

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #18-22

AGENDA ITEM: 4.2

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: Sept. 5, 2018

PREPARED BY: Francisco Mendoza-Gonzalez,
Planner

SUBJECT: **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. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #18-55 (Categorical Exemption)
- 2) Conditional Use Permit #1227

SUMMARY

Marco Polo Antunez and Omero Antunez Ortiz are requesting approval to operate a food trailer within the Shell gas station parking lot located at 1720 R Street (Attachment A). The food trailer would be located within the southeast portion of the parcel, along the convenience market's south elevation (Attachment B). The food trailer would operate daily between 7:00 a.m. and 9:00 p.m., as allowed by the City's Zoning Ordinance. 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 new 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 of this request subject to the conditions of approval outlined below.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #18-55 (Categorical Exemption) and Conditional Use Permit #1227 (including the adoption of the Resolution at Attachment F) subject to the following conditions:

- *1) The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (photos) - Attachments B and C, 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in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions"—except for Condition #16 which has been superseded by Code) shall apply.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 Attachment D, 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.

(*) Denotes non-discretionary conditions.

PROJECT DESCRIPTION

The applicant is proposing to operate a food trailer within the Shell gas station parking lot located at 1720 R Street (Attachment A). The food trailer would be located within the southeast portion of the property, along the convenience market’s south elevation, and be oriented in a manner that does not block driving aisles or fire lanes (Attachment B). The food trailer 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 is prohibited (Condition #24).

Surrounding Uses
(Attachment A)

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Manley’s Donut 2 (across alley)	Central Commercial (C-C)	Regional Community (RC)
South	Taste of Little India (across W. Main St.)	Central Commercial (C-C)	Regional Community (RC)
East	Acosta’s Furniture	Central Commercial (C-C)	Regional Community (RC)
West	MetroPCS	Central Commercial (C-C)	Regional Community (RC)

BACKGROUND

City records do not clearly show when the gas station and convenience market were developed onsite. However, business license records show that Exxon Mobile Gas occupied this site for nearly a decade, between 1997 and 2005. Subsequently, the subject site was occupied by a variety of gas stations between 2005 and 2010. During that time, the owner obtained conditional use permit approval to serve alcohol for off-site consumption (CUP #1088 approved by the Planning

Commission in 2006), and collaborated with Joe on the Go, who used a drive thru window to serve coffee and breakfast meals. In 2010, the subject site was vacated and remained unused until 2016 when the interior and exterior of the gas station were remodeled.

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed Project complies with the General Plan designation of Regional Community Commercial (RC) and the zoning designation of Central Commercial (C-C) with approval of this Conditional Use Permit. Food trucks are allowed in the C-C Zone, but only if they are outside the “City Center” area which is defined as the area between 19th and 16th Streets and O Street and Martin Luther King, Jr. Way, including properties fronting on either side of each of the above streets. The subject site is approximately 1,400 feet from the City Center boundary.

Traffic/Circulation

- B) The applicant is proposing to locate the food trailer within the southeast portion of the parking lot (Attachment B). The food trailer would be located about 45 feet from the driveway at the southeast corner of the parcel. The food trailer would be oriented perpendicular to the parking stalls (Condition #18), in a manner that does not block any driving aisles, and provides some space for customers to gather around the food trailer without backing into the driving aisle. Orienting the food trailer in this manner would allow vehicles to have enough space to enter or exit the subject site.

Parking

- C) The subject site must meet the minimum parking requirements for the existing convenience market and the proposed food trailer. The parking requirement for retail is one parking space for every 300 square feet of floor area. Based on this parking formula, the existing 1,800-square-foot convenience market would be required to have a minimum of 6 parking spaces. A mobile food vendor is required to have a minimum of 2 parking stalls. Together, both uses would require a minimum of 8 parking stalls for the entire site. As shown on the proposed site plan at Attachment B, the subject site exceeds this requirement with a total of 11 parking stalls throughout the site. The designated food trailer parking stalls would be located adjacent to the food trailers, directly to the west.

Public Improvements/City Services

- D) The subject site is fully developed and most public improvements are existing. The food trailer is 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 at the northeast corner of Main Street and R Street. The subject site is a developed 0.43-acre parcel with an 1,800-square-foot convenience market on the northeast quadrant of the parcel, and a 2,400-square-foot fuel pump canopy at the northwest quadrant of the parcel. Vehicle access is available from two 35-foot-wide driveways along

R Street, a shared 35-foot-wide driveway along W. Main Street, and a two-way alley north of the convenience market. Parking is located along the north and south sides of the parcel (also along the south elevation). As shown at Attachment B, the food trailer (and customer parking stalls) would be located along the convenience market's south elevation away from the fuel pump canopy and convenience market's main entrance, in a manner that does not create congestion between customers going to the site for the convenience market and customers going to the site for the food trailer. The food trailer would be located approximately 40 feet from the nearest fuel pump and 20 feet from the nearest underground fuel storage tank (meeting the Fire Department's minimum distance requirements from fuel pumps, see Condition #26). The property owner is not proposing to make any interior or exterior modifications to the convenience market or gas pump canopy. Outdoor seating is prohibited (e.g. tables, umbrellas, chairs, etc.) as shown under Condition #8, unless otherwise approved by the Planning Department. "No Loitering" signs shall be posted on the food trailer and convenience market at specific locations approved by the City Police Department (Condition #25).

Neighborhood Impact/Interface

- F) The subject site is surrounded by a variety of commercial uses, including a few other mobile food vendors. Immediate surrounding uses to the north, south, east, and west, include Manley's Donuts 2, Taste of Little India, Acosta's Furniture, and Metro PCS respectively. The nearest mobile food vendors are located a ¼ mile east and west of the subject site, at 1340 W. Main Street and 825 W. Main Street respectively. Given the variety of commercial uses throughout the neighborhood, and the fact that there are already a couple of mobile food vendors nearby, staff does not anticipate that this proposal would change the character of the neighborhood.

Signage

- G) The food trailer is not allowed any signs other than what is provided on the vehicle itself. Condition #10 prohibits the use of any A-frame signs, inflatable signs, feather signs, pennants, or other freestanding signs. Any illegal signs and advertisements posted on the adjacent convenience market shall be removed prior to the food trailer obtaining a business license (Condition #27).

Trailer Details/Operation

- H) The food trailer is standard in appearance and size. It is approximately 8 feet wide by 16 feet long and approximately 7 ½ feet tall (Attachment C). The food trailer will operate daily between 7:00 a.m. to 9:00 p.m. The food trailer will sell traditional Mexican food including, but not limited to, tacos, tortas, and burritos. Trash receptacles will be provided to collect the plates, forks, aluminum foil, and paper bags that are typically used to serve these meals (Condition #9). The sale of alcohol is prohibited (Condition #24). Employee restrooms will be available inside the adjacent convenience market as allowed by the Health Department and agreed upon by the property owner (Condition #23). Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility (Condition #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, as shown at Attachment D, or as otherwise required by the WQCD (Condition #14).

Environmental Clearance

- I) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment E).

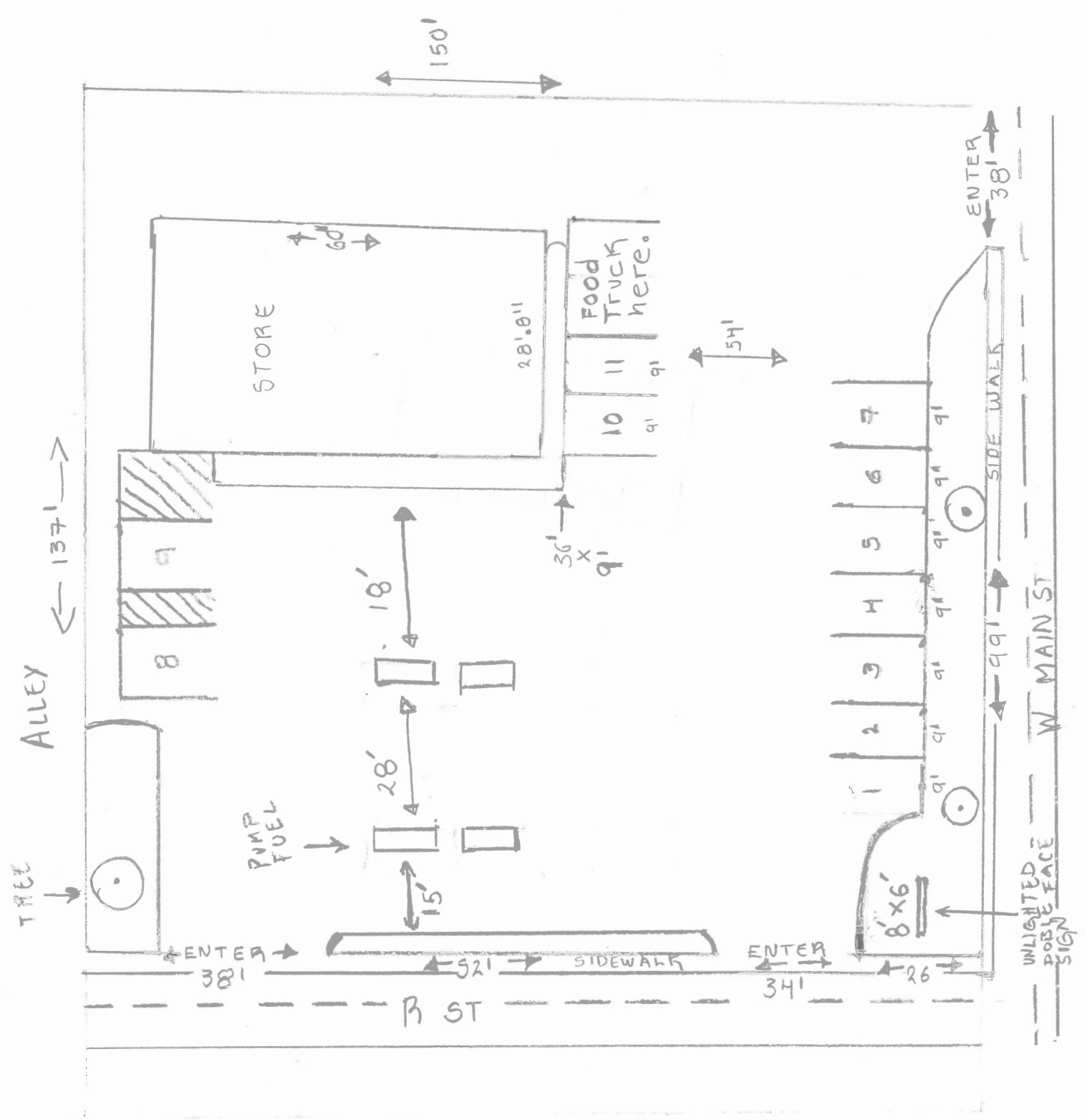
Attachments:

- A) Location Map
- B) Site Plan
- C) Photographs of the Food Trailer
- D) Water Quality Control Division Best Management Practices Brochure
- E) Categorical Exemption
- F) Draft Planning Commission Resolution



ATTACHMENT A

"PLAN FOOD TRUCK" 1720 A ST, MERCED CA 95340



ATTACHMENT B



ATTACHMENT C

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

**FOOD TRUCKS
AND
STORM WATER**



ATTACHMENT D

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

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: Conditional Use Permit (CUP) #1227 (Environmental Review #18-55)

Project Applicant: Marco Polo Antunez and Omero Antunez Ortiz for Vinay Vohra and Vikram Vohra

Project Location (Specific): 1720 R St.. APN: 031-113-018

Project Location - City: Merced

Project Location - County: Merced

Description of Nature, Purpose, and Beneficiaries of Project: Food Truck

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Marco Polo Antunez and Omero Antunez Ortiz for Vinay Vohra and Vikram Vohra

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 interior/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: Francisco Mendoza-Gonzalez **Area Code/Telephone:** (209) 385-6858

Signature:  **Date:** 8-6-2018 **Title:** Planner

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

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 _____, seconded by Commissioner _____, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION #4004

Page 2

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