

CORRESPONDENCE RECEIVED
REGARDING CONDITIONAL USE PERMIT #1238

From: [planningweb](#)
To: [McBride, Scott](#); [Espinosa, Kim](#); [Nelson, Julie](#)
Subject: FW: McKee & Yosemite project
Date: Wednesday, January 22, 2020 4:47:36 PM

This just came through on PlanningWeb, I will print copies for the Commission.

Taylor Gates
Administrative Assistant I
City of Merced
Planning Department
678 W. 18th Street
Merced, CA 95340
gatest@cityofmerced.org
209-385-6954

-----Original Message-----

From: Karen Albright [REDACTED]
Sent: Wednesday, January 22, 2020 4:41 PM
To: [planningweb](#) <planningweb@cityofmerced.org>
Subject: McKee & Yosemite project

After reading the proposal for this new plan for the property at McKee and Yosemite, in Merced, we are adamantly against this plan. Just the idea of storing excess sewage underground on the site is appalling. The additional traffic created in the immediate area will be impossible.

In the past we have been informed about any development plans within our immediate area. We were not notified by the City Planning Department or the City Council this time. Since this plan is going before the Planning Commission, is that really possible without any prior neighborhood input?

When several of the proposed area developments were put forth by developers in the past, we were always notified and attended public meetings on the details of the project. Why not this one? Please put us on notification lists for any future changes to our neighborhood.

Since we are unable to attend tonight's meeting, this shows our stand on the issue.

Richard and Karen Albright

[REDACTED]

Merced, CA 95340-8683

[NOTICE: This message originated outside of City of Merced -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

January 21, 2020

Casey Steed

PO Box 3453

Merced, Ca 95344

Submitted at
Planning
Commission meeting
on 1/22/2020

Director of Development Services

City of Merced

678 w. 18th Street

Merced, Ca 95340

Subject: "The Hub" project. Yosemite Ave. and McKee Rd. Merced, Ca. Conditional Use Permit #1238 Initial Study #19-37. City of Merced Planning Commission Resolution #4035. Previous CUP #1231.CEQA Review and reports. Merced Holdings, LP.

Dear Director of Development Services,

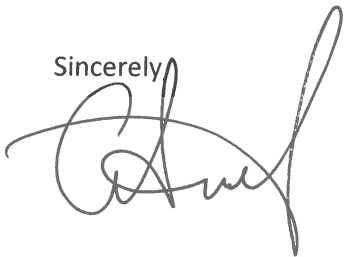
We are concerned that the above subject previous and current staff reports, initial study(s), and proposed mitigation measures proposed for the above subject project are inadequate as submitted. We believe that the project as currently proposed requires a full and complete new and current environmental impact report (EIR). This project was previously submitted to the city for approval in 2019. The new project now submitted is essentially the same design and layout as before with the main revision on this application being the reduction of 62 bedrooms from the project. While some interior walls have been removed, the project layout, style of design and bedrooms, common areas and the site are the same as the previous submission. Based on the number of bedrooms, the project has a density of 61 units per acre which is above the HD designation allowance of 36 units per acre. The previous submission was 72 units per acre. This project is vastly different from the previous CEQA submission and mitigated negative declaration submission for the zone change in 2014 from an R-1 to CN, neighborhood commercial designation. Some of the same supporting documents used in 2014 are being used for this current project submission. Specifically, but not limited to Appendix "C" greenhouse gas analysis. This 2014 analysis is based on a project much smaller than what is proposed now. Quantity of parking stalls, building sizes, occupancy and use are much greater than what was previously studied. The traffic study does not include the impact of additional traffic generated by the campus parkway extension that will be complete soon and contribute to the traffic volume in the area. The existing City of Merced sewage system will not accept the GPD generated by this proposed project. The sewer line in Yosemite Ave is constricted and would require an alternative means of discharging wastewater from the site during peak flow times thru use of an onsite wastewater storage system, which could cause impacts to the existing

wastewater infrastructure in the area. The City has never approved such a system before and therefore, has no experience with long term maintenance and upkeep of such a facility. There is the possibility of a hazardous waste spill or an accidental discharge of sewage that could end up in nearby Black Rascal Creek, local MID irrigation distribution systems or neighboring properties with this type of design. A complete (EIR) should be done for this project.

The previous CUP submissions for approval for this subject property have been controversial with the surrounding community as to site occupancy, density, parking, wastewater / storm water containment and discharge concerns. Also there are many concerns about pedestrian, bicycle and motor vehicle traffic safety and circulation. Transit stops on both sides of Yosemite Ave should be provided as per previous traffic studies. The previous project for this site was denied by the planning commission and that denial was subsequently upheld by the Merced City Council on October 7th 2019 at their regular council meeting. Proper mitigation measures have not been proposed for this project. The negative mitigated declaration, initial study 19-37 specifically and inclusively and the proposed course of action does not address all of the impacts to the environment caused by this project. Therefore a new and current full EIR for the project should be prepared and submitted for approval to address these deficiencies.

Please do not hesitate to contact me to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Casey Steed', with a large, stylized loop at the end.

Casey Steed

CASEY STEED
P.O. BOX 3453
MERCED, CA 95340

STAFF REPORT
20-01
CUP # 1238

PROJECT NOTES - THE HUB 1/22/2020 1 of 5

- WANT TO SEE POSITIVE DEVELOPMENT
- ORIGINALLY ZONED R-1 WHEN ANNEXED INTO CITY
- 2014 - THE SHOPPES @ UNIV VILLAGE. RE ZONE TO CN - SHOPPING CTR 62K \square 216 PARKING SPACES
- 2019 - CUP - 428 UNITS ALL 1 BEDROOM W/ A BATH - PLANNING COMM DENIED CITY COUNCIL 10/7 UPHOLD DENIAL -
REASONS FOR DENIAL 4 REASONS
FINDINGS OF DENIAL OF CUP #1231 EXHIBIT A-C W/O PREJUDICE - WAIT 1 YEAR - CAN'T
- NEW PROJECT - CUP DEFINITION - BROAD INTERPRET
 - 366 DORMS - REDUCTION OF 62 BEDROOMS FROM PREVIOUS 428. CITY BASED DENSITY ON 1 BEDROOM = 1 UNIT. DESIGN HAS NOT SUBSTANTIALLY CHANGED. UNIT PER ACRE CALCES SHOULD BE SIMILAR. ONLY COMMON HALL/KITCHEN IN MULTI-BEDROOM UNITS. REDUCTION OF KITCHENS.
- MERCED STATION 290 UNITS 17AC = 15 UNITS/AC
 - 80% OF FLOOR SPACE IS FOR RESI USE
 - 20% \downarrow \downarrow \downarrow \downarrow \downarrow OFFICE/RETAIL USE
 - (13% OF \square IS RETAIL \square)
 - NOT MUCH \square FOR CN - ~~INCREASE USE~~

THE HUB 1-22-2020 2 OF 5

- UCM PARTICIPATION - PAGE 6 OF STAFF REPORT.
35 MIN CONVO WITH TUE 1/21/20 9AM
 - VICE CHANCELLOR MCLEOD - NOT A LETTER OF INTENT. LETTER OF INTEREST DOES NOT RISE TO INTENT LEVEL
 - 49% MAX SET ASIDE FOR UCM
 - NO GUARANTEE TO NEGOTIATE
 - UCM IS CUSTOMER - PROVIDES NO BUDG SERVICES OR SECURITY.
 - NOT PLANNING ON RENTING OFFICE - HOURS OF OPERATION 5PM
 - UCM JUST COMPLETED 2000 BIDS
 - ^{CANT FORCE PEOPLE TO RENT} DEMAND BASED ON ENROLLMENT
 - CURRENTLY HAVE AGREEMENT W/ HERITAGE APARTMENTS - SECURITY
 - SAYS STAFF REPORT IS NOT CORRECT
- PAGE 6
 - LAST PARAGRAPH DISCLAIMER
 - COULD BE STUDENTS & /OR FACULTY
 -
- LAST PARAGRAPH DISCLAIMER - GOOD NEIGHBOR LETTER

THE HUB 1-22-2020 3 OF 5

GO TO
SECURITY

- NO SECURITY CAMERAS - TALK ABOUT 100 MONITORED BY OTHERS. KEY FOR POWER TO UNIT. CALL BOXES - 911 - PATROLS

GO TO
PARKING

- PARKING - ON SITE DROP OFF USER/ RIDE SHARING. RENTAL CARS - TAKE AWAY FROM PARKING. SHOULD HAVE A TRANSIT STOP ON SITE.

- # OF PARKING SPOTS NOT ENOUGH 30% REDUCTION + 5% FOR TRANSIT STOP CREDIT - TOO MUCH. TRASH ENCL. TAKE PARKING - WILL PARK OFFSITE
- TRAFFIC STUDY - BUS STOP BOTH SIDES OF YOSEMITE - NORTH SIDE. HARD TO GET

TRAFFIC
STUDY

- MOVE EXIST UCM BUS STOP @ VIA MORAGA TO THIS PROJECT. WHAT ABOUT THAT STOP. NOW WALK TO THIS ONE? NEED ON SITE TRANSIT STOP. PED TRAFFIC TO GET TO THIS ONE.
- HOW DO YOU PREVENT UNAUTHORIZED PARKING
- INTERSECTIONS IN AREA LOS "F"
- POSSIBLE PARKING STRUCTURE - ABOVE GROUND OR BELOW GROUND.

OFFSITE PARKING A PROBLEM NOW.
VIA MORAGA.

BUILDINGS

- BLDG #2 - ROOF TOP DECK - NO
- HOURS OF OPERATION
USE SHOWS DINING FIRE PIT, SEATING
FOR ALL FOUR BUILDINGS.
- NOISE, LIGHT POLLUTION - LOUD
PARTIES - NOISE CARRIES UP HIGH.
- NO RESTROOMS FOR COMMON
AREAS - GROUND FLOOR OR ROOF.
TENANT TO PROVIDE.
- LAUNDRY ON 1 FLOOR NOT ALL
- TRASH CHUTE - COLLECTION. WALK ALL
THE WAY TO DUMPSTER.
- NEIGHBORS WANTED COMM USE - ~~DAY~~ &
NIGHT USES/REST, COFFEE ETC. NEED TO
DESIGNATE PARKING FOR RETAIL/COMM
USERS.
- PROJECT GENERATES LOTS OF TRAFFIC,
WASTEWATER, OCCUPANCY CONCERNS.
HIGH DENSITY IN THE MIDDLE OF
LOW DENSITY RESIDENTIAL. REASON 4
DENIAL. INFILL DEVELOPMENT, NOT
OVERFILL DEVELOPMENT

THE HUB 1-22-2020

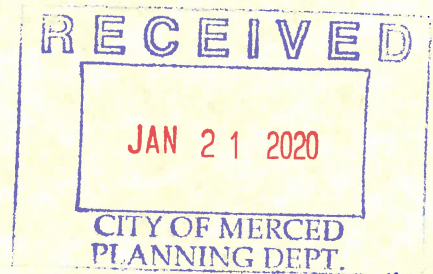
50FS

- IF AU DORMS HAVE 4 PER ~~100~~ - OCCUPANCY IS OVER 1400 PEOPLE NOT COUNTING COMM/RETAIL USE & VISITORS.
- VISUAL BUILT FROM SOLAR PANEL ARRAYS. ANY PARKING LOT SOLAR POSSIBLE HEAT ISLAND WITH SUCH LITTLE GREENSPACE.
- ENVIRO / CEQA / NEG MITIGATED DEC. SHOULD HAVE A COMPLETE NEW PROJECT EIR DUE TO NUMEROUS CHANGES. APPENDIX "C" TOO OLD. GHG ANALYSIS 2014. ALSO TRAFFIC STUDY SHOULD TAKE IN CAMPUS PARKWAY IMPACT
- MUST ASK TO DENY BASED ON THE LARGE # OF UNANSWERED QUESTIONS AND INSUFFICIENT CEQA REVIEW.

January 21, 2020

Director of Development Services
City of Merced

678 W. 18th Street
Merced, California 95340



To Whom it May Concern:

I am writing in opposition to the conditional use permit 1238 for the HUB 2.0 project.

My major concerns: ① the underground sewage storage tank. Why aren't the developers required to provide sufficient sewage system for the number of units being built? Underground tank could lead to expensive problems in the future.

② Public Safety- Traffic on Yosemite and Mc Kee road has increased greatly already. Unless the City plans on expanding Yosemite to 4 lanes all the way out to the University I can see future traffic accidents and commute delay. Also a signal at Parsons and Yosemite would be a necessity!

③ In my opinion High Density usually means too many people for the space and that leads to problems.

If this project was previously denied
by Merced City Planning Commission
and upheld by Merced City Council in
October 2019, I must wonder why is
it being brought up again?

"No is No"!

Sincerely,
Judith L. Howerton

[REDACTED]
Merced, California 95340

Date: January 22, 2020

To: Merced City Planning Commissioners

From: Michael Belluomini, former City Council Member and City Planner



Ref: CUP #1238 for 214 Apartments SE Corner Yosemite Avenue & McKee Road

I am writing you to urge you to approve CUP #1238 contingent on several significant changes to the project design.

Density - The project is still too dense at 214 units. The staff report states it will have the maximum density of 36 apartments per acre allowed by the highest residential general plan designation HMD PLUS have retail shops and business offices allowed by the Neighborhood Commercial CN plan designation and zoning. It was not the intent of the city in approving the general plan/zoning to STACK or COMPOUND the permitted land uses to allow the maximum number of apartments and then add commercial uses. The General Plan designation of Medium Density Housing is a more appropriate density for this project at 24 units per acre instead of the High Density use of 36 units per acre. Therefore, I recommend the Commission reduce the density and number of apartments to 24 units per acre to yield a project of 144 units instead of 214, as follows:

- 1) Building #1 Convert the ground floor apartments to neighborhood commercial shops or offices. This decreases project apartments by 22.
- 2) **BUILDING #2** Delete the third floor, leave the roof top outdoor recreation space. This decreases the project apartments by 34 units.
- 3) Unit Sizes - Reduce the number of the one bedroom units to achieve a maximum of 144 apartments.

Safe and Enjoyable Environment - In 2016, the City Council approved a major revision of the zoning ordinance. It anticipated the increase in the requests for new apartment projects to serve the UC community and others. After much discussion, the council approved Residential Design Standards for Multi-Family Dwellings as part of the zoning ordinance (pages 171 and 172) Section 20.46.030 (Attached). It states that EVERY apartment should have a useable private outdoor patio or balcony of a minimum of 5 feet by 8 feet. It encourages common recreational areas for apartment dwellers to increase tenants knowing each other and being able to distinguish strange intruders from tenants. These Design Standards are critical making apartments safe and an enjoyable living environment for citizens of Merced. Therefore, I urge you to change the design of the apartment portion of the project as follows:

- 4) Building #1 Create common courtyard for tenants at the landing of the apartment stairs by converting three apartments to a courtyard. Convert one apartment area to a laundry. (See Attached Plan)
- 5) Building #2 and #3 Similarly, create a common courtyard for tenants at the landing of the apartment stairs by converting three apartments to a courtyard.
- 6) Change the design so that EVERY apartment has a balcony of a minimum size of 8 feet by 8 feet..

Shops and Services - Though the developer has designed this project for UC student tenants, you as City Planning Commissioners must have a long-term view and broader view to all the citizens of Merced using this project. The site is designated a Neighborhood Commercial Center because it meets the General Plan Policy spacing of being one mile from the nearest shopping center of the Promenade/Raley's. Therefore, I urge you to designate the ground floor of all buildings to be retail businesses or offices as follows:

- 7) Building #2 Convert the ground floor, non-business uses to retail commercial shops or business offices.

The role of the Planning Commission is to allow the land developer to succeed in a profitable project **while protecting** the citizens of Merced and **ensuring** that the project provides a safe living environment for future tenants, current and future neighbors and all citizens of Merced by 1) preventing crowding and congestion of streets, parking lots and apartment areas; 2) providing a living environment that fosters a neighborhood association for apartment dwellers, thereby increasing their safety from intruders and assistance in time of need; 3) providing outdoor space for every resident so that they can enjoy the beauty of Merced's climate, gain fresh air and sunshine and escape "cabin fever" claustrophobia of apartment living and 4) using the Neighborhood Commercial designation and zoning to provide shopping and service opportunities for the neighborhood.

RECOMMENDATION - I recommend you approve CUP #1238 with the addition of Items 1 through 7 above as conditions of approval for the project.

F. Apartment Unit.

1. Each apartment unit shall have unique identification (i.e. numbers, letters, etc.) and all unit identification shall be in proper sequential order.
2. Unit identifications shall be 6 inches to 8 inches in height.
3. Unit identifications shall be treated so that it is clearly read from a street or access.
4. The project "mail directory" required by the postal service shall be located to be only accessible to the postal carrier, and not to the general public.



- G. Location.** Each dwelling shall face or have frontage upon a street or permanent means of access to a street by way of a public or private easement other than an alley. Such easements shall not be less than 10 feet in width.

H. Safety and Defensible Space.

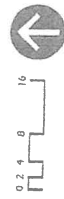
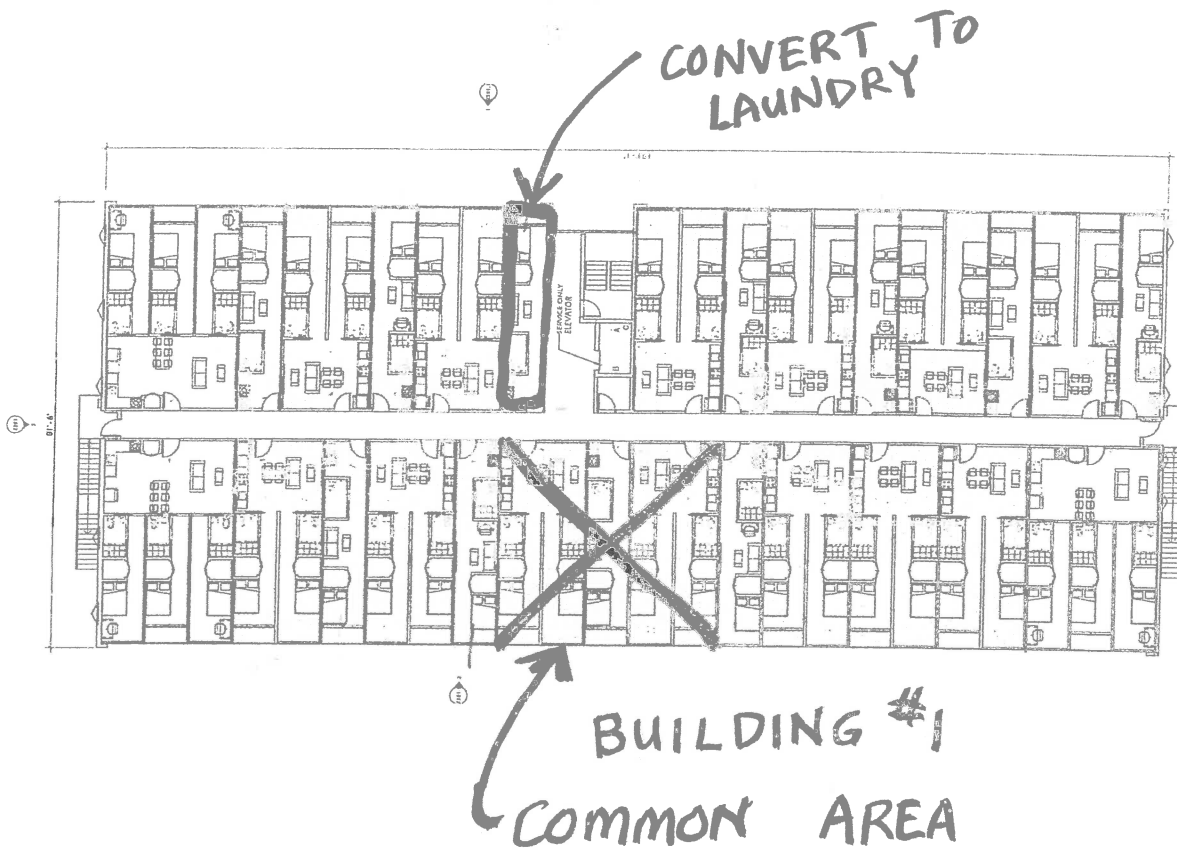
1. Placement of windows and doors should facilitate neighborhood surveillance of their neighbor's entryways.
2. The number of apartments that enter their front door from the same hallway or courtyard should be limited to no more than 12 (or as otherwise approved by City staff) so that residents can learn to distinguish fellow neighbors from visitors and/or intruders.
3. Apartment common recreational areas should be easily viewed by residents within the units and shall be defined by a physical boundary.
4. Physical changes (such as picket fences, porches, decks, or landscape features) to mark and define areas near a dwelling as that unit's "territory" should be installed.
5. Keyed access gates and surveillance cameras should be installed to enter common areas.

I. Private Outdoor Space.

1. **Ground Floor Units.** Every dwelling unit which is on the ground floor should have a private outdoor usable space, if feasible, of a minimum size of 5 feet by 8 feet.

2. **Units Above Ground Floor.** Every dwelling unit which is above the ground floor should, if feasible, have a useable outdoor balcony space of a minimum size of 5 feet by 8 feet.

- Legend
- ☐ EFFICIENCY UNIT
 - ☐ 2 BED/2 BATH
 - ☐ 3 BED/3 BATH
 - ☐ COMMON



COMMENTS REGARDING INITIAL STUDY # 19-37

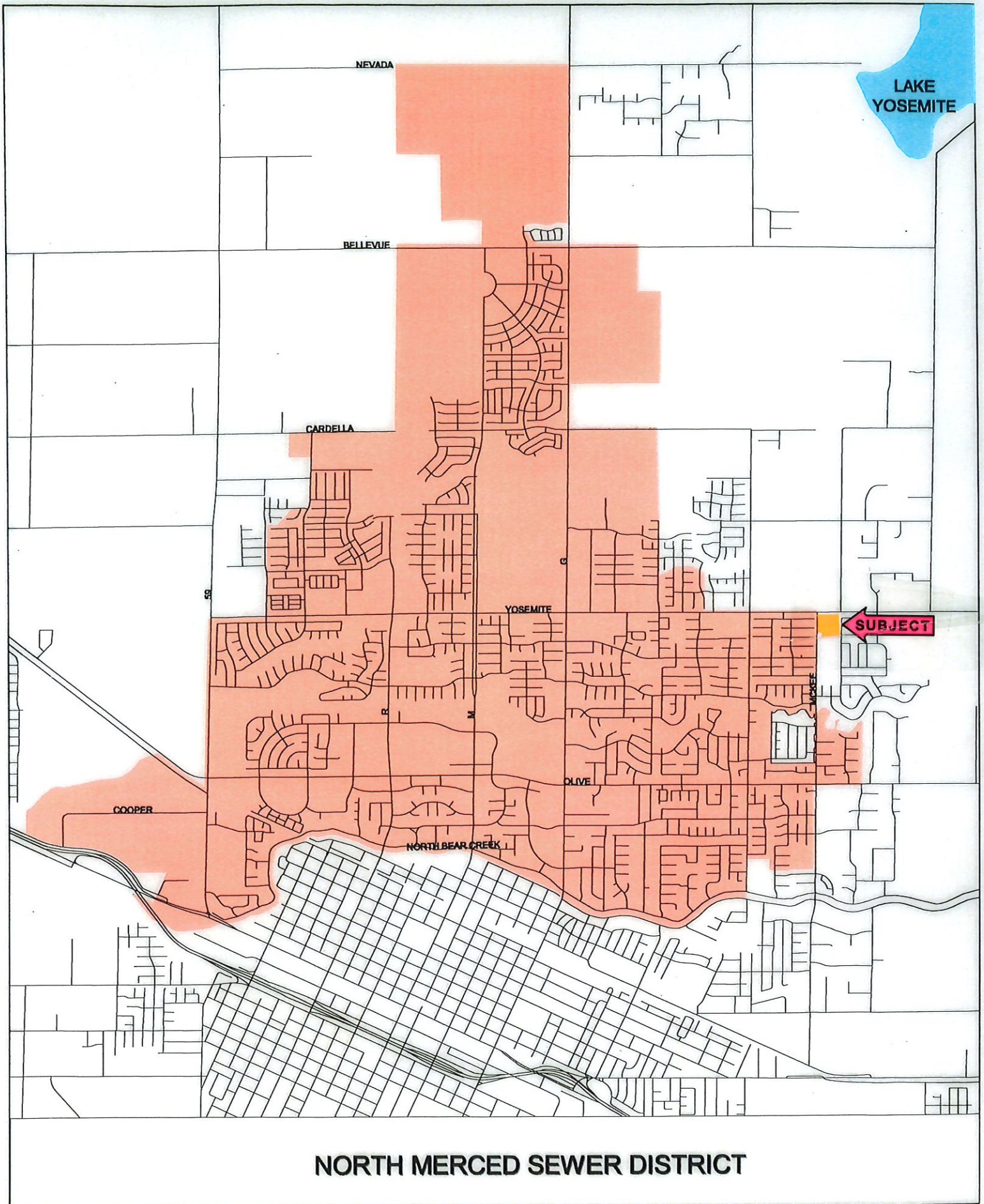
The City of Merced does *not* have a sewer master plan. The subject property is *not* within the North Merced Sewer District (NMSD) boundary (see the attached boundary map with the NMSD area shaded).

The NMSD was established in the early 1980s, decades prior to the subject property being included within the City's January, 2012 General Plan, or even considered for urban development. The NMSD property owners paid for the sewer line capacity along the Yosemite Avenue frontage of the subject (without contemplating the subject for urban development), as well as the sewer line infrastructure at the "G" Street and Yosemite Avenue intersection, together with the sewer infrastructure downstream from that intersection. The City has already negatively impacted the sewer line capacity in Yosemite Avenue between "G" Street and Gardner Road (as determined by the City's consultant – Stantec Consulting Services), in addition to the infrastructure at the "G" Street and Yosemite Avenue intersection when it allocated unanticipated sewer line capacity to UC Merced, as well as other properties that were not included in the NMSD boundary.

The proposed project should not receive entitlements to proceed without thoroughly evaluating the environmental impacts on the existing NMSD properties that have a **vested right** to the sewer line capacity as a result of having paid money over decades to retire the assessment district bonds. Further, this project cannot rely on a proposed, as yet unadopted, city-wide sewer master plan.

Also, there needs to be an analysis completed that shows how much more sewer fees will the City need to charge and collect from this development in order to balance out with those properties within the NMSD who have paid for their existing sewer line capacity.

January 21, 2020



COMMENTS REGARDING INITIAL STUDY # 19-37

Reference is made to pages 66 thru 68 of Initial Study # 19-37 (Attached). Section 15 (“**Public Services**”) totally and completely omits any mentioning of wastewater, except reference to “v. Other Public Facilities” in section 15. a). Point of fact, there is absolutely no mention of wastewater impact(s) in the “**Impact Analysis**” portion of the Initial Study, except to say that the “...development of the project could impact the maintenance of public facilities...” and that the “(P)ayment of the fees required under the Public Facilities Financing Program (PFFP)...would mitigate these impacts...”. Since no impacts to the City’s wastewater system were identified, the project proponent would be exempt from the payment of any PFFP fees relating to the City’s wastewater system.

Section 15, subsection a) v. is woefully inadequate in determining this project’s impact to the City’s wastewater system, given that the city’s own paid consultant (Stantec Consulting Services, “City of Merced Sewer Master Plan – DRAFT, October 28, 2016, Figure 6-5) has previously identified a problem that has continued unresolved. In light of the fact that City desires to finance hundreds of millions of dollars for construction of a master sewer system (not yet approved) by obligating property owners within the Sphere of Influence to pay for it, I, as well as others, would expect that an Initial Study for environmental impacts would be more detailed and forthcoming rather than merely saying that “...the project *could impact ... public facilities and could generate impacts to other governmental services*” [Emphasis added].

- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

Implementation of the proposed project would not displace any existing housing. There were previously two single-family dwellings on the site, but these homes were in a blighted condition and were demolished in 2017. There is **no impact**.

15. Public Services

SETTING AND DESCRIPTION

Fire Protection

The City of Merced Fire Department provides fire protection, rescue, and emergency medical services from five fire stations throughout the urban area. The City's Central Fire Station is located in the downtown area at 16th and G Streets. The City also has four other stations throughout the City. Station #55, located at 3520 Parsons Avenue would serve the project site.

Police Protection

The City of Merced Police Department provides police protection for the entire City. The Police Department employs a mixture of sworn officers, non-sworn officer positions (clerical, etc.), and unpaid volunteers (VIP's). The service standard used for planning future police facilities is approximately 1.37 sworn officers per 1,000 population, per the Public Facilities Financing Plan.

Schools

The public school system in Merced is served by three districts: 1) Merced City School District (elementary and middle schools); 2) Merced Union High School District (MUHSD); and, 3) Weaver Union School District (serving a small area in the southeastern part of the City with elementary schools). The districts include various elementary schools, middle (junior high) schools, and high schools. The Project site falls within the Merced City School District and Merced Union High School District (MUHSD).

As the City grows, new schools will need to be built to serve our growing population. According to the Development Fee Justification Study for the MUHSD, Merced City Schools students are generated by new multi-family development at the following rate:

Student Generation Rates

Commercial/Industrial Category	Elementary (K-8) (Students per 1,000 sq.ft.)	High School (9-12) (Students per 1,000 sq.ft.)
Retail	0.13	0.038
Restaurants	0.00	0.157
Offices	0.28	0.048
Services	0.06	0.022
Wholesale/Warehouse	0.19	0.016
Industrial	0.30	0.147
Multi-Family	0.559 (per unit)	0.109 (per unit)

Based on the table above, the proposed mixed-use project would be expected to generate 158 total new students [132 Elementary School (K-8) students, and 26 High School students].

Parks

Richard Bernasconi Park located within the Moraga subdivision to the east of the site would be the closest park to the project site. Rahilly Park is located approximately 1 mile southwest of the site and Davenport Park is located approximately 1 mile northwest of the site.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. <u>Public Services.</u> Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
i. Fire Protection?			✓	
ii. Police Protection?			✓	
iii. Schools?			✓	
iv. Parks?			✓	
v. Other Public Facilities?			✓	

Impact Analysis

Would the project:

- a) *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:*

- i. *Fire Protection* - The City of Merced Fire Department would provide fire protection services to the site. The project site is located within Fire District #5 and would be served by Fire Station #55, located at 3520 Parsons Avenue. The response from this station would meet the desired response time of 4 to 6 minutes, citywide. The proposed change in land use designation would not affect the City's ability to provide fire protection. The project would be required to be constructed with a fire sprinkler system and to meet all requirements of the California Fire Code and the Merced Municipal Code.

At the time a building permit is issued, the developer would be required to pay the fees required by the Public Facility Financing Plan (PFFP). A portion of

this fee goes to cover the City's costs for fire protection such as fire stations, etc. In addition, the developer would be required to annex into the City's Community Facilities District for Services (CFD #2003-2). This would result in an assessment paid with property taxes in which a portion of the tax would go to pay for fire protection services.

Compliance with all Fire, Building, and Municipal Code requirements as well as payment of the Impact Fees required by the Public Facilities Financing Program, and annexation into the City's CFD for services would reduce any potential impacts to a **less than significant level**.

- ii. *Police Protection* - Development of the project would require additional police services in the area. The proposed mixed-use project is located on a site that is currently vacant. Any change to the status of the site would require additional services. However, the impacts from the proposed project would not substantially increase the impacts beyond what was anticipated with the previous General Plan Amendment and Zone Change that changed the land use for this site to Neighborhood Commercial. Payment of the required Public Facilities Impact Fees and annexation into the City's Community Facilities District (CFD) for services would reduce any potential impacts to a **less than significant level**.
- iii. *Schools* - Based on the table provided in the "Settings and Description" section above, the proposed mixed-use project would generate 132 Elementary School (K-8) students and 26 High School students. This project is intended primarily for college students and faculty, however, it is not exclusively limited to this. Therefore, there could be some impact on schools. Therefore, as with all development, the project would be required to pay all fees required by the Leroy F. Greene School Facilities Act of 1988. The payment of this statutory fee under California Government Code §65995 is deemed "full and complete mitigation" of school impacts.
- iv. *Parks* - The development of the mixed use project would not trigger the need to construct a new park in the area. Payment of the fees required under the Public Facilities Financing Program (PFFP) as described above and payment of Quimby Act fees would be required at time of building permit issuance to help fund future parks and maintenance of existing parks as well as the payment of fees in lieu of land dedication for future parks would be required at the building permit stage. The proposed amenities onsite and the payment of fees would reduce this potential impact to **less than significant**.
- v. *Other Public Facilities* - The development of the project could impact the maintenance of public facilities and could generate impacts to other governmental services. Payment of the fees required under the Public Facilities Financing Program (PFFP) as described above would mitigate these impacts to a **less than significant level**.

CORRESPONDENCE RECEIVED
REGARDING SITE PLAN REVIEW #455

From: Ann Kelley [REDACTED]
Sent: Friday, April 10, 2020 7:15 AM
To: planningweb <planningweb@cityofmerced.org>
Subject: Oppose Site Plan Review #455

Honorable Commissioners:

I have reviewed the information in the Notice for the above referenced public hearing and desire to voice my opposition of this project. There is already a traffic issue on Yosemite Avenue from Mc Kee to G St. The intersection of Parsons and Yosemite is currently problematic with long lines of traffic on Yosemite Ave. Yosemite Avenue from G to McKee is in disrepair and has been for several years with no current plans to fix it. Yosemite Avenue from Parsons to McKee Ave, it is unclear if it is a 3 lane road or a 2 lane road, which causes confusion. McKee Ave from Yosemite Ave. to Olive Ave will also be negatively impacted by this project. In addition to traffic issues, there is an issue of water usage and sewage drainage which will be severely impacted upon the city. I am concerned as well about parking for the proposed tenants. 214 apartment units which will house up to 800 individuals and perhaps animals, dogs and cats , in a 2 or 3 story building on this size parcel is just TOO many. I oppose the proposed project.

However, if a smaller project might be more suitable for this parcel. I might also add that perhaps apartments for the UC Students be built much closer to the University, such as all that vacant land on Bellevue Rd.

Respectfully submitted,

Ann Kelley, J. D.

[REDACTED] Merced, CA.

From: Dene Silveira [REDACTED]

Sent: Saturday, April 11, 2020 8:48 PM

To: planningweb <planningweb@cityofmerced.org>

Subject: Site Plan Review #455

Hello, I reside on Pebble Beach Ct. directly across from the proposed site. I attended two previous meetings concerning Site Plan #455. One by the developer and the other a Planning Commission meeting allowing public comment. I was one of the residents that spoke in opposition to the project with my main concern of the small compact size of these apartments along with the density of entire project on such a small parcel of land. And now I will be perfectly frank and honest on how I felt after leaving at the conclusion of the meeting. The PC listened to all who wished to speak. It was clear to me at the conclusion of meeting, that the Planning Commissioners had their minds made up before this meeting was called to order. This was obviously only a legal formality which had to be met by the Commissioners and City of Merced. I say that with what were some comments and responses to some of the concerns voiced by neighboring residents. I am paraphrasing here, with comments "chalk it up to growing pains" or "be glad it is not a homeless camp" Seriously???? Frankly, not impressed by any of these commissioners and the responsive comments given. By the immediate and simultaneous green go ahead vote by the PC, I can only speak for myself, but it was obvious to me, that this meeting was a waste of time for those of us who were mailed notifications and invited to attend and speak.

I still stand in opposition and feel such a project would be better served being built within walking distance of campus. Also as pointed out at meeting, there is absolutely no guarantee those TINY units will be leased to only students. This could be a project disaster in later years. Sadly this is a "guinea pig" project that could have been a better community neighborhood project for everyone if the original zoning was kept in place.

Sincerely,

Daralene W. Silveira

[REDACTED]

Merced, CA 95340

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April 13, 2020

VIA EMAIL TRANSMISSION
[planningweb@cityofmerced.org]

Planning Commission
City of Merced
678 W. 18th Street, 1st Fl.
Merced, CA 95340

Attention: Kim Espinosa, Planning Manager and Julie Nelson, Associate Planner

Re: Site Plan Review #455
Merced Holdings LP Project at Yosemite Avenue and McKee Road
Objections to Approval of Site Plan
Planning Commission Hearing Date: April 13, 2020 at 7:00 p.m.

Dear Chairman Harris and Members of the Commission:

Pursuant to the instructions contained in the Public Notice of the hearing of this matter at tonight's meeting of the City Planning Commission, this office objects to the approval of the above-referenced Site Plan on behalf of Casey Steed, Merced Smart Growth Advocates (MSGa), a California unincorporated association, the San Joaquin Valley Environmental Defense Center, a California non-profit corporation, and other neighbors who have previously expressed public opposition to this project for the reasons set forth on the attached Comments hereby submitted to the Planning Commission for its review and consideration during this evening's hearing of this matter. Please enter these Comments into the record and have them read at this evening's hearing.

Respectfully submitted,

/s/ Richard L. Harriman
RICHARD L. HARRIMAN
Attorney for Casey Steed, MSGa,
and San Joaquin Valley Environmental
Defense Center

COMMENTS IN OPPOSITION

[Casey Steed, Merced Smart Growth Advocates (MSGA), a California unincorporated association, the San Joaquin Valley Environmental Defense Center, a California non-profit corporation, and other neighbors]

1. Under “**FINDINGS/CONSIDERATIONS**”, Staff Report #20-03 states, :
“Although the General Plan encourages mixed-use developments, it does not specifically address the density allowed within a commercial zone for a mixed-use project.” [p. 6, para. A]
Since neither High-Medium Density (HMD) and High Density (HD) is expressly included in the Neighborhood Commercial (CN) land use designation nor in the zoning classification of Neighborhood Commercial (C-N) Commercial, The proper legal inference should be that the City Council did not intend to include either HMD nor HD within the CN land use nor the C-N zoning designation. Absent express language to the contrary, the Applicant needs to apply for a General Plan Amendment and a Zoning Amendment to include express language to provide internally consistency between the General Plan Land Use Element and the Zoning Ordinance, before the Site Plan may rely upon either HD or HMD entitlement sought by the Applicant.
2. The Site Plan is not consistent with the future upgrade of Yosemite Avenue between McKee Road and Campus Parkway to 118’ shown in Table 4.1, at page 4.3 of the City’s Transportation and Circulation Element of the General Plan and the Circulation map.[MCC Sections 20.68.050 (F)(1) and (6)]
3. The Traffic Study included in the Mitigated Negative Declaration relied on by Staff for the environmental review for this project does not include an internal circulation plan nor disclose, analyze, or mitigate the potentially significant cumulative adverse impacts to peak a.m. traffic safety and congestion caused by right turns from the curb cut on Yosemite Avenue.[MCC Section 20.68,050 (F)(6)]
4. The Site Plan provides no identification of the location of the 43,000-gallon underground waste water storage facility to be designed and constructed on site (Conditions 9 and 10 and mitigation measure) to store and pump untreated effluent in the Yosemite Avenue sewer main during off-peak hours. This infrastructure and the location of the storm water discharge point into the Merced Irrigation District irrigation canal adjacent to the project need to be identified in the Site Plan. [MCC Sections 20.68,050 (F)(3) and (6)]
5. There is a pending appeal of CUP # 1238, which should be remanded to this Commission to be heard with this matter. [Merced Municipal Code (MCC) Section 20.32].

4/13/20