

**RESOLUTION NO. 2025-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MERCED, CALIFORNIA,  
APPROVING THE APPEAL OF THE MERCED  
PLANNING COMMISSION DENIAL OF VESTING  
TENTATIVE SUBDIVISION MAP #1332, SITE  
PLAN REVIEW PERMIT #551, AND MINOR USE  
PERMIT #24-13**

WHEREAS, Eric Gonsalves on behalf of Yosemite 1380 LLC, the property owner, applied for Vesting Tentative Subdivision Map #1332. Site Plan Review Permit #551, and Minor Use Permit #24-13 The Minor Use Permit was for interface review to allow commercial development adjacent to Low Density Residential (R-1-6) Zone. The Site Plan Review Permit was to allow the development of a self-storage facility with approximately 500 storage units. The Vesting Tentative Subdivision Map was to divide the self-storage from the residential lots and create 41, single-family, residential lots. The approximate 8.05-acre subject site is generally located on the southwest corner of E. Yosemite Ave and Parsons Ave. also known as Merced County Assessor's parcel number 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; and

WHEREAS, at the Planning Commission meeting of April 9, 2025, the Merced City Planning Commission adopted a motion of intent to deny Vesting Tentative Subdivision Map #1332, Site Plan Review Permit #551 and Minor Use Permit #24-13, and directed staff to prepare Findings for Denial; and

WHEREAS, at the Planning Commission Meeting of May 7, 2025, the Planning Commission adopted a motion to deny; and

WHEREAS, on May 7, 2025, the Merced Planning Commission denied Vesting Tentative Map #1332, Site Plan Review Permit #551 and Minor Use Permit #24-13, finding that the proposed was incompatible with the surrounding uses and General Plan and that the proposed did not met the requisite findings

under Findings/Considerations A through H of the May 7, 2025, Staff Report #25-263; and

WHEREAS, the Merced Planning Commission in making its denial determination, considered all evidence contained in the record, including a report and presentation prepared by City Staff, City's Draft Environmental Review #24-25, proposed conditions of approvals, required Merced Municipal Code findings, and oral and written public comments, as well as testimony from Eric Gonsalves, the applicant; and

WHEREAS, Eric Gonsalves, appealed the Merced Planning Commission's approval of Vesting Tentative Map #1332, Site Plan Review #551 and Minor Use Permit #24-13; and

WHEREAS, on July 7, 2025, the Merced City Council held an appeal of Vesting Tentative Map #1332, Site Plan Review #551 and Minor Use Permit #24-13, considered all evidence in the record of Vesting Tentative Map #1332, Site Plan Review #551 and Minor Use Permit #24-13 and took additional testimony from all interested parties on the proposed pursuant to Merced Municipal Code Chapter 20.74 ("Appeal record"); and

WHEREAS, the Merced City Council after thorough consideration and evaluation of the Appeal Record, finds that there is substantial evidence in the Appeal Record to overturn the Merced Planning Commission's denial of Vesting Tentative Map #1332, Site Plan Review #551 and Minor Use Permit #24-13.

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 based on the Appeal Record hereby overturns the Merced Planning Commission's denial of Vesting Tentative Map #1332, Site Plan Review #551 and Minor Use Permit #24-13 and approves Vesting Tentative Map #1332, Site Plan Review #551 and Minor Use Permit #24-13 with the addition of the attached Findings and Conditions of Approval (Exhibits A and B).

SECTION 2. That the City Council of the City of Merced hereby adopts a Negative Declaration regarding Environmental Review #25-24.

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

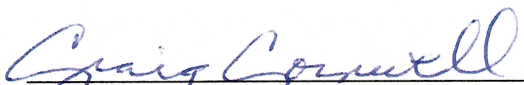
\_\_\_\_\_  
Mayor

ATTEST:  
D. SCOTT MCBRIDE, CITY CLERK

BY: \_\_\_\_\_  
Assistant/Deputy City Clerk

(SEAL)

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

 6/24/2025  
City Attorney Date

**Exhibits:**

**Exhibit A - Conditions of Approval**

**Exhibit B – Findings/Considerations**

**Conditions of Approval**  
**Planning Commission Resolution # 4153**  
**Vesting Tentative Subdivision Map #1332**  
**Site Plan Review Permit #551**  
**Minor Use Permit #24-13**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Site Plan, Floor Plans and Elevation at Attachment E of Planning Commission Staff Report #25-263), 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

**EXHIBIT A**

**OF PLANNING COMMISSION RESOLUTION #4153**

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 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. This includes the driving aisles for the long-term parking lot for boats and recreational vehicles.
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.
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) and include onsite stormwater retention capacity for a 50-year, 24 hour storm.
24. The self-storage facility may operate daily between 7:00 a.m. and 10:00 p.m. Hours of operation may be adjusted at the discretion of the Director of Development Services.
25. 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).
26. 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.
27. All drainage from the site shall be retained on the project site. No drainage shall run-off onto adjacent properties. This includes drainage from buildings.
28. Additional fire access shall be available via a gate connecting the residential subdivision and the parking lot to the medical offices to the north.



**Findings and Considerations  
Planning Commission Resolution # 4153  
Vesting Tentative Subdivision Map #1332  
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 norther 2.72 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 4.48 acres of the proposed would comply with the General Plan Designation of High Medium Density (HMD) 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 High 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 387 vehicle trips per day and the residential portion is estimated to generate 109 vehicle trips per day. For a total of 496 total 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 (Condition #17 Planning Commission Resolution #4133 – Attachment B of Planning Commission Staff Report #24-263). 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 (Condition #11).

#### 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 41 lots and a self-storage facility. 17 of the 41 of the residential lots would be single story homes and the remaining 24 would be two-story homes. The proposed residential lots would range in size between 2,160 square feet and 5,374 square feet. These lots would be located within the southern portion of the subject site on approximately 4.48 acres. The remaining 2.72 acres would be used to establish a self-storage facility.

Development Standards for the 41 residential lots shall meet standards set on Attachment F - Planned Development Standards of Staff Report #25-263. 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 E 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 E 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. As required by Condition #10 of Planning Commission Resolution #4153, 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 (Condition #8). 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 (Condition #15). 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 High 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 (Conditions #22); controlled hours of operation only allowing operation between 7 a.m. and 10 p.m. (Condition #24).

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 High Medium Density Residential (HMD) 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, Condition #24 limits the business hours of operation between 7 a.m. and 10 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

EXHIBIT B

OF PLANNING COMMISSION RESOLUTION #4130

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 2.72 acres and High Medium Density (HMD) residential for approximately 4.48 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 High Medium



Density Residential, the site goes from no potential of having any residential units constructed at its current designation, to 12 to 24 units per acre in the proposed High Medium Density residential portion of the project.

This site would be good for High 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 G of Planning Commission Staff Report #25-263) 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 G of Planning Commission Staff Report #25-263.