

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

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MERCED, CALIFORNIA,  
AFFIRMING IN PART, WITHOUT PREJUDICE,  
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 (P-D) #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, the 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, the Site Utilization Plan Revision #3 to Planned Development #20, which 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 adopted this aspect of the appeal by Ordinance No. 2585, pursuant to Merced Municipal Code Section 20.80.050(B); and

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

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

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

WHEREAS, the Planning Commission of the City of Merced held a duly noticed public hearing on March 19, 2025, to consider the proposed General Plan Amendment #24-02, Site Utilization Plan Revision #3 to Planned Development (P-D) #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 the 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 determine if the Planning Commission would approve the 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 of 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. At the conclusion of the hearing, the City Council directed City staff to address specific elements of the self-storage business portion of the project, including landscaping in and around the self-storage business and to address potential “heat sink” concerns of the proposed self-storage buildings, with particular focus on utilizing roofing and building materials that meet or exceed the standards set forth in the California Green Building Standards Code incorporated by Merced Municipal Code section 107.07.010.

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 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 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 of 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, having conducted a *de novo* review, exercising its independent judgment and making its own decision finds, in its discretion that the proposed project meets all applicable provisions of the Merced Municipal Code with respect to the General Plan Amendment, zoning changes, vesting tentative subdivision map, and environmental review.

**SECTION 4. DETERMINATION.** That the City Council determines that 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 that 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 affirms in part, without prejudice, the applicant's appeal based upon the findings set forth above and the individual actions more particularly described herein. In affirming in part, without prejudice, this Appeal, the City Council expressed 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.” The second reading of Ordinance No. 2585 and its approval occurred at the December 1, 2025 City Council meeting. These actions are 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 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 denies, without prejudice, the Site Plan Review Permit # 551 based upon the findings set forth above and Planning Commission Resolution No. 4171, incorporated herein by this reference and attached at Exhibit “E,” with a request to staff and the developer to reconsider some of the elements of the self-storage business concerning landscaping and potential heat sink concerns.

**SECTION 8. MINOR USE PERMIT.** That the City Council hereby denies, without prejudice, the Minor Use Permit #24-13 based upon the findings set forth above and Planning Commission Resolution No. 4171, attached at Exhibit “E,” with a request to staff and the developer to reconsider some of the elements of the self-storage business concerning landscaping and potential heat sink concerns.

**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, incorporated herein by this reference and attached at Exhibit “F,” 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 is hereby authorized to execute the Legislative Action Agreement on behalf of the City of Merced.

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

 12/4/2025  
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**

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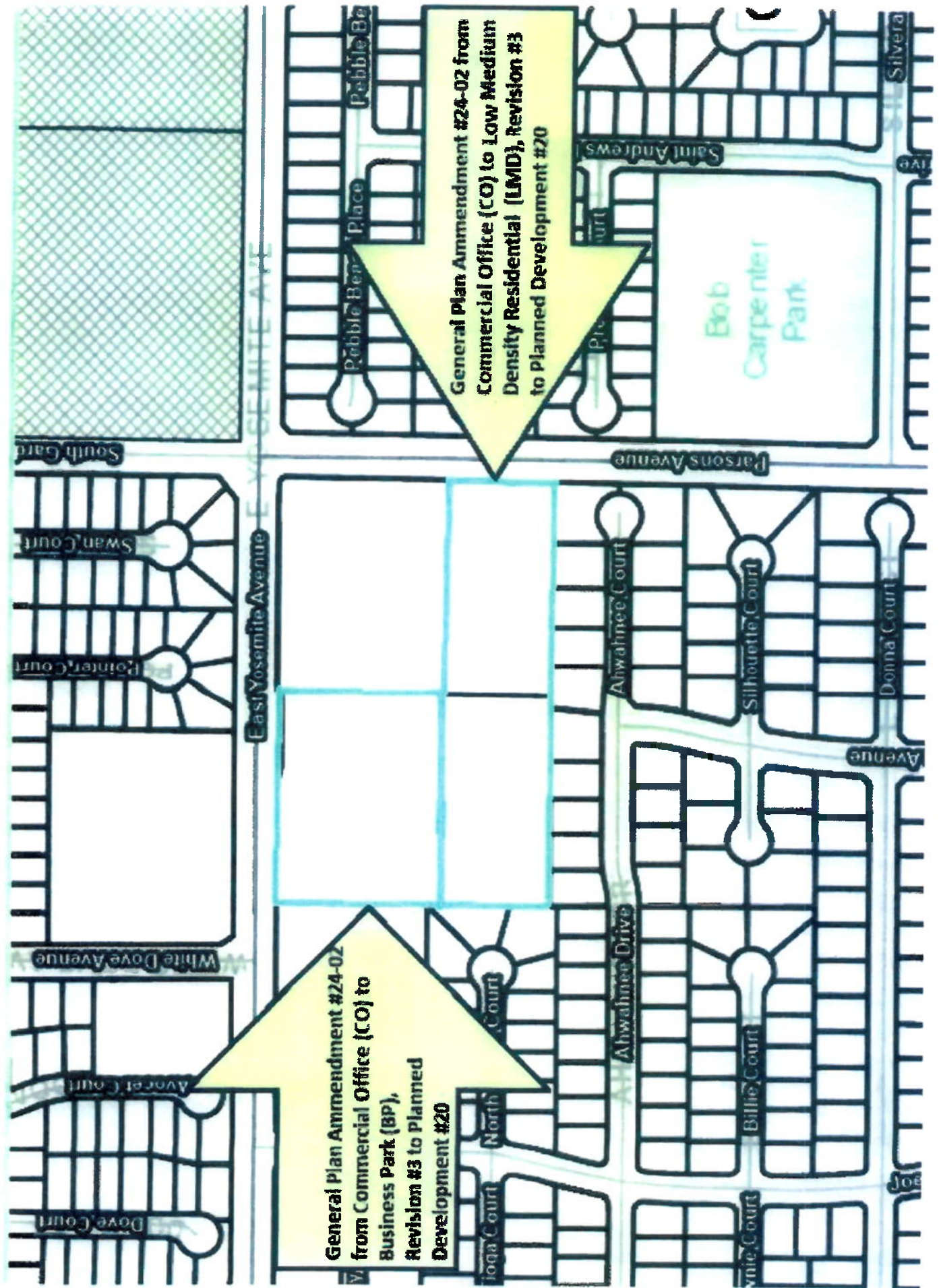


EXHIBIT B

**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.

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

**Resolution #4171**

**WHEREAS**, on September 17, 2025, the Merced City Planning Commission at its regular meeting held a public hearing and considered **Site Plan Review Permit #551 and Minor Use Permit #24-13**, initiated by Eric Gonsalves, on behalf of Yosemite 1380 LLC, property owner for the property located at 1380 E Yosemite Avenue and 3595 Parsons Avenue. The Minor Use Permit would be for interface review to allow commercial development adjacent to or across from a Low Density Residential (R-1-6) Zone. The Site Plan Review Permit would allow the development a self-storage facility (approximately 500 storage units). The approximate 8.05-acre subject site is generally located on the southwest corner of E. Yosemite Ave and Parsons Ave. The property being more particularly described as Lots “A” and “B”, as shown on that certain map entitled “Oakmount Village Unit No. 5,” recorded in Volume 46, Page 38 of Merced County Records; also known as Assessor’s Parcel Number (APN) 006-050-068 and 006-050-072; and,

**WHEREAS**, at this meeting, the Merced City Planning Commission voted 3-2 in favor of a motion to approve the Vesting Tentative Subdivision Map, Site Plan Review Permit, and Minor Use Permit; and,

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

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

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

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

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

**EXHIBIT E**

PLANNING COMMISSION RESOLUTION #4171

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November 5, 2025

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

NOES: None

ABSENT: Commissioners Swiggart

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4171

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November 5, 2025

Adopted this 5<sup>th</sup> of November 2025

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary

**RECORDING REQUESTED BY:**

City of Merced, A California charter  
municipal corporation

**WHEN RECORDED MAIL TO:**

City of Merced  
City Clerk  
678 West 18<sup>th</sup> Street  
Merced, California 95340

Exempt from Recording Fees Per  
Government Code Section 6103

(Above for Recorder's Use Only)

**LEGISLATIVE ACTION AGREEMENT**

THIS AGREEMENT is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_ 2025  
by and between the City of Merced, a California Charter Law Municipal Corporation ("City")  
and Yosemite 1380, LLC ("Owner").

**W I T N E S S E T H**

WHEREAS, Owner has applied to the City for a General Plan Amendment and Site  
Utilization Plan Revision to a Planned Development (the "Entitlements") for approximate 8.05  
acres of land at 1380 Yosemite Avenue and 3595 Parsons Avenue, generally located on the  
southwest corner of East Yosemite Avenue and Parsons Avenue as legally described on Exhibit  
"A" and shown on the map at Exhibit "B", attached hereto and incorporated herein by reference  
(the "Property"); and

WHEREAS, City is willing to consider Owner's request provided that certain conditions  
are met.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and  
representations contained herein, and for other good and valuable consideration, the receipt and  
sufficiency of which is hereby acknowledged and agreed, the parties hereto agree as follows:

1. Owner, for himself and all successors thereto, agrees to pay all City and school  
district fees, taxes, and/or assessments in effect on the date of subdivision and/or permit  
approval, any increase in those fees, taxes, and/or assessments, and any new fees, taxes, and/or  
assessments which are in effect at the time water/sewer connection and/or building or  
encroachment permits are issued, which may include public facility impact fees, other impact  
fees as applicable, and any Mello-Roos taxes—whether for infrastructure, services, or any other



Council Ordinance #\_\_\_), attached hereto and incorporated herein by this reference). Payment shall be made at the time of building permit issuance unless an Ordinance or other requirement of the City mandates or permits payment of such fees, taxes, and/or assessments at an earlier or subsequent time.

2. Owner desires to comply with the conditions of approval set forth on Exhibit "C," and within this Agreement and acknowledges that the conditions are necessary to mitigate the environmental impact caused by Owner's development or are necessary to offset the costs to the City generated by Owner's development including sewer connection costs pursuant to Chapter 15.16 of the Merced Municipal Code.

3. Owner agrees to pay all sewer connection costs imposed by the City as delineated in Section 15.16.070 of the Merced Municipal Code and to pay all other costs required by Chapter 15.16 of the Merced Municipal Code.

4. The Owner shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and 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, Owner 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 another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the Owner of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the Owner shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

5. City, on its part, agrees to approve Site Utilization Plan Revision #3 to Planned Development #20 and change the General Plan (City approval) in accordance with Exhibit "B."

6. No building permit or other permit shall be issued that is not in compliance with this Agreement.

7. It is expressly agreed that this Agreement is not intended to limit the power of the City to impose other requirements, limitations, or fees, etc., as a condition of development, and does not relieve the Owner from complying with all other requirements that may be imposed as a condition of development, whether now in existence or hereinafter imposed by the City whether by zone change, subdivision map approval, ordinance, resolution, use permit, or otherwise. The parties agree that this Paragraph does not apply to the approval of a final map and issuance of building permits for project(s) subject to this Agreement on the property described in Exhibit "A."

8. To the extent allowed by law, the conditions of this Agreement constitute covenants running with the land, and shall be enforceable by the City or by any present or future owner of any of the land described in Exhibit "A."

9. Owner agrees to comply with and abide by all conditions set forth by the City relating to the development of the property subject to this Agreement, including installation of all required public improvements.

10. In the event of default by Owner, and in addition to any other remedy available to the City, the City shall have the right to rezone the land back to its original designation and/or to de-annex the land as appropriate.

11. In the event that either City or the Owner shall at any time or times waive any breach of this Agreement by the other, such waiver shall not constitute a waiver of any other or succeeding breach of this Agreement, whether of the same or any other covenant, condition or obligation. Waiver shall not be deemed effective until and unless signed by the waiving party.

12. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this agreement shall be held exclusively in a state court in the County of Merced.

13. This Agreement shall not be amended, modified, or otherwise changed unless in writing and signed by both parties hereto.

14. This Agreement constitutes the entire understanding and agreement of the parties and supersedes all previous and/or contemporaneous understanding or agreement between the parties with respect to all or any part of the subject matter hereof.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed  
on the  
date first above written.

CITY OF MERCED  
A California Charter Municipal  
Corporation

BY: \_\_\_\_\_  
D. Scott McBride,  
City Manager

ATTEST:  
D. SCOTT MCBRIDE, CITY CLERK

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

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

BY: Craig Cornwell 12/4/2025  
City Attorney Date

ACCOUNT DATA:  
M. VENUS RODRIGUEZ, FINANCE OFFICER

BY: \_\_\_\_\_  
Verified by Finance Officer

OWNER  
Yosemite 1380, LLC

\_\_\_\_\_  
Eric Gonsalves  
\_\_\_\_\_

ADDRESS: 755 E. Yosemite Ave, Suite J  
Merced, Ca 95340

TELEPHONE: 209-480-0585  
FAX: N/A  
E-MAIL: eric@cirruscompany.com