CITY OF MERCED
Planning Commission

MINUTES

Merced City Council Chambers
Wednesday, February 20, 2013

Chairperson COLBY called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present:	Brandon Williams, Kimberly Madayag, Dwight Amey, and Chairperson Travis Colby
Commissioners Absent:	Carole McCoy (excused)
Staff Present:	Planning Manager Espinosa, Associate Planner Nelson, Deputy City Attorney Rozell, and Recording Secretary Lucas

1. **APPROVAL OF AGENDA**

M/S COLBY-MADAYAG, and carried by unanimous voice vote (one absent, two vacancies), to approve the Agenda as submitted.

2. **MINUTES**

M/S MADAYAG-WILLIAMS, and carried by unanimous voice vote (one absent, two vacancies), to approve the Minutes of January 23, 2013, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

4.1 Conditional Use Permit #1179, initiated by Ivan Mendoza, applicant for Crown Road Partners, property owners. This application involves a request to allow a food vendor truck to locate at 1055 West 15th Street, generally located at the northeast corner of West 15th and R Streets, within a General Commercial (C-G) zone.

Associate Planner NELSON presented the report on this project. For further information, refer to Staff Report #13-05.

Public testimony was opened at 7:10 p.m.

IVAN MENDOZA, Merced, applicant, spoke in favor of the project.

ROD BRAWLEY, Merced, spoke in opposition to the project.

Secretary's Note: Prior to the start of the meeting, Mr. BRAWLEY submitted a letter and Petition which was distributed to the Planning Commission.

Public testimony was completed at 7:23 p.m.

M/S AMEY-WILLIAMS, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #13-01, and approve Conditional Use Permit #1179, subject to the Findings and twenty-two (22) Conditions set forth in Staff Report #13-05 (RESOLUTION #3016):

AYES: Commissioners Williams, Amey, Madayag, and Chairperson Colby
NOES: None
ABSENT: Commissioner McCoy (two vacancies)

5. INFORMATION ITEMS

5.1 Calendar of Meetings/Events

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

6. ADJOURNMENT

There being no further business, Chairperson COLBY adjourned the meeting at 7:31 p.m.

Respectfully submitted,

KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:

TRAVIS COLBY, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3016

WHEREAS, the Merced City Planning Commission at its regular meeting of February 20, 2013, held a public hearing and considered **Conditional Use Permit #1179**, initiated by Ivan Mendoza, applicant for Crown Road Partners, property owners. This application involves a request to allow a food vendor truck to locate at 1055 West 15th Street, generally located at the northeast corner of West 15th and R Streets, within a General Commercial (C-G) zone; also known as Assessor's Parcel No. 031-173-017; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through I of Staff Report #13-05; 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 #13-01, and approve Conditional Use Permit #1179, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Amey, seconded by Commissioner Williams, and carried by the following vote:

AYES:	Commissioners Williams, Madayag, Amey, and Chairman Colby
NOES:	None
ABSENT:	Commissioner McCoy (two vacancies)
ABSTAIN:	None

Adopted this 20rd day of February 2013

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachment:
Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions:CUP#1179 Ivan Mendoza Crown Road Partners food truck

Conditions of Approval
Planning Commission Resolution #3016
Conditional Use Permit #1179

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (photos) - Attachments B and F of Staff Report #13-05, 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 superceded 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 Health Department.

8. No outdoor tables or chairs shall be permitted on the premises.

9. At least two trash receptacles shall be provided while food is being served. The site and the immediate area shall be maintained free of all debris and trash generated from the use.

10. All signing shall be contained on the catering vehicle. No A-frame signs, banners, 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 8:00 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 owner wishes to extend the business hours in the future, he must obtain approval from the Development Services Director and the Police Chief, or if deemed necessary by the Development Services Director, by referral back to the Planning Commission.

13. Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility.

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. A cell phone shall be provided in the truck for employees use in case of an emergency at all times.

16. The food vendor vehicle shall be located a minimum of 25-feet east of the eastern edge of the driveway entrance on 15th Street to allow room for customers to gather without being in danger from vehicles entering/exiting the site.

17. It shall be the mobile food vendor 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. A minimum of 5 parking spaces on the site shall be dedicated to the food vendor business. These spaces shall be located as close as possible to the food vendor vehicle location.

19. Mobile vendor 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.

20. In the event a business opens on this site that will use the entire site or a majority of the site, this approval may be subject to review and the business may be required to relocate on the site or this approval may be revoked to allow the operation of a permanent facility.

21. This approval is for the applicant only. Any change in ownership of the business or if a new business requests to locate at this site in place of the business approved with this Conditional Use Permit, the new business owners shall be referred to the Planning Department for staff approval to ensure compliance with the conditions of this approval.

22. The owner shall provide restroom facilities 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.

n:shared:planning:PC Resolutions:CUP#1179 Exhibit A