

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4071**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of August 18, 2021, held a public hearing and considered **Site Utilization Plan (SUP) Revision #4 to Planned Development (P-D) #72**, initiated Yosemite and G, LLC., property owner. The application involves a request to update the Site Utilization Plan for the Yosemite Crossing development to include a car wash, additional retail buildings, and 48 additional multi-family units, as well as reconfiguring the location of various buildings on the site. The property has a Neighborhood Commercial (CN) General Plan designation, is zoned P-D #72, and is generally located at the northeast corner of Yosemite Avenue and G Street. The property is more particularly described as “Remainder C” of Final Map No. 5233, amended map for Mansionette Estates Unit 1, according to the map filed July 13, 2000 in Book 52, Pages 31, 32, and 33 of Official Plats, Merced County Records; also known as Assessor’s Parcel Number (APN) 231-040-004 and APN 231-040-005; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through J of Exhibit B of Attachment A to Staff Report #21-637, including Findings required by Merced Municipal Code Section 20.20.020 (J) for Planned Development Revisions; and,

**NOW THEREFORE**, after reviewing the City’s Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council to find that the previous environmental review [Initial Study #19-28 for General Plan Amendment #19-03 and Site Utilization Plan Revision #3 to Planned Development (P-D) #72] remain sufficient and no further documentation is required (CEQA Section 15162 Findings), and recommend approval of Site Utilization Plan Revision #4 to Planned Development (P-D) #72, subject to the Conditions set forth in Exhibit A and the Findings set forth in Exhibit B attached hereto and incorporated herein by reference.

Upon motion by Chairperson Harris, seconded by Commissioner Dylina, and carried by the following vote:

**AYES:** Commissioner Camper, Delgadillo, Dylina, and Chairperson Harris

**NOES:** None

**ABSENT:** Commissioner White (two vacancies)


**ABSTAIN:** None

PLANNING COMMISSION RESOLUTION #4071

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August 18, 2021

Adopted this 18<sup>th</sup> day of August 2021

  
\_\_\_\_\_  
Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

  
\_\_\_\_\_  
Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings

**Conditions of Approval**  
**Planning Commission Resolution #4071**  
**Site Utilization Plan Revision #4 to Planned Development (P-D) #72**

1. The proposed Site Utilization Plan Revision shall be constructed/designed in substantial compliance with the Site Plan (Attachment D of Planning Commission Staff Report #21-637), except as modified by the conditions.
2. The project shall be constructed/designed in substantial compliance with all applicable conditions of General Plan Amendment #19-03 and Site Utilization Plan Revision #72, notwithstanding elements modified by Site Utilization Plan Revision #4 to Planned Development (P-D) #72. The Site Plan Review Committee shall approve the final design for the project for any phases that have not already received that body's approval.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. The project shall comply with all mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #19-28 (Attachment I of Planning Commission Staff Report #21-637).
5. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
6. Approval of the Site Utilization Plan Revision is subject to the applicant's entering into a written (developer) 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.

7. 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.
8. 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.
9. In compliance with Merced Municipal Code Section 20.20.020 Q, Site Plan Review approval is required prior to development to address conformance with the standards of Planned Development (P-D) #72.
10. All public improvements shall be installed along the project frontage to meet City Standards. Any existing improvements that have been damaged or

otherwise do not meet current City Standards shall be repaired or replaced to meet City Standards. This includes, but is not limited to, sidewalk curb, gutter, street trees, and streetlights.

11. All storm water shall be retained onsite or in the basin immediately to the east of the project site and metered out to the City's storm water system in accordance with City Standards, subject to a storm drain plan approved by the City Engineer. The applicant shall submit calculations to the City showing, to the satisfaction of the City Engineer or designee, that the basin to the east of the project site has enough capacity for the proposed plans.
12. All projects on this site shall comply with Post Construction Standards in accordance with the requirement for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
13. A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project site or as required by the Fire Department.
14. If solar panels are placed on the roof of the buildings, they shall be placed in such a way as not to inhibit Fire Department access with their aerial apparatus.
15. Bicycle parking shall meet the minimum requirements of the California Green Building Code and Merced Municipal Code Section 20.38.080.
16. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
17. All construction activity shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.
18. All landscaping shall be in compliance with the City's Water Efficient Landscaping and Irrigation Ordinance (Merced Municipal Code Section 17.60) and all state-mandated conservation and drought restrictions as well as the City's Zoning Ordinance Sections 20.36 – Landscaping and Section 20.46.030 (C) - Landscaping.
19. Irrigation for all onsite landscaping shall be provided by a low-volume 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.

20. All landscaping in the public right-of-way shall comply with the most recently adopted water regulations by the State and City addressing water conservation measures. If turf is proposed to be installed in medians or park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed.
21. Parking lot trees shall be installed per the City's Parking Lot Landscape Standards. Trees shall be a minimum of 15-gallons and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list). Trees shall be installed at a ratio of 1 tree for every 6 parking spaces. No trees shall be required where there are carports with solar panels over the parking spaces. However, if all the parking spaces are covered by a carport with solar panels, then additional trees will be required in other portions of the site.
22. All walking paths, bicycle and vehicle parking areas, and recreational areas shall be provided with sufficient lighting to ensure a safe environment.
23. All parking lot and other exterior lighting shall be oriented in such a way so that it does not spillover onto adjacent properties.
24. All mechanical equipment shall be screened from public view (details to be worked out with Planning Staff at the building permit stage).
25. Containers for refuse and recycled goods shall be stored in enclosures that are designed with colors compatible with the buildings and shall be constructed to meet City Standards.
26. All signs shall comply with the requirements of the approved Master Sign Program for this site per Conditional Use Permit #1241, North Merced Sign Ordinance and Merced Municipal Code (MMC) Section 17.36.572 – Apartments or Condominiums. No free-standing A-Frame or sandwich board-type signs shall be allowed. All other moveable temporary signs are prohibited as well. Temporary banners may be installed on a building wall in compliance with the City's Sign Ordinance and after obtaining a Temporary Banner Permit from the Planning Department. A building permit shall be obtained for all permanent signs.
27. The project shall comply with the Residential Design Standards for Multi-family dwellings as spelled out in Merced Municipal Code (MMC) Section 20.46.030 and 20.46.040, unless otherwise modified by these conditions.

28. For the multi-family residential portion of the project, buildings fronting along Sandpiper Drive shall be no taller than twenty-five (25) feet. Multi-family residential buildings that do not front along Sandpiper Drive shall be no taller than thirty-five (35) feet.
29. For the multi-family residential portion of the project, a minimum of 7 parking spaces must be accessible parking spaces per the requirements of Table 11B-208.2 of Title 24 Part 2 of the California Building Code.
30. Where not otherwise specified, standards for the multi-family portion of the project shall comply with the standards of the R-3-2 Zone (Merced Municipal Code Chapter 20.08).
31. The project shall be designed with a variety of colors and/or textures on the exterior elevations.
32. For buildings over 30 feet tall, a minimum 26-foot-wide drive aisle shall be provided for emergency vehicle access. The developer shall work with the Fire Department to determine the areas that need the 26-foot-wide drive aisle. An emergency access lane made of an all-weather surface shall be constructed to the south of the southernmost multi-family building. This lane shall either be able to meet the turnaround needs of emergency vehicles if it is 150 feet long or more, or it shall be less than 149 feet long, but still meet the needs of emergency access for the residential building. In the event that the southernmost residential building is 30 feet tall or less, this path shall be a minimum of 22 feet wide. If the southernmost residential building is more than 30 feet tall, the path shall be a minimum of 26 feet wide. These details shall be confirmed as acceptable by the Fire Chief or designee prior to the issuance of occupancy permits for any of the multi-family residential buildings.
33. A fire control room may be required for the buildings on the site. The applicant shall work with the Fire Department to determine the location of the fire control room. Additional fire control rooms may be required at the discretion of the Fire Chief.
34. Each building shall be provided with a Fire Department Connection.
35. Buildings that do not provide an elevator (other than a freight elevator) shall be provided with an additional exit. The developer shall work with the Chief Building Official to determine the number of exits required for each building.

36. Prior to the issuance of any certificates of occupancy for the site, cross-access and use agreements shall be provided to the City such that parking for all uses meets or exceeds City standards.
37. Safe pedestrian access from the multi-family residential portion of the project to the commercial portions of the site shall be provided.
38. If a hotel project moves forward on the parcel shown on the Site Plan as a 2-story office building, it shall require a Site Plan Review Permit rather than a Conditional Use Permit, and if on a parcel abutting or across from (per the definitions in Section 20.32.020 of the Zoning Ordinance) a property with R-1 zoning, will require a publicly noticed public hearing at Site Plan Review meeting per Section 20.32 of the Zoning Ordinance, but will not require an additional Conditional Use Permit.
39. For the Site Plan Review for the multi-family residential portion of the project, the City shall provide a public notice to the property owners on the adjacent cul-de-sacs across Sandpiper Avenue. At least two in-person or virtual meetings shall be held by the applicants with the neighbors to consider the design of the apartments.



**Findings and Considerations  
 Planning Commission Resolution #4071  
 Site Utilization Plan Revision #4 to Planned Development (P-D) #72**

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

- A) The proposed project would comply with the General Plan designation of Neighborhood Commercial (CN) and the zoning designation of Planned Development (P-D) #72 if the requested Site Utilization Plan Amendment is approved.

The General Plan does not specify a density for residential uses within commercial zones. The Zoning Ordinance also does not specify a density for multi-family housing allowed within a C-N zone. The General Plan has a range of multi-family densities: Low-Medium Density (LMD) – 6 to 12 units/acre; High-Medium Density (HMD) – 12 to 24 units/acre; and High Density (HD) 24 to 36 units/acre. The Zoning designations that correlate to the multi-family General Plan designations would be R-2; R-3-1.5; R-3-2, and R-4. The proposed density for the increase in units from 44 to 96 is 16.1 units per acre. The original proposal was for 44 units on 2.68 acres which provided a density of 16.4 units per acre. This density fits into an HMD General Plan designation comfortably. Prior to the recent approval of General Plan Amendment #19-03, the site had a General Plan designation of High-Medium Density (HMD) for a portion of the site where the multi-family residential component is proposed. Other multi-family developments recently approved within commercial zones and their density are shown in the table below:

Project Name	Location	Zoning / General Plan	Density
The Hub	Southeast Corner of Yosemite Ave. & McKee Rd.	C-N/CN	34 units/acre
Yosemite Village	Yosemite Ave. between Compass Pointe Ave. and El Redondo Ave.	P-D #46/CN	18 units/acre
Childs Avenue Apartments	Childs Ave. & B St.	P-D #6/CO	24 units/acre

The following Land Use Goals and Policies would be achieved with the approval of this request:

Policy H 1.1.c      *Encourage Mixed Use Development*

The proposed project would provide a mixture of retail commercial uses to serve the neighborhood and multi-family efficiency dwelling units.

Policy 1.8b *Prioritize City efforts to encourage residential development by focusing on in-fill development and densification within the existing City Limits.*

Goal Area L-1: Residential & Neighborhood Development

- *A Wide Range of Residential Densities and Housing Types in the City*
- *Quality Residential Environments*

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

*Policy L-1.7: Encourage the location of multi-family developments on sites with good access to transportation, shopping, employment centers, and services.*

*Implementing Action 1.2.e Consider density increases for existing residential sites where the necessary conditions exist for higher densities.*

*Implementing Action 1.7a Designate areas adjoining arterial streets, major transportation routes, and commercial areas for multi-family development.*

Goal Area L-3: Urban Growth and Design

- *Living Environments which Encourage People to Use a Variety of Transportation Alternatives.*

*Policy L-3.1: Create land use patterns that will encourage people to walk, bicycle, or use public transit for an increased number of their daily trips.*

*Policy L-3.3 Promote site designs that encourage walking, cycling, and transit use.*

*Implementing Action 3.1.a Encourage project designs which increase the convenience safety, and comfort of people using transit, walking, or cycling.*

Additionally, Policy L 2.7.a notes that there are very unique circumstances under which retail commercial destinations can be located at the intersections of two arterial streets. Among the criteria are a project of minimum size of 20 acres, strong connectivity to the adjacent neighborhood, provision of a mix of uses, and provision of good transit and pedestrian access. This project is approximately 21.5 acres, will connect to the adjacent neighborhood via Sandpiper Avenue, provides for multi-family residential use in addition to commercial retail and office uses, and is on a site that is already near to existing transit routes. Planning staff believes that this project meets the criteria to proceed forward at the proposed location while being compatible with the guidelines laid out in Policy L 2.7.a.

### **Zoning Code Compliance**

B) Merced Municipal Code Section 20.20.020 (J) establishes specific findings that must be made in order to approve the establishment of a Planned Development or Site Utilization Plan Revision. These findings are as following:

*1. The proposed development is consistent with the goals, policies, and actions of the General Plan and any applicable specific plan and community plan.*

The proposed Site Utilization Plan (SUP) Revision would be consistent with the General Plan. As shown in Finding A, the proposed project would accomplish goals and implementing actions of the General Plan.

If the Site Utilization Plan Revision for this site is approved, the site would be compatible with the land use plan for Planned Development (P-D) #72.

There are no other applicable specific or community plans for this site.

*2. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.*

The Zoning Ordinance does not specify a density for multi-family housing allowed within a C-N zone. The General Plan has a range of multi-family densities: Low-Medium Density (LMD) – 6 to 12 units/acre; High-Medium Density (HMD) – 12 to 24 units/acre; and High Density (HD) 24 to 36 units/acre. The Zoning designations that correlate to the multi-family General Plan designations would be R-2, R-3-1.5, R-3, and R-4. The proposed density

EXHIBIT B

OF PLANNING COMMISSION RESOLUTION #4071

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for this project, based on the number of units is approximately 16.1 units per acre, considering the size of the proposed site, 5.98 acres. This density fits into an HMD General Plan designation comfortably; the site also previously had an HMD designation for the portion of the site where the multi-family residential component is proposed. Sufficient parking is provided on the site. Therefore, the site is adequate in size to accommodate the proposed project.

*3. The site for the proposed development has adequate access considering the limitations of existing and planned streets and highways.*

Based on the Project Site Plan, access to and from the Project site will be from five (5) access driveways located along Sandpiper Avenue, G Street, and Yosemite Avenue. Two (2) access points are proposed to be located along the east side of G Street. One is located approximately 1,250 south of Mercy Avenue and is proposed as a full access (with a future signal), with left turns in and out. The other is located approximately 625 feet north of Yosemite Avenue and is proposed as left-in, right-in and right-out access only. The access point off of Yosemite Avenue is located approximately 300 feet east of G Street and is limited to right-in and right-out access only. The remaining two access points are proposed to be located along the extension of Sandpiper Avenue. While Sandpiper Avenue will eventually go through to Mercy Avenue, at the beginning of the project, access to Sandpiper Avenue will be limited to Yosemite Avenue, which will be limited to right-in and right-out access only onto Sandpiper. Based on this information, the site is considered to have adequate access.

*4. Adequate public services exist or will be provided to serve the proposed development.*

The site will be served by existing water, sewer, and storm drain lines in G Street and Yosemite Avenue. The project would be required to retain storm water onsite or in the collection basin to the east of the site that is part of P-D #72, and meter it into the City's system. No increase in the size of the existing lines would be required. The site will be required to pay for all connection costs and facility fees to off-set any impacts to the existing system.

The site would be adequately served by the City's Police and Fire Departments as well. The project is part of the City-wide Community Facilities District (CFD) which collects special taxes to help cover costs of police and fire services.

*5. The proposed development will not have a substantial adverse effect on surrounding property, will be compatible with the existing and planned land use character of the surrounding area, and will enhance the desirability of the area and have a beneficial effect.*

It is not anticipated that the proposed project would have a substantial adverse effect on the surrounding property. The additional and reconfigured retail buildings are in-character with the approved development. The additional multi-family residential buildings would be across the extension of Sandpiper Avenue from the nearest single-family residential property. The project is also adjacent to commercial uses to the south across Yosemite Avenue, the Merced College across G Street, and vacant land to the north. The proposed 2- and 3-story buildings would not be out of character with the approved development, and the multi-family residential buildings fronting on Sandpiper Avenue, nearest to the existing residences, are proposed to remain two-story while the ones further west on the site would be three-story. The addition of multi-family dwellings to the site on a larger area than previously approved does not increase the overall density of the proposed residential area. The option of additional multi-family units would provide more housing options in an area that is adjacent to commercial uses and services.

The proposed plans site the car wash on the G Street frontage, adding additional distance and the buffer of additional buildings once the multi-family residential development occurs. Additionally, the applicant has performed a noise study showing that the proposed design does not have significant impact on the existing residences (Attachment F of Staff Report #21-637). In order to further mitigate any impacts due to the noise of operation both for existing and proposed residences, the applicant has proposed to build a wall at the exit of the wash tunnel to deflect noise, the impacts of which are shown graphically on Page 23 of the noise study.

The combination of extra space, additional buildings, and the sound-mitigating wall would reduce the impact that this development would have on the existing neighborhood. Staff believes that approval of this request should not have a substantial adverse effect on the surrounding area, and will enhance the desirability of the area and have a beneficial effect.

*6. The proposed development carries out the intent of the Planned Development zoning district by providing a more efficient use of the land and an excellence of site design greater than that which could be achieved through the application of established zoning standards.*

With the approval of Site Utilization Plan Revision #4 to Planned Development (P-D) #72, the project would be consistent with the standards for P-D #72. The site includes high quality materials consistent with the standards for other development within P-D #72. The project provides a high quality, residential development which will help provide needed housing to the City of Merced. As described in Finding A, the proposed project would carry out goals and implementing actions defined in the City's *Merced Vision 2030 General Plan*. Under the current Site Utilization Plan, the car wash and additional residential units would not be allowed. Thus, the proposed change and implementation of standards specific to this development on this site, would be a more efficient use of land by providing a greater number of housing units to the community and the additional use of a car wash facility.

*7. Each individual unit of the proposed development, in each phase as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.*

The proposed project would be able to exist as an independent project and create a good environment. The location is surrounded by development, so this is an infill site. The location is prime for development and for development of a mixed-use project due to its location near commercial uses and services.

*8. Any deviation from the standard ordinance requirements is warranted by the design and additional amenities incorporated in the development plan, which offer certain unusual redeeming features to compensate for any deviations that may be permitted.*

The Merced City Zoning Ordinance sets forth specific Residential Design Standards that apply to all multi-family developments. The apartment project will be designed to meet the design standards set forth in Zoning Ordinance Section 20.46 – Residential Design Standards. The apartments are also subject to a Site Plan Review process.

The proposed mixture of two- and three-story buildings is taller than the two-story residential buildings proposed under the approved Site Utilization Plan. The approved Site Utilization Plan included a four-story hotel building, taller than the proposed residential buildings. While the current plan shows a two-story office building on the northwesternmost lot, the hotel could also utilize that space, most likely at a reduced capacity based on market demand. These

changes are warranted by the design and additional amenities incorporated in the development plan.

9. *The principles incorporated in the proposed development plan indicate certain unique or unusual features, which could not otherwise be achieved under the other zoning districts.*

This property currently lies within Planned Development (P-D) #72. The proposed Site Utilization Plan Revision would amend the standards for this parcel to allow for additional housing units and a car wash. Because the site is already established as a Planned Development, changing the zoning to another zoning district would not be the best way to promote development. By amending the Site Utilization Plan within the existing Planned Development, to allow this project with slight variations from the existing approved Plan's requirements, allows the project to move forward in a more streamlined approach and without creating a "spot zone" for another zoning district in the area. Planned Developments were specifically designed to allow such unique designs and the mixture of uses not allowed in other zoning districts.

### **Traffic/Circulation**

- C) The changes to the project site would not have a major impact on the analysis performed as a part of Site Utilization Plan Revision #3 to Planned Development #72. As part of the proposed site plan, the area for a potential office use and the approved hotel use were combined. Only one of those uses would move forward on Parcel #16, depending on future needs. The parking needs of the additional residential units are offset by this change, and the car wash, additional retail buildings, and change in layout do not significantly change the traffic or circulation of the site.

## **Building Design**

- D) The proposed project involves the construction of a car wash, other retail and office buildings, and multi-family residential buildings. The retail buildings on the site would stand one story tall and have a modern design with wood or faux wood fascia, stone, glass, and metal as primary features and elements. The buildings would have clean lines and use a variety of building materials to provide interest and differentiate between businesses. The retail portion of the project is proposed as the first phase of development, and future phases, including the residential buildings and the office buildings, would all use the retail phase's stylistic elements as a template for a cohesive, but not identical, thematic design for the entire site. The residential buildings with frontage on Sandpiper Avenue are proposed as two-story, with those further west on the site proposed as three-story (Condition #28). Final design details will be approved by staff at the Site Plan Review stage.

## **Site Design**

- E) The overall design of the site is generally consistent with that of the approved Site Utilization Plan. As part of the proposed site plan, the area for a potential office use and the approved hotel use were combined. Only one of those uses would move forward on Parcel #16, depending on future needs. Also, retail buildings on Parcels 5, 6, 7, and 8 are currently proposed as separate, but future needs of the site could call for a single large building of approximately the total square footage of those four buildings combined instead. A plan with such a modification would require review of the Site Plan Review Committee, but could be considered substantially compliant with this site plan if parking and circulation needs are still met. While the design of the multi-family residential portion is understood to be preliminary, any final design will be required to provide safe, well-lit pedestrian access from the residential area to the commercial area (Conditions #22 and #37).

## **Parking**

- F) Merced Zoning Ordinance Table 20.38-1 sets forth the parking requirements. A multi-family development based on the number of units, bedrooms, and bathrooms. Based on this table, the project would be required to provide 152 parking spaces. The residential area of the proposed project provides 234 parking spaces, which exceeds the requirement. A minimum of 7 spaces must be accessible parking spaces per the requirements of Table 11B-208.2 of Title 24 Part 2 of the California Building Code (Condition #29).



The City does not have a specific parking requirement for an automated car wash. Similar uses such as gas and service stations require 3 spaces plus one for every 250 square feet of retail sales area. The proposed structure on the site is 5,940 square feet in size, and under the most restrictive assumption that the entire building would count as retail sales area for the purposes of comparison, the applicant would need to provide 27 parking spaces. This would be reduced by an additional 15% to account for non-retail areas such as employee break rooms, lavatories, hallways, stock rooms, and similar as allowed by the Zoning Code. The proposed plan shows 28 parking spaces, which exceeds even the most restrictive assumption under this comparison. This fact combined with the connection to the remainder of the Yosemite Crossing development and its parking areas through the internal road network and cross-access easements, staff believes that the request complies with City parking requirements.

The reconfiguration of the retail buildings and additional retail building have not significantly altered the parking requirements beyond the approved plan. As the overall facility provides parking in excess of the combined requirements for each individual use, the parking for each proposed parcel is in conformity with City parking requirements so long as cross-access agreements are in place (Condition #36).

Additionally, the project would be required to provide bicycle parking in compliance with Merced Zoning Ordinance Table 20-38-4 (Condition #15).

### **Signage**

- G) All signs will be required to conform with the approved master sign program including, but not limited to, location, quantity, dimensions, materials, and layout for this site (Conditional Use Permit #1241). A formal request for permanent signage shall be reviewed by staff with a building permit application and shall require compliance with the North Merced Sign Ordinance in addition to the Master Sign Program.

### **Neighborhood Impact/Interface**

- H) The subject site is surrounded by retail uses to the south across Yosemite Avenue, Merced College to the west, vacant land along with the Mercy Medical Center to the north, and residential uses to the east. Final Map #5382 modified the site, but new Assessor's Parcel Numbers (APN) have not yet been assigned to the modified parcels as a result of Final Map #5382's recordation, and as such, the APNs for the previous parcels have been used in public notice and other documentation identifying the subject site.

Residential uses are located approximately 80 feet east of the subject site. The nearest sensitive use (besides residential properties) is Cruickshank Middle School, which is located approximately 962 feet away from the subject site with the main entrance to the school being approximately 1,200 feet away from the subject site, at the northeast corner intersection of Dominican Drive and Mercy Avenue.

Previously, during the application for General Plan Amendment #19-03 and SUP Revision #3 for P-D #72, a neighborhood meeting regarding proposed uses for the Yosemite Crossing site was held. At that meeting, a car wash was part of the proposed uses, though at the time the location of the car wash was on the eastern side of the parcel, placing it approximately 80 feet from existing residences. The neighborhood objected to the car wash, citing concerns with the noise as a primary reason for the objection. The developer revised the plans in response to these concerns and removed the car wash from the site plan. The proposed plan sites the car wash on the G Street frontage, adding additional distance and the buffer of additional buildings once the multi-family residential development occurs. Additionally, the applicant has performed a noise study showing that the proposed design does not have significant impact on the existing residences (Attachment F of Staff Report #21-637). In order to further mitigate any impacts due to the noise of operation both for existing and proposed residences, the applicant has proposed to build walls at the exit of the wash tunnel to deflect noise, the impacts of which are shown graphically on Page 23 of the noise study.

The combination of extra space, additional buildings, and the sound-mitigating wall would reduce the impact that this development would have on the existing neighborhood. Staff believes that approval of this request should not have a significant impact in the surrounding area.

A public hearing notice was circulated in the Merced County Times and mailed to property owners within 300 feet of the subject site three weeks prior to this public hearing. At the time of this report, the City has received inquiries regarding the project, but has not received any formal comment either for or against.

On August 9, 2021, Planning staff met with Russell Lawrence, a concerned neighbor. Mr. Russell is concerned with the car wash due to the noise generated from the car wash, the vacuums, and the music typically played by customers using the vacuums. Mr. Russell suggested the proposed wall at the eastern end of the car wash be extended across the entire car wash site to help

mitigate the noise from the car wash, the vacuums, and the patrons playing loud music. Mr. Lawrence prepared the flyer at Attachment G of Staff Report #21-637 and is distributing it throughout the Mansionette neighborhood. The flyer outlines his concerns and provides some potential solutions to help alleviate those concerns. Mr. Lawrence also sent the e-mail provided in Attachment H of Staff Report #21-637 to Planning staff and City Council members explaining his concerns.

The applicant provided additional information and clarification regarding the potential noise impacts from the carwash in an e-mail dated August 12, 2021 (Attachment H of Staff Report #21-637). As described in the e-mail from the applicant, Mister Car Wash discourages customers from playing music while using their facilities. However, in an effort to help mitigate any impacts on the adjacent neighborhood from loud music being played during the evening hours, staff is recommending a condition be added to Conditional Use Permit (CUP) #1258 which would prohibit patrons of the car wash from playing music while vacuuming after 9:00 p.m.

### **Land Use/Density Issues**

- I) The proposed density for this project based on the number of units is approximately 16.1 units per acre, considering the size of the proposed site for the multifamily units, 5.98 acres. This density fits into an HMD General Plan designation comfortably (12 to 24 units/acre); the site also previously had an HMD designation for the portion of the site where the multi-family residential component is proposed.

### **Environmental Clearance**

- J) Planning staff has conducted an environmental review (Environmental Review #21-18) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and recommends that the previous environmental review [Initial Study #19-28 for General Plan Amendment #19-03 and Site Utilization Plan Revision #3 for Planned Development (P-D) #72] remains sufficient and no further documentation is required (CEQA Section 15162 Findings) (Attachment J of Staff Report #21-637).