



## Legislation Text

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File #: 24-364, Version: 1

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*Report Prepared by: Francisco Mendoza-Gonzalez, Senior Planner, Development Services Department*

**SUBJECT:** Public Hearing - General Plan Amendment #23-05, Zone Change #434, Establishment of Planned Development (P-D) #81, and Appeal of the Planning Commission's Denial of Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02. This Request is Initiated by United Security Company, LLC, on Behalf of Nicholas Mary Lee, Trustee, Property Owner, for Approximately 3.50 Acres of Land at 470 E. Olive Avenue, Generally Located 500 West of Oleander Avenue; the General Plan Amendment Would Change the General Plan Land Use Designation from Low-Medium Density Residential (LMD) to Business Park (BP). The Zone Change Would Allow the Establishment of the Planned Development to Change the Land Use from Low Medium Density Residential (R-2) to "Self-Storage." The Conditional Use Permit Would Allow a Live/Work Unit for an Onsite Manager for the Self-Storage Facility. 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 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

### REPORT IN BRIEF

Request for City Council to consider approving the General Plan Amendment, Zone Change, and Establishment of a Planned Development and the appeal of the Planning Commission's Denial of Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02. The subject site is a 3.50 acre parcel located at 470 E. Olive Avenue, within northeast Merced.

### RECOMMENDATION

General Plan Amendment #23-05, Zone Change #434, and Establishment of Planned Development (P-D) #81

**City Council** - Adopt a motion:

A. To deny General Plan Amendment #23-04, Zone Change #434, and Establishment of Planned Development (P-D) #81 as recommended by the Planning Commission.

Appeal of Planning Commission's Denial of Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02

**City Council** - Adopt a motion:

A. Open the Public Hearing and hear all testimony regarding the appeal; and,

- B. Close the public hearing; and,
- C. Provide direction to staff regarding Findings to grant or deny the appeal.

## **ALTERNATIVES**

### General Plan Amendment #23-05, Zone Change #434, and Establishment of Planned Development (P-D) #81

1. Deny the request as recommended by the Planning Commission; or,
2. Direct staff to prepare a resolution approving General Plan Amendment #23-05 and Environmental Review #23-45 (Mitigated Negative Declaration) and to prepare an ordinance for Zone Change #434 to allow the Establishment of Planned Development (P-D) #81; or
3. Refer back to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
4. Continue to a future meeting (date and time to be specified in motion).

### Appeal of Planning Commission's Denial of Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02

1. Give direction regarding Findings for approval of the appeal, thus approving the project, (including directing staff to use the conditions at Attachment 8 as proposed, or modified); or,
2. Give direction regarding Findings for denial of the appeal; thus, denying the project; or,
3. Continue the public hearing to a future meeting (date and time to be specified in motion).

## **AUTHORITY**

Title 19 of the Merced Municipal Code outlines environmental review procedures and California Government Code Section 65358(a) grants authority to amend all or part of an adopted General Plan. The legislative body may amend zoning designations pursuant to California Government Code Section 65583. Merced Zoning Ordinance Section 20.20.020 grants the City Council authority to approve Planned Developments.

City of Merced Zoning Ordinance Section 20.74 - Appeals addresses the procedure for appealing a decision made by the Planning Commission.

## **CITY COUNCIL PRIORITIES**

Not applicable.

## **DISCUSSION**

### Project Description

The subject site is an undeveloped 3.50-acre parcel located within the northeast quadrant of the City at 470 E. Olive Ave (Attachment 1). The subject site is located on the south side of Olive Avenue, approximately 500 feet west of Oleander Avenue. The applicant is requesting to change the General Plan land use designation from Low Medium Density Residential (LMD) to Business Park (BP), and to change the Zoning classification from Low Medium Density Residential (R-2) to Planned

Development (P-D) #81, with a land use designation of “self storage.” The Site Plan Review permit would allow the development of a self-storage facility with approximately 681 storage units, and a long-term boat and recreational vehicle parking facility with approximately 74 spaces. The Conditional Use Permit would allow one live/work unit for an onsite manager. The Minor Use Permit is required for interface review of commercial development adjacent to a Low Density Residential (R-1-6) Zone. The applicant has provided a site plan (Attachment 3), floor plans (Attachment 4), elevations (Attachment 5), and development standards (Attachment 6) for this proposal.

### Site Design

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. 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 5 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 (located 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 above the ground floor entrance to protect against weather elements.

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.

Please refer to the Planning Commission Staff Report at Attachment 9 for more detailed information about the project, including elevations, parking, site design, setbacks, etc.

### Neighborhood Impact

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 to 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. However, the Planning Commission was concerned about the addition of larger vehicles into this residential setting.

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).

### Housing Opportunity

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, Planning Commission and staff believe this site would be a good location 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.

### Environmental Review

The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (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 and does not require the preparation of an Environmental Impact Report. A copy of the Initial Study with a Mitigated Negative Declaration and Mitigation Monitoring Program can be found at Attachment 10.

### Planning Commission Action

The Planning Commission reviewed this proposal during the Planning Commission Meeting of April 3, 2024. The applicant's representative spoke in favor of the project and one resident representing the Christian Life Center (adjacent east of the subject site) spoke against the project. At the meeting, the Planning Commission expressed concerns about the loss of land available for housing, traffic congestion concerns (especially with boats and recreational vehicles coming in and out of the site), and neighborhood compatibility.

After the public hearing, the Planning Commission voted to recommend denial to the City Council for the proposed General Plan Amendment, Zone Change, and Establishment of Planned Development unanimously by a vote of 7-0-0 (refer to Planning Commission Resolution #4129 at Attachment 7). In

addition, the Planning Commission denied the Conditional Use Permit (for a live-work unit for the self-storage manager), Site Plan Review Permit (for the use of self storage), and Minor Use Permit (for interface review) by the same vote. The applicant has appealed the Planning Commission's action.

### City Council Action

The City Council will need to take separate action on the General Plan Amendment, Zone Change, and Establishment of Planned Development in addition to the appeal below. The Planning Commission recommends denial of General Plan Amendment #23-05, Zone Change #434, and Establishment of Planned Development (P-D) #81. Should the City Council decide to support the request, the Council would need to direct staff to prepare a resolution approving General Plan Amendment #23-05 and Environmental Review #23-45 (Mitigated Negative Declaration), and to prepare an ordinance approving Zone Change #434 to allow the Establishment of Planned Development (P-D) #81. Staff would then return to the City Council at the next meeting to take final action on the resolution and ordinance.

Action on the Appeal of the Planning Commission's Denial of Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02 should include direction to staff, along with Findings to either approve or deny the appeal. Staff will prepare a Resolution based on that direction and Findings, then return to the City Council to take final action on the appeal resolution. Should the City Council vote to grant the appeal, thus approving Conditional Use Permit #1276, Site Plan Review #538, and Minor Use Permit #24-02, staff recommends City Council direction include the Conditions at Attachment 8 and the Mitigation Measure described in Appendix A of Initial Study #23-45 (Attachment 10).

### **IMPACT ON CITY RESOURCES**

No appropriation of funds is needed. This property will be required to be part of the City's Community Facilities District (CFD) for Services and would pay all applicable Public Facilities Impact Fees.

### **ATTACHMENTS**

1. Location Map
2. Proposed Land Use Changes
3. Site Plan
4. Floor Plan
5. Elevations
6. Development Standards
7. Planning Commission Resolutions #4129 and #4130
8. Proposed Conditions of Approval for Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02
9. Planning Commission Staff Report #23-289
10. Initial Study (Mitigated Negative Declaration)
11. Presentation