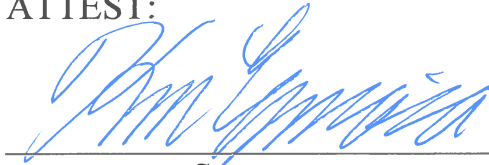
September 5, 2018

Adopted this 5th day of September 2018



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions: CUP#1227 (Food Truck-1720 R Street)

Conditions of Approval
Planning Commission Resolution # 4004
Conditional Use Permit #1227

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (photos) - Attachments B and C of Staff Report #18-22, 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.
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, 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.

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.
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 trailer. 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 business 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 and the Police Chief, or if deemed necessary by the Development Services Director, 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

EXHIBIT A

OF PLANNING COMMISSION RESOLUTION #4004

Attachment D of Staff Report #18-22, 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 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 trailer 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, 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 trailer shall be oriented perpendicular to the parking stalls to allow room for customers to gather without being in danger of collisions from vehicles entering/exiting the site. The food trailer shall not block the driving aisle or access to the alley.
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. A minimum of 2 parking spaces on the site shall be dedicated to food trailer customers. These spaces shall be located as close as possible to the food trailer.
22. Food trailer activities shall in no way interfere with the operation of existing businesses on the lot, or nearby businesses, including noise, litter, loitering, and traffic circulation, and public safety must be a high priority.

23. 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.
24. The mobile food vendor is prohibited from selling alcohol.
25. "No Loitering" signs shall be posted on the food trailer and convenience market at specific locations approved by the City Police Department.
26. The food trailer shall maintain a minimum distance of 20 feet from all fuel pumps, or as otherwise required by Fire Department.
27. Any illegal signs and advertisements posted on the convenience market onsite shall be removed prior to the food trailer obtaining a business license.

n:shared:planning:PC Resolutions: CUP #1227 Exhibit A