

CITY OF MERCED
Planning Commission

Resolution #4130

WHEREAS, the Merced City Planning Commission at its regular meeting of April 3, 2024, held a public hearing and considered **Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02** initiated by Unite Security Company, LLC, on behalf of Nicholas Mary Lee, Trustee, property owner for the property located at 470 E. Olive Avenue. The Site Plan Review Permit would allow the development of a self-storage facility (approximately 681 storage units) with long-term boat and recreational vehicle parking spaces (approximately 74 parking spaces). The Conditional Use Permit would allow a live/work unit for an onsite manager for the self-storage facility. The Minor Use Permit would be for interface review to allow commercial development adjacent to or across from a Low Density Residential (R-1-6) Zone. The approximate 3.50-acre subject site is generally located on the south side of Olive Avenue, approximately 500 feet west of Oleander Avenue. The subject site is more particularly described as “Parcel 1” as shown on the map entitled “Parcel Map for Fred Walker, JR.” recorded in Book 29, Page 40, in Merced County Records; also known as a portion of Assessor’s Parcel Number (APN) 007-050-009; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through L of Staff Report #24-256 as modified and additional Finding M (Modified Exhibit B of Planning Commission Resolution #4130); and,

WHEREAS, the Merced City Planning Commission concurs with the Findings as modified for Conditional Use and Minor Use Permits in Merced Municipal Code Section 20.68.020 (E), and Site Plan Review Permits in Merced Municipal Code Section 20.68.050 (F) as outlined in Modified Exhibit B; and,

NOW THEREFORE, after reviewing the City’s Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby ~~adopt—deny~~ a Mitigated Negative Declaration regarding Environmental Review #23-45, and ~~approve—deny~~ Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02, ~~subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.~~

Upon motion by Commissioner Gonzalez, seconded by Commissioner Ochoa, and carried by the following vote:

AYES: Commissioners Delgadillo, Camper, Gonzalez,
Thao, Smith, Ochoa, and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

ATTACHMENT B

PLANNING COMMISSION RESOLUTION #4130

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April 3, 2024

Adopted this 3rd day of April 2024

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Exhibits:

Exhibit A – Conditions of Approval--Deleted

Exhibit B – Findings/Considerations--Modified

Exhibit C – Mitigation Monitoring Program--Deleted

Modified Findings and Considerations Per Planning Commission Action (4/3/24)
Planning Commission Resolution #4130
Conditional Use Permit #1276
Site Plan Review Permit #538
Minor Use Permit #24-02

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) If the General Plan Amendment is approved, the proposed project would comply with the General Plan land use designation of Business Park (BP) which allows parking facilities as a principally permitted use and self-storage facilities with a site plan review permit. The project would also comply with the Zoning classification of Planned Development (P-D) #81 if the change in land use designation is approved from Low Medium Density Residential to 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 3.50-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.

Traffic/Circulation

- B) The proposed development includes a self-storage facility with approximately 681 storage units, and a long-term boat and recreational vehicle parking facility with approximately 74 spaces on an approximately 3.50-acre vacant parcel located in at 470 E. Olive Avenue. The project site fronts an arterial road (E. Olive Avenue). Vehicle access would be available from a driveway along E. Olive Avenue. The nearest major north-south roads being G Street (arterial road) and Parsons Avenue (arterial road) are 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 Office of Planning and Research (OPR) advisory suggests that the Vehicle-Miles Traveled (VMT) contribution of small projects would not be considered significant. OPR suggests that agencies can find projects generating fewer than 110 vehicles trips a day to be less than significant. The proposed mini-storage project is comprised of land uses estimated to generate 90 vehicle trips per day. As this trip generation estimate falls below the 110 daily trip threshold identified by OPR, the proposed project qualifies as a “small project” that can be assumed to have a less than significant impact on regional VMT.

Improvements

The development does not require the construction of any streets. Staff is of the opinion that the existing streets can adequately serve the development. Given the loading/unloading of storage facilities and the long-term boat and recreational vehicle parking spaces, staff anticipates that large trucks and vehicles will be entering and existing the site. To prevent these large vehicles from stacking onto E. Olive Avenue and creating traffic congestion, staff is requiring that developer work with a traffic engineer to determine the sufficient distance for vehicle stacking space to enter the site (Condition #12 of Planning Commission Resolution #4130 – Attachment B of Planning Commission Staff Report #24-256). This may require making minor modifications to the site plan that would need to be reviewed and approved by the Director of Development Services. However, the Planning Commission expressed concerns about the increase in commercial traffic, especially large vehicles, in this residential neighborhood.

Public Improvements/City Services

- C) Any damaged or missing public improvements shall be repaired if the permit value of the project exceeds \$100,000.00. The need for repairs or replacement of any missing improvements would be evaluated at the building permit stage by the City’s Engineering Department (Condition #13).

Parking

- D) Per Merced Municipal Code Table 20.38 -1- Off Street Parking Requirements, the parking requirements for Public/Mini Storage is 1 parking stall per 50

MODIFIED EXHIBIT B PER PLANNING COMMISSION ACTION (4/3/24)
OF PLANNING COMMISSION RESOLUTION #4130

storage units or 5 spaces, whichever is greater. Based on the proposed 681 storage units, the site is required to have at least 14 parking stalls. With the office and work/live unit the site should have a minimum of 20 parking spaces. The proposed parking spaces do not satisfy standard parking requirements, the developer is proposing the planned development parking standards for this site require at least 5 parking stalls. This is justified by the peak hour trips of all vehicles during the busiest time of the day based on the traffic study prepared for the Initial Study found at Attachment J of Planning Commission Staff Report #24-256.

Site Design

- E) The proposed development includes a self-storage facility with approximately 681 storage units, and a long-term boat and recreational vehicle storage facility with approximately 74 parking spaces (Attachment E). The northern portion of the development along E. Olive Avenue would be reserved for the self-storage component of the business and would be accessible through a driveway along E. Olive Avenue. The storage units would range in dimensions between 5 feet by 10 feet, and 10 feet by 30 feet. The applicant is proposing a zero-lot line development (no side, or rear yard setbacks) with storage units on portions of the east and west property lines. In these areas, the back of the storage buildings would be made out of concrete blocks and be between 12 and 14 feet tall. Other portions of the south, west, and east property lines would be secured with a wrought iron perimeter fence (only along the segment for boat and recreational vehicle parking only). The entrance to the project site would be secured with gates that would be equipped with electronic opening devices to restrict access (about 65 feet from the entry drive aisle).

At the center of the site would be a 2-story storage building that is approximately 27 feet tall. The building exterior finish would consist of vertical and horizontal ribbed metal panels. In addition, there would be several windows along all four elevations to allow natural light, and metal awnings about the ground floor entrance to protect against weather elements. However, given the subject site is surrounded by residential zones, staff is including a condition requiring the elevations of the 2-story storage facility be finished with stucco to blend in with the neighborhood (Condition #34).

The southern portion of the subject site (approximately 1 acre) would be dedicated for long-term boat and recreational vehicle storage with

approximately 74 parking stalls with spaces ranging in size between 10 feet by 28 feet, and 12 feet by 40 feet. The long-term parking stalls are proposed to consist of gravel or other similar surface, but the drive aisles to these stalls would be paved with an impervious surface. However, given concerns with gravel and dust pollution and oil contamination, staff is including Condition #33 prohibiting the use of gravel and requiring an impervious surface as approved by the City Engineer.

Elevations

- F) The elevations shown at Attachment G illustrate the proposed structures for this project. The ground floor leasing office would be approximately 1,200 square feet large with a live-work unit for the on-site manager on the second floor (2 bed/1 bath). This structure would be approximately 26 feet tall with the exterior consisting of terracotta tile roofing, stucco, stone veneer accents, and storefront windows.

The storage units along the east and west property lines would be about approximately 10 feet tall and range in dimensions between 10 feet by 15 feet, and 10 feet by 20 feet. The storage units would have a metal finish, and some buildings would have roll-up garage doors. A portion of the northern, western, and eastern property lines would be screened with the back of the storage units which would be made out of decorative concrete blocks with a base height of 12 feet that jets up to approximately 14 feet. The block building wall would be an off-white color with grey ribbon accents along the top of the building wall. Cultured stones would be used throughout the wall to add architectural interest. As required by Condition #10 of Planning Commission Resolution #4130, landscaping or trees would be installed along the northern property line (along E. Olive Avenue) to soften the visibility of the site and discourage graffiti along the block building wall.

Landscaping

- G) The proposal does not include a landscape plan, but all future landscaping for mulch, shrubs, turf, or trees should be drought tolerant and all irrigation systems must comply with the latest requirements for water conservation (Condition #8). In addition, parking lot trees shall be installed as required by the City's Parking Lot Landscape Standards at a minimum ratio of one tree for every six parking spaces. Parking lot trees shall be selected from the City's approved tree list, providing a 30-foot minimum canopy at maturity

(Condition #16). If needed, street trees would be installed along E. Olive Avenue as required by City standards. All trees shall be planted away from the City's 10-foot visual corner triangle area.

Neighborhood Impact

- H) The uses surrounding the subject site include Burbank Park to the west, Luther Burbank Elementary School to the south, Christian Life Center to the east, and single-family homes to the north across E. Olive Avenue. The subject site is designated Low Medium Residential (LMD) as a lower impact land use designation that is compatible with the surrounding uses. ~~Even though the applicant is proposing a General Plan designation of Business Park, the proposed use of self-storage and boat/RV parking is expected produce less traffic than the existing surrounding uses of a school, park, and religious facility; thus, would not significantly alter the traffic patterns throughout the neighborhood.~~

Even though the subject site is surrounded by residential zones, there are no actual single or multi-family homes adjacent to the subject site. There is buffer of approximately 175-feet between the subject site and the homes to the west (with a park in between), and approximately 375 feet between the subject site and the homes to the east (with a church in between). To create additional compatibility with the surrounding sites to help reduces 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 #24); controlled hours of operation only allowing operation between 7 a.m. and 10 p.m. (Condition #26), and prohibit dwelling within storage facilities or within any recreational vehicle or boats parked onsite (Condition #27). In addition, the 12 to 14-foot-tall block walls along the eastern and western property lines should reduce noise and privacy concerns.

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. However, one resident spoke in opposition to the project at the Planning Commission public hearing on April 3, 2024.

The Planning Commission voted to recommend denial of the project due to concerns about increased commercial traffic with large vehicles in a residential area and the loss of land available for housing. Overall, the Planning Commission indicated that the site was better suited for housing (even higher density) than a self-storage facility.

Conditional Use Permit and Minor Use Permit Findings

I) In order for the Planning Commission to approve or deny a conditional use permit or minor use permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) – Findings for Approval. The Planning Commission voted to deny the applications.

1. *The proposed use is consistent with the purpose and standards of zoning district, the general plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

As shown under Finding A, if the General Plan Amendment is approved, the proposed project would comply with the General Plan land use designation of Business Park (BP) which allows parking facilities as a principally permitted use and self-storage facilities with a site plan review permit. The project would also comply with the Zoning classification of Planned Development (P-D) #81 if the Establishment of Planned Development is approved.

2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

~~As shown under Finding E—Site Design, Finding F—Elevations, and Finding H—Neighborhood Impact, staff believes that the location, size, design, and operating characteristics of the proposal would be compatible with existing and future land uses in the vicinity. The proposed operation is relatively quiet and generates low traffic counts. In addition, Condition #26 limits the business hours of operation between 7 a.m. and 10 p.m. daily. The Planning Commission did not believe that the self-storage facility was compatible with the surrounding uses and neighborhood and voted to deny the project.~~

3. *The proposed use will not be detrimental to the public health, safety, and welfare of the city.*

This proposal will require building permits with compliance with the California Building Code. During plan check staff will review the proposal for matters concerning health and safety. With approval of the conditions within this resolution, staff does not anticipate that the approval of this request would adversely affect the public health, safety, and welfare of the City.

4. *The proposed use is properly located within the City and adequately served by existing or planned services and infrastructure.*

The proposed development is considered in-fill development which is properly located within the City and adequately served by existing services and infrastructure such as street access, sewer connections, water connections, and other utilities.

Site Plan Review Findings

- J) A Site Plan Review Permit is required for this project for two reasons: 1) to develop a project within a Planned Development Zone; and, 2) because a public/mini storage is listed as a use that requires site plan review under the Land Use Table 20.10-1 – Permitted Land Uses in the Commercial Zoning Districts. This section applies to Planned Development Zones with General Plan designations of Business Park, unless specific land uses are identified by the Site Utilization Plan. Therefore, in order for the Planning Commission to approve or deny a site plan review permit, they must consider the following criteria and make findings to support or deny each criteria. The Findings required by MMC Section 20.68.050 (F) “Findings for Approval for Site Plan Review Permits” are provided below, along with recommended reasons to support each finding. The Planning Commission voted to deny the project.

1. *The proposed project is consistent with the General Plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

As described in Finding A above, the project meets the requirements of the General Plan if the proposed General Plan Amendment for this development is approved. There are no other area, specific, or neighborhood plans for this area.

2. *The proposed project complies with all applicable provisions of the Zoning Ordinance and Municipal Code.*

Approval of the proposed Site Plan Review Permit and implementation of the conditions of approval for CUP #1276, Site Plan Review #538,

and Minor Use Permit #24-02 would bring the project into compliance with the applicable provisions of the Zoning Ordinance and Municipal Code.

3. *The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.*

There may be some temporary impacts such as vibration, noise, and dust during construction., ~~but as shown under Finding E—Site Design, Finding F—Elevations, and Finding H—Neighborhood Impact, staff believes that the location, size, design, and operating characteristics of the proposal would be compatible with the existing and future land uses in the vicinity. Therefore, with the implementation of the conditions of approval, the proposed project would not interfere with the enjoyment of the existing and future land uses in the vicinity.~~ The Planning Commission did not believe that the self-storage facility was compatible with the neighborhood and that the site was better suited to housing.

4. *The proposed architectural design makes use of appropriate materials, texture, and color, and will remain aesthetically appealing and appropriately maintained.*

As shown under Finding F – Elevations, the applicant is proposing a typical design for a mini storage with a mixture of materials, colors, and textures. The building exterior would consist of a stucco finish with stone veneers. A decorative block wall would be installed along the north elevation (E. Olive Avenue) with a variety of colors and materials. All structures onsite would generally consist of a uniform design and aesthetic. Staff believes that the proposed architectural design makes use of appropriate materials, texture, and color.

5. *Any proposed landscaping design, including color, location, size, texture, type, and coverage of plan materials, as well as provisions for irrigation, maintenance, and protection of landscaping elements, will complement structures and provide an attractive environment.*

The proposal does not include a landscape plan at the moment. Landscaping would be reviewed at the building permit stage. Trees would be planted throughout the parking lot and along street frontages (if required by Public Works). Parking lot trees would have to conform with minimum City Standards regarding quantity (1 tree per 6 required

parking stalls), gallon size (15 gallons), and branch width (30-foot canopy). Parking lot trees shall be from the City's list of approved tree species found within City Engineering Standards. Street trees shall be reviewed by the Engineering and Public Works Departments to ensure conformance with City Standards in regard to species type, irrigation plan, and tree spacing. All landscaping must comply with local regulations and State regulations regarding water conservation, as found under Merced Municipal Code Section 20.36 – Landscaping, and affiliated sections found under the WELO Act (MMC 17.60).

6. *The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.*

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City with implementation of the conditions of approval for the Conditional Use Permit, Site Plan Review Permit, and Minor Use Permit. Implementation of the conditions of approval and adherence to all Building and Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health safety, and welfare of the City. However, the Planning Commission felt the site was better suited to housing than a self-storage facility.

Housing Opportunity

- K) As noted under Finding A, the subject site is currently zoned Low Medium Density Residential (R-2). As such, zoning at this location currently allows for single-family homes and duplexes at a density of 6-12 residential units per acre. Thus, by changing the land use designation to Business Park, the site loses the potential of having up to 40 residential units constructed at its current designation.

The subject site is not part of the City's current Housing Element Cycle, but it has been identified in the Draft Multi-Jurisdiction Housing Element as a site that could potentially be rezoned for higher density in order to meet the City's Regional Housing Need Allocation (RHNA) obligations for the 2024 Housing Element cycle. If the site were to be rezoned to High Density Residential (R-4), it would qualify for 24 to 36 dwelling units per acre, allowing a maximum of 126 dwelling units. The City's RHNA plan has a built-in contingency to provide more units than the City's RHNA requirement, so the City should still

be able to meet its housing obligation without this site; but since the other required rezones have not yet been considered, that cannot be guaranteed.

Should the rezone not be approved, staff believes this site would be a good site for upzoning to high-density residential given that the site fronts a major arterial road (E. Olive Avenue), and its close proximity to multiple shopping centers within 750 feet of the site, along with the adjacent park, and school. The Planning Commission believed that the site was better suited for housing than a self-storage facility.

Environmental Clearance

- L) 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 under 5 acres (at 3.50 acres), but 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 #23-45 results in a Mitigated Negative Declaration as the proposal would have an effect on the environment, but could be mitigated with certain measures (Attachments J and K of Planning Commission Staff Report #24-256) and does not require the preparation of an Environmental Impact Report. A copy of the Initial Study with a Mitigated Negative Declaration can be found at Attachment J of Planning Commission Staff Report #24-256.
- M) Added Finding M: On April 3, 2024, after holding a duly noticed public hearing, the Planning Commission voted unanimously (7-0) to deny the Conditional Use Permit, Site Plan Review Permit, and Minor Use Permit due to concerns about the loss of land available for housing; traffic concerns, especially with large vehicles; neighborhood compatibility; and the site being better suited for housing than a self-storage facility.