

RESOLUTION NO. 2025-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
GRANTING 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; DENIAL OF SITE PLAN
REVIEW PERMIT #551 AND MINOR USE
PERMIT #24-13; AND APPROVAL OF
LEGISLATIVE ACTION AGREEMENT**

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. The subject site is 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. The City Council shall consider this aspect of the appeal by ordinance under Merced Municipal Code Section 20.80.050(B); and,

WHEREAS, Minor Use Permit #24-13 is for interface review to allow commercial development t 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 proposed 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, 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 to the City Council; 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 #24-02, Site Utilization Plan Revision #3 to Planned Development #20, and Environmental Review #24-25 (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 proposed General Plan

Amendment #24-02, Site Utilization Plan Revision #3 to Planned Development # 20 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 (P-D) #20, Site Plan Review Permit #551, Vesting Tentative Subdivision Map #1332, 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 to the City Council; 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 and the approval of Vesting Tentative Map #1332. 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 (P-D) #20, and Planning Commission Resolution #4171 denial of 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 meets 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 grants the applicant's appeal based upon the findings set forth above and the individual actions more particularly described herein. In granting this Appeal, the City Council expresses its intent to concurrently introduce Ordinance No. 2585, An Ordinance of the City Council of the City of Merced, California, Changing the Land Use Designation for 3.19 acres From "Commercial Office" to "Self Storage" at 1380 E. Yosemite Avenue, and for 4.86 acres from "Commercial Office" to "Residential at 3595 Parsons Avenue, generally located at the Southwest corner of E. Yosemite Avenue and Parsons Avenue. The location is more generally described at Exhibit "A" and depicted in Exhibit "B." This action is consistent with this Resolution but must be undertaken via Ordinance in accordance with Merced Municipal Code Section 20.80.050.

SECTION 6. GENERAL PLAN AMENDMENT. That the City Council hereby approves General Plan Amendment #24-02 overturning the Planning Commission's recommended denial of General Plan Amendment #24-02 based upon the findings set forth above and Conditions of Approval set forth in Exhibit "C," incorporated herein by this reference and attached at Exhibit "C" and the Findings and Considerations set forth in Exhibit "D," incorporated herein by this reference and attached at Exhibit "D." The General Plan of the City of Merced is

hereby amended by approving General Plan Amendment #24-02, which changes the General Plan designation for approximately 8.05 acres of land generally located on the southwest corner of East Yosemite Avenue and Parsons Avenue, from Commercial Office (CO) to Business Park (BP) for 3.19 of the 8.05 acres and from Commercial Office (CO) to Low Medium Density Residential (LMD) for the remaining 4.86 acres as shown on Exhibit “B”.

SECTION 7. SITE PLAN REVIEW PERMIT. That the City Council hereby approves Site Plan Review Permit # 551 overturning the Planning Commission’s denial of Site Plan Review Permit #551 based upon the findings set forth above and Conditions of Approval attached at Exhibit “E” and the Findings and Considerations attached at Exhibit “F.”

SECTION 8. MINOR USE PERMIT. That the City Council hereby approves Minor Use Permit #24-13 overturning the Planning Commission’s denial of Minor Use Permit #24-13 based upon the findings set forth above and Conditions of Approval attached at Exhibit “E” and the Findings and Considerations attached at Exhibit “F.”

SECTION 9. APPROVAL OF LEGISLATIVE ACTION AGREEMENT. That the Legislative Action Agreement between the City of Merced and Yosemite 1380, LLC, pertaining to the approvals granted herein and the development of the property subject to these approvals is hereby approved. The approvals granted herein are contingent upon the property owner executing and returning the Legislative Action Agreement and the documents being recorded. The City Manager or Assistant City Manager is hereby authorized to execute the Legislative Action Agreement on behalf of the City of Merced.

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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

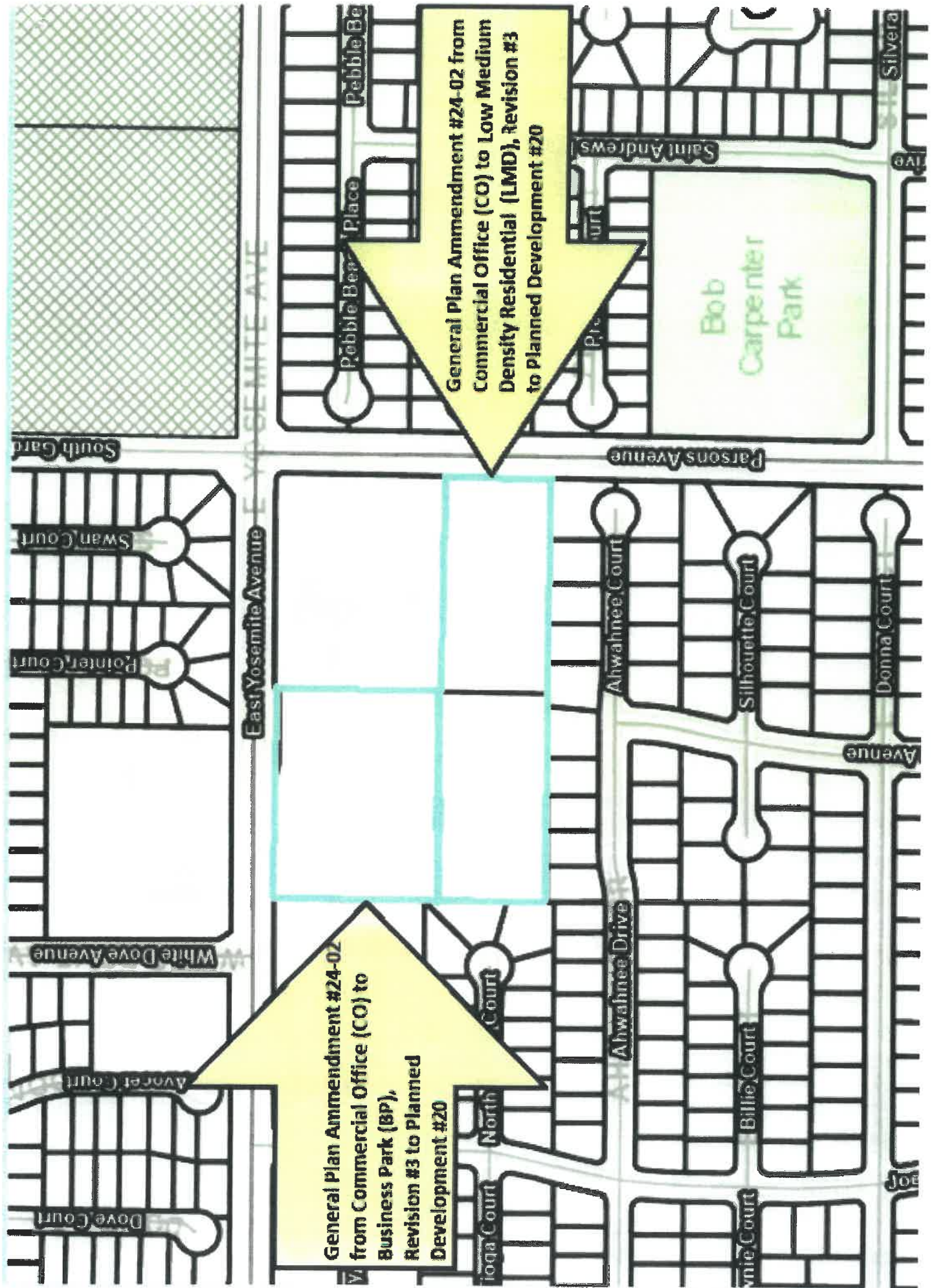


EXHIBIT B

Conditions of Approval
General Plan Amendment #24-02
Site Utilization Plan Revision #3 to Planned Development #20

1. The proposed General Plan Amendment and Site Utilization Plan Revision shall be as shown on the Proposed Land Use Map at Attachment 2 of Administrative Report #25-977.
2. Any project constructed on this site shall comply with all Design/Development Standards (Attachment 5 of Administrative Report #25-977) adopted by Revision #3 of Planned Development (P-D) #20.
3. In compliance with Merced Municipal Code Section 20.20.020 Q, all projects shall require a Site Plan Review Permit or Minor Use Permit at the discretion of the Director of Development Services to address conformance to the Design Standards approved with this Planned Development Establishment. This does not replace the requirement for any other approval for a specific use required by the Zoning Ordinance.
4. Approval of the General Plan Amendment and Site Utilization Plan Revision is 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.
5. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as required by the City Engineering Department.

6. The Project shall comply with all applicable conditions set forth in the resolutions for Annexation No. 137 (Southwest Yosemite and Parsons Annexation) previously approved for this site.
7. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
8. 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). Procedures for financing these services and on-going maintenance shall be before final map
9. 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.
10. 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.

10. 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
General Plan Amendment #24-02
Site Utilization Plan Revision #3 to Planned Development (P-D) #20

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) If the General Plan Amendment is approved, the northern 3.02 acres of the proposed project would comply with the General Plan land use designation of Business Park (BP), which allows self-storage facilities with a Site Plan Review permit. The southern 4.85 acres of the subject site would comply with the General Plan Designation of Low Medium Density (LMD) residential which allows for residential subdivisions. The project would also comply with the Zoning classification of Planned Development (P-D) #20 with the change in land use designation from Commercial Office to Low Medium Density Residential and Self-Storage.

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

Policy L-3.2: Encourage Infill Development and a Compact Urban Form

The proposed project would develop an approximate 8.05-acre site that has been vacant for decades. Developing this site addresses some maintenance issues associated with undeveloped parcels, such as overgrown weeds (fire hazard), vandalism, and loitering which could impact neighboring parcels. In addition, infill development is an efficient use of development that utilizes existing infrastructure within City limits as opposed to annexing land that requires expanding City infrastructure and services.

General Plan Amendment - Findings

- B) 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. Based on State law and case law, the following findings are recommended:

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

The proposed amendment is deemed to be in the public interest because it will provide employment, and storage options so that

residential properties are not overcrowded with personal items resulting in blight from items stored outside. The project also proposes housing which will help alleviate the housing needs in 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.*

As shown under Finding A, the proposed development meets the General Plan Goals and Policies regarding promoting infill developments. The proposed project would comply with the General Plan designation of Business Park (BP) and Low Medium Density Residential (LMD) if the General Plan Amendment is approved.

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 has been processed in accordance with all applicable California Government Code sections. In addition, Planning staff has conducted an environmental review (#24-25) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Negative Declaration (see Attachment 9 of Administrative Report #25-977) has been recommended.

Zoning Code Compliance for Planned Development Establishments or Revision

- C) Per Merced Municipal Code Section 20.20.20 (J) Planned Development (P-D) Zoning Districts, an application for Planned Development Establishment or Revision with an accompanying Preliminary Site Utilization Plan can only be approved if the following findings can be made.

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 Planned Development would change the land use designation for the approximately 8.05-acre subject site from Commercial Office (CO) to Self-Storage and Residential. This use would be consistent with the General Plan if General Plan Amendment #24-02 is approved. As described in Finding A above, the project would help achieve Land Use Policy L-3.2 by encourage in-fill development.

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

The project site is approximately 8.05 acres, and would be used for 500 storage units and 28 residential lots. The storage facility is similar in size to other existing storage facilities in the community (Simply Space Self Storage, Central Self Storage, Cal Storage, etc.). The residential lots south of the self-storage facility would serve as a transition in between the self-storage and the single-family residences to the south of the project site. The project site is considered adequate in size and shape to accommodate the proposed land uses.

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

The proposal would have adequate access to existing and planned streets and highways. The proposed development would have access to E. Yosemite Avenue and Parsons Avenue through driveways along the northern and eastern property line. The project proposes a new private road that would connect to Parsons Ave for the residential development. These internal streets would be constructed to Merced City Standards as required in Condition #17 of City Council Approval for Site Plan Review Permit #551 and Minor Use Permit #24-13 at Attachment 10 of Administrative Report #25-977).

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

City utilities such as water and sewer main lines as well as storm drain lines are directly available to the north at E. Yosemite Avenue and to the east at Parsons Avenue. These lines are adequate to serve the project.

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.*

There may be some temporary impacts such as vibration, noise, and dust during construction, but as described under Finding F – Neighborhood Impact, the proposed development would not have a substantial adverse effect on surrounding property, will be compatible with the existing and character of 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.*

The proposed development provides efficient use of land optimizing the property by revising the existing Planned Development to allow for the self-storage and residential subdivision as infill development on the site. This is attainable through specific development standards proposed as part of the revision #3 to Planned Development (P-D) #20. These standards are provided at Attachment 5 of Administrative Report #25-977.

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 development consists of a self-storage facility along the northern portion of the property. The southern portion of the subject site would have a residential subdivision. This self-storage facility and residential development are capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.

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.*

As shown on Attachment 3 of Administrative Report #25-977, the proposal includes decorative block building walls along the western and eastern property lines that include a mixture of color finishes that go beyond a standard concrete masonry unit wall.

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 district.*

The proposed use would allow development of the entire parcel. By allowing a deviation in the setback requirements, the proposed development is able to provide a fully developed self-storage facility including parking and use an attractive design and color palette for the buildings on the northern portion of the site. The southern portion of the site would also accommodate more residential units with a deviation in setback requirements. Without the deviation in the setback requirement, the development would not be able to provide sufficient storage spaces and number of residences to make the development feasible. This could lead to the site remaining empty and susceptible to blight.

Revision #3 to Planned Development #20 would allow this development to deviate from the standard zoning requirements, allowing the project to move forward in a more streamlined approach. Planned Developments were specifically designed to allow such unique designs.

Planned Development Standards

- D) Specific development standards are typically established within a Planned Development. The applicant could propose a standard City Zoning classification; however, by proposing a Planned Development, the developer has the opportunity to request unique development standards that deviate from the City's typical requirements. Through the Revision of a Planned Development, the developer has requested a number of development standards specific to this development as shown in Attachment 5 of Administrative Report #25-977.

Traffic/Circulation

- E) The proposed development includes a self-storage facility with approximately 500 storage units, and a residential subdivision of 28 units located on an approximately 8.05-acre vacant parcel located at 1380 E Yosemite Avenue and 3595 Parsons Avenue. The project site fronts an arterial road to the north (E. Yosemite Avenue) and a collector road to the east (Parsons Avenue). Vehicle access would be available from a driveway along E. Yosemite Avenue and Parsons Avenue. The nearest major north-south road is G Street (arterial road) which is designed to carry large volumes of traffic traveling throughout the community. G Street provides access to Highway 99 that connects Merced with other regional communities throughout the State.

Vehicle Miles Traveled

The self-storage facility project is comprised of land uses estimated to generate 109 vehicle trips per day, and the residential portion is estimated to generate 264 vehicle trips per day, totaling of 373 vehicle trips per day. Based on the MCAG guidelines, projects that are low trip generators can be screened out of a quantitative VMT Analysis. Projects that are consistent with the Merced Vision 2030 General Plan have a low trip generator threshold of 1,000 average daily trips and projects that are not consistent with the Merced Vision 2030 General Plan have a low trip generator threshold of 500 average daily trips. This Project is not consistent with the Merced Vision 2030 General Plan but generates less than 500 daily trips. As a result, this Project is screened out from a quantitative VMT analysis and this Report serves as the required VMT Analysis for this Project.

Improvements

The development requires the construction of a street network connecting the residential subdivision to Parsons Ave. This street network would generally be built to Merced City Standards (Condition #17 of City Council approval of the appeal at Attachment 10 found at Administrative Report #25-977). This may require making minor modifications to the site plan that would need to be reviewed and approved by the Director of Development Services.

Neighborhood Impact

- F) The subject site is surrounded by a variety of uses which include residential to the east, south, and west, a religious institution to the north across E Yosemite Avenue and University Surgery Center adjacent to the northeast. The subject site is designated Commercial Office (CO) as a land use designation that is compatible with the surrounding uses. Even though the applicant is proposing a General Plan designation of Business Park and Low Medium Density Residential, the proposed use of self-storage and residential subdivision is expected to produce less traffic than expected for a Commercial Office development and would not significantly alter the traffic patterns throughout the neighborhood.

The site is surrounded with residential uses to the west and south of the proposed project. The self-storage facility would consist of a 12 to 14-foot-tall block wall that would screen the self-storage facility from the adjacent residential uses and reduce noise and privacy concerns. To create additional compatibility with the surrounding sites to help reduce concerns regarding noise, lighting, and privacy, there are conditions requiring the parking lot lights and building lights be shielded so that lighting does not “spill-over” to adjacent parcels (Conditions #22 of City Council Approval of Appeal at Attachment 10 for Administrative Report #25-977); controlled hours of operation only allowing operation between 7 a.m. and 7 p.m. (Condition #24 of City Council Approval of Appeal at Attachment 10 of Administrative Report #25-977).

Public hearing notices were sent to all property owners within 300 feet of the project site. The City received public comment letters and a petition for the previous hearings shown on Attachment 14 of Administrative Report #25-977. In these letters, neighbors expressed their concerns for the proposed self-storage facility and residential development. The letters and petition were generally in opposition of the project.

Housing Opportunity

- G) The proposed would change the General Plan designation from Commercial Office (CO) to Business Park (BP) for approximately 3.02 acres and Low Medium Density (LMD) residential for approximately 4.85 acres. As such, zoning at this location currently does not allow for any residential uses. Thus,

by changing the land use designation to Business Park and Low Medium Density Residential, the site goes from no potential of having any residential units constructed at its current designation, to 6 to 12 units per acre in the proposed Low Medium Density residential portion of the project.

Staff believes this site would be good for Low Medium Density residential given that the site fronts a major collector road (Parsons Avenue), and its close proximity to multiple shopping centers within 750 feet of the site, a park, and school.

Environmental Clearance

H) 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 project is over 5 acres (at 8.05 acres), and the site is not consistent with Zoning or the General Plan, requiring an Initial Study. 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 #24-25 results in a Negative Declaration as the proposal would not have a significant effect on the environment (Attachments 9 of Administrative Report #25-977) 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 9 of Administrative Report #25-977.

**Conditions of Approval
Site Plan Review Permit #551
Minor Use Permit #24-13**

1. The proposed project shall be constructed/designed as shown on the Site Plan, Floor Plans and Elevation at Attachments 3 and 4 of Administrative Report #25-977, and as modified by the conditions of approval within this resolution.
2. The Project shall comply with all applicable conditions set forth in the resolutions for Annexation No. 137 (Southwest Yosemite and Parsons Annexation) previously approved for this site.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. 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.
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. 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).
8. All landscaping in the public right-of-way shall comply with State Water Resources Control Board Resolution No. 2015-0032 "To Adopt an Emergency Regulation for Statewide Urban Water Conservation" and the City's Water Conservation Ordinance (Merced Municipal Code Section 15.42). Xeriscape or artificial turf shall be used in place of natural sod or other living ground cover. If turf is proposed to be installed in park-strips or on-site, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees, parking lot trees, or other landscaping shall be provided with a drip irrigation or micro-spray system. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).
9. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
10. Trees and or fast-growing vines or other plants shall be planted on or near the block wall along E Yosemite Avenue to soften the visibility of the site. Details to be worked out with Planning staff during the building permit stage.

11. 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.
12. Any missing or damaged improvements along the property frontage shall be installed/repared to meet City Standards. Any improvements that don't meet current City Standards shall be replaced to meet all applicable standards.
13. The applicant shall work with the City's Refuse Department to determine the proper location for a trash enclosure at the self-storage facility and if a recycling container will be required to comply with AB 341. The container(s) shall be enclosed within a refuse enclosure built to City Standards.
14. All mechanical equipment shall be screened from public view.
15. The parking lot layout shall comply with all applicable City Standards. Parking lot trees shall be provided at a ratio of one tree for every six parking spaces provided for customers (this does not apply to the long-term parking spaces). These trees shall be installed per the City's Parking Lot Landscape Standards, 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).
16. The driving aisles of the self-storage facility shall be paved with an impervious surface, as approved by the City Engineer.
17. The driving aisles in the self-storage facility and internal streets in the residential subdivision shall be designed to meet all City of Merced Engineering and Fire Department requirements, including those pertaining to turning radius, unless otherwise approved by the city engineer.
18. All vehicular gates shall be provided with a "click-to-enter" access and remote controls shall be provided to the City of Merced Police, Fire, and Public Works Departments. The device used shall be approved by the City prior to installation.
19. All gates shall be provided with a Knox box, as required by the Fire Department.
20. All service drives including the access and egress gates shall be posted as Fire Lanes. All signs and markings shall be as required by the Fire Department.

21. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
22. Parking lot lights and building lights shall be shielded or oriented in a way that does not allow “spill-over” onto adjacent lots or be a nuisance to adjacent residential properties. This shall be done in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent parcels.
23. The project shall comply with all the Post Construction Standards required to comply with State requirements for the City’s Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
24. The self-storage facility may operate daily between 7:00 a.m. and 7:00 p.m. Hours of operation may be adjusted at the discretion of the Director of Development Services.
25. Dwelling within the storage units is prohibited
26. Minor modifications to the site plan, floor plan, or elevations may be reviewed and approved by the Director of Development Services as allowed by Merced Municipal Code Section 20.20.020 (O).
27. This resolution for a Vesting Tentative Subdivision Map (VTSM #1332), Site Plan Review (SP #551) and Minor Use Permit (#24-13) does not become effective until the General Plan Amendment (GPA #24-02) and Site Utilization Plan Revision (#3 to Planned Development #20) are approved by the City Council.
28. Lots 1-15 as shown on the map at Attachment 6 of Administrative Report #25-977, shall be single story.
29. Additional fire access shall be available via a gate connecting the residential subdivision and the parking lot to the medical offices to the north.
30. There must be a minimum 26-foot-wide unobstructed area around all the hydrants within the subdivision or one side of the road must be a permanent fire lane to comply with Fire Department requirements. Details to be reviewed and approved by the Fire Department prior to building permit approval.
31. 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.
32. The developer shall provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television, or as

- otherwise required by the City engineer. All new utilities are to be undergrounded.
33. All streets within the subdivision shall be private streets and shall be privately maintained. An easement for utilities and access shall be granted to the City of Merced with the Final Map.
 34. Any work done by the City of Merced to maintain utilities shall be restored to City Standards. Any decorative treatments shall be the responsibility of the Homeowner's Association (HOA) to repair/replace.
 35. The gates at the entrances shall be setback a minimum of 20 feet from the roadway to allow stacking room for at least two vehicles. Gate width on each side of the entrance/exit shall be at least 14 feet wide.
 36. Fire hydrants shall be installed along street frontages and throughout the gated subdivision 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.
 37. All dwellings shall be designed to include fire sprinklers as required by the California Fire Code.
 38. 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.
 39. 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.
 40. 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.
 41. All undeveloped areas shall be maintained free of weeds and debris.
 42. Sewer manholes shall be installed as required by the Engineering Department (if needed).
 43. The developer shall establish a Homeowner's Association (HOA) (or approved alternative) governing this project. The HOA shall be responsible for the maintenance of all streets and landscaping within the development as well as sweeping/cleaning of all interior streets. Prior to the Final Map

approval, the HOA and any Conditions, Covenants and Restrictions (CC&R's) shall be reviewed and approved by the City Attorney.

**Findings and Considerations
Site Plan Review Permit #551
Minor Use Permit #24-13**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) If the General Plan Amendment is approved, the northern 3.19 acres of the proposed project would comply with the General Plan land use designation of Business Park (BP), which allows self-storage facilities with a Site Plan Review permit. The southern 4.86 acres of the proposed would comply with the General Plan Designation of Low Medium Density (LMD) residential which allows for residential subdivisions. The project would also comply with the Zoning classification of Planned Development (P-D) #20 with the change in land use designation from Commercial Office to low Medium Density Residential and Self-Storage.

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

Policy L-3.2: Encourage Infill Development and a Compact Urban Form

The proposed project would develop an approximate 8.05-acre site that has been vacant for decades. Developing this site addresses some maintenance issues associated with undeveloped parcels, such as overgrown weeds (fire hazard), vandalism, and loitering which could impact neighboring parcels. In addition, infill development is an efficient use of development that utilizes existing infrastructure within City limits as opposed to annexing land that requires expanding City infrastructure and services.

Traffic/Circulation

- B) The proposed development includes a self-storage facility with approximately 500 storage units, and a residential subdivision located on an approximately 8.05-acre vacant parcel located at 1380 E Yosemite Avenue and 3595 Parsons Avenue. The project site fronts an arterial road to the north (E. Yosemite Avenue) and a collector road to the east (Parsons Avenue). Vehicle access would be available from a driveway along E. Yosemite Avenue and Parsons Avenue. The nearest major north-south road being G Street (arterial road) which is designed to carry large volumes of traffic traveling throughout the

community. G Street provides access to Highway 99 that connects Merced with other regional communities throughout the State.

Vehicle Miles Traveled

The self-storage facility project is comprised of land uses estimated to generate 109 vehicle trips per day, and the residential portion is estimated to generate 264 vehicle trips per day totaling 373 vehicle trips per day. Based on the MCAG guidelines, projects that are low trip generators can be screened out of a quantitative VMT Analysis. Projects that are consistent with the Merced Vision 2030 General Plan have a low trip generator threshold of 1,000 average daily trips, and projects that are not consistent with the Merced Vision 2030 General Plan have a low trip generator threshold of 500 average daily trips. This Project is not consistent with the Merced Vision 2030 General Plan, but generates less than 500 daily trips. As a result, this Project is screened out from a quantitative VMT analysis and this Report serves as the required VMT Analysis, for this Project.

Improvements

The development requires the construction of a street network connecting the residential subdivision to Parsons Ave. This street network shall be built to Merced City Standards. This may require making minor modifications to the site plan that would need to be reviewed and approved by the Director of Development Services.

Public Improvements/City Services

- C) Any damaged or missing public improvements shall be repaired if the permit value of the project exceeds \$100,000.00. The need for repairs or replacement of any missing improvements would be evaluated at the building permit stage by the City's Engineering Department.

Parking

- D) Per Merced Municipal Code Table 20.38 -1- Off Street Parking Requirements, the parking requirements for Public/Mini Storage is 1 parking stall per 50 storage units or 5 spaces, whichever is greater. Based on the proposed 500 storage units, the site is required to have at least 10 parking stalls. With the office unit, the site should have a minimum of 11 parking spaces. The proposed project meets these requirements by providing 16 parking spaces for the self-storage facility.

The parking requirements for Single Family Dwellings is 1 parking stall per unit. The proposed residential development proposes a two-car garage per unit which would meet and exceed the parking requirements.

Site Design

- E) The proposed development includes a residential subdivision of 28 lots and a self-storage facility. Of the 28 residential lots, lots 1-15 would be single story homes and lots 16-28 would be a mix of single- and two-story homes. The proposed residential lots would range in size between 4,365 square feet and 8,930 square feet. These lots would be located within the southern portion of the subject site on approximately 4.86 acres. The remaining 3.19 acres would be used to establish a self-storage facility.

Development Standards for the 28 residential lots shall meet standards set on Attachment 5 - Planned Development Standards of Administrative Report #25-977. Because this site has a zoning classification of Planned Development, the building design/elevations shall be reviewed and approved by Planning Staff prior to issuance of a building permit for this subdivision. The minimum parking requirement for single-family homes is one parking space per unit. However, each one of these units would have two parking spaces located within a garage.

The northern portion of the parcel along E. Yosemite Avenue, would be reserved for the self-storage facility with approximately 500 storage units. The applicant has provided a site plan, floor plans, and elevations for this proposal. Attachment 3 of Administrative Report #25-977 illustrates the proposed structures (Site Plan, Floor Plan, and Elevations). The storage facility would be composed of five storage buildings; the office would be attached into one of those storage buildings. The office would be the most visible structure to the public located along E Yosemite Avenue. The exterior of the office would consist of terra cotta tile roofing, walls with stucco finish, stone veneer accents, and storefront windows. The storage spaces would range in dimensions between 5 feet by 5 feet, and 10 feet by 25 feet. The storage buildings would have a metal finish. The back of the storage units along the eastern, southern and western property lines would consist of a 12 to 14-foot-tall block wall. The northern property line would be secured with a wrought iron perimeter fence.

Elevations

- F) The elevations shown at Attachment 3 illustrate the proposed structures for this project. The ground floor leasing office would be front facing E. Yosemite Avenue. This structure would be approximately 27 feet tall with the exterior consisting of concrete walls, columns and beam finish carborundum-rubbed and painted, and storefront windows.

The storage units along the southern property line would range in dimension between 5 feet by 10 feet, and 10 feet by 12 feet. The storage units would be approximately 16 feet in height. The back of the storage units along the eastern, southern, and western property lines would consist of a 12 to 14-foot-tall block wall. The northern property line would be secured with a wrought iron perimeter fence. Landscaping or trees would be installed along the northern property line (along E. Yosemite Avenue) to soften the visibility of the site.

Landscaping

- G) The proposal does not include a landscape plan, but all future landscaping for mulch, shrubs, turf, or trees should be drought tolerant and all irrigation systems must comply with the latest requirements for water conservation. In addition, parking lot trees shall be installed as required by the City's Parking Lot Landscape Standards at a minimum ratio of one tree for every six parking spaces. Parking lot trees shall be selected from the City's approved tree list, providing a 30-foot minimum canopy at maturity. If needed, street trees would be installed along E. Yosemite Avenue as required by City standards. All trees shall be planted away from the City's 10-foot visual corner triangle area.

Neighborhood Impact

- H) The subject site is surrounded by a variety of uses which include residential to the east south and west, the Episcopal Church of the Resurrection to the north across E. Yosemite Avenue and University Surgery Center immediately to the northeast. The subject site is designated Commercial Office (CO) as a land use designation that is compatible with the surrounding uses. Even though the applicant is proposing a General Plan designation of Business Park and Low Medium Density Residential, the proposed use of self-storage and residential subdivision is expected to produce less traffic than expected for a Commercial Office development and would not significantly alter the traffic patterns throughout the neighborhood.

The site is surrounded with residential uses to the west and south of the proposed project. The proposed residential subdivision would serve as a buffer/transition from the proposed self-storage facility and the existing single-family residences to the south. Additionally, the south elevation of Building F (self-storage facility) includes a concrete-masonry unit façade that ranges from 12 to 14-feet in height. This block wall façade serves to screen the self-storage facility (from the adjacent residential uses) and reduce noise and privacy concerns. To create additional compatibility with the surrounding sites to help reduce concerns regarding noise, lighting, and privacy, there are conditions requiring the parking lot lights and building lights be shielded so that lighting does not “spill-over” to adjacent parcels; controlled hours of operation only allowing operation between 7 a.m. and 7 p.m.

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.

Minor Use Permit Findings

- I) In order for the Planning Commission to approve or deny a conditional use permit or minor use permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) – Findings for Approval.

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.*

As shown under Finding A, if the General Plan Amendment is approved, the proposed project would comply with the General Plan land use designation of Business Park (BP) which allows self-storage facilities with a site plan review permit and Low Medium Density Residential (LMD) for the proposed residential subdivision. The project would also comply with the Zoning classification of Planned Development (P-D) #20 if the Revision #3 to Planned Development #20 is approved.

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.*

As shown under Finding E - Site Design, Finding F - Elevations, and Finding H – Neighborhood Impact, staff has determined that the location, size, design, and operating characteristics of the proposal would be

compatible with existing and future land uses in the vicinity. The proposed operation is relatively quiet and generates low traffic counts. In addition, the business hours of operation shall be between 7 a.m. and 7 p.m. daily for the self-storage facility.

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

This proposal will require building permits with compliance with the California Building Code. During plan check staff will review the proposal for matters concerning health and safety. With approval of the conditions within this resolution, staff does not anticipate that the approval of this request would adversely affect the public 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 proposed development is considered in-fill development which is properly located within the City and adequately served by existing services and infrastructure such as street access, sewer connections, water connections, and other utilities.

Site Plan Review Findings

- J) A Site Plan Review Permit is required for the self-storage portion of this project for two reasons: 1) to develop a project within a Planned Development Zone; and, 2) because a public/mini storage is listed as a use that requires site plan review under the Land Use Table 20.10-1 – Permitted Land Uses in the Commercial Zoning Districts. This section applies to Planned Development Zones with General Plan designations of Business Park, unless specific land uses are identified by the Site Utilization Plan. Therefore, in order for the Planning Commission to approve or deny a site plan review permit, they must consider the following criteria and make findings to support or deny each criteria. The Findings required by MMC Section 20.68.050 (F) “Findings for Approval for Site Plan Review Permits” are provided below, along with recommended reasons to support each finding.

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

As described in Finding A above, the project meets the requirements of the General Plan if the proposed General Plan Amendment for this

development is approved. There are no other area, specific, or neighborhood plans for this area.

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

Approval of the proposed Site Plan Review Permit and implementation of the Vesting Tentative Subdivision Map #1332, Site Plan Review #551, and Minor Use Permit #24-13 would bring the project into compliance with the applicable provisions of the Zoning Ordinance and Municipal Code.

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.*

There may be some temporary impacts such as vibration, noise, and dust during construction, but as shown under Finding E -Site Design, Finding F - Elevations, and Finding H – Neighborhood Impact, staff believes that the location, size, design, and operating characteristics of the proposal would be compatible with the existing and future land uses in the vicinity. Therefore, with the implementation of the conditions of approval, the proposed project would not 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.*

As shown under Finding F – Elevations, the applicant is proposing a typical design for a mini storage with a mixture of materials, colors, and textures. The building exterior would consist of a stucco finish with stone veneers. Landscaping and a wrought iron perimeter fence would be installed along the north elevation (E. Yosemite Avenue). The landscaping would be consistent with the landscaping placed at the neighboring medical offices. All structures onsite would generally consist of a uniform design and aesthetic. Staff believes that the proposed architectural design makes use of appropriate materials, texture, and color.

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 proposal does not include a landscape plan at the moment. Landscaping would be reviewed at the building permit stage. Trees would be planted throughout the parking lot and along street frontages (if required by Public Works). Parking lot trees would have to conform with minimum City Standards regarding quantity (1 tree per 6 required parking stalls), gallon size (15 gallons), and branch width (30-foot canopy). Parking lot trees shall be from the City's list of approved tree species found within City Engineering Standards. Street trees shall be reviewed by the Engineering and Public Works Departments to ensure conformance with City Standards in regard to species type, irrigation plan, and tree spacing. All landscaping must comply with local regulations and State regulations regarding water conservation, as found under Merced Municipal Code Section 20.36 – Landscaping, and affiliated sections found under the WELO Act (MMC 17.60).

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 proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City with implementation of the conditions of approval for the Vesting Tentative Subdivision Map, Site Plan Review Permit, and Minor Use Permit. Implementation of the conditions of approval and adherence to all Building and Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health safety, and welfare of the City.

Housing Opportunity

- K) The proposed would change the General Plan designation from Commercial Office (CO) to Business Park (BP) for approximately 3.19 acres and Low Medium Density (LMD) residential for approximately 4.86 acres. As such, zoning at this location currently does not allows for any residential uses. Thus, by changing the land use designation to Business Park and Low Medium Density Residential, the site goes from no potential of having any residential units constructed at its current designation, to 6 to 12 units per acre in the proposed Low Medium Density residential portion of the project.

This site would be good for Low Medium Density residential uses given that the site fronts a major collector road (Parsons Avenue) and is in close proximity to multiple shopping centers (within 750 feet of the site), a park and a school.

Environmental Clearance

- L) 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 project is over 5 acres (at 8.05 acres), and the site is not consistent with Zoning or the General Plan requiring an Initial Study. 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 #24-25 results in a Negative Declaration as the proposal would not have a significant effect on the environment (Attachment 9 of Administrative Report #25-977) 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 9 of Administrative Report #25-977.