



CITY OF MERCED

City Council Chamber
Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Minutes Planning Commission

Wednesday, May 7, 2025

6:00 PM

A. CALL TO ORDER

Vice Chair GREGGAINS called the meeting to order at 6:00 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner SMITH led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: Chairperson GONZALEZ was absent, excused.

Present: 6 - Member Jose Delgadillo, Member Yang Pao Thao, Member Walter Smith, Member Emanuelle Ochoa, Vice Chair Jeremiah Greggains, and Member Conchita Swiggart

Absent: 1 - Chair Anthony Gonzalez

C. PUBLIC COMMENT

There were no public comments.

D. CONSENT CALENDAR

D.1 **SUBJECT:** Planning Commission Minutes of April 9, 2025

ACTION:

Approving and filing the Planning Commission Minutes of April 9, 2025

A motion was made by Member Ochoa, seconded by Member Swiggart and carried by the following vote, to approve the Consent Agenda.

Aye: 6 - Member Delgadillo
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 1 - Chair Gonzalez

E. PUBLIC HEARINGS AND ACTION ITEMS**E.1**

SUBJECT: Conditional Use Permit #25-0006, initiated by AT&T Mobility, on behalf of The City of Merced, property owner. This application involves a request to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-palm tree at 3400 Parsons Avenue, generally located at the northeast corner of Parsons Avenue and Brookdale Drive, with a General Plan designation of Open Space (OP-S), and a Zoning classification of (R-1-6) *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #25-0002 (*Categorical Exemption*)
- 2) Conditional Use Permit #25-0006

SUMMARY

AT&T Mobility is requesting approval to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-palm tree at 3400 Parsons Avenue (Attachment D) within a Low Density Residential (R-1-6) Zone. The project is located at the northeast corner of Parsons Avenue and Brookdale Drive within the City's Rahilly Park. Per Merced Municipal Code Land Use Table 20.58-2 - Review Procedures for Support Towers for Wireless Communication Facilities, a site plan review is required for stealth facilities within an R-1 Zone that are over 140% of the maximum height allowed within this zone. However, as described in the background section of this report, because the Site Plan Review Committee April 3, 2025, referred this request to the Planning Commission, the land use permit required is now a conditional use permit. Staff is recommending approval of this application subject to the conditions contained in the Staff Report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #25-0002 (*Categorical Exemption*), and Conditional Use Permit #25-0006, including the adoption of the Draft Resolution at Attachment A, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Development Services Technician II LEE reviewed the report on this item. For further information, refer to Staff Report #25-302.

Public Testimony was opened at 6:14 PM.

Staff received 4 emails from CARL JONES, JULIE HORAL, LYNN MALLOY, and SANDRA BOESE. The emails were provided to the Planning Commission via email prior to the meeting and posted on the City's website.

Speaker from the Audience in Favor

CARL JONES, Applicant, AT&T, Folsom, CA

Speakers from the Audience in Opposition

BRENDA MORGUN, Leader of Opposition, Merced, CA

JULIE HORAL, Resident, Merced, CA

TOM MARTINEZ, Resident, Merced, CA

ADISON MARTINEZ, Resident, Merced, CA

AURORA MARTINEZ, Resident, Merced, CA

GENEVIEVE RASMUSSEN, Resident, Merced, CA

ESMERALDA MARTINEZ, Resident, Merced, CA

Public Testimony was closed at 6:44 PM.

A motion was made by Member Delgadillo, seconded by Member Thao, and carried by the following vote to adopt a Categorical Exemption regarding Environmental Review #25-0002 and approve Conditional Use Permit #25-0006, subject to the Findings and twenty-two (22) Conditions set forth in Staff Report #25-302 (RESOLUTION #4155).

Aye: 5 - Member Delgadillo
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains

No: 0

Absent: 1 - Chair Gonzalez

Abstain: 1 - Member Swiggart

E.2

SUBJECT: General Plan Amendment #24-01, Northeast Yosemite Specific Plan Amendment #6, and Vesting Tentative Subdivision Map #1329 ("Paulson Ranch"), initiated by Stonefield Home, Inc., property owner. The General Plan Amendment would amend the Merced

General Plan Transportation and Circulation Element by modifying the City of Merced Circulation Plan (Figure 4.1) and all associated maps and descriptions throughout the General Plan, to eliminate Destiny Drive (a collector road) from going through the subject site to Paulson Road (extension). The Northeast Yosemite Specific Plan Amendment would modify the design, layout, and circulation of the residential subdivision previously approved for this site. The Vesting Tentative Subdivision Map would subdivide approximately 39.12 acres into 104 residential lots (mostly between 6,000 and 7,000 square feet). The subject site is generally located on the south side of E. Cardella Road, 1,900 feet east of G Street. *PUBLIC HEARING*

ACTION:**PLANNING COMMISSION:**

Recommendation to City Council

- 1) Environmental Review #24-07 (*Negative Declaration*)
- 2) General Plan Amendment #24-01
- 3) Northeast Yosemite Specific Plan Amendment #6

Approve/Disapprove/Modify

- 1) Environmental Review #24-07 (*Negative Declaration*)
- 2) Vesting Tentative Subdivision Map #1329
[subject to City Council approval of General Plan Amendment #24-01, and Northeast Yosemite Specific Plan Amendment #6]

SUMMARY

The subject site is an undeveloped 39.12-acre parcel located in northeast Merced at 800 E. Cardella Road, located on the south side of Cardella Road, approximately 1,900 feet east of G Street. The General Plan Amendment is being requested to amend the City's General Plan Circulation Element (Figure 4.1) (Attachment G) to eliminate the collector road of Destiny Drive that would go through the subject site. The Northeast Yosemite Specific Plan Amendment would modify the design, layout, and circulation of the residential subdivision previously approved for this site. The Vesting Tentative Subdivision Map would subdivide approximately 39.12 acres into 104 single family lots (mostly between 6,000 and 7,000 square feet). Staff is recommending approval with conditions.

RECOMMENDATION

General Plan Amendment, and Northeast Yosemite Specific Plan Amendment,

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #24-07 (Negative Declaration), General Plan Amendment #24-01, Northeast Yosemite Specific Plan Amendment #6 (including the adoption of the Draft Resolution at Attachment A) subject to the conditions in Exhibit A, and the findings/considerations in Exhibit B of the Draft Resolution.

Vesting Tentative Subdivision Map

Planning staff recommends that the Planning Commission approve Environmental Review #24-07 (Negative Declaration) and Vesting Tentative Subdivision Map #1329 (including the adoption of the Draft Resolution at Attachment B) subject to the conditions in Exhibit A, the findings/considerations in Exhibit B of the Draft Resolution, and contingent upon City Council approval of the General Plan Amendment, and the Northeast Yosemite Specific Plan Amendment.

Acting Principal Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #25-338.

Public Testimony was opened at 7:15 PM.

Speaker from the Audience in Favor

RICK MUMMERT, Engineer for the Applicant, Benchmark Engineering, Modesto, CA

There were no speakers in opposition to the project.

Public Testimony was closed at 7:24 PM.

The applicant and staff modified several conditions as follows: (Note: Strikethrough deleted language, underline added language.)

~~"6. The developer/owner is required to finance the annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, streetlights, parks and open space, which may include a financing mechanism such as a Community Facilities District (CFD) or, assessment district. Procedures for financing these services and on going maintenance shall be initiated before final map approval or issuance of a certificate of occupancy for any building, whichever comes first. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City~~

~~Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received."~~

A motion was made by Member Delgadillo, seconded by Member Ochoa and carried by the following vote, to recommend to the City Council the adoption of a Negative Declaration regarding Environmental Review #24-07, and recommend approval of General Plan Amendment #24-01 and Northeast Yosemite Specific Plan Amendment #6, subject to the Findings and nine (9) Conditions set forth in Staff Report #25-338 (RESOLUTION #4144) with the removal of Condition #6 as noted above.

Aye: 6 - Member Delgadillo
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 1 - Chair Gonzalez

The applicant and staff modified several conditions as follows: (Note: Strikethrough deleted language, underline added language.)

"23. A minimum 6-foot-tall masonry wall shall be installed along Cardella Road and Paulson Road, as required by the City Engineer. The wall shall include anti-graffiti coating. Graffiti shall be removed within 7 days or as determined to be a reasonable timeframe by the Director of Development Services.

"29. The developer shall provide all utility services to each lot, including sanitary sewer, water, electric power, ~~gas~~, telephone, and cable television. The developer shall work with City Engineer regarding gas utility services. All new utilities are to be undergrounded.

"39. The applicant shall obtain an encroachment permit for any work done within a Merced Irrigation District easement.

"40. Lot A shall be maintained by the property owner, and not be a part of a Communities Facility District Annexation."

A motion was made by Member Delgadillo, seconded by Member Swiggart and carried by the following vote, to adopt a Negative Declaration regarding Environmental Review #24-07, and approve Vesting Tentative Subdivision Map

#1329, subject to the Findings and thirty-eight (38) Conditions set forth in Staff Report #25-338 (RESOLUTION #4145) with the modifications as noted above including the addition of Conditions #39 and #40.

Aye: 6 - Member Delgadillo
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 1 - Chair Gonzalez

E.3

SUBJECT:

Recommendation to adopt a Resolution of Denial for General Plan Amendment #24-02/ Site Utilization Plan Revision #3 to Planned Development #20/ Vesting Tentative Subdivision Map #1332 / Site Plan #551/ Minor Use Permit #24-13, initiated by Eric Gonsalves, on behalf of Yosemite 1380 LLC, property owner.

ACTION:

PLANNING COMMISSION:

Adopt a Resolution to Recommend Denial to City Council for:

- 1) Environmental Review #24-25 (*Negative Declaration*)
- 2) General Plan Amendment #24-02
- 3) Site Utilization Plan Revision #3 to Planned Development #20

Adopt a Resolution of Denial for:

- 1) Environmental Review #24-25 (*Negative Declaration*)
- 2) Vesting Tentative Subdivision Map #1332
- 3) Site Plan Review Permit #551
- 4) Minor Use Permit #24-13

[subject to City Council denial of General Plan Amendment #24-02, and Site Utilization Plan Revision #3 to Planned Development #20]

SUMMARY

On March 19, 2025, the Planning Commission held a public hearing regarding General Plan Amendment #24-02, Site Utilization Plan Revision #3 to Planned Development #20, Vesting Tentative Subdivision Map #1332, Site Plan #551, and Minor Use Permit #24-13. The public comment period was opened and residents from the surrounding area raised their concerns regarding the project and adequate time being given to review the project. The Planning commission voted unanimously to continue the

item to the April 9th Planning Commission Hearing. At the April 9th Planning Commission Hearing, the Planning Commission directed staff to prepare a resolution of denial for General Plan Amendment #24-02, Site Utilization Plan Revision #3 to Planned Development #20, Vesting Tentative Subdivision Map #1332, Site Plan #551, Minor Use Permit #24-13 and associated environmental review based on the reasons provided by the Planning Commission.

RECOMMENDATION

General Plan Amendment and Site Utilization Plan Revision to Planned Development

Planning staff recommends that the Planning Commission approve the Resolution to Recommend Denial to the City Council of Environmental Review #24-25 (Negative Declaration), General Plan Amendment #24-02, and Site Utilization Plan Revision #3 to Planned Development #20.

Vesting Tentative Subdivision Map, Site Plan Review, and Minor Use Permit

Planning staff recommends that the Planning Commission approve the Resolution of Denial for Vesting Tentative Subdivision Map #1332, Site Plan #551 and Minor Use Permit #24-13.

Clerk's Note: Due to a clerical error, this item was classified as an Action item instead of a Consent item.

Associate Planner RENTERIA reviewed the report on this item. For further information, refer to Staff Report #25-320.

A motion was made by Member Ochoa, seconded by Member Swiggart and carried by the following vote, to recommend that the City Council deny General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development #20 and deny Vesting Tentative Subdivision Map #1332, Site Plan Review Permit #551, and Minor Use Permit #24-13 subject to the Findings set forth in Staff Report #25-320 (RESOLUTION #4152 and #4153).

Aye: 6 - Member Delgadillo
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 1 - Chair Gonzalez

F. INFORMATION ITEMS

F.1 **SUBJECT:** Report by Deputy Director of Development Services of
Upcoming Agenda Items

ACTION

Information only.

Acting Planning Manager LAN went over the items for the next several Planning Commission meetings.

F.2 **SUBJECT:** Calendar of Meetings/Events

May	5	City Council, 6:00 p.m.
	7	Planning Commission, 6:00 p.m.
	19	City Council, 6:00 p.m.
	21	Planning Commission, 6:00 p.m.
Jun.	2	City Council, 6:00 p.m.
	4	Planning Commission, 6:00 p.m.
	16	City Council, 6:00 p.m.
	18	Planning Commission, 6:00 p.m.
	24	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 7:41 PM.

A motion was made by Member Ochoa, seconded by Member Swiggart and carried by the following vote, to adjourn the Regular Meeting.

Aye: 6 - Member Delgadillo
 Member Pao Thao
 Member Smith
 Member Ochoa
 Vice Chair Greggains
 Member Swiggart

No: 0

Absent: 1 - Chair Gonzalez

BY:



JONNIE LAN, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:



ANTHONY GONZALEZ, CHAIRPERSON
MERCED CITY PLANNING COMMISSION

CITY OF MERCED
Planning Commission

Resolution #4155

WHEREAS, the Merced City Planning Commission at its regular meeting of May 7, 2025, held a public hearing and considered Conditional Use Permit #25-0006, initiated by AT&T Mobility, on behalf of the City of Merced, property owner. This application involves a request to allow the construction of 55-foot-tall wireless communication tower in the form of a stealth mono-palm tree at 3400 Parsons Avenue, generally located at the northeast corner of Parsons Avenue and Brookdale Drive with a General Plan designation of Open Space – Park Recreation (OS-P), and a Zoning classification of R-1-6, and also known as Assessor’s Parcel Number (APN) 006-150-002; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through L of Staff Report #25-302; 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 #25-0002, and approve Conditional Use Permit #25-0006, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Delgadillo, seconded by Commissioner Thao, and carried by the following vote:

AYES: Commissioners Thao, Delgadillo, Smith, Ochoa, and Greggains
NOES: None
ABSENT: Chairperson Gonzalez
ABSTAIN: Commissioner Swiggart

PLANNING COMMISSION RESOLUTION #4155

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May 7, 2025

Adopted this 7th day of May 2025



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B - Findings

Conditions of Approval
Planning Commission Resolution #4155
Conditional Use Permit #25-0006

1. The proposed project shall be constructed/designed as shown on Attachment C (site plan) and Attachment D (elevations) of Staff Report #25-302, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”) 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, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City’s attorney’s fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval

of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

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. In coordination with the Police Department and Fire Department, a frequency/inter-modulation study shall be prepared. Service may not be initiated until these departments have reviewed and have found the study to be acceptable.
8. At the time of building permit submittal, the applicant shall provide certification by a Radio Frequency Engineer, stating the RFR measurements and that they meet FCC radio frequency radiation standards.
9. The applicant shall work with the Merced Regional Airport and comply with all of their requirements for this type of structure and obtain all proper permits. Said requirements may include, but are not limited to, obtaining approval from the Airport Land Use Commission, or showing proof of submitting an FAA Form 7460-1 to the FAA.
10. The maximum overall height of the "Mono-Palm" stealth facility shall not exceed 55 feet. Antennas mounted to the stealth facility shall not be mounted higher than 60 feet in height.
11. The design of the mono-palm shall closely resemble the appearance of a real palm tree. At a minimum, the branch pattern on the "Mono-Palm" stealth facility shall have a maximum of 18 inches of height between each other and the lowest branch on the "tree" shall be a maximum of 20 feet above the ground.
12. The "Mono-Palm" stealth facility shall not have any form of steps, ladder, or pegs protruding from its side.

13. The color of the Mono-Palm shall match that of a real palm tree. These colors tend to be green (leaves) and brown (bark) and shall be consistently maintained. The antennas and any mounting equipment shall be painted to match the colors of the “tree.”
14. The Mono-Palm stealth facility shall be maintained at all times. At no time shall the Mono-Pine be faded or worn down to a state that would be considered unacceptable to City standards for a Stealth Facility. Should the natural weather elements (wind, rain, etc.) deteriorate any portion of the tree, new items of similar likeness shall be installed, replacing the deteriorated items.
15. No signs, other than warning and safety signage, shall be located on a support tower or ancillary facility.
16. Other than lighting required by the FAA or other regulatory agency for the purpose of safety, lights are not permitted on the “Mono-Pine” pole. Any lighting used on the equipment shelter shall be appropriately “down-shielded” to keep light within the boundaries of the site and not impact surrounding properties.
17. Projections or appendages of any sort are not permitted, except for those related to a common Stealth Telecommunications Tower. If there are antennas projecting outward, they shall be screened behind the branches and shall be painted a color similar to the branches (green).
18. All ancillary equipment shall be contained inside the area enclosed by a solid fence. All ancillary equipment shall be screened from view from the public right-of-way.
19. The proposed 8-foot-tall soundproof wall proposed to enclose the cell facility and ancillary equipment is approved as proposed. The gate providing access to the facility shall be of solid material or other approved material that would screen the equipment inside the facility from public view. The soundproof wall shall be integrated into the site with landscaping consistent with other landscaping on the site.
20. The site shall be provided with landscaping consistent with the other developments on the site. If the other developments on the site have not been landscaped at the time the cell facility is complete, landscaping for the cell facility may be deferred for a period not to exceed 6 months unless an extension of time is granted by the Development Services Director.

21. Any noise generated by the facility from the equipment, or the tower shall be kept to a minimum, so as not to cause a nuisance to the neighborhood.
22. All equipment, fencing, and other surfaces shall be maintained free of graffiti.

**Findings and Considerations
Planning Commission Resolution #4155
Conditional Use Permit #25-0006**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The project site has a General Plan designation of Open Space – Park Recreation (OS-P), and the zoning classification of Low Density Residential (R-1-6). The proposal meets the requirements of these designations with approval of this conditional use permit.

Per Merced Municipal Code Land Use Table 20.58-2 – Review Procedures for Support Towers for Wireless Communication Facilities, a site plan review permit is required for stealth facilities within an R-1-6 Zone that are over 140% of the maximum height allowed within this zone. However, because the Site Plan Review Committee is referring this request to the Planning Commission, the land use permit required is now a conditional use permit per Merced Municipal Code Section 20.58.050(A)(4).

Traffic/Circulation

- B) The installation of the telecommunications tower would not increase traffic to the site or significantly change the circulation on the site. Other than traffic during the construction/installation period, there would only be additional traffic to the site when maintenance is required and that would generally be by a single truck.

Parking

- C) No additional parking spaces are required with this use as there will be no employees or customers onsite on a regular basis. The installation of the telecommunication tower does not affect the parking on the site for the existing park.

Tower Design

- D) There are twelve (12) palm trees within the subject site that are approximately 64-68 feet tall. The proposed wireless communication tower would be constructed to look like a palm tree, which would be compatible with other trees in the surrounding area. The overall height of the “palm tree” would be 55 feet with the antennas being mounted no higher than 55 feet (Attachment

D of Planning Commission Staff Report #25-302). The mechanical equipment for the tower would be enclosed by the proposed 8-foot-tall sound-proof wall within a 20-foot by 30-foot area. Photo simulations showing the tower, and the surrounding area are provided at Attachment E of Planning Commission Staff Report #25-302. The photo simulation compares the existing conditions to the existing conditions with the tower from all four directions.

As proposed, the mono-palm branches would extend up to 60 feet. In order to give the tree a more natural appearance, Condition #13 requires the color of the mono-palm to match that of a real palm tree. These colors tend to be green (leaves) and brown (bark) and shall be consistently maintained. The antennas and any mounting equipment shall be painted to match the colors of the “tree.”

Site Design

- E) The wireless facility would be located within the northwest quadrant of the site. The tower and all equipment would be located within an approximately 600-square-foot area enclosed by an 8-foot-tall soundproof concrete masonry unit (CMU) block wall. Access to the facility would be provided through a gate on the east side of the facility.

The tower would be approximately 184 feet from the homes directly adjacent to the park fronting El Portal. According to the applicant, the site is designed for AT&T to improve the LTE coverage in the area and provide new service on Band 14, which is a dedicated public safety network for first responders nationwide. The proposed facility is designed to be part of FirstNet and will provide coverage and capacity for the development of the FirstNet platform on AT&T LTE network. Deployment of FirstNet in the subject area will improve public safety by providing advanced communications capabilities to assist public safety agencies and first responders.

Federal Regulations

- F) According to Section 332 (C) (7) of the Federal Telecommunication Act, local governments may not: (1) prohibit or effectively prohibit personal wireless service; (2) unreasonably discriminate among providers of functionally equivalent service providers; or (3) regulate personal wireless service facilities based on the environmental effects from radio frequency emission to the extent such emission meets FCC Guidelines.

In addition, the radio frequency emission of the proposed cell tower will meet FCC guidelines (Attachment G of Planning Commission Staff Report #25-

302).

First Responder Communication Services

- G) The applicant has provided a map of existing and proposed wireless facilities within the 3-mile radius to illustrate service for local area and first responders (First Net Program) also known as First Responders Network (Attachment F of Planning Commission Staff Report #25-302).

Development Standards

- H) Per Merced Municipal Code Section 20.92.060, all wireless communication facilities shall comply with the following development standards and requirements in addition to complying with all other applicable provisions of the Merced Municipal Code and the *Merced Vision 2030 General Plan*.

Color: Support towers shall be provided in a color that best allows it to blend into the surroundings. Antennas shall be placed and colored to blend into the architectural detail and coloring of the host structure.

Compliance with Standard: The color of the mono-palm tree would be compatible with the surrounding trees and landscaping. There are also twelve (12) palm trees within the project site. The colors used for the mono-palm tree would be consistent with a real tree.

Display (Signs): No signs or display shall be located on a support tower or ancillary facilities except for warning and safety signage.

Compliance with Standard: The applicant has not proposed any signing to be attached to the tower. Condition #15 prohibits all signs other than warning and safety signing.

Equipment Shelters: The following guideline are to be used to ensure that equipment shelters are compatible with their surroundings: (1) equipment shelters located in underground vaults, or (2) equipment shelters designed consistent with the architectural features of the building immediately surrounding the site locations; or (3) equipment shelters camouflaged behind an effective year-round landscape buffer.

Compliance with Standard: All the equipment would be located within the fenced area and screened from public view by the 8-foot-tall CMU wall (Condition #18).

Interference: *Wireless communication facilities shall not cause interference with public communication equipment.*

Compliance with Standard: Condition #7 requires the applicant to work with the Police and Fire Departments to prepare a frequency/inter-modular study to ensure the proposed telecommunications facility does not interfere with the City's communication equipment.

Landscaping and fencing: *The following guideline is to be used to ensure that wireless communications facilities are compatible with their surroundings: Installation of landscaping, served with an automatic underground irrigation system, that effectively screens the view of the tower site from adjacent properties. The standard buffer shall consist of a landscaped strip at least four (4) feet wide at the site perimeter, and fencing. Vines shall be used to cover the fence. Use of barbed wire is prohibited. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.*

Compliance with Standard: The proposed project includes the construction of an 8-foot-tall sound-proof CMU wall to surround the entire facility. The CMU wall would be finished with texture and color to match the existing buildings on the site. Landscaping would be provided around the perimeter of the fencing as required by Conditions #19 and #20.

Lighting: *Except as specifically required by the Federal Aviation Administration (FAA) or other applicable authority, support towers shall not be artificially lighted. In order to reduce glare, such lighting shall be shielded from the community to the extent allowed by the FAA. Equipment shelters may use security lighting that is appropriately down shielded to keep light within the boundaries of the site and not impact surrounding properties.*

Compliance with Standard: All lighting shall be in compliance with FAA regulations. Any lighting for the equipment area shall be down shielded to protect prevent light from spilling over onto the adjacent properties. Condition #16 addresses lighting on the site and requires compliance with this standard.

Radio frequency radiation (RFR): Upon request to construct a wireless communications facility or to mount wireless communication antennas to an existing wireless communication facility, the applicant shall provide certification by a Radio Frequency Engineer, stating the RFR measurements and that they meet FCC radio frequency radiation standards.

Compliance with Standard: Condition #8 requires this certification be submitted during the building permit stage.

Setbacks and siting:

1. All equipment shelters, or other on-the-ground ancillary equipment shall meet the setback requirements of the zone in which they are located.
2. Antenna and antenna arrays are exempt from the setback standard of this section and from the setbacks for the zone in which they are located.
3. Support towers that do not exceed 125% of the height limit of the zone in which they are located need only meet the setback requirements for that zone.
4. Support towers that exceed 125% of the height limit of the zone in which they are located shall be set back from all property lines as required by that zone or one foot for every 10 feet of total tower height, whichever produces the greater setback.
5. To the greatest extent possible, support towers should be placed to the rear or side of buildings.

Compliance with Standard: The site is located within the Low Density Residential (R-1-6) Zone. Based on Standard #4 above, a 55-foot-tall tower would need to have a setback of at least 5.5 feet from the property line. The tower is approximately 184 feet from the homes to the north of the subject site and 456 feet from Parsons Avenue, which are both greater than the minimum setback required by this standard.

The tower is located near the northwest corner of the site. Because the site has streets on the east side, this location seems appropriate for the site. The proposed location places the tower behind the existing structures on the site and away from Parsons Avenue.

Heights: No support tower, other than a stealth facility, may exceed the following heights:

1. *Within a Low Density Residential (R-1) zone and a High Medium Density (R-3) zone: 55 feet; and,*
2. *Within a Central Commercial (C-C) zone, a Thoroughfare Commercial (CT) zone, and a General Commercial (C-G) zone: 120 feet; and,*
3. *Within an Industrial zone: 150 feet, and,*
4. *Within a Planned Development: as permitted by the site utilization plan.*

Compliance with Standard: The proposed tower would be 55 feet tall and is considered a stealth facility with its palm tree design. Therefore, with Conditional Use Permit approval, the tower could exceed the above height limits. The Low Density Residential (R-1-6) Zone allows a maximum height of 55 feet. Therefore, the height is subject to approval by the Planning Commission. The existing buildings on-site are approximately 30 feet tall. There are twelve (12) palm trees within the subject site that are approximately 64-68 feet tall.

Neighborhood Impact/Interface

- I) The project site is located at the northeast corner of Brookdale Drive and Parsons Avenue. The subject site is primarily surrounded by single-family residential homes.

A stealth facility decreases the impact on the surrounding area by helping to integrate the tower with the surrounding natural landscape. The requirement to provide a landscaping combined with the conditions of approval addressing lighting, noise, etc. reduces the impacts to the area.

As required by State law and the Merced Municipal Code, public hearing notices were sent to all property owners within 300 feet of the site (Attachment K of Planning Commission Staff Report #25-302).

As of the time that this staff report was prepared, staff has not received any additional comments from the public for this proposal other than those provided during the Site Plan Review, as shown at Attachment J of Planning Commission Staff Report #25-302. If additional comments are received prior to the Planning Commission Staff Report being published, those comments will be added to the report. Any comments submitted after the publication of the staff report and by 1:00 p.m. on the day of the Planning Commission hearing will be forwarded to the Planning Commission and posted to the City's website.

Mandatory Findings for Conditional Use Permits

- J) Merced Municipal Code (MMC) Section 20.68.020 requires that the following findings be made by the Planning Commission in order to approve a Conditional Use Permit:

- 1. The proposed use is consistent with the purpose and standards of the zoning district, the general plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

As described in Finding A, the proposed land use is consistent with the General Plan designation of Open Space – Park Recreation (OS-P). The Zoning Ordinance was updated in 2016, to allow stealth wireless communication facility and antennas within a residential zone with a Site Plan Review Permit rather than a Conditional Use Permit. However, the Site Plan Review Committee heard this item at their meeting of April 3, 2025, and voted to refer this application to the Planning Commission (Attachment I of Planning Commission Staff Report #25-302).

- 2. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

The wireless communication tower would be disguised as a palm tree (55-foot-tall stealth mono-palm) and would be located on the northern portion of the parcel. According to the applicants, the height of the stealth mono-palm is necessary to close an LTE service coverage gap in the area.

The location is adjacent to single-family homes on El Portal, little visibility from the homes on Shamrock Place, Nottingham Avenue, Cascade Creek Avenue, and Parsons Avenue. There are existing trees in the surrounding area including (12) palm trees on the property, so the cell tower will blend in with others in the area.

- 3. The proposed use will not be detrimental to the public health, safety, and welfare of the City.*

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City.

Implementation of the conditions of approval and adherence to all applicable Building Codes, Fire Codes, and Federal and City Standards would prevent the project from having any detrimental effect on the health, safety, and welfare of the City.

4. *The proposed use is properly located within the City and adequately served by existing or planned services and infrastructure.*

The project site is located within a developed area that is adequately served by infrastructure.

Wireless Communication Facilities Findings

- K) To approve a wireless communication facility requiring a Site Plan Review or Conditional Use Permit, the review authority must make the following findings (if applicable) in addition to the findings required by Chapter 20.68 (Permit Requirements) for the applicable permit:

1. For a proposed lattice tower located in other than an industrial district, the applicant has demonstrated that there is no feasible alternative to use of a lattice tower at the proposed site or within the search ring.

The proposed wireless communication tower is a stealth mono-palm located in a zoning classification of Low Density Residential (R-1-6). The applicant provided an alternative site analysis at Attachment H of Planning Commission Staff Report #25-302 showing that AT&T searched for, but did not find, feasible collocation opportunities in and around the coverage objective area. The applicant also considered alternative sites and did not find any that suited their needs as well as this site.

2. The proposed wireless communication facility is designed at the minimal functional height.

The wireless communication tower would be disguised as a palm tree (55-foot-tall stealth mono-palm) located on the northern portion of the parcel. Ancillary cabinet ground equipment would be enclosed by an 8-foot-tall CMU block wall. According to the applicants, the proposed height of this wireless communication is necessary to provide coverage to service the area.

3. The location for the wireless communication facility minimizes the visibility of the facility from residentially zoned property and minimizes the obstruction of scenic views from residentially zoned property.

The location for the wireless tower is adjacent to single-family homes on El Portal Drive, little visibility from the homes on Shamrock Place, Nottingham Avenue, Cascade Creek Avenue, and Parsons Avenue. There are multiple trees within the park including twelve (12) palm trees within the project site. The proposed stealth facility helps the facility blend in with the surrounding trees on-site and throughout the park. However, the Site Plan Review Committee heard public comments from several neighbors in opposition to the tower's location and aesthetics, despite its meeting the City's standards for such facilities as spelled out in the Municipal Code.

4. Projection of the antenna or antenna array has been minimized to the greatest extent possible.

Based on elevations provided, the large cellmax antennas located on the site plan protrudes 4 feet more than the limbs of the tree/tower. There are smaller antennas that will be covered with a palm stealth bulb. In order to minimize the visibility, the antennas will need to be painted green (Condition #13).

5. In the case of an application for use of a new site for wireless communication facilities, all reasonable opportunities to locate the facility or to co-locate the facility on an existing structure have been exhausted by the applicant and are not feasible.

The applicant has provided an alternative site analysis for co-locations; however, the conclusion is that there are no viable or available alternative locations (Attachment H of Planning Commission Staff Report #25-302).

6. Support towers located in an agricultural zoning district are located and designed to minimize dangers to aerial sprayers.

The subject site is not located in an agricultural zoning district, but in a zoning district of Low Density Residential (R-1-6).

7. Sites near the project area, which are poorly suited for other forms of development, are unavailable for use by the wireless communication facility.

The majority of the surrounding parcels are fully developed and standard in size for residential development. East of the project site is Merced County jurisdiction and the nearby Chenoweth Elementary School (200 feet south of the subject site), all other parcels within a 1/4-mile radius are fully developed. There are no sites nearby that are available and poorly suited for other forms of development.

8. For planned developments, the underlying land use designation permits and would not be adversely affected by the proposed type of wireless communication facility. For example: in an industrial planned development, a lattice tower may be found to be acceptable while in a residential planned development, a stealth facility or monopole may be found to be acceptable, but a lattice tower would not. To determine the effect of the proposed wireless communication facility on the land use designation and the permit process required, use Table 20.58-2.

The subject site is not located within a zoning classification of Planned Development. The subject site has a zoning classification of Low Density Residential (R-1-6). Table 20.58-2 prohibits wireless communication facilities with a guyed tower or lattice tower design. However, this table allows stealth wireless communication facilities with a site plan review permit and is considered appropriate in residential zones as stealth facilities are allowed in residential zones as they are designed to blend in with the existing physical environment. Stealth facilities may come in the form of flagpoles, water tanks, free standing signs, or more natural features such as a tree, as is being proposed by the applicant.

Environmental Clearance

- L) Planning staff has conducted an environmental review (Environmental Review #25-0002) of the project in accordance with the requirements of the

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4155

California Environmental Quality Act (CEQA), and recommends a Categorical Exemption with no further documentation required (Attachment L of Planning Commission Staff Report #25-302).

CITY OF MERCED
Planning Commission

Resolution #4144

WHEREAS, the Merced City Planning Commission at its regular meeting of May 7, 2025, held a public hearing and considered **General Plan Amendment #24-01, and Northeast Yosemite Specific Plan Amendment #6** initiated by Stonefield Home, Inc., property owner. The General Plan Amendment would amend the Merced General Plan Transportation and Circulation Element by modifying the City of Merced Circulation Plan (Figure 4.1) and all associated maps and descriptions throughout the General Plan, to eliminate a portion of Destiny Drive (a collector road) from going through the subject site to Paulson Road (extension). The Northeast Yosemite Specific Plan Amendment would modify the design, layout, and circulation of the residential subdivision previously approved for this site. The subject site is generally located on the south side of E. Cardella Road, 1,900 feet east of G Street. The subject site is more particularly described as Remainder as shown on the map entitled “Parcel Map for Wathen” recorded in Book 121, Page 2, in Merced County Records; also known as Assessor’s Parcel Number (APN) 231-010-021; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through H of Staff Report #25-338 (Exhibit B of Planning Commission Resolution #4144); and,

NOW THEREFORE, after reviewing the City’s Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Negative Declaration regarding Environmental Review #24-07, and recommend approval of General Plan Amendment #24-01, and Northeast Yosemite Specific Plan Amendment #6, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Delgadillo, seconded by Commissioner Ochoa, and carried by the following vote:

AYES: Commissioners Smith, Swiggart, Delgadillo, Thao, and Greggains

NOES: None

ABSENT: Chairperson Gonzalez

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4144

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May 7, 2025

Adopted this 7th day of May 2025



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

Conditions of Approval
Planning Commission Resolution # 4144
General Plan Amendment #24-01/Northeast Yosemite Specific Plan
Amendment #6

1. The proposed General Plan Amendment shall be as shown on the Conceptual Revised Circulation Element (Figure 4.1) at Attachment G of Planning Commission Staff Report #25-338.
2. Approval of the General Plan Amendment, and Northeast Yosemite Specific Plan Amendment are subject to the applicant(s) entering into a written Legislative Action Agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes— whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such fees, taxes, and/or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as required by the City Engineering Department.
4. The Project shall comply with all applicable conditions set forth in the resolutions for Annexation No. 173 (Yosemite Annexation #3) previously approved for this site, unless modified by these conditions.
5. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
6. ~~The developer/owner is required to finance the annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, streetlights, parks and open space, which may include a financing mechanism such as a Community Facilities District (CFD) or, assessment~~

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4144

~~district. Procedures for financing these services and on-going maintenance shall be initiated before final map approval or issuance of a certificate of occupancy for any building, whichever comes first. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.~~

7. The developer/owner is required to finance the annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, streetlights, parks and open space, which may include a financing mechanism such as a Community Facilities District (CFD) or, assessment district. Procedures for financing these services and on-going maintenance shall be initiated before final map approval or issuance of a certificate of occupancy for any building, whichever comes first. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
8. 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, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City's attorney's fees and costs. If any claim, action, suits, or proceeding

is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City.

9. 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.

Findings and Considerations
Planning Commission Resolution #4144
Northeast Yosemite Specific Plan #6/General Plan Amendment #24-01

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The General Plan Amendment portion of this application would amend the General Plan's Circulation Element (Figure 4.1) to eliminate Destiny Drive (a collector road) from the project site as this road would not be able to extend through the site eastward to Paulson Road due to wetland constraints within the subject site (see Finding C). The General Plan Amendment portion of this application would not amend any of the General Plan land use designations within the project site.

The proposed subdivision (Paulson Ranch) would create 104 residential lots on 39.12 acres (Attachment D of Planning Commission Staff Report 25-338). This subdivision complies with the General Plan designations of Low Density Residential (LD) and High to Medium Density Residential (HMD) for this site. The maximum number of units allowed for this site would be approximately 655; the proposed 104 units is below the maximum allowed for this site.

The proposed project, with conditions of approval, will help achieve the following General Plan land use policies:

L-1.2 Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.

L-1.3 Encourage a diversity of lot sizes in residential subdivisions.

L-1.8 Create livable and identifiable residential neighborhoods.

Mandatory Findings

- B) Chapter 20.80 (Zoning Ordinance Amendments) and 20.82 (General Plan Amendments) outlines procedures for considering General Plan Amendments, but does not require any specific findings to be made for approval. In addition to amend specific plans, such as the Northeast Yosemite Specific Plan, there are no specific findings that need to be made. However, good Planning practice would be to provide objective reasons

for approval or denial. These findings can take whatever form deemed appropriate by the Planning Commission and City Council. Based on State law and case law, the following findings are recommended:

1. The proposed amendment is deemed to be in the public interest.

Due to wetland concerns described under Finding C, the circulation for this site is being redesigned. This includes the request for a General Plan Amendment to eliminate Destiny Drive (collector road) from going through the subject site. Doing so allows the developer to re-design the subject site so that it is developable for a residential subdivision while avoiding wetland areas. The proposed amendment is deemed to be in the public interest because it will provide needed housing for the community.

2. The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The proposed General Plan Amendment would modify the City's Circulation Element to eliminate a collector road (Destiny Drive) from going through the subject site, however the General Plan land use designations throughout the subject site would remain the same and consistent with the rest of the General Plan.

In addition, Finding A shows that the proposal meets some of the General Plan Goals and Policies such as allowing the development of residential housing that encourages a diversity of housing stock, encourages a diversity of lot sizes, and continue to pursue quality single-family homes.

3. The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City. Implementation of the conditions of approval and adherence to all applicable Building Codes, Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health, safety, and welfare of the City as a whole.

4. *The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

The proposed General Plan Amendment and Specific Plan Amendment has been processed in accordance with all applicable California Government Code sections. In addition, Planning staff has conducted an environmental review (#24-07) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Negative Declaration (see Attachment K of Planning Commission Staff Report #25-338) has been recommended.

Wetlands

- C) Gallaway Enterprises conducted a field survey and identified areas where historical flooding from adjacent waterways created wetlands. The map at Attachment I identifies the wetland areas. The proposed subdivision (Paulson Ranch) is designed to avoid these areas, which requires amending the circulation in this area by eliminating the portion of Destiny Drive planned to go through this site, and modifying the circulation previously and housing type approved through the Northeast Yosemite Specific Plan (Attachment J).

Building Elevations

- D) The developer has yet to submit building designs for the single-family homes (104 lots). The building design/elevations will be reviewed and approved by Planning Staff prior to issuance of a building permit. The single-family homes shall be required to comply with the City's minimum design standards for single-family homes as required under Merced Municipal Code Section 20.46.020 - Design Standards for Single-Family Dwellings and Mobile Homes (see Attachment E of Planning Commission Staff Report #25-338).

Traffic/Circulation

- E) Traffic From Proposed Development

The project site consists of an undeveloped lot totaling approximately 39.12 acres. The project site fronts an arterial road (E. Cardella Road), with the nearest north-south road being Paulson Road (collector road) currently terminating south of the project site, but would be extended through the subject site up to Cardella Road and down to Yosemite Avenue with this development. Yosemite Avenue and Cardella Road are both designed to carry

large volumes of traffic going through a large portion of the community. The subject site is half a mile east of G Street, which provides access to Highway 99 that connects Merced with other regional communities throughout the State.

The interior roads within the subdivision include two east/west roads, six cul-de-sacs, and two north/south roads. As shown at Attachment D of Planning Commission Staff Report #25-338, the Streets/Courts A through J (except for Street D) would be designed to Local Street standards with 59 feet of right-of-way, which includes street, curb, gutter, park strip, sidewalk, and a public utility easement. Street D would have 100 feet of right-of-way. Paulson Road and Cardella Road would respectively have 84 feet and 148 feet of right-of-way respectively, and include a masonry block wall.

The General Plan would allow a maximum of 655 units within the subject site. The proposed 104 units would generate less vehicle traffic compared to the maximum density allowed. According to Trip Generation (ITE Report), the average daily trips per unit is 6.59. The proposed project at 104 units would generate approximately 16% of the average daily trips compared to the maximum density allowed by the General Plan.

In addition, there are several walkable locations within a ¼ mile of the subject site, which include Davenport Park, Cruickshank Middle School, Dignity Health Hospital, Merced College, and the Yosemite & G Crossing Shopping Center (under construction in phases). The existing street network could adequately serve this proposal as it was designed to accommodate a much larger maximum number of units. In addition, the extension of Paulson Road to Cardella Road would provide direct access to existing residents in the neighborhood wanting to travel north, improving the street network in the area.

Neighborhood Impact

- F) The subject site is surrounded by a variety of uses which includes to the west by Cruickshank Middle School/agricultural land, to the south by single-family homes, to the east by undeveloped land, and to the north (across from E. Cardella Road) by agricultural land. The subject site's current land use designation is residential and would allow a maximum of 655 residential units. The proposed Paulson Ranch subdivision is consistent with the current land use designation, and at 104 single-family homes would be below the maximum number of residential units allowed for this site. There are several existing residential subdivisions to the south. This development is not

expected to alter the character of the neighborhood or introduce uses that don't already exist in the neighborhood.

Public hearing notices were sent to all property owners within 300 feet of the project site. At the time that this report was prepared, the City had not received any comments regarding this project.

Affordability Requirements

- G) In 2023, the City Council updated the City's Regional Housing Needs Allocation Unit Production Plan. A housing affordability requirement is triggered by two qualifiers that need to be met: entitlement type and number of units created. For single-family residential developments, the affordability requirement is triggered by a legislative action agreement (through annexations, general plan amendments, site utilization plan revisions, or zone changes) for projects with over 60 single-family homes (multi-family residential projects are exempt).

In this case, the developer is requesting an entitlement that triggers a legislative action agreement-- a general plan amendment. As shown under Finding A, General Plan Amendment #24-01 is to amend the City's Circulation Element only (not a land use change request. The land use aspect of the project (104 units on approximately 39 acres) would comply with the Zoning classifications for this site.

Based on this request, the developer is not required to provide affordable housing units (or an in-lieu fee) because the general plan amendment is to amend the City's Circulation Element (not land use).

Environmental Clearance

- H) Most Infill projects over 5 acres or projects that don't comply with Zoning/General Plan designations require an Initial Study, per the California Environmental Quality Act (CEQA). In this case, the proposed land use is consistent with the General Plan land uses, and a General Plan Amendment is being requested to amend the Circulation Element by eliminating a collector road from going through the project site and amending the Northeast Yosemite Specific Plan – thus an Initial Study was required. An Initial Study includes a wide range of analysis required by the State covering an array of subjects including, but not limited to, impacts on vehicle miles traveled, air quality, biological resource, public services, cultural resources, and City utilities. Planning staff has conducted an environmental review of the project

in accordance with the requirements of CEQA, and concluded that Environmental Review #24-07 results in a Negative Declaration as the proposal would not have a significant effect on the environment and does not require the preparation of an Environmental Impact Report. A copy of the Initial Study with a Negative Declaration can be found at Attachment K of Planning Commission Staff Report #25-338.

CITY OF MERCED
Planning Commission

Resolution #4145

WHEREAS, the Merced City Planning Commission at its regular meeting of May 7, 2025, held a public hearing and considered **Vesting Tentative Subdivision Map #1329 (“Paulson Ranch”)**, initiated by Stonefield Home, Inc., property owner. This application involves a request to subdivide approximately 39.12 acres into 104 single-family lots ranging in size between 6,000 square feet and 14,250 square feet. The subject site is generally located on the south side of E. Cardella Road, approximately 1,900 feet east of G Street at 800 E. Cardella Road; also known as Assessor’s Parcel Number (APN) 231-010-021; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through L of Staff Report #25-338; and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Vesting Tentative Subdivision Map Requirements in Merced Municipal Code Section 18.16.80, 18.16.90, and 18.16.100 as outlined in Exhibit B; and,

NOW THEREFORE, after reviewing the City’s Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does adopt a Negative Declaration regarding Environmental Review #24-07, and approve Vesting Tentative Subdivision Map #1329, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Delgadillo, seconded by Commissioner Swiggart, and carried by the following vote:

AYES: Commissioners Swiggart, Smith, Delgadillo, Ochoa, and Greggains

NOES: None

ABSENT: Chairperson Gonzalez

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4145

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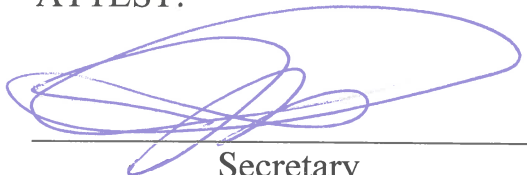
May 7, 2025

Adopted this 7th day of May 2025



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B – Findings

Conditions of Approval
Planning Commission Resolution #4145
Vesting Tentative Subdivision Map # 1329

1. The proposed project shall be constructed/designed as shown on Attachment D (Vesting Tentative Subdivision Map for Paulson Ranch).
2. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") 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, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City's attorney's fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the

City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

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. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated before Final Map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the Development Services Director to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
8. All dwellings shall be designed to include fire sprinklers as required by the California Fire Code.
9. Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
10. Plans shall meet current codes at the time of building permit application submittal. Building permit applications shall comply with the newest enacted California Building Codes. Plans shall be drawn by a licensed California design professional.
11. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers.
12. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.

13. The single-family lots shall comply with the design standards found under MMC Section 20.46.020 - Design Standards for Single-Family Dwellings and Mobile Homes (Attachment E of Planning Commission Staff Report #25-338).
14. Each lot shall provide a parking garage for a minimum of one vehicle.
15. All mechanical equipment shall be screened from public view.
16. Each lot within the subdivision shall be provided with one driveway. No residential driveways shall front on any arterial or collector street.
17. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA), as well as the requirements for the California Urban Level of Flood Protection (CA 200-year flood).
18. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-IV Permit (Municipal Separate Storm Sewer System).
19. The applicant shall provide a minimum 36 inches of coverage between the top of the sewer line and the surface of the street, or as otherwise required by the City Engineer.
20. All landscaping within the public right-of-way shall comply with state and local requirements for water conservation. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system and shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).
21. All undeveloped areas shall be maintained free of weeds and debris.
22. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or City mandated water regulations dealing with the current drought conditions. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).

23. A minimum 6-foot-tall masonry wall shall be installed along Cardella Road and Paulson Road as required by the City Engineer. The wall shall include anti-graffiti coating. Graffiti shall be removed within 7 days or as determined to be a reasonable timeframe by the Director of Development Services.
24. Landscaping shall be provided between the block wall and the sidewalk along Cardella Road and Paulson Road. This strip of land shall be dedicated to the City and maintained through the Community Facilities District during the Final Map stage, as required by the City Engineer.
25. Sewer manholes shall be installed as required by the Engineering Department (if needed).
26. The applicant shall dedicate all necessary street right-of-way and easements as needed for irrigation, utilities, drainage, landscaping, and open space during the Final Map stage as required by the City Engineer.
27. Additional right-of-way improvements on non-arterial streets, such as road widening beyond the City standard, would not be eligible for Public Facilities Impact Fee reimbursement.
28. Dedication of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1329 and as needed for irrigation, utilities, drainage, landscaping, open space, and access.
29. The developer shall provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. The developer shall work with City Engineer regarding gas utility service. All new utilities are to be undergrounded.
30. The turning radii for the access roads are 33 feet inside, and 47 feet outside. The cul-de-sac bulbs shall have a minimum diameter of 96 feet and shall be posted as “no parking” in compliance with Fire Department Standards adopted by Merced Municipal Code Section 17.32.
31. The developer shall install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.
32. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA

standards and other relevant City of Merced/State/Federal standards and regulations.

33. All public improvements shall be provided as required by the City Engineer. All improvements shall meet City Standards.
34. The developer shall provide construction plans and calculations for all landscaping and public maintenance improvements. All such plans shall conform to City standards and meet approval of the City Engineer.
35. All entryway and subdivision signs shall be administratively approved by Planning Staff prior to the issuance of a building permit.
36. The Caltrans corner vision triangle standards may be used over the City's standard found under MMC 20.30.030 – Corner Vision Triangles, for the lots determined appropriate by the Director of Development Services.
37. Development is not allowed within the wetland areas identified in Attachment I of Planning Commission Staff Report #25-338. Should development be proposed within this area in the future, the developer shall provide studies concluding that wetlands no longer existing in this area.
38. The approval of VTSM #1329 is contingent upon City Council approving General Plan Amendment #24-01 and Northeast Yosemite Specific Plan Amendment #6.
39. The applicant shall obtain an encroachment permit for any work done within a Merced Irrigation District easement.
40. Lot A shall be maintained by the property owner, and not be a part of a Communities Facility District Annexation.

Findings and Considerations
Planning Commission Resolution #4145
Vesting Tentative Subdivision Map #1329

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The General Plan Amendment portion of this application would amend the General Plan's Circulation Element (Figure 4.1) to eliminate Destiny Drive (a collector road) from the project site as this road would not be able to extend through the site eastward to Paulson Road due to wetland constraints within the subject site (see Finding B). The General Plan Amendment portion of this application would not amend any of the General Plan land use designations within the project site.

The proposed subdivision (Paulson Ranch) would create 104 single-family homes on 39.12 acres (Attachment D of Planning Commission Staff Report 25-338). This subdivision complies with the General Plan designations of Low Density Residential (LD) and High to Medium Density Residential (HMD) for this site. The maximum number of units allowed for this site would be approximately 655, the proposed 104 units is below the maximum allowed for this site.

The proposed subdivision would achieve the following General Plan Land Use Policies:

L-1.2 Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.

L-1.3 Encourage a diversity of lot sizes in residential subdivisions.

L-1.8 Create livable and identifiable residential neighborhoods.

Wetlands

- B) Gallaway Enterprises conducted a field survey and identified areas where historical flooding from adjacent waterways created wetlands. The map at Attachment I identifies the wetland areas. The proposed subdivision (Paulson Ranch) is designed to avoid these areas, which requires modifying the circulation in this area by eliminating the portion of Destiny Drive planned to go through this site, and modifying the circulation previously approved through the Northeast Yosemite Specific plan (Attachment J).

Traffic/Circulation

- C) The project site consists of an undeveloped lot totaling approximately 39.12 acres. The project site fronts an arterial road (E. Cardella Road), with the nearest north-south road being Paulson Road (collector road) currently terminating south of the project site, but would be extended through the subject site up to Cardella Road and down to Yosemite Avenue with this development. Yosemite Avenue and Cardella Road are both designed to carry large volumes of traffic going through a large portion of the community. The subject site is half a mile east of G Street, which provides access to Highway 99 that connects Merced with other regional communities throughout the State.

The interior roads within the subdivision include two east/west roads, six cul-de-sacs, and two north/south roads. As shown at Attachment D of Planning Commission Staff Report #25-338 the Streets/Courts A through J (except for Street D) would be designed to Local Street standards with 59 feet of right-of-way, which includes street, curb, gutter, park strip, sidewalk, and a public utility easement. Street D would have 100 feet of right-of-way. Paulson Road and Cardella Road would respectively have 84 feet and 148 feet of right-of-way respectively, and include a masonry block wall.

The General Plan would allow a maximum of 655 units within the subject site. The proposed 104 units would generate less vehicle traffic compared to the maximum density allowed. According to Trip Generation (ITE Report), the average daily trips per unit is 6.59. The proposed project at 104 units would generate approximately 16% of the average daily trips compared to the maximum density allowed by the General Plan. The existing and proposed street network could adequately serve this proposal.

In addition, there are several walkable locations within a ¼ mile of the subject site, which include Davenport Park, Cruickshank Middle School, Dignity Health Hospital, Merced College, and the Yosemite & G Crossing Shopping Center (under construction in phases). The existing street network could adequately serve this proposal as it was designed to accommodate a much larger maximum number of units. In addition, the extension of Paulson Road to Cardella Road would provide direct access to existing residents in the neighborhood wanting to travel north, improving the street network in the area.

Parking

- D) The proposal would satisfy the City's standard parking requirements for single-family homes. The standard parking requirement for single-family homes is one parking space per unit. Each single-family would have a 2-car garage.

Public Improvements/City Services

- E) The developer would be required to install all streets, utilities, and other improvements within the subdivision and around the subdivision to be up to City Standards (Condition #27 and #30). This includes connecting roads to the subdivision such as Paulson Road and Dunn Road.

Each lot would be required to pay fees for sewer and water connections at the building permit stage. In addition, each lot within the subdivision would be required to meet the City's storm drainage and run-off requirements for the City's MS-IV permit (Condition #18).

Building Elevations

- F) The developer has yet to submit building designs for the single-family homes (104 lots). These homes shall be required to comply with the City's minimum design standards for single-family homes as required under Merced Municipal Code Section 20.46.020 - Design Standards for Single-Family Dwellings and Mobile Homes (see Attachment E of Planning Commission Staff Report #25-338 and Condition #13 of Planning Commission Resolution #4145).

Affordability Requirements

- G) In 2023, the City Council updated the City's Regional Housing Needs Allocation Unit Production Plan. A housing affordability requirement is triggered by two qualifiers that need to be met: entitlement type and number of units created. For single-family residential developments, the affordability requirement is triggered by a legislative action agreement (through annexations, general plan amendments, site utilization plan revisions, or zone changes) for projects with over 60 single-family homes (multi-family residential projects are exempt).

In this case the developer is requesting an entitlement that triggers a legislative action agreement--a general plan amendment. As shown under Finding A, General Plan Amendment #24-01 is to amend the City's Circulation Element only (not a land use change request). The land use aspect of the project (104

units on approximately 39 acres) would comply with the Zoning classifications for this site.

Based on this request, the developer is not required to provide affordable housing units (or an in-lieu fee) because the general plan amendment is to amend the City's Circulation Element (not land use)

Site Design

- H) As shown on the Vesting Tentative Subdivision Map (Attachment D of Planning Commission Staff Report #25-338), the proposed design of the subdivision includes 2 interior east/west streets, 6 cul-de-sacs, and 2 north/south streets. There would be a masonry block wall around the northern and eastern portions of the subdivision on the back of the lots along Paulson Road and Cardella Road. Paulson Road would provide access to other arterial streets such as Cardella Road (north) and Yosemite Avenue (south).

The Cotton Wood Bike Path Easement (25 feet wide) would be located on the south side of Cotton Wood Creek. On the north side of the creek would be a storm basin shown as Lot B (approximately 0.85 acres). Lot A (approximately 5.18 acres) would be located within northeast portion of the subject site and would be remain undeveloped, as a field survey by Gallaway Enterprise found this area to contain wetlands to be avoided (see Condition #37).

The interior local streets would have 59 feet of right-of-way that includes a 34-foot-wide road, and on both sides of the street contain a 7-foot-wide park strip, 5-foot-wide sidewalk, and 10-foot-wide public utility easement. Portions of the perimeter of the subdivision would be surrounded by a masonry block wall along Paulson Road and Cardella Road.

Landscaping

- I) Each lot within the subdivision shall be provided with front yard landscaping in compliance with Merced Municipal Code Section 20.36.050 (Landscaping) that requires all exterior setback areas, excluding areas required for access to the property to be landscaped (Condition #22).

For landscaping within public right-of-way, the developer shall install landscaping in front of the block walls along Paulson Road and Cardella Road. Landscaping in this area would be reviewed by the City prior to installation. The landscaping within this area would be maintained by the Community Facilities District.

Neighborhood Impact/Interface

- J) The subject site is surrounded by a variety of uses which includes to the west by Cruickshank Middle School/agricultural land, to the south by single-family homes, to the east by undeveloped land, and to the north (across from E. Cardella Road) by agricultural land. The subject site's current land use designation is residential and would allow a maximum of 655 residential units. The proposed Paulson Ranch subdivision is consistent with the current land use designation, and at 104 single-family homes would be below the maximum number of residential units allowed for this site. There are several existing residential subdivisions to the south. This development is not expected to alter the character of the neighborhood or introduce uses that don't already exist in the neighborhood.

Public hearing notices were sent to all property owners within 300 feet of the project site. At the time that this report was prepared, the City had not received any comments regarding this project.

Tentative Subdivision Map Requirements/Public Comments Received

- K) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment F of Planning Commission Staff Report #25-338. Said requirements include stating the location of the subject site, the name of the subdivision, and showing the layout of the proposed lots. MMC 18.16.090 – Required Statement requires the applicant to provide a statement that explicitly states any deviations from tentative subdivision map requirements, standard drawings, or Zoning laws. MMC 18.16.100 - Public Hearing – Generally, requires a public hearing to review and approve a tentative subdivision map in conformance with the Subdivision Map Act.

Per the California Environmental Quality Act, a public hearing notice was mailed to property owners within 300 feet of the subject site and published in a qualifying newspaper, Merced County Times, three weeks prior to this meeting. In addition, staff reached out to local utility companies, local school districts, and other relevant government agencies to solicit comments. At the time this report was prepared, staff had not received comments from utility companies.

Environmental Clearance

- L) Most Infill projects over 5 acres or projects that don't comply with Zoning/General Plan designations require an Initial Study, per the California Environmental Quality Act (CEQA). In this case, the proposed land use is consistent with the General Plan land uses, and a General Plan Amendment is being requested to amend the Circulation Element by eliminating a collector road from going through the project site – thus an Initial Study was required. An Initial Study includes a wide range of analysis required by the State covering an array of subjects including, but not limited to, impacts on vehicle miles traveled, air quality, biological resource, public services, cultural resources, and City utilities. Planning staff has conducted an environmental review of the project in accordance with the requirements of CEQA, and concluded that Environmental Review #24-07 results in a Negative Declaration as the proposal would not have a significant effect on the environment and does not require the preparation of an Environmental Impact Report. A copy of the Initial Study with a Negative Declaration can be found at Attachment K of Planning Commission Staff Report #25-338.

CITY OF MERCED
Planning Commission

Resolution #4152

WHEREAS, the Merced City Planning Commission at its regular meeting of May 7, 2025, held a public hearing and considered **General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development #20**, initiated by Eric Gonsalves, on behalf of Yosemite 1380 LLC, property owner for the property located at 1380 E Yosemite Avenue and 3595 Parsons Avenue. The General Plan Amendment proposed changing the General Plan land use designation from Commercial Office (CO) to Business Park (BP) for 2.72 acres and from Commercial Office (CO) to High Medium Density (HMD) residential for the remaining 4.48 acres. The Site Utilization Plan Revision proposed changing the land use designation within P-D #20 from Commercial Office to Self-Storage for 2.72 acres and to Residential for the remaining 4.48 acres. The approximate 8.05-acre subject site is generally located on the southwest corner of E. Yosemite Ave and Parsons Ave. The property being more particularly described as Lots “A” and “B”, as shown on that certain map entitled “Oakmount Village Unit No. 5,” recorded in Volume 46, Page 38 of Merced County Records; also known as Assessor’s Parcel Number (APN) 006-050-068 and 006-050-072; and,

WHEREAS, the Merced City Planning Commission held a public hearing regarding this matter on March 19th 2025. At this meeting the commission voted to continue this matter to the Planning Commission meeting of April 9, 2025, to allow for additional time to review the project and documents. At their meeting on April 9, 2025, the Merced City Planning Commission adopted a motion of intent to recommend denial of General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development #20, and directed staff to prepare Findings for Denial; and,

WHEREAS, the Merced City Planning Commission based its decision to recommend denial of General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development #20 on the following Findings:

General Plan Amendment – Findings

Chapter 20.82 (General Plan Amendments) outlines procedures for considering General Plan Amendments but does not require any specific findings to be made for approval. However, Planning practice would be to provide objective reasons for approval or denial. These findings can take whatever form deemed appropriate by the Planning Commission and City Council.

1. The proposed amendment is deemed to be in the public interest.

The Planning Commission finds that the proposed amendment is not in the public interest because public storage facilities provide limited employment and may attract

PLANNING COMMISSION RESOLUTION #4152

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blight to the area. Additionally, the Planning Commission found that the proposed change in land use designation from Commercial Office (C-O) to High Medium Density Residential was not in the public interest due to the incompatibility of the project to the surrounding uses (namely the single-family residential to the south) and the access of the project from Parsons Avenue.

2. *The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.*

The Planning Commission finds the proposed amendment inconsistent and incompatible with the General Plan and any implementation programs. The Planning Commission found the proposed General Plan Amendment land use designation change from Commercial Office (CO) to Business Park (BP) and the proposed change from Commercial Office (CO) to High Medium Density (HMD) to be inconsistent with the General Plan for the area.

NOW THEREFORE, after reviewing the project and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend that City Council deny General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development #20.

Upon motion by Commissioner Ochoa, seconded by Commissioner Swiggart, and carried by the following vote:

AYES: Commissioners Ochoa, Smith, Swiggart, Delgadillo, Thao, and Greggains
NOES: None
ABSENT: Chairperson Gonzalez
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4152

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May 7, 2025

Adopted this 7th of May 2025



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

CITY OF MERCED
Planning Commission

Resolution #4153

WHEREAS, the Merced City Planning Commission at its regular meeting of May 7, 2025, held a public hearing and considered **Vesting Tentative Subdivision Map #1332, Site Plan Review Permit #551 and Minor Use Permit #24-13** initiated by Eric Gonsalves, on behalf of Yosemite 1380 LLC, property owner for the property located at 1380 E Yosemite Avenue and 3595 Parsons Avenue. The Minor Use Permit was for interface review to allow commercial development adjacent to Low Density Residential (R-1-6) Zone. The Site Plan Review Permit was to allow the development of a self-storage facility with approximately 500 storage units. The Vesting Tentative Subdivision Map was to divide the self-storage from the residential lots and create 41, single-family, residential lots. The approximate 8.05-acre subject site is generally located on the southwest corner of E. Yosemite Ave and Parsons Ave. The property being more particularly described as Lots “A” and “B”, as shown on the certain map entitled “Oakmount Village Unit No. 5”, recorded in Volume 46, page 38 of Merced County Records; also known as Assessor’s Parcel Number (APN) 006-050-068 and 006-050-072; and,

WHEREAS, the Merced City Planning Commission held a public hearing regarding this matter on March 19th 2025. At this meeting the commission voted to continue this matter to the Planning Commission meeting of April 9, 2025, to allow for additional time to review the project and documents. At their meeting on April 9, 2025, the Merced City Planning Commission adopted a motion of intent to deny Vesting Tentative Subdivision Map #1332, Site Plan Review Permit #551 and Minor Use Permit #24-13, and directed staff to prepare Findings for Denial; and,

WHEREAS, the Merced City Planning Commission based its decision to deny Vesting Tentative Subdivision Map #1332, Site Plan Review Permit #551 and Minor Use Permit #24-13 on the following Findings:

Minor Use Permit Findings

1. *The proposed use is consistent with the purpose and standards of zoning district, the general plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

The Planning Commission finds the proposed project to be inconsistent with the General Plan land use designations in the area.

2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

The Planning Commission finds that the location, size, design, and operating characteristics of the proposal would not be compatible with existing and future land uses in the vicinity. Specifically, the Planning Commission finds the number of

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single-family residential lots and the layout of the proposed residential portion of the project to be incompatible with the existing single-family residential development to the south.

3. *The proposed use will not be detrimental to the public health, safety, and welfare of the city.*

The Planning Commission finds that the proposal would adversely affect the public health, safety, and welfare of the City by allowing a Business Park (BP) land use in an area that has historically be designated for Commercial Office (CO).

4. *The proposed use is properly located within the City and adequately served by existing or planned services and infrastructure.*

The Planning Commission finds that although the project could be adequately served by existing services such as sewer connections, water connection, and other utilities, the proposed development is not properly located within the City as the area has been historically been designated for Commercial Office (CO).

Site Plan Review Findings

1. *The proposed project is consistent with the General Plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

The Planning Commission finds the proposed project inconsistent with the General Plan. Specifically, the Planning Commission found the proposed General Plan Amendment land use designation change from Commercial Office (CO) to Business Park (BP) and the proposed change from Commercial Office (CO) to High Medium Density (HMD) to be inconsistent with the General Plan for the area.

2. *The proposed project complies with all applicable provisions of the Zoning Ordinance and Municipal Code.*

The Planning Commission finds that the proposed project, namely the single-family portion not in compliance with the zoning ordinance as the project sought to create it's own standards via a Planned Development zone.

3. *The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.*

The Planning Commission finds that the design and layout of the proposed project, specifically the residential portion of the project, would The Planning Commission finds the the design and layout of the proposed project would interfere with the enjoyment of the existing and future land uses in the vicinity.

4. *The proposed architectural design makes use of appropriate materials, texture, and color, and will remain aesthetically appealing and appropriately maintained.*

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The Planning Commission does not mention if the proposed architectural design makes use of appropriate material, texture and color, and will remain aesthetically appealing and appropriately maintained.

5. *Any proposed landscaping design, including color, location, size, texture, type, and coverage of plan materials, as well as provisions for irrigation, maintenance, and protection of landscaping elements, will complement structures and provide an attractive environment.*

The Planning Commission did not address if the proposed landscaping design, including color, location, size, texture, type, and coverage of plan materials, as well as provisions for irrigation, maintenance, and protection of landscaping elements, will complement structures and provide an attractive environment.

6. *The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.*

The Planning Commission finds that the proposed self-storage facility and residential subdivision is not compatible with the surrounding residential uses in the vicinity or the City's vision for that area. The medium-high density of the residential subdivision would not be compatible with the low density residential. The design of the subdivision would not be compatible with surrounding subdivisions. Additionally, the Planning Commission finds that the location, size, design, and operating characteristics of the proposed Self-storage would not be compatible with the existing and future land uses in the vicinity. Therefore, the proposed project would interfere with the enjoyment of the existing and future land uses in the vicinity.

NOW THEREFORE, after reviewing the City's Initial Study and Draft Environmental Determination, the proposed project, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby not adopt a Negative Declaration (Environmental Review #24-25), disapproves Vesting Tentative Subdivision Map #1332, disapproves Site Plan Review Permit #551, and disapproves Minor Use Permit #24-13.

Upon motion by Commissioner Ochoa, seconded by Commissioner Swiggart, and carried by the following vote:

AYES: Commissioners Smith, Ochoa, Delgadillo, Swiggart, Thao, and Greggains
NOES: None
ABSENT: Chairperson Gonzalez
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4153

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Adopted this 7th day of May, 2025



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:


Secretary