

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

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MERCED, CALIFORNIA,  
APPROVING ENVIRONMENTAL REVIEW  
#24-25 (NEGATIVE DECLARATION) FOR  
GENERAL PLAN AMENDMENT  
#24-02 FOR APPROXIMATELY 8.05 ACRES OF  
LAND GENERALLY LOCATED ON THE  
SOUTHWEST CORNER OF EAST YOSEMITE  
AVENUE AND PARSONS AVENUE, AND  
APPROVING GENERAL PLAN AMENDMENT  
#24-02 FOR THE SAME PROPERTY CHANGING  
THE GENERAL PLAN DESIGNATION FROM  
COMMERCIAL OFFICE (CO) TO BUSINESS  
PARK (BP) FOR 2.72 ACRES AND FROM  
COMMERCIAL OFFICE (CO) TO HIGH MEDIUM  
DENSITY RESIDENTIAL (HMD) FOR THE  
REMAINING 4.48 ACRES**

WHEREAS, the City is processing an application for a General Plan Amendment for approximately 8.05 acres of land generally located on the south west 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 the reference, where an environmental review was required; and,

WHEREAS, the Planning Commission of the City of Merced held a noticed public hearing on May 19, 2025, at which time all those interested in the matter were provided the opportunity to speak or provide written or oral testimony regarding the application; and

WHEREAS, after hearing all of the evidence and testimony, the Planning Commission motioned to continue the item to the April 9, 2025. At the April 9, 2025 hearing the Planning Commission directed staff to prepare a resolution to recommend denial for General Plan Amendment #24-02; and

WHEREAS, on May 7, 2025, after hearing all of the evidence and testimony, the Planning Commission adopted Resolution #4152, recommending that the City council deny the General Plan Amendment and Environmental Review (Negative Declaration); and

WHEREAS, on April 10, 2025 the applicant submitted an appeal letter to the City Council appealing the Planning Commissions recommendation of denial within the City's appeal period; and

WHEREAS, the City Council held another noticed public hearing on July 7, 2025, at which time all those interested in the matter were provided another opportunity to speak or to provide written or oral testimony regarding the application. During this meeting the City Council reviewed Exhibits C and D which includes Findings and conditions of approval for General Plan Amendment #24-02 and Environmental Review #24-25.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MERCED AS FOLLOWS:

SECTION 1. CALIFORNIA ENVIRONMENTAL QUALITY ACT. Based upon the evidence and testimony in the record at the City Council public hearing, the City Council exercising its independent judgment and review, hereby adopts and approves Environmental Review #24-25 (Negative Declaration) pursuant to the provisions of the California Environmental Quality Act.

SECTION 2. GENERAL PLAN AMENDMENT ADOPTION. 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 2.72 of the 8.05 acres and from Commercial Office (CO) to High Medium Density Residential (HMD) for the remaining 4.48 acres as shown on Exhibit B, attached hereto and incorporated herein by this reference.

SECTION 3. APPROVAL OF LEGISLATIVE ACTION AGREEMENT. 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.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_ 2025, 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

 7/1/2025  
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**

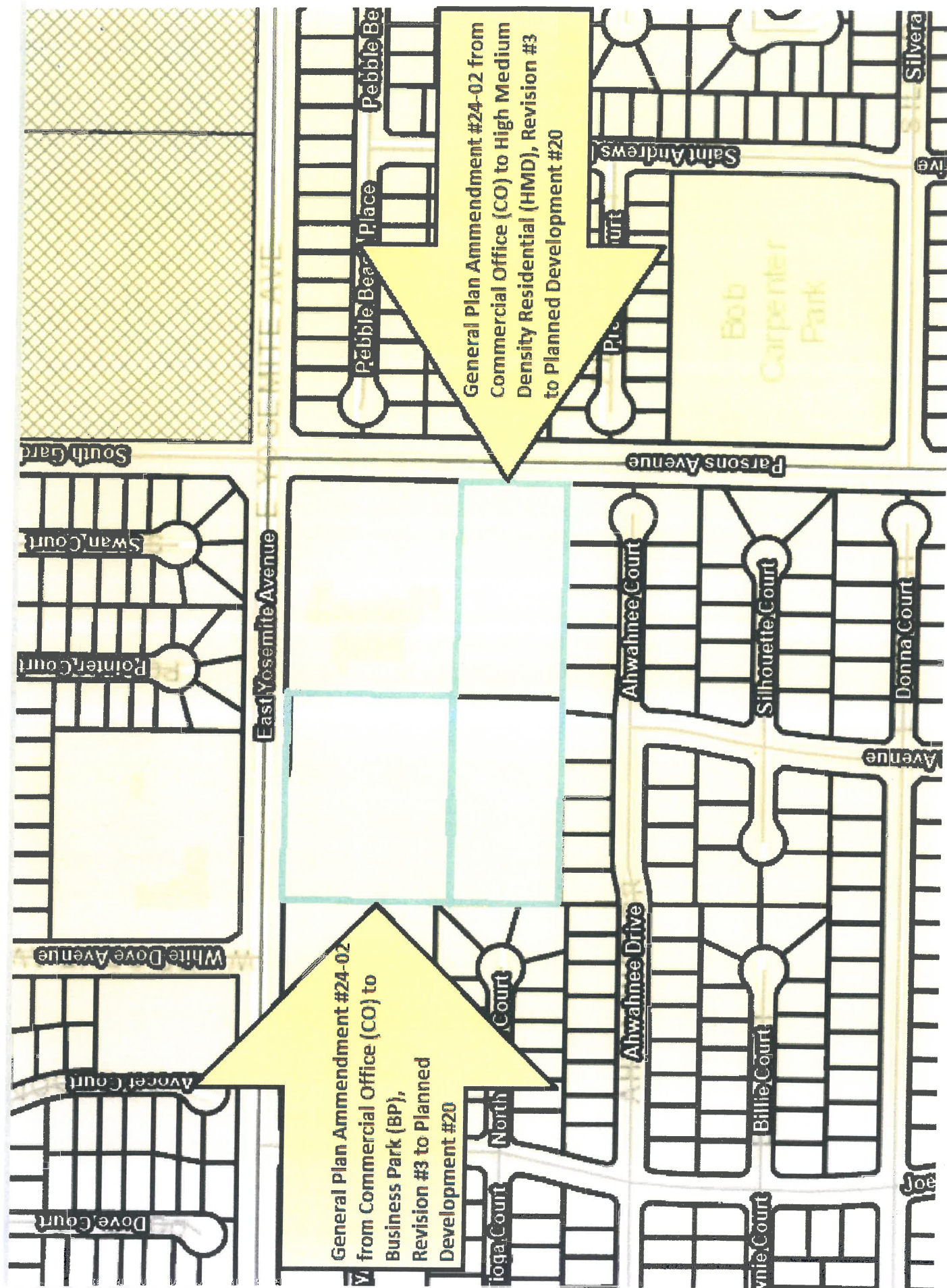


EXHIBIT B

**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 D of Planning Commission Staff Report #25-263.
2. Any project constructed on this site shall comply with all Design/Development Standards (Attachment F of Planning Commission Staff Report #25-263) 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) 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.
9. 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 #20**

**FINDINGS/CONSIDERATIONS:**

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

- A) If the General Plan Amendment is approved, the northern 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.

**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 High Medium Density Residential (HMD) 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 G of Planning Commission Staff Report #25-263) 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 41 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 street that would connect to Parsons Ave to internal streets for the residential development. These internal streets would be constructed to Merced City Standards as required in Condition # 17 of Planning Commission Resolution #4153 for the Vesting Tentative Subdivision Map #1332, Site Plan Review Permit #551 and Minor Use Permit #24-13 at Attachment B

of Planning Commission Staff Report #25-263).

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 in 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 F of Planning Commission Staff Report #25-263.

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 parcel would have a residential subdivision. This self-storage facility and residential development could remain residential, 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 E of Staff Report #24-263 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 mentioned in Attachment F of Staff Report #25-263.

## **Traffic/Circulation**

- E) 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 of Planning Commission Resolution #4153 – 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.

### **Neighborhood Impact**

- F) 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 residential subdivision would serve as a buffer/transition from the proposed self-storage facility and the existing single-family residences to the south. 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 Planning Commission Resolution #4153 Attachment B of Planning Commission Staff Report #25-263); controlled hours of operation only allowing operation between 7 a.m. and 10 p.m. (Condition #24 of Planning Commission Resolution #4153 Attachment B of Planning Commission Staff Report #25-263).

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.

### **Housing Opportunity**

- G) 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 allow 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.

Staff believes this site would be good for High 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 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.