



## Legislation Details (With Text)

**File #:** 15-035      **Version:** 1      **Name:**  
**Type:** Public Hearing Item      **Status:** Passed  
**File created:** 6/8/2015      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority  
**On agenda:** 8/3/2015      **Final action:** 8/3/2015  
**Title:** SUBJECT: Public Hearing - General Plan Amendment #15-02, Site Utilization Plan Revision #18 to Planned Development (P-D) #4 - Southeast Corner of Olive Avenue and M Street

### REPORT IN BRIEF

Request to change the General Plan designation from Commercial Office (CO) to Neighborhood Commercial (CN) and the Site Utilization Plan designation from "Financial Institution" to "Retail Commercial."

### RECOMMENDATION

City Council - Adopt a Motion

A. Adopting Resolution 2015-31, a Resolution of the City Council of the City of Merced, California, approving a Negative Declaration for General Plan Amendment #15-02 and Site Utilization Plan Revision #18 to Planned Development (P-D) #4 and approving General Plan Amendment #15-02 changing the Land Use Designation from Commercial Office (CO) to Neighborhood Commercial (CN) for a 0.92-acre parcel located at the southeast corner of Olive Avenue and M Street; and,

B. Introducing Ordinance 2446, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #18 to Planned Development (P-D) #4 changing the designation from "Financial Institution" to "Retail Commercial" for a 0.92 acre parcel generally located at the southeast corner of Olive Avenue and M Street; and,

C. Approving the Developer Agreement and Authorizing the City Manager to execute the necessary documents.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Att 1 - Location Map\_reduced.pdf, 2. Att 2 - Land Use Changes.pdf, 3. Att 3 - Site Plan\_reduced.pdf, 4. Att 4 - Site Plan\_Driveways\_reduced.pdf, 5. Att 5 - Residential Uses\_reduced.pdf, 6. Att 6 - MMC Section 20.22.020 CN Zone.pdf, 7. Att 7 - Building Elevations.pdf, 8. Att 8 - IS #15-09\_GPA #15-02\_SUP Rev #18 to PD #4.pdf, 9. Att 9 - Res #3052 GPA#15-02-SUP REV#18 TO PD#4 Shemoil Moradzadeh M St and Olive.pdf, 10. Att 10 - Draft PC Minute Draft Excerpt (3).pdf, 11. Att 11 - SR #15-13 - GPA #15-02\_SUP Rev #18 to P-D #4\_Admin rpt Att.pdf, 12. Att 12 - Res\_GPA #15-02\_revised.pdf, 13. Att 13 - Draft Ord\_SUP Rev.pdf, 14. Att 14 - Developer Agrmt\_signed.pdf

Date	Ver.	Action By	Action	Result
8/3/2015	1	City Council/Public Finance and Economic Development Authority/Parking Authority	adopted	Pass

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

**SUBJECT: Public Hearing - General Plan Amendment #15-02, Site Utilization Plan Revision #18 to Planned Development (P-D) #4 - Southeast Corner of Olive Avenue and M Street**

**REPORT IN BRIEF**

Request to change the General Plan designation from Commercial Office (CO) to Neighborhood Commercial (CN) and the Site Utilization Plan designation from “Financial Institution” to “Retail Commercial.”

**RECOMMENDATION**

**City Council** - Adopt a Motion

- A. Adopting **Resolution 2015-31**, a Resolution of the City Council of the City of Merced, California, approving a Negative Declaration for General Plan Amendment #15-02 and Site Utilization Plan Revision #18 to Planned Development (P-D) #4 and approving General Plan Amendment #15-02 changing the Land Use Designation from Commercial Office (CO) to Neighborhood Commercial (CN) for a 0.92-acre parcel located at the southeast corner of Olive Avenue and M Street; and,
- B. Introducing **Ordinance 2446**, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #18 to Planned Development (P-D) #4 changing the designation from “Financial Institution” to “Retail Commercial” for a 0.92 acre parcel generally located at the southeast corner of Olive Avenue and M Street; and,
- C. Approving the Developer Agreement and Authorizing the City Manager to execute the necessary documents.

**ALTERNATIVES**

1. Approve, as recommended by the Planning Commission and staff; or,
2. Approve subject to modifications as conditioned by the City Council; or,
3. Deny; 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. Merced Municipal Code Section 20.42.080 grants the City Council authority to approve revisions to a Planned Development.

**CITY COUNCIL PRIORITIES**

Not applicable.

**DISCUSSION**

The subject site is an approximately 0.92-acre parcel located at the southeast corner of M Street and Olive Avenue (Attachment 1). The site is located within Planned Development (P-D) #4 and has a

General Plan designation of Professional/Commercial Office (CO). The Site Utilization Plan for P-D #4 shows this site designated for a “Financial Institution.” The applicant is requesting a change to the General Plan land use designation from CO to Neighborhood Commercial (CN) and a change to the designation on the Site Utilization Plan map from “Financial Institution” to “Retail” (Attachment 2).

The existing building on the site is approximately 11,500 square feet and 43 parking spaces are provided (Attachment 3). The site is adjacent to other retail and office uses which share access from both Olive Avenue and M Street (Attachment 4). There is also access available from College Green Drive to the east of the site.

The General Plan describes the Neighborhood Commercial designation as an area “for retail shopping areas, primarily in shopping centers, containing a wide variety of businesses including retail stores, eating and drinking establishments, commercial recreation, auto services, etc., to serve residential neighborhoods.” Although there are no residential uses immediately adjacent to the site, there are a number of apartments nearby and single-family dwellings within ¼ mile of the site (Attachment 5) which could be served by the Neighborhood Commercial uses that would be allowed if this request is approved.

By changing the General Plan designation to Neighborhood Commercial and the Site Utilization Plan designation to “Retail”, the types of uses allowed at the site would be broader allowing not only retail uses, but also service-related uses (i.e., beauty salons, nail salons, massage establishments) and business or professional offices (refer to Attachment 6 for a list of allowable uses). Therefore, the existing tenants could remain if desired. No plans are being proposed to make any changes to the site or the building at this time.

### Background

In 1972, the original 3,375-square-foot building was constructed for Gibraltar Savings and Loan. In 1993, an approximately 8,000-square-foot addition was constructed. Shortly thereafter, an urgent care occupied the majority of the building. Since that time, different office uses have occupied the building. Currently there is a specialty footwear business and a tax preparation business occupying portions of the building.

### Traffic/Circulation

The Institute of Transportation Engineers (ITE) Trip Genera Manual (8th Edition) is used to estimate the number of trips generated by a particular use. However, not all specific uses are identified in the manual. Because specific tenants have not been identified, it is difficult to predict traffic generation for this project. It is likely that at least two tenants would share the building, but given the relatively small size of the building (11,500 s.f.), it does not meet the definition provided by the ITE Manual of a specialty retail center. The use that most closely matches possible future tenants and provides a good average for the variety of uses that could be allowed would be that of a Department Store. The table below provides trip generation information based on an 11,500-square-foot department store and a comparison of the trips generated by the retail use verses the trips generated by the existing office uses. The Average Daily Trips for both uses is based on the rate per 1,000 square feet of floor area. The Peak Hour Trips (PHT's) is also based on the rate for one hour between 4 and 6 p.m. per 1,000 square feet of floor area.

Use	ADT Rate/ 1,000 s.f.	Total ADT	PHT Rate*/ 1,000 s.f.	Total PHT
Department Store	22.88	263.12	1.78	20.47

General Office	11.01	126.62	1.49	17.14
*Peak Hour Rate - One hour between 4 and 6 P.M.				

As shown above, the retail uses would increase the Average Daily Trips by slightly more than double the general office rate. According to the *Merced Vision 2030 General Plan*, Olive Avenue between M Street and G Street currently has a volume 28,210 ADT's and M Street between Bear Creek and Olive Avenue currently has a volume of 21,140 ADT's. The traffic generated by the retail uses would be equal to 0.9% of the total traffic volume for Olive Avenue between M and G Streets. On M Street between Bear Creek and Olive Avenue, the retail uses would be equal to 1.2% of the total traffic volume. By comparison the general office uses represent 0.5 % of the traffic volume on Olive Avenue and 0.6% of the traffic volume on M Street. The overall traffic volume estimated for the retail uses is less than a significant increase compared to the existing trips generated by the office uses. The proposed change in future tenants would not reduce the current level of service for Olive Avenue or M Street below their existing level of service (LOS) C+.

The site has several access points (Attachment 4). The driveway on M Street is located completely on this parcel and provides the main access for someone entering the site from M Street. The driveway on Olive Avenue is shared with the parcel to the east (where Starbucks is located). This driveway would be the primary access for vehicles entering from Olive Avenue. There is an additional driveway that shares access to this property located south of the primary driveway on M Street. There is also a driveway on College Green Drive providing access to the site through the adjacent parcels to the east. There are no changes proposed to the access.

### Parking

There are 43 parking spaces provided on the site. This would be sufficient to serve most typical retail uses. However, the parking requirements for office, personal service and restaurant uses are slightly higher than for general retail uses. All future uses would be evaluated to determine if sufficient parking would be available to serve the use with consideration given for any existing uses within the building. If sufficient parking could not be provided, a use would not be allowed to locate at this site (Condition #9 of Planning Commission Resolution #3052 at Attachment 9).

### Building and Site Design

No changes are proposed to the existing building or the site. An aerial photo of the site and pictures of the building are provided at Attachments 3 and 7.

### Neighborhood Impact/Interface

There are no residential uses directly adjacent to the site. There is a Senior/Assisted Living facility located approximately 200 feet south of the site (refer to the Location Map at Attachment 1). All the other uses within the immediate area are commercial uses. The change to the allowable uses on this site is not expected to impact the neighborhood since the site is already being used for commercial uses. The proposed change is consistent with the other uses in the area.

There are several homes and apartments within a ¼ mile radius of the site which would be within walking distance of the site.

Public hearing notices were sent out to all property owners within 300 feet of the site prior to the Planning Commission meeting and again prior to the City Council meeting. To date, staff has not received any comments from the surrounding property owners.

### Environmental Clearance

The Planning staff has conducted an environmental review (Initial Study #15-09) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Draft Negative Declaration (i.e., no significant adverse environmental effects have been found) is being recommended (Attachment 8).

### Planning Commission Action

The Planning Commission held a duly noticed public hearing to consider this matter on June 17, 2015. At the meeting, there were no persons wishing to speak in opposition to the project and one person, the applicant's representative, speaking in favor of the project.

The Planning Commission voted 6-0 (1 vacancy) to recommend to the City Council approval of General Plan Amendment #15-02 and Site Utilization Plan Revision #18 to Planned Development (P-D) #4 and adopted Planning Commission Resolution #3052 (Attachment 9). An excerpt of the Draft Planning Commission Minutes are provided at Attachment 10 and a copy of the Planning Commission Staff Report #15-13 is provided at Attachment 11.

### City Council Action

If the Council wished to approve General Plan Amendment #15-02, staff recommends the adoption of the Draft Resolution at Attachment 12.

To approve Site Utilization Plan Revision #18 to Planned Development (P-D) #4, staff recommends the Council introduce the Draft Ordinance provided at Attachment 13.

The Council should also approve a motion to allow the City Manager to execute the Developer Agreement found at Attachment 14.

### **IMPACT ON CITY RESOURCES**

No new impacts on City Resources are anticipated with the approval of this request. This is an existing site currently being served by City utilities and Police and Fire protection. The proposed change would not increase the need for resources to the site.

### **ATTACHMENTS**

1. Location Map
2. Proposed Land Use Changes
3. Site Plan
4. Driveway Locations
5. Dwellings within ¼ mile of site
6. C-N Zone Uses
7. Building Elevations
8. IS #15-09
9. Planning Commission Resolution #3052
10. Draft Planning Commission Minutes Excerpt
11. Planning Commission Staff Report #15-13
12. Draft City Council Resolution

- 13. Draft Ordinance
- 14. Developer Agreement