

Date	Name	Company	APN	In Favor	Not in Favor	Issues Expressed
1/14/2025	Terry Priest	Flanagan Square LLC	034-072-030	Potentially		Wants Mixed Use and to include APN 034-072-029
1/13/2025	Rojas-Flores Felipe	N/A	032-054-003			Currenty Splitting lots
1/13/2025	Robert Dylina	BuildCo	031-171-001		Not in favor	staff to remove property from consideration Upset about the late notice. Meeting w/ on 1/16/25 to answer questions.
1/15/2025	Michael Thomason		007-250-029	Potentially		
1/14/2025	Demartini and Rick Cordes		031-094-006		Not in favor	Rezone is not viable unless it is at least 8 acres.
1/16/2025	Alma Soto		059-270-008	Not opposed		Will talk to husband and call if questions
1/16/2025	Jeanne Chang		231-040-010	In favor		

From: [McBride, Scott](#)
To: [Lowrance, Diana](#); [Brown, Leah](#); [Lan, Jonnie](#)
Subject: Fwd: City Letter - 1500 W 16th St
Date: Tuesday, January 14, 2025 4:06:21 PM
Attachments: [1500 W 16th St, Rezoning.pdf](#)

Sent from my iPad

Begin forwarded message:

From: Robert Dylina
Date: January 13, 2025 at 11:37:42 PM PST
To: "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>, "McBride, Scott" <McBrideS@cityofmerced.org>, Moe Jawad <mjawad@kw.com>, "Serratto, Matthew" <serrattom@cityofmerced.org>
Subject: City Letter - 1500 W 16th St

Good evening City Manager McBride, Mayor Serrato and Director Espinosa,

We received the attached letter regarding the property on the corner of V and 16st street. We have several concerns relating to your interest in identifying this site as part of your sixth cycle housing element. Most notably the following:

1. The site in question is not undeveloped. It is an active business location with an active permit to construct a new office building to replace the building that was destroyed in a fire. There has been continuous movement to bring the already developed site back online for daily business as evidenced by a recent CUP that went through planning commission to approve a digital illuminated sign within the last 2 years and the active permit application for construction of a new office building currently with the building department.
2. The location in general does not seem to meet the needs of the city for the housing element. Per HCD, an important part of adding a property to the site inventory of the housing element requires that the development be possible/feasible from multiple perspectives including infrastructure, zoning, interface, etc.

This location is surrounded by extremely high arterial traffic and businesses on all sides. It is immediately bordered to the BNSF railroad on the south and abutted directly to a rail crossing on the east. All of these are insurmountable interface issues for which no reasonable mitigation would be available to construct multistory housing.

3. Given the prime natural of the commercial uses for this property this would unequivocally be considered a value reduction in use and enjoyment of the property. As such this rezone would be considered a regulatory taking by virtue of government action taken that deprived the property owner of use or value without

formal eminent domain proceedings. These types of issues are addressed in length in favor of property owners in the California Constitution, California Government Code, the California Code of Civil Procedure (in relation to inverse condemnation and eminent domain), and there are a number of cases regarding regulatory taking at the federal level that would also be applicable.

For the reasons above we formally protest the rezone of this property without just compensation. Please feel free to reach out to discuss in more detail.

Best,
Robert Dylina, CEO/COO
BuildCo Contractors LLC

----- Forwarded message -----

From: **Moe Jawad** <>
Date: Mon, Jan 13, 2025, 12:32 PM
Subject: City letter
To: Robert Dylina <>

Sent from my iPhone

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CITY OF MERCED

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January 8, 2025

Golden State Realty Association
3319 M St.
Merced, CA 95348-2735

Dear Golden State Realty Association,

This letter is to inform you that your undeveloped property located at: 1500 W 16th Street, also known as Assessor's Parcel Number 031-171-001-000 is one of several properties throughout the City of Merced chosen to be rezoned as part of the city's Sixth Cycle Housing Element Update. If approved by the City Council, the rezone of your property will provide you with additional development capacity.

Your property listed above is currently zoned: C-G with a General Plan designation of: CG.

The proposed zone is: R-4 and General Plan designation is: HD.

As you may know, the city participated in the creation of a Multi-Jurisdictional Housing Element (MJHE) for the sixth cycle housing element update. This effort was coordinated by the Merced County Association of Governments. As a result of that effort, a Public Review Draft of Merced's Sixth Cycle Housing Element was released on May 13, 2024. That draft document (City of Merced Appendix G) may be found at the following link:

<https://mercedmjhe.com/wp-content/uploads/2024/05/Appendix-G-City-of-Merced-Housing-Element.pdf>

One of the legal requirements of a Housing Element is for a jurisdiction to have enough land, zoned appropriately, throughout the City to meet the required Regional Housing Needs Allocation (RHNA). The RHNA is the number of housing units at a variety of affordability levels (determined by the state) needed for each jurisdiction. Merced's RHNA is 10,517 units. Cities are not required to build housing; however, they are required to have sufficient land zoned appropriately to allow for such housing to be built.

To meet the City's RHNA shortfall, the City is proposing the rezone of thirty-three, undeveloped, properties located throughout the City. These properties are proposed to be rezoned to allow for the



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development of high-density residential land uses, including single-family dwellings, duplexes and/or multifamily dwellings.

There will be public workshops to present the zone changes at City Council on Tuesday, January 21, 2025, at 5:00 p.m. and at the Planning Commission on Wednesday, January 22, 2025, at 6:00 p.m., both in the City Council Chambers of the Merced Civic Center at 678 West 18th Street, Merced. Then on February 5, 2025, at 6:00 p.m. at the same location above, there will be a Public Hearing held by the Planning Commission in which you and the public may make comments on the proposed changes. After the public hearing, the Planning Commission will make recommendations to the City Council about adopting the zone changes. Following that recommendation, a Public Hearing will be scheduled before City Council. You will receive a separate hearing notice for that hearing.

After the adoption of the zone changes by City Council, staff will proceed with the remaining steps necessary for Housing Element completion, including obtaining certification by the State of California Housing and Community Development Department (HCD), recommendation from the Planning Commission, and adoption by the City Council. For questions about the Merced's Sixth Cycle Housing Element or the proposed rezones, please contact Leah Brown, brownl@cityofmerced.org or at (209) 385-6928.

APN 031-171-001



R. General Plan Amendment #24-17-R; Zone Change #436-R

NOTICE OF PUBLIC HEARING
FOR GENERAL PLAN AMENDMENT #24-17, ZONE CHANGE #436, SITE UTILIZATION
PLAN REVISION #19 TO PLANNED DEVELOPMENT (P-D) #4), SITE UTILIZATION
PLAN REVISION #8 TO PLANNED DEVELOPMENT (P-D) #46, and SITE UTILIZATION
PLAN REVISION #14 TO PLANNED DEVELOPMENT (P-D) #42; AND NOTICE OF
INTENT TO ADOPT AN ADDENDUM TO THE MERCED VISION 2030 GENERAL PLAN
ENVIRONMENTAL IMPACT REPORT (EIR)

A public hearing will be held by the Merced City Planning Commission on Wednesday, February 5, 2025, at 6:00 p.m., or as soon thereafter as may be heard in the Council Chambers of City Hall, 678 W. 18th Street, Merced, CA, concerning General Plan Amendment #24-17, Zone Change #436, and various Site Utilization Plan (SUP) Revisions described below that are equivalent to zone changes within Planned Development (P-D) zones, initiated by the City of Merced, to change the General Plan and Zoning designations for thirty (30) sites totaling approximately 94.96 acres. The general plan amendment and zone change of these sites is necessary to accommodate the Regional Housing Needs Allocation (RHNA) shortfall. The RHNA shortfall is the remaining RHNA once planned and approved units (pipeline projects) and projected ADU development is considered. Pursuant to California Housing Law, the City must demonstrate the availability of enough sites (with appropriate zoning) to allow for the development of the RHNA shortfall. The proposed City-initiated general plan amendments and zone changes, are described as follows and the locations are shown on the attached map:

- A. General Plan Amendment #24-17-A from Low-Medium Density (LMD) Residential to High Density Residential (HD) and Zone Change #436-A from Low Medium Density Residential (R-2) to High Density Residential (R-4) for approximately 2.07 acres of land more particularly described as Assessor's Parcel Number (APN) 035-140-016 (owned by Melgosa Lisa Trustee).
- B. General Plan Amendment #24-17-B from General Commercial (CG) to Regional/Community Commercial (RC) and Zone Change #436-B from General Commercial (C-G) to Regional/Central Commercial (C-C) for approximately 0.52 acres of land more particularly described as Assessor's Parcel Number (APN) 035-160-016 (owned by Faithful Heritage Holdings West Inc).
- C. General Plan Amendment #24-17-C from Low Density (LD) Residential to High Density Residential (HD) and Zone Change #436-C from Low Density Residential (R-1-6) to High Density Residential (R-4) for approximately 0.68 acres of land more particularly described as Assessor's Parcel Number (APN) 032-054-003 (owned by Rojas-Flores Felipe).
- D. General Plan Amendment #24-17-D from Low Density (LD) Residential to High Density Residential (HD) and Zone Change #436-D from Low Density Residential (R-1-5) to High

Density Residential (R-4) for approximately 0.99 acres of land more particularly described as Assessor's Parcel Number (APN) 059-270-008 (owned by Soto Alma A).

- E. General Plan Amendment #24-17-E from General Commercial (CG) to RC Regional/Community Commercial (RC) and Zone Change #436-E from General Commercial (C-G) to Regional/Central Commercial (C-C) for approximately 0.86 acres of land more particularly described as Assessor's Parcel Number (APN) 032-072-011 (owned by T & E Property Group, LLC).
- F. General Plan Amendment #24-17-F from Low Density (LD) Residential to High Density Residential (HD) and Zone Change #436-F from Residential Planned Development (RP-D) #40 to High Density Residential (R-4) for approximately 4.93 acres of land more particularly described as Assessor's Parcel Number (APN) 061-710-016 (owned by Carreon Adrian E.).
- G. General Plan Amendment #24-17-G from Open Space-Park Recreation (OS-PK) to High Density Residential (HD) and Zone Change #436-G from Residential Planned Development (RP-D) #40 to High Density Residential (R-4) for approximately 4.41 acres of land more particularly described as Assessor's Parcel Number (APN) 061-710-015 (owned by City of Merced).
- H. General Plan Amendment #24-17-H from Low Density (LD) Residential to High Density Residential (HD) and Zone Change #436-H from Low Density Residential (R-1-6) to High Density Residential (R-4) for approximately 1.03 acres of land more particularly described as Assessor's Parcel Number (APN) 030-163-008 (owned by Cardenas Audel V& Maria L).
- I. General Plan Amendment #24-17-I from Low Density (LD) Residential to High Density Residential (HD) and Zone Change #436-I from Low Density Residential (R-1-6) to High Density Residential (R-4) for approximately 3.79 acres of land more particularly described as Assessor's Parcel Number (APN) 033-060-024 (owned by Liu Tai Ho Le Trustee).
- J. General Plan Amendment #24-17-J from Low Density (LD) Residential to High Density Residential (HD) and Zone Change #436-J from Low Density Residential (R-1-6) to High Density Residential (R-4) for approximately 2.23 acres of land more particularly described as Assessor's Parcel Number (APN) 033-210-062 (owned by Liu Tai Ho Lee Trustee).
- K. General Plan Amendment #24-17-K from Low Density (LD) Residential to High Density Residential (HD) and Zone Change #436-K from Low Density Residential (R-1-6) to High Density Residential (R-4) for approximately 0.63 acres of land more particularly described

- as Assessor's Parcel Number (APN) 034-021-002 (owned by Farr Billy Francis & Defarr Betsabe Kuri).
- L. General Plan Amendment #24-17-L -from Low Density (LD) Residential to High Density Residential (HD) and Zone Change #436-L from Low Density Residential (R-1-10) to High Density Residential (R-4) for approximately 0.55 acres of land more particularly described as Assessor's Parcel Number (APN) 034-072-030 (owned by Flanagan Square LLC).
 - M. General Plan Amendment #24-17-M from General Commercial (CG) to Regional/Community Commercial (RC) and Zone Change #436-M from General Commercial (C-G) to Regional/Central Commercial (C-C) for approximately 0.69 acres of land more particularly described as Assessor's Parcel Number (APN) 031-251-030 (owned by Bear Creek Land Company LP).
 - N. General Plan Amendment #24-17-N from Low Density (LD) Residential to High Density Residential (HD) and Zone Change #436-N from Low Density Residential (R-1-5) to High Density Residential (R-4) for approximately 2.11 acres of land more particularly described as Assessor's Parcel Number (APN) 059-330-021 (owned by Ornelas Michael).
 - O. General Plan Amendment #24-17-O from Low Density (LD) Residential to High Density Residential (HD) and Zone Change #436-O from Residential Planned Development (RP-D) #54 to High Density Residential (R-4) for approximately 1.62 acres of land more particularly described as Assessor's Parcel Number (APN) 061-310-006 (owned by Makinson BL & Shirley).
 - P. General Plan Amendment #24-17-P from General Commercial (CG) to High Density Residential (HD) and Zone Change #436-P from General Commercial (C-G) to High Density Residential (R-4) for approximately 3.77 acres of land more particularly described as Assessor's Parcel Number (APN) 031-231-005 (owned by Pacific Gas & Electric Co.).
 - Q. General Plan Amendment #24-17-Q from General Commercial (CG) to High Density Residential (HD) and Zone Change #436-Q from General Commercial (C-G) to High Density Residential (R-4) for approximately 0.73 acres of land more particularly described as Assessor's Parcel Number (APN) 031-094-005 (owned by Prasad Avinesh Ashnil).
 - R. General Plan Amendment #24-17-R General Commercial (CG) to High Density Residential (HD) and Zone Change #436-R from General Commercial (C-G) to High Density Residential (R-4) for approximately 0.82 acres of land more particularly described

- as Assessor's Parcel Number (APN) 031-171-001 (owned by Golden State Realty Association).
- S. General Plan Amendment #24-17-S General Commercial (CG) to High Density Residential (HD) and Zone Change #436-S from Thoroughfare Commercial (C-T) to High Density Residential (R-4) for approximately 0.60 acres of land more particularly described as Assessor's Parcel Number (APN) 031-094-006 (owned by Cordes Richard A & Suzanne M Trustee).
 - T. General Plan Amendment #24-17- T from Low Density (LD) Residential to High Density Residential (HD) and Zone Change #436-T from Low Density Residential (R-1-6) to High Density Residential (R-4) for approximately 4.73 acres of land more particularly described as Assessor's Parcel Number (APN) 231-040-010 (owned by Chang Jeanne Trustee).
 - U. General Plan Amendment #24-17-U from Low Density (LD) Residential to High Density Residential (HD) and Zone Change #436-U from Residential Planned Development (RP-D) #54 to High Density Residential (R-4) for approximately 1.91 acres of land more particularly described as Assessor's Parcel Number (APN) 061-600-001 (owned by BMP Properties Inc).
 - V. General Plan Amendment #24-17-V from Low Medium Density (LMD) Residential to High Density Residential (HD) and Zone Change #436-V from Low Medium Density Residential (R-2) to High Density Residential (R-4) for approximately 2.28 acres of land more particularly described as Assessor's Parcel Number (APN) 058-110-044 (owned by 1379 N Bear Creek LLC).
 - W. General Plan Amendment #24-17-W and Site Utilization Plan Revision #19 to Planned Development (P-D) #4. The General Plan Amendment would change the General Plan designation from Commercial Office (CO) to High Density Residential (HD). The Site Utilization Plan Revision would change the Site Utilization Plan designation from Commercial Office to High Density Residential for approximately 1.23 acres of land more particularly described as Assessor's Parcel Number (APN) 007-250-029 (owned by Thomason Colburn & Valdene).
 - X. General Plan Amendment #24-17-X and Site Utilization Plan Revision #8 to Planned Development (P-D) #46. The General Plan Amendment would change the General Plan designation from Commercial Office (CO) to High Density Residential (HD). The Site Utilization Plan Revision would change the Site Utilization Plan designation from Commercial Office to High Density Residential for approximately 10.00 acres of land more

particularly described as Assessor's Parcel Number (APN) 206-040-020 (owned by TRS OPS LLS).

- Y. General Plan Amendment #24-17-Y and Site Utilization Plan Revision #14 to Planned Development (P-D) #42. The General Plan Amendment would change the General Plan designation from Neighborhood Commercial (CN) to High Density Residential (HD). The Site Utilization Plan Revision would change the Site Utilization Plan designation from Neighborhood Commercial to High Density Residential for approximately 8.69 acres of land more particularly described as Assessor's Parcel Number (APN) 230-010-016 (owned by Merced QB Club LLC).
- Z. General Plan Amendment #24-17-Z and Site Utilization Plan Revision #14 to Planned Development (P-D) #42. The General Plan Amendment would change the General Plan designation from High Medium Density Residential (HMD) to High Density Residential (HD). The Site Utilization Plan Revision would change the Site Utilization Plan designation from High Medium Density Residential to High Density Residential for approximately 10.00 acres of land more particularly described as Assessor's Parcel Number (APN) 224-020-006 (owned by Bellevue Apartments North LP).
- AA. General Plan Amendment #24-17-AA and Site Utilization Plan Revision #14 to Planned Development (P-D) #42. The General Plan Amendment would change the General Plan designation from High Medium Density Residential (HMD) to High Density Residential (HD). The Site Utilization Plan Revision would change the Site Utilization Plan designation from High Medium Density Residential to High Density Residential for approximately 10.00 acres of land more particularly described as Assessor's Parcel Number (APN) 224-020-008 (owned by Bellevue Apartments North LP).
- BB. General Plan Amendment #24-17-BB and Site Utilization Plan Revision #14 to Planned Development (P-D) #42. The General Plan Amendment would change the General Plan designation from High Medium Density Residential (HMD) to High Density Residential (HD). The Site Utilization Plan Revision would change the Site Utilization Plan designation from High Medium Density Residential to High Density Residential for approximately 8.11 acres of land more particularly described as Assessor's Parcel Number (APN) 170-060-050 (owned by Stonefield Home Inc.).
- CC. General Plan Amendment #24-17-CC and Site Utilization Plan Revision #14 to Planned Development (P-D) #42. The General Plan Amendment would change the General Plan designation from High Medium Density Residential (HMD) to High Density

Residential (HD). The Site Utilization Plan Revision would change the Site Utilization Plan designation from High Medium Density Residential to High Density Residential for approximately 5.16 acres of land more particularly described as Assessor's Parcel Number (APN) 170-060-051 (owned by Stonefield Home Inc.).

DD. General Plan Amendment #24-17-DD and Site Utilization Plan Revision #14 to Planned Development (P-D) #42. The General Plan Amendment would change the General Plan designation from High Medium Density Residential (HMD) to High Density Residential (HD). The Site Utilization Plan Revision would change the Site Utilization Plan designation from High Medium Density Residential to High Density Residential for approximately 6.09 acres of land more particularly described as Assessor's Parcel Number (APN) 170-060-052 (owned by Stonefield Home Inc.).

An Addendum to the *Merced Vision 2030 General Plan Environmental Impact Report (EIR)* for the City of Merced's Sixth Cycle Housing Element Update (H.E. Update) and the related rezoning has been prepared under the California Environmental Quality Act. The Addendum concluded that the H.E. Update and related rezoning would not result in significant new or substantially more severe environmental impacts than described in the previously adopted *Merced Vision 2030 General Plan Environmental Impact Report (EIR)* (adopted January 2012). A copy of this Addendum is available for public inspection at the City of Merced Planning Department or City Clerk's office during regular business hours at 678 W. 18th Street, Merced, CA, or on the City's website at www.cityofmerced.org. A copy may also be requested by emailing planningweb@cityofmerced.org.

All persons in favor of, opposed to, or in any manner interested in the General Plan Amendment, Zone Change, and Site Utilization Plan Revisions described above are invited to attend the meeting in person or comment via email (see instructions below). The public review period for the environmental determination begins January 16, 2025, and ends on February 5, 2025. Please call the Planning Department at (209) 385-6858 for additional information. If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Merced at, or prior to, the public hearing.

After the Planning Commission makes a recommendation on this matter, the matter will be considered at a public hearing before the City Council. A separate notice of that public hearing will also be given.

You may submit your public comment to the Planning Commission electronically no later than 1:00 PM on the day of the meeting. Comments received before the deadline will become part of the record. Material may be emailed to planningweb@cityofmerced.org and should be limited to 300 words or less. Please specify which portion of the agenda you are commenting on, i.e. item # or Public Comment. Your comments will be provided to the Planning Commission at the appropriate time. Any correspondence received before, during, or after the meeting will be distributed to the Planning Commission and retained for the official record.

To view video (if available) or listen to the Planning Commission meeting live, go to the City's website www.cityofmerced.org, Facebook Live, or Comcast Public Access Channel 96.

Publication Date:
January 16, 2025


Kim Espinosa,
Temporary Director of Development
Services

From:
To: [Lowrance, Diana](#); [Brown, Leah](#)
Cc: [Bret DeMartini](#)
Subject: 1401 W 16th Street (APN# 031-094-006-000)
Date: Tuesday, January 14, 2025 6:16:34 AM
Attachments: [image006.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image001.png](#)

Hi Diana,

It was nice to speak with you yesterday regarding the letter we received on your Sixth Cycle Housing Element Update, and specifically our vacant lot referenced above.

As we expressed, while we believe that R-4 is the correct zoning designation for this 'corridor' going forward, we would be opposed to a spot zoning on our lot unless the adjacent parcels APN#s 031-102-001, 007, 005 & 013 to the South, and 031-094-001, 007, 008, 011 and 012 to the North, were also included in this rezoning to create enough acreage for a feasible residential development. Our parcel is only .60 acres and the dimensions are long and skinny, and with required front and side-yard setbacks, there would be very little land to develop. The parcels in this area need to be assembled together to create a market appropriate sized project. Most national multi-family developers look for a 250-350 unit development size. With your maximum density at 36 units per acre, 8 to 10 acres would be required to build a contemporary development with today's expected amenities.

Currently we use our vacant lot for overflow parking for our commercial businesses across W. Main St. at APN #031-093-002 & 003, aka 1405 W. Main St. You may recall the prior use of Courtesy Cadillac & Chevrolet, and they used our vacant lot for used car sales for several decades, as it is allowed under the current zoning. We would not consider rescinding this right and our current zoning unless we were certain that the City was rezoning the entire corridor R-4 to accommodate quality residential complexes, and there was willingness from all owners to pursue such projects.

Bret and I together have over 80 years of real estate investment and development experience, and we are hopeful to work with the City of Merced to make this corridor a thriving mixed-use district. Rezoning one or two parcels may help you to meet your R-4 land quota, but it won't work for us unless there is a bigger picture for the district. We would recommend that the City do a study to design the most impactful master plan for the future of this area.

We look forward to continuing this dialogue with you, and please feel free to call us anytime to discuss.

Respectfully,

Rick Cordes and Bret DeMartini

Richard Cordes

THOROUGHBRED CLASSICS LLC

2665 N Atlantic Ave., Suite 212

[Daytona Beach FL 32118](#)

Bret DeMartini, ccm

Executive Vice President | Walnut Creek

1850 Mt. Diablo Blvd., Suite 200 | Walnut Creek, CA 94596 | USA



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