



## Legislation Text

---

**File #:** 17-178, **Version:** 1

---

*Report Prepared by: Julie Nelson, Associate Planner, Planning Department*

**SUBJECT: Public Hearing - General Plan Amendment #16-06, Zone Change #424, and Establishment of Planned Development (P-D) #76 for the Development of 225 Apartment Units and a 6,600-Square-Foot Commercial Building at Yosemite Avenue and Lake Road**

### REPORT IN BRIEF

This is a request to amend the General Plan Designation for 17.25 acres of land located on the south side of Yosemite Avenue at Lake Road. The General Plan Designation would be changed from Low Density Residential (LD) to High-Medium Density Residential (HMD) for 16.25 acres and to Neighborhood Commercial (CN) for 1.0 acre. The request is also to change the zoning for this property from R-1-6 to Planned Development (P-D) #76 for 14.86 acres and from Planned Development (P-D) #52 to Planned Development (P-D) #76 for 2.39 acres and to establish the development standards for P-D #76.

### RECOMMENDATION

**City Council** - Adopt a motion:

- A. Approving **Resolution 2017-33**, a Resolution of the City Council of the City of Merced, California, approving a Mitigated Negative Declaration for General Plan Amendment #16-06, Zone Change #424, and the Establishment of Planned Development (P-D) #76 for 17.25 acres generally located on the south side of Yosemite Avenue at Lake Road; and approving General Plan Amendment #16-06 for the same property changing the General Plan Designation from Low Density Residential (LD) to High-Medium Density Residential for 16.25 acres and from Low Density to Neighborhood Commercial (CN) for 1.0 acre; and,
- B. Introducing **Ordinance No. 2477**, an Ordinance of the City Council of the City of Merced California, establishing Planned Development (P-D) #76 and amending the Official Zoning Map by rezoning 14.86 acres of land generally located on the south side of Yosemite Avenue at Lake Road from Low Density Residential (R-1-6) to Planned Development (P-D) #76 and 2.39 acres from Planned Development (P-D) #52 to Planned Development (P-D) #76; and approving a developer agreement therefore; and,
- C. Authorizing the City Manager or Assistant City Manager to execute the Developer Agreement.

### ALTERNATIVES

1. Approve the request as recommended by the Planning Commission and staff; or,
2. Approve subject to modifications as conditioned by the City Council; or,
3. Deny the request; or,

- 4. Refer back to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
- 5. Continue to a future meeting (date and time to be specified in the 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 the zoning pursuant to California Government Code Section 65583.

**DISCUSSION**

Project Description

The project site is located on the south side of Yosemite Avenue at Lake Road (Attachment 1). The project site is comprised of a 14.86-acre parcel and a 2.39 acre portion of the adjacent parcel. The project site has a Low Density Residential (LD) General Plan designation. The 14.86-acre portion of the site is currently zoned R-1-6 and the 2.39 acre portion is zoned Planned Development (P-D) #52.

The project involves a General Plan Amendment, Zone Change, and the Establishment of Planned Development (P-D) #76. The requested amendment to the General Plan would change the land use designation from Low Density Residential (LD) to High-Medium Density (HMD) for approximately 16.25 acres and to Neighborhood Commercial (CN) for 1.0 acre. The requested Zone Change would change the zoning from R-1-6 to Planned Development (P-D) #76 for 14.86 acres and from P-D #52 to P-D #76 for 2.39 acres. The establishment of Planned Development (P-D) #76 would establish standards for development within P-D #76. The map at Attachment 2 shows the proposed General Plan land use designation changes and Zoning designation changes.

If the proposed changes are approved, the construction of a 225-unit apartment complex and 6,600 square feet of retail commercial space would follow pending Site Plan Review approval (a staff level review). The Site Plan at Attachment 3 shows the layout of the apartment complex and the location of the retail space. It should be noted that there is a PG&E Easement that runs diagonally across the western side of the property underneath the PG&E towers. The easement is shown on the site plan at Attachment 3.

The apartment project would provide 390,225 square feet of living area within fifteen three-story buildings. Each building would have a total of 15 units with a mixture of 2, 3, and 4 bedroom units. Refer to the table below for the breakdown of the units within each building. There would be a total of 705 bedrooms within the complex. Although the primary market for this complex would be students, other tenants would not be excluded.

# of Bedrooms/Unit	# of Baths/Unit	# of Units/Building	Total Bedrooms/Building	Total Baths/Building
2	2	6	12	12
3	3	1	3	3
4	4	8	32	32

TOTAL within each building	15	47	47
TOTAL IN COMPLEX	15	705	705

The complex would be a gated community with the main entrance located at the eastern edge of the property, aligning with Lake Road to the north. A secondary entrance would be provided near the northwest corner of the site. Parking would be provided throughout the site with the majority of the parking being located within the PG&E easement areas (refer to the Site Plan at Attachment 3). Most of the parking in the easement area would be uncovered due to restrictions on structures being located within the easement area. However, it is likely that carports with solar panels would be installed over as many parking stalls as possible. Details of the carports would be reviewed at the Site Plan Review stage. A total of 652 parking spaces are proposed for the apartment complex.

In addition to the complex being gated, other amenities of the project would include a 13,700-square-foot clubhouse, a network of walking and biking trails, outdoor recreation space, a dog park, and an onsite community bus stop to provide transportation to and from the UC Merced and Merced College campuses. The developer has incorporated many energy efficient and environmentally friendly features into the development, including recycling facilities, solar panels, water efficient plumbing, ect. They intend to implement the same design standards as would be required for obtaining a LEED Gold certification.

The retail building is proposed near the main entrance across from Lake Road. The proposed 6,600-square-foot retail building includes a design for a drive-thru retail business, such as a fast-food restaurant or coffee shop. However, no specific tenants have been identified at this time. Parking for the retail building is provided outside of the gated area of the apartment complex. As proposed, 35 parking spaced would be provided to serve the retail uses.

**Background**

The project site was part of the Hunt Family Annexation approved in 2003. Part of the approval for the annexation included a finding, that although the property was outside the North Merced Sewer Assessment District boundary established in 1986, that there was sufficient excess capacity in the system to service this area with sewer. Additional sewer fees, in addition to the standard sewer facilities fees charged to all new development, under Merced Municipal Code Section 15.16.070 are charged for such uses upon development to make up for the costs borne by the Assessment District. In 2017, Merced City Public Works and Engineering staff confirmed that there was enough sewer capacity available for construction and operation of this apartment complex. This annexation included the annexation of 181 acres generally bounded by Yosemite Avenue to the north, McKee Road to the west, Black Rascal Creek to the south, and the City Limit line to the east. Subsequent to the annexation, the Moraga Subdivision was approved, which included 520 single-family lots. The majority of project site was not part of the Moraga Subdivision, but when annexed, was zoned R-1-6 to allow future construction of single-family dwellings. The 2.39 acres of land that is currently zoned P-D #52 was originally part of Phase 2 of the Moraga Subdivision. A Lot Line Adjustment will be processed to add the 2.39 acres to the larger parcel if the project is approved.

**Planned Development Standards**

The proposed Zone Change would change the zoning for this site from R-1-6 to Planned Development (P-D) #76. The purpose of the Planned Development (P-D) zoning is to allow for a high quality development that deviates from standards and regulations applicable to other zoning

districts. The Planned Development zoning district is intended to promote creativity in building design, flexibility in permitted land uses, and innovation in development concepts. In the case of the proposed development, the use of the Planned Development zoning allows the project to be a “mixed-use” project that includes both residential uses and commercial uses within the same zone. It also would allow for the flexibility to deviate from the building height restrictions within typical R-1 and R-4 zones. The Development Standards found at Attachment 4 would be adopted as part of the establishment of Planned Development (P-D) #76.

The Zoning Ordinance requires specific findings be made in order for the City Council to approve a Planned Development. These Findings are found at Attachment 5. The Findings and Standards would be adopted as part of the Ordinance establishing Planned Development (P-D) #76.

Traffic/Circulation

The project site is located on the south side of Yosemite Avenue (divided arterial, special street section with 94-foot right-of-way) at Lake Road (collector street). The project proposes a main driveway access to line up with Lake Road to the north and secondary driveway near the western edge of the project site (Attachment 3).

Yosemite Avenue is an east-west arterial that runs from North Highway 59 east to its terminus at Arboleda Drive (County). Portions of Yosemite Avenue are 2 lanes and in some areas the roadway has 4 lanes. As a condition of approval of the Tentative Map for the Moraga Subdivision just west of the project site, Yosemite Avenue from Lake Road to McKee Road was widened to 4 lanes.

Lake Road is a 2 lane north-south collector road extending from Yosemite Avenue to its northern terminus at Lake Yosemite. Lake Road becomes a local access road in the future when Campus Parkway replaces its function for through access. Lake Road currently provides primary access to the UC Merced campus.

The Institute of Transportation Engineers (ITE) Trip Generation Rates Manual (9<sup>th</sup> Edition) was used to estimate the average daily and peak hour trips for the proposed project. Reductions in the average daily trips (ADT's) were given for “pass-by” trips and for internal capture (trips between the two uses). The resulting ADT's were compared to the analysis of traffic done for the Hunt Family Annexation in 2002, which included the project site.

In comparing the number of ADT's projected by the EIS for the Hunt Family Annexation to the total number of trips estimated for the number of actual units built and mapped plus the proposed project, the number of trips would be less than what was analyzed in EIS #02-27.

<b>Trip Comparison</b>		
	Units	ADT's
Assumed Project in EIS	1086	10,393
Constructed/Mapped	730	6,986
Proposed Project	225	2,817
Total - Constructed/Mapped TSM <b>plus</b> Proposed	955	9,803

As a condition of approval (Condition #12 of Planning Commission Resolution #3082 - Attachment 7)

and agreed upon by the developer, the proposed project would install a traffic signal at the intersection of the Project Entrance and Lake Road. This signal would help mitigate impacts resulting from any increase in traffic in this area.

Typically, arterial roadways would have a median installed to divide the east/west traffic flow. This section of Yosemite Avenue is designated as a “Special Street Section” in the City’s General Plan. As such, the proposed ultimate right-of-way for Yosemite Avenue, east of Parsons/Gardner is only 94 feet as opposed to the typical right-of-way of 118 feet for a Divided Arterial. Although the standard for the section of Yosemite Avenue east of Parsons/Gardner calls for a center median, Planning and Engineering staff have determined that a median would not make sense along the project’s frontage due to the existing dwellings on the north side of Yosemite Avenue. If a median were installed, access to these homes would be cut off. Given the fact that the General Plan shows the area on the north side of Yosemite Avenue to remain as Rural Residential and it unlikely that any other development would happen in that area, staff feels using a two-way-left-turn lane instead of a median is a better option for this area, especially since the project driveways are at the western and eastern edges of the property. However, to ensure traffic flows properly and maintains proper lanes at the intersection, a raised curb is required at the intersection. Condition #13 of Planning Commission Resolution #3082 requires a raised curb be installed at the intersection and extend 180 feet to the west.

Building Design

The proposed apartment buildings would be 3-stories in height. The roof pitch will be predominantly flat in the middle part of the building to allow for the installation of solar panels, but each end of the buildings would have a pitched roof adding character to the structures. Conceptual elevations of the buildings are provided at Attachment 6. Details of the building design would be reviewed by the Site Plan Review Committee (Condition #9 of Planning Commission Resolution #3082). The proposed Planned Development Standards limits the height of buildings to no more than 45 feet tall.

# of Bedrooms/Unit	# of Units/Building	Total Units in Complex (15 Buildngs)
2	6	90
3	1	15
4	8	120
TOTAL		225

Floor plans for the apartment buildings and club house are found at Attachment 10.

Neighborhood Impact/Interface

The site is surrounded by vacant land to the south, east, and west. There are five single-family dwellings across the street on Yosemite Avenue. All but one of the houses are set back approximately 70 feet from Yosemite Avenue. The house on the corner of Lake Road and Yosemite Avenue is set back approximately 30 feet from Yosemite Avenue. There are vacant fields to the east and northeast of the site that are currently used as farm land. These lands and the houses across Yosemite Avenue are all outside the City Limits.

To the west of the site is an approved subdivision (Moraga, Phase 2). This phase was approved for 233 single-family lots. The first phase of Moraga has 287 lots for a total of 520 lots. The Tentative

Map for Moraga (Phase 2) would expire in 2019. It is unknown at this time if or when the second phase would be constructed.

The major impacts to the neighborhood would be from traffic and noise. As described in the Traffic/Circulation Section above, the traffic generated from the proposed project does not exceed the amount projected for this area at the time of annexation. Additionally, the proposed project would implement alternate transportation options that would help reduce the traffic impacts. These include an onsite bus shuttle to the UC Merced and Merced College Campuses, bicycle parking and access to the City's bike path system, as well as access to transit. The installation of the signal at Lake Road and Yosemite Avenue would further alleviate potential traffic-related impacts.

In an effort to reduce impacts on the homes on the north side of Yosemite Avenue, the applicant proposed a two-way-left-turn lane instead of a median in Yosemite Avenue. After reviewing the request, the City agreed that the installation of a median would unnecessarily block access to the homes and that the installation of the two-way-left-turn lane is the better option.

Public hearing notices were sent out to all property owners within 300 feet of the site. In addition, in an effort to ensure the surrounding area had an opportunity to comment on the project, an extended area was also notified. See the map at Attachment 11 for the notice area.

Staff has received two phone calls from neighboring property owners. The callers were inquiring about the project and did not voice any concerns.

#### Environmental Clearance

The Planning staff has conducted an environmental review (Initial Study # 16-37) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Draft Mitigated Negative Declaration (i.e., no significant adverse environmental effects have been found that cannot be mitigated to be less than significant) is being recommended (Attachment 12).

#### Planning Commission Action

The Planning Commission held a duly noticed public hearing on this matter on April 19, 2017. At the meeting, four people spoke in favor of the project and Casey Steed spoke in opposition. His concerns were the sequence in which the development of the site was occurring and the lack of illumination for the bike path leading to the UC. He also felt an undercrossing for bikes should be provided at the intersection of Lake Road and Yosemite Avenue to allow bicyclists to safely cross Yosemite Avenue. After hearing the public testimony, the Planning Commission voted unanimously to recommend approval of this project to the City Council. Planning Commission Resolution #3082 is provided at Attachment 7. An excerpt of the Draft Planning Commission Minutes is provided at Attachment 8, and the Planning Commission staff report is provided at Attachment 9.

#### City Council Action

In order to approve General Plan Amendment #16-06, Zone Change #424, and the Establishment of Planned Development (P-D) #76, the City Council should adopt the Resolution at Attachment 13, introduce the Ordinance at Attachment 14, and authorize the City Manager or Assistant City Manager to execute the Developer Agreement at Attachment 15.

## **IMPACT ON CITY RESOURCES**

The project is required to annex into the City's Community Facilities District (CFD) #2003-2 for services. The funds collected through the CFD would help cover the costs of Police and Fire protection as well as landscape maintenance for landscaping in the public right-of-way, as well as storm drain maintenance. No other impacts to City services are anticipated.

## **ATTACHMENTS**

1. Location Map
2. Proposed Land Use Designation Changes
3. Site Plan
4. Development Standards for P-D #76
5. Findings for P-D #76
6. Elevations
7. Planning Commission Resolution #3082
8. Planning Commission Draft Minutes Excerpt
9. Planning Commission Staff Report
10. Floor Plans
11. Public Notice Area
12. Environmental Review (Initial Study #16-37)
13. Draft City Council Resolution
14. Draft Ordinance
15. Developer Agreement
16. Council Member Belluomini Suggested Changes