

City of Merced Planning Commission
678 West 18th St.
Merced, CA 95340

April 7, 2025

RE: General Plan Amendment #24-02 / Site Utilization Plan Revision #3 to Planned Development #20 / Vesting Tentative Subdivision Map #1332 / Site Plan #551/ Minor Use Permit #24-13 – Yosemite Avenue Self Storage and Residential Project

Dear Honorable Commissioners:

I am writing to urge the Planning Commission to take one of the following actions on the subject project during its April 9, 2025 public hearing:

1. Deny the subject vesting tentative map, site plan review permit, and minor use permit; and withhold recommendation to City Council on the subject General Plan Amendment and Site Utilization Plan Revision; or,
2. Direct staff to return to Planning Commission with the subject applications organized as one project for consideration of recommendation to City Council.

As a Merced resident and former Community Development Director for Merced County, I am acutely aware of the need to balance development interest with long term plans. In this instance, the conversion of a prime development site should be given more thorough review by the community, especially in light of the agenda and process issues described below.

Legal Issue: Considering Multiple Actions as a Single Project

The City appears to be inappropriately “splitting” Planning Commission and City Council actions for this project. Such an approach would open the project and the City to challenge under the California Environmental Quality Act (CEQA), alongside the broader legal principle that interrelated actions should be considered collectively to ensure transparency and accountability.

Documents within the Planning Commission agenda packet – most notably, the CEQA Initial Study – describe and depict the mini storage and residential components of the project site as one development. The use permit, tentative map, general plan amendment, and PD/zoning amendments are clearly interdependent as they are designed to achieve a common objective (*Plan for Arcadia, Inc. v. City Council of Arcadia*, 1974 and *County of Ventura v. City of Moorpark*, 2018).

As all aspects of the subject property development are interrelated, the City Council should be the final decision authority with regard to all aspects of the project(s). Furthermore, general plan and zoning amendments are considered legislative acts of the City Council, and all interrelated parts of legislative acts should be considered by City Council during a public hearing.

At a practical level, it would be inefficient to leave one half of the project open to appeal of a Planning Commission decision, only to return to the City Council on appeal with the same set of issues and project-wide considerations.

Finally, the project's placement on the consent calendar seems to be in error, and may give rise to additional legal issues if not heard as a public hearing during the upcoming Planning Commission hearing.

Good Planning: Consider Long Term Development, and Investments Made

The subject site is located in a prime location: on one of Merced's major thoroughfares, with multi-modal connection to multiple neighborhoods, near some of the busiest transit stops in the City, and in proximity to major jobs and services (e.g. colleges, hospital, offices).

Planning Commission, and subsequently the City Council, should consider whether redesignation of this land for purposes of a mini storage is in the best long-term interests of the community. Consider the benefits if this were a commercial center with amenities complementary of other centers along Yosemite Avenue. Imagine the potential benefits to nearby businesses and residents, easily accessing the City's commercial centers from Merced College to the UC Campus. The Planning Commission and City Council are empowered with the *discretion* to make these decisions. I urge the commission to exercise that power with the long-term in mind.

The City is currently making a major investment in improving Yosemite Avenue to allow for better pedestrian and bicycle flow – to connect these major uses in North Merced. Planning Commission and City Council should be making decisions that align with this investment rather than conflict with it by modifying its long-term plans for the benefit of an auto-oriented, non-active use. The proposed project would be a break in the planned “chain” of businesses and amenities along Yosemite Avenue.

The residential location, orientation, and design are questionable, at best. Its presence seems to be an afterthought, crammed in to generate some utilization of the site after development of the mini storage. Should we be “hiding” smaller homes on smaller lots? Relegating our neighbors to be tucked away behind a 12-foot masonry wall? Good planning practice and City policies say otherwise.

Redesignation of Prime Development Space in Advance of General Plan Update

The City is in the initial stages its Comprehensive General Plan Update. Consideration of prime commercial sites such as the subject property would be a critical component of the General Plan Update. It is within the Planning Commission's purview to suggest that amending land use at this time would be detrimental to good long-term planning efforts that are on the horizon. Those long-term decisions can absolutely be delegated from the Commission to the community through participation in the General Plan Update.

Thank you for the opportunity to review this project, thank you for your time, and thank you for your consideration of community input.

Sincerely,

Steve Maxey
Merced Resident

cc:
Scott McBride – City Manager