

RESOLUTION NO. 2025-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
DENYING APPEAL #25-0004 BY ERIC
GONSALVES ON BEHALF OF YOSEMITE 1380,
LLC OF THE PLANNING COMMISSION'S
RECOMMENDATION OF DENIAL OF GENERAL
PLAN AMENDMENT #24-02 AND SITE
UTILIZATION PLAN REVISION #3 TO PLANNED
DEVELOPMENT #20, AND DENIAL OF SITE
PLAN REVIEW PERMIT #551 AND MINOR USE
PERMIT #24-13**

WHEREAS, on July 30, 2024, Yosemite 1380 LLC, applied for a General Plan Amendment #24-02, Site Utilization Plan Revision #3 to Planned Development #20, Vesting Tentative Subdivision Map #1332, Site Plan Review Permit #551, Minor Use Permit #24-13, and Environmental Review #24-25; and,

WHEREAS, the subject site is generally located on the southwest corner of East Yosemite Avenue and Parsons Avenue, particularly described in Exhibit "A" and shown on the map at Exhibit "B", both of which are attached hereto and incorporated herein by reference, and also known as Merced's County Assessor's parcel Number (APN) 006-050-068 and 006-050-072; and,

WHEREAS, General Plan Amendment #24-02 would change the General Plan land use designation from Commercial Office (CO) to Business Park (BP) for 3.19 acres and from Commercial Office (CO) to Low-Medium Density Residential (LMD) residential for the remaining 4.86 acres; and,

WHEREAS, Site Utilization Plan Revision #3 to Planned Development #20 would change the land use designation from "Commercial Office" to "Self Storage" for 3.19 acres and "Residential for 4.86 acres; and,

WHEREAS, Minor Use Permit #24-13 is for interface review to allow commercial development adjacent to Low Density Residential (R-1-6) Zone. Site Plan Review Permit #551 is to allow the development of a self-storage facility with approximately 500 storage units; and,

WHEREAS, the Vesting Tentative Subdivision Map aspect of this project is to divide the self-storage from the residential lots and create 28, single-family, residential lots on the subject site; and,

WHEREAS, 1380 Yosemite, LLC completed Environmental Review #24-25 (Negative Declaration) for this project; and,

WHEREAS, the Planning Commission of the City of Merced held a duly noticed public hearing on March 19, 2025, to consider the proposed General Plan Amendment #24-02, the Site Utilization Plan Revision #3 to Planned Development #20, Vesting Tentative Subdivision Map #1332, Site Plan Review Permit #551, Minor Use Permit #24-13, and Environmental Review #24-25; and,

WHEREAS, at the conclusion of the March 19, 2025 public hearing, the Planning Commission voted to approve a continuance to April 9, 2025; and,

WHEREAS, at the duly noticed April 9, 2025 public hearing, the Planning Commission adopted a motion recommending denial of General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development # 20; and,

WHEREAS, at the duly noticed April 9, 2025 public hearing, the Planning Commission adopted a motion denying Environmental Review #24-25, Vesting Tentative Subdivision Map #1332, Site Plan Review Permit #551 and Minor Use Permit #24-13; and,

WHEREAS, on April 10, 2025, the applicant filed an appeal of the Planning Commission's recommendation of denial and denial to the City Council; and,

WHEREAS, on May 7, 2025, the Planning Commission adopted Resolution # 4152, recommending the City Council deny the proposed General Plan Amendment, Site Utilization Plan Revision and Environmental Review (Negative Declaration); and

WHEREAS, on July 7, 2025, the City Council held a duly noticed public hearing to consider applicant's appeal of the Planning Commission's recommendation of denial to City Council of the proposed General Plan Amendment and Site Utilization Plan Revision and the Planning Commission's denial of Environmental Review #24-25 (Negative Declaration), Vesting Tentative Subdivision Map #1332, Site Plan Review

Permit #551 and Minor Use Permit #24-13. At the conclusion of the public hearing City Council motioned for Planning Commission’s reconsideration of this project pursuant to Merced Municipal Code Section 20.74.030 (F)(1)(c); and,

WHEREAS, on September 17, 2025, the Planning Commission held a duly noticed hearing to reconsider proposed 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 Environmental Review #24-25; and,

WHEREAS, at the conclusion of this public hearing, the Planning Commission adopted a motion recommending denial of General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development # 20; and,

WHEREAS, at the conclusion of this public hearing, the Planning Commission approved Environmental Review #24-25 and Vesting Tentative Subdivision Map #1332; and,

WHEREAS, at the conclusion of this public hearing, the Planning Commission denied Site Plan Review Permit #551 and Minor Use Permit #24-13; and,

WHEREAS, the City notified applicant of the Final Action by the Planning Commission by letter dated September 24, 2025; and,

WHEREAS, on September 25, 2025, the applicant appealed the Planning Commission’s Recommendation of Denial of General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development #20 and denial of Site Plan Review Permit #551 and Minor Use permit #24-13; and,

WHEREAS, on November 17, 2025, the City Council held a *de novo* review pursuant to a duly noticed public hearing, at which time all those interested in the matter were provided the opportunity to speak or to provide written or oral testimony regarding the application and appeal.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. That the City Council of the City of Merced affirms the Planning Commission of the City of Merced's adoption of Environmental Review #24-25, pursuant to the provisions of the California Environmental Quality Act. These adoptions and approvals remain in effect and are unaltered.

SECTION 2. CONSIDERATION. That the City Council has considered all of the evidence submitted into the administrative record, including but not limited to:

- A. A location map of the proposed premises near the southwest corner of East Yosemite Avenue and Parsons Avenue
- B. An aerial map of the proposed premises
- C. Proposed site plan
- D. Proposed floor plans
- E. Proposed elevations
- F. All Planning Commission actions, proceedings and Resolutions
- G. The applicant's Appeal #25-0004 of Planning Commission Resolution #4170 recommending denial of General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development #20, and Planning Commission Resolution #4171 denying Site Plan Review Permit #551 and Minor Use Permit #24-13.
- H. Environmental Review #24-25 (Negative Declaration)
- I. Administrative Report #25-997 for November 17, 2025, City Council meeting, and attachments thereto
- J. Staff Presentation

SECTION 3. FINDINGS. That in view of all the record evidence including, but not limited to, the administrative reports and attachments thereto, presentations, comments, written and oral testimony, the actions and decisions of the Planning Commission and other information and evidence presented during this Public Hearing, the City Council, in its discretion, having conducted a *de novo*.

review exercising its independent judgment and making its own decision finds the proposed project does not meet all applicable provisions of the Merced Municipal Code.

SECTION 4. DETERMINATION. That the City Council determines the evidence in the record constitutes substantial evidence to support the actions taken and the findings made in this Resolution. The City Council further determines the facts stated in this Resolution are supported by substantial evidence in the record including, but not limited to, the administrative reports and attachments thereto, presentations, comments, written and oral testimony, the actions and decisions of the Planning Commission and other information and evidence presented during this Public Hearing. There is no substantial evidence, nor other facts, that detract from the findings made in this Resolution and the City Council expressly declares it considered all evidence presented and reached these findings after due consideration of all evidence presented to it.

SECTION 5. APPEAL. That the City Council hereby denies the applicant's appeal based upon the findings set forth above and the individual actions more particularly described herein.

SECTION 6. GENERAL PLAN AMENDMENT. That the City Council hereby denies General Plan Amendment #24-02 affirming the Planning Commission's recommended denial of General Plan Amendment #24-02 based upon the findings set forth above and Planning Commission Resolution #4152, incorporated herein by this reference and attached at Exhibit "C" and Planning Commission Resolution #4170, incorporated herein by this reference and attached at Exhibit "D."

SECTION 7. SITE UTILIZATION PLAN REVISION. That the City Council hereby denies Site Utilization Plan Revision #3 to Planned Development #20 based upon the findings set forth above and Exhibit "C" and Exhibit "D."

SECTION 8. SITE PLAN REVIEW PERMIT. That the City Council hereby denies Site Plan Review Permit # 551 affirming the Planning Commission's denial of Site Plan Review Permit #551 based upon the findings set forth above and Planning Commission Resolution # 4171, incorporated herein by this reference and attached at Exhibit "E."

SECTION 7. MINOR USE PERMIT. That the City Council hereby denies Minor Use Permit #24-13 affirming the Planning Commission's denial of Minor

Use Permit #24-13 based upon the findings set forth above and attached at Exhibit "E."

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 202_, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:
MATTHEW SERRATTO, MAYOR

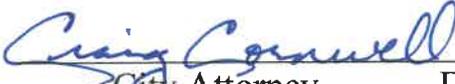
Mayor

ATTEST:
D. SCOTT MCBRIDE, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:
CRAIG J. CORNWELL, CITY ATTORNEY

 11/10/2025
City Attorney Date

LEGAL DESCRIPTION

Real property in the City of Merced, County of Merced, State of California, described as follows:

PARCEL 2, AS SHOWN ON "PARCEL MAP FOR WAINWRIGHT TRUSTS", RECORDED JANUARY 26, 2001 IN VOLUME 87 OF PARCEL MAPS, PAGES 45 AND 46 AND BEING A DIVISION OF REMAINDERS A AND B AS SHOWN ON "OAKMONT VILLAGE UNIT NO. 5", RECORDED IN VOLUME 46 OF OFFICIAL PLATS AT PAGES 37 THROUGH 39, MERCED COUNTY RECORDS.

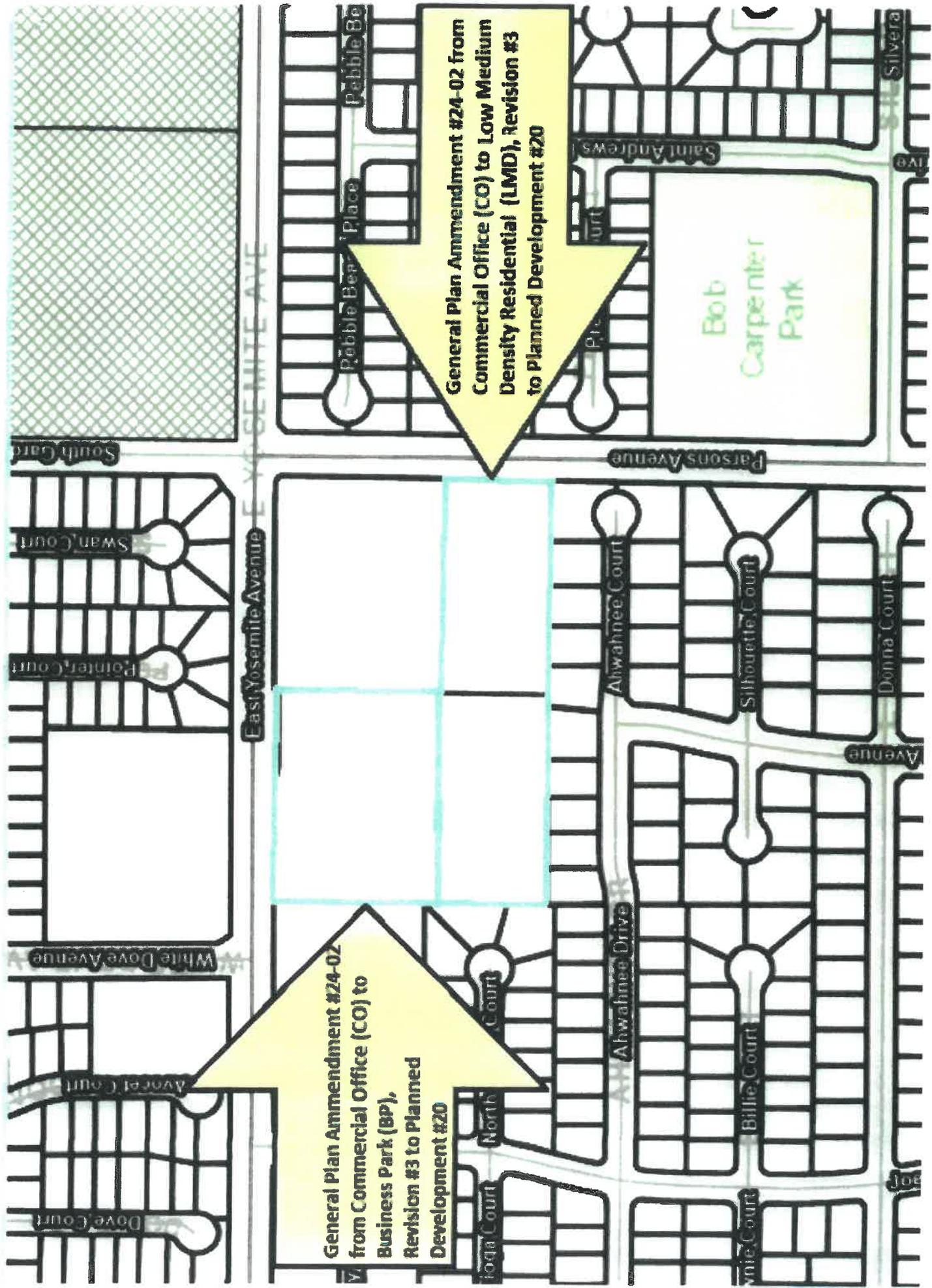
EXCEPTING THEREFROM,

BEING A PORTION OF PARCEL 2 AS SHOWN ON "PARCEL MAP FOR WAINWRIGHT TRUSTS", RECORDED IN VOLUME 87 OF PARCEL MAPS, AT PAGES 45 AND 46, MERCED COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 2, THENCE S. 00 DEG. 52'42" W. 10.00 FEET ALONG THE EAST LINE OF SAID PARCEL 2, THENCE S. 89 DEG. 56'07" W. 155.37 FEET, THENCE N. 77 DEG. 48'29" W. 47.11 FEET TO THE NORTH LINE OF SAID PARCEL 2, THENCE N. 89 DEG. 56'07" E. 201.56 FEET ALONG SAID NORTH LINE TO POINT OF BEGINNING, AS GRANTED TO THE CITY OF MERCED, A MUNICIPAL CORPORATION BY DEED RECORDED AUGUST 22, 2001 IN VOLUME 4251 OFFICIAL RECORDS, PAGE 317, MERCED COUNTY.

APN: 006-050-068-000

EXHIBIT A



General Plan Amendment #24-02 from Commercial Office (CO) to Low Medium Density Residential (LMD), Revision #3 to Planned Development #20

General Plan Amendment #24-02 from Commercial Office (CO) to Business Park (BP), Revision #3 to Planned Development #20

EXHIBIT B

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 #4170

WHEREAS, On September 17, 2025, the Merced City Planning Commission at its regular meeting, held a public hearing to consider **General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development (P-D) #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 3.19 acres and from Commercial Office (CO) to Low-Medium Density Residential (LMD) for the remaining 4.86 acres. The Site Utilization Plan Revision proposed changing the land use designation within Planned Development (P-D) #20 from Commercial Office to Self-Storage for 3.19 acres and to Residential for the remaining 4.86 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, at this meeting the Merced City Planning Commission voted 3-2 in favor of a motion to recommend denial of General Plan Amendment #24-02, Site Utilization Plan Revision #3 to Planned Development #20, and Environmental Review #24-25 (Negative Declaration) ; and,

WHEREAS, the motion failed to obtain the required four (4) affirmative votes and therefore was deemed denied pursuant to Municipal Code section 20.82.040(B).

WHEREAS, a resolution of denial was prepared for the Planning Commission and brought back to the Planning Commission for their meeting of November 5, 2025; and,

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, Site Utilization Plan Revision #3 to Planned Development (P-D) #20.

PLANNING COMMISSION RESOLUTION #4170

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November 5, 2025

Upon motion by Vice Chair Greggains, seconded by Chairperson Gonzalez, and carried by the following vote:

AYES: Commissioners Ochoa, Greggains, Thao, Smith, Vue, and Chairperson Gonzalez

NOES: None

ABSENT: Commissioner Swiggart

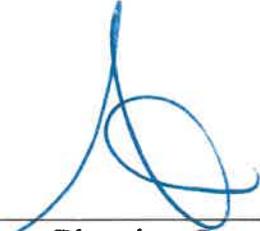
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4170

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November 5, 2025

Adopted this 5th of November 2025



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary



CITY OF MERCED
Planning Commission

Resolution #4171

WHEREAS, on September 17, 2025, the Merced City Planning Commission at its regular meeting held a public hearing and considered **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 would be for interface review to allow commercial development adjacent to or across from a Low Density Residential (R-1-6) Zone. The Site Plan Review Permit would allow the development a self-storage facility (approximately 500 storage units). 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, at this meeting, the Merced City Planning Commission voted 3-2 in favor of a motion to approve the Vesting Tentative Subdivision Map, Site Plan Review Permit, and Minor Use Permit; and,

WHEREAS, Vesting Tentative Subdivision Map #1332 and Environmental Review #24-25 (Negative Declaration) were deemed approved as these items required a simple majority vote by the Planning Commission and a separate resolution was prepared for this entitlement; and

WHEREAS, Site Plan Review Permit #558 and Minor Use Permit #24-13 failed to obtain the required four (4) affirmative votes and therefore was deemed denied pursuant to Municipal Code section 20.64.040(e); and

WHEREAS, this resolution of denial for Site Plan Review Permit #551 and Minor Use Permit #24-13 was brought to the Planning Commission for their consideration at their meeting of November 5, 2025; and,

NOW THEREFORE, after reviewing the project and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby deny Site Plan Review Permit #551, Minor Use Permit #24-13.

Upon motion by Vice Chair Greggains, seconded by Chairperson Gonzalez, and carried by the following vote:

PLANNING COMMISSION RESOLUTION #4171

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November 5, 2025

AYES: Commissioners Ochoa, Greggains, Thao, Smith, Vue, and Chairperson
Gonzalez

NOES: None

ABSENT: Commissioners Swiggart

ABSTAIN: None

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November 5, 2025

Adopted this 5th of November 2025



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary