



## Legislation Details (With Text)

<b>File #:</b>	19-075	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Public Hearing Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	1/31/2019	<b>In control:</b>	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency		
<b>On agenda:</b>	3/18/2019	<b>Final action:</b>	3/18/2019		

**Title:** SUBJECT: Public Hearing - Introduction of Ordinance No. 2500 Approving Site Utilization Plan Revision #6 to Planned Development (P-D) #46; and Adoption of Resolution 2019-09, Approving a Negative Declaration for Environmental Review #18-60, General Plan Amendment #18-03, Specific Plan Revision #4 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #6 to Planned Development (P-D) #46 to Allow Between 164 and 176 Apartments on a 10.73 Acre Site, Generally Located on the West Side of San Augustine Avenue, at Pacific Drive

### REPORT IN BRIEF

Introduces Ordinance No. 2500 and considers approving a Negative Declaration for Environmental Review #18-60, General Plan Amendment #18-03, Specific Plan Revision #4 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #6 to Planned Development (P-D) #46 to allow between 164 and 176 apartments on a 10.73 acre site, generally located on the west side of San Augustine Avenue, at Pacific Drive.

### RECOMMENDATION

City Council - Adopt a motion:

A. Adopting Resolution 2019-09, a Resolution of the City Council of the City of Merced, California, approving a Negative Declaration for General Plan Amendment #18-03, Revision #4 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #6 to Planned Development (P-D) #46 for 10.73 acres of land generally located on the west side of San Augustine Avenue at Pacific Drive and approving General Plan Amendment #18-03 for the same property changing the General Plan designation from Business Park (BP) to High-Medium Density Residential (HMD) and approving revision #4 to the Fahrens Creek specific plan changing the land use designation from "Mini-Storage" to "Multi-Family"; and,

B. Introducing Ordinance 2500, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #6 to Planned Development (P-D) #46 changing the land use designation from "Business Park" (BP) to "High-Medium Density Residential" (HMD) for 10.73 acres of land, generally located on the west side of San Augustine Avenue at Pacific Drive; and,

C. Authorizing the City Manager or the Assistant City Manager to execute the Legislative Action Agreement.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Location Map, 2. Site Plan, 3. Elevations, 4. Floor Plans, 5. E-mail from Fong Xiong, 6. Zoning Ordinance Table 20.10-1, 7. Initial Study #18-60, 8. Planning Commission Resolution #4013, 9. Planning Commission Staff Report #19-05, 10. Planning Commission Minutes Excerpt, 11. Draft City Council Resolution, 12. Draft Ordinance, 13. Legislative Action Agreement, 14. Presentation

Date	Ver.	Action By	Action	Result
3/18/2019	1	City Council/Public Finance and	approved as amended	Pass

Economic Development  
Authority/Parking  
Authority/Successor Agency to the  
Redevelopment Agency

*Report Prepared by: Julie Nelson, Associate Planner, Development Services Department*

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## RECOMMENDATION

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A. Adopting **Resolution 2019-09**, a Resolution of the City Council of the City of Merced, California, approving a Negative Declaration for General Plan Amendment #18-03, Revision #4 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #6 to Planned Development (P-D) #46 for 10.73 acres of land generally located on the west side of San Augustine Avenue at Pacific Drive and approving General Plan Amendment #18-03 for the same property changing the General Plan designation from Business Park (BP) to High-Medium Density Residential (HMD) and approving revision #4 to the Fahrens Creek specific plan changing the land use designation from “Mini-Storage” to “Multi-Family”; and,

B. Introducing **Ordinance 2500**, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #6 to Planned Development (P-D) #46 changing the land use designation from “Business Park” (BP) to “High-Medium Density Residential” (HMD) for 10.73 acres of land, generally located on the west side of San Augustine Avenue at Pacific Drive; and,

C. Authorizing the City Manager or the Assistant City Manager to execute the Legislative Action Agreement.

## ALTERNATIVES

1. Approve the request as recommended 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 the 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

The proposed project site is approximately 10.73 acres and is located on the west side of San Augustine Avenue at Pacific Drive (Attachment 1). The proposal would allow the change in the General Plan Land Use designation from Business Park (BP) to High Medium Density Residential (HMD), a revision to the Fahrens Creek Specific Plan, and a Site Utilization Plan Revision to Planning Development (P-D) #46 changing the land use designation for both the Specific Plan and the Site Utilization Plan from “mini-storage” to “multi-family.” The proposed changes would allow the construction of an apartment complex, a community building, swimming pool, children’s play area, dog park, and associated parking for the complex (refer to the site plan at Attachment 2).

The proposed apartment complex was originally supposed to consist of 176 units with a mixture of one and two bedroom apartments within 24 buildings. However, in order to accommodate a Fire Lane as required by the Fire Department, the site plan was revised and the total number of units decreased to 164 units (Attachment 2). In order to allow flexibility in their design, the Planning Commission and Planning staff have recommended the project be approved to construct between 164 and 176 units. Allowing the range of units between 164 and 176 provides additional flexibility in their site design. However, the fire lane must be included in any design they choose to move forward with for final approval.

The current plans include two building types - Building A and Building B. Each Building A would be a two-story building with a total of 8 units per building consisting of a mixture of one and two bedroom units. Each Building B would also be a two-story building with four units per building consisting of only two bedroom units. Building elevations and floor plans are included with Attachments 3 and 4. The developer is continuing to refine the plans for this project and may add a third building type that would include a six-unit building.

Once the applicant has determined the final site details, building design, and unit count, a Site Plan Review application would be required to finalize the project details (Condition #9 of Planning Commission Resolution #40). Additional details regarding the project design are available in Planning Commission Staff Report #19-05 at Attachment 9.

### Site Design

The project site is bounded on the east by San Augustine Avenue and on the west by SR 59. Access is prohibited to SR 59, except for an Emergency Vehicle Access (EVA). All access to the site is off of San Augustine Avenue.

The project site is somewhat unique in that it has PG&E transmission towers running through the site approximately 65 to 70 feet south of the northern property line. PG&E restricts the types of uses that can be placed underneath the power lines and transmission towers. Parking is typically allowed underneath the power lines and around the towers, but buildings would not be allowed. Condition

#23 of Planning Commission Resolution #4013 requires written documentation from PG&E allowing the parking underneath the power lines.

Given the location of the power lines, the site is very challenging to develop either as commercial or multi-family. The proposed project keeps the buildings as far away as possible from the residential, but does place the parking underneath the power lines making them closer to the residential uses. An approximately 10-foot-wide drainage swale is located along the northern property line. The drive aisle for entering the site is adjacent to the drainage swale and is approximately 30 feet wide, putting the first row of parking spaces approximately 40 feet from the property line.

### Traffic/Circulation

The project site is located on the west side of San Augustine Avenue at Pacific Drive. The site abuts SR 59 to the west. San Augustine Avenue and Pacific Drive are both designated as Collector Roads on the City's Circulation Plan. San Augustine Avenue connects to Yosemite Avenue (an arterial roadway) approximately one-quarter mile south of the project site. Pacific Drive connects to R Street (an arterial roadway) just over one-half mile east of the project site. Access to the project site would be from San Augustine Avenue with an entrance only driveway providing access into the site and an exit-only driveway leaving the site (refer to the Site Plan at Attachment 2).

The intersection of Yosemite Avenue and San Augustine Avenue would be signalized in the future (this development is conditioned to pay a percentage of the cost for this traffic signal - refer to Condition #12). Currently, the intersection has a four-way stop. The City is currently working on a project to widen Yosemite Avenue from San Augustine Avenue west to SR 59.

Access from Pacific Drive onto R Street would allow right turns only. A U-turn could be made at Yosemite Avenue. However, R Street currently dead-ends just north of Pacific Drive. In the future, R Street would be extended north to Bellevue Road and ultimately further north to the end of the City Limit.

Access to Yosemite Avenue could also be made using El Redondo Drive and Compass Pointe Avenue. El Redondo Drive is a north/south collector road approximately one-quarter mile east of the site off of Pacific Drive. The intersection of El Redondo Drive and Yosemite Avenue is signalized. Compass Pointe Avenue is approximately one-half mile from the site and is also a collector road. Access to Yosemite Avenue at this intersection is restricted to right-turns only.

San Augustine Avenue will eventually extend north to intersect with Cardella Road which would provide additional access to the north, east, and west.

In addition to the Class I bike path near the site, Class III bicycle lanes are provided on San Augustine Avenue, Pacific Drive, El Redondo Drive, Yosemite Avenue, and R Street. There is also a bus stop located at El Redondo Drive and Aurora Drive less than one-quarter mile from the project site.

The Institute of Transportation Engineers (ITE) Trip Generation Rates Manual (8<sup>th</sup> Edition) is used to estimate the number of trips generated by a particular use. The Manual lists the number of estimated average daily trips (ADT's) based on the total gross square feet of storage area. Based on an analysis of other mini-storage facilities within the City, the average square feet of storage area per acre is approximately 21,000 square feet. Using this factor, the 10.83-acre project site could

accommodate approximately 227,430 square feet of storage area. Based on this calculation, the total ADT's for a mini-storage use at this location would be 569 average daily trips. In comparison, the proposed apartment project would generate 1,170 ADT's. However, given the proximity of the project site to a bus stop and easy access to bicycle lanes, it's expected that the total ADT's would be reduced by at least 10%. Additionally, given the fact that the project is adjacent to two collector streets which provide easy access to arterial roadways, the additional traffic is not expected to have a significant impact to the area.

### Parking

Parking for multi-family dwellings is calculated based on the number of units, the number of bedrooms, and the number of bathrooms per the Zoning Ordinance. The total number of spaces required for the apartment complex would be 272 spaces (based on 176 units). As proposed, the site would provide 296 stalls.

The majority of the parking for the project would be provided on the north side of the apartment buildings, underneath the PG&E power lines. No structures could be built in this area, therefore, the parking spaces would be uncovered. However, consistent with City Standards for Parking Lots and as required by Condition #30, parking lot trees would be required at a ratio of one tree for every six parking spaces. There are a few parking spaces that would be closer to the buildings which could possibly be covered. This area would accommodate the required handicap accessible parking stalls in addition to about 40 other stalls.

### Neighborhood Impact

The proposed land use change and subsequent apartment complex would increase the number of people in the area as well as the traffic in the area. However, as previously described, given the project location and easy access to collector and arterial streets, as well as public transit and bicycle lanes, the traffic is not expected to over-burden the area.

Additional light and glare would be created from the site. Condition #34 requires that all exterior lighting be oriented so that it does not spillover onto adjacent properties. As previously described, the parking spaces would be at least 40 feet from the property line of the adjacent residential uses. Any light standards would typically be placed in the middle of the parking area which would make them approximately 60 feet from the property line. With the implementation of Condition #34, light and glare from the project should not impact the adjacent dwellings any more than a commercial development would if the site were developed under the current land use designations.

The project would introduce new noise sources to the area. Vehicles would be entering and leaving the site on a regular basis via the drive way on San Augustine Avenue. The entrance side of the drive aisle would be approximately 10 feet from the northern property line and approximately 20 to 30 feet from the residences. A typical residence is set back 20 feet from a street.

The two-story apartment buildings would be approximately 120 feet from the residential properties to the north. There are several two-story homes along the northern property line, facing La Sierra Court. All of the adjacent homes to the north have at least a ten-foot setback from the rear property line, bringing the distance between the closest apartment building to 130 feet. The homes along Pacific Drive are slightly closer at 100 feet away, but have a collector street separating them from the apartments which would help reduce any potential impacts.

Subsequent to the Planning Commission meeting, staff received an e-mail from Fong Xiong, who owns property adjacent to the site along La Sierra Street (Mr. Xiong's e-mail is available at Attachment 5). Mr. Xiong's e-mail expressed concerns related to traffic (vehicular and pedestrian), light, noise, and vandalism and graffiti. Mr. Xiong asked if there were any requirements for a block wall between the proposed apartment complex and the existing single-family homes.

The City's General Plan and Zoning Ordinance do not require a block wall between multi-family and single-family development. As previously discussed in this report, a block wall is required between residential and commercial uses.

### Land Use/Density Issues

The project site is currently designated on the General Plan Land Use Diagram as Business Park and is shown as "Mini-Storage" on the Fahrens Creek Specific Plan and the Site Utilization Plan for Planned Development (P-D #46). According to the General Plan, a Business Park designation is "to provide areas for a mix of commercial, office, and industrial uses with shared access and parking facilities. Uses could include a wide variety of light manufacturing, warehousing, office, research and development, and service business activities."

According to the City's Zoning Ordinance, residential uses would not be allowed within a Business Park (B-P) zone. Principally permitted uses include parking facilities, research and development, reverse vending machines (recycling facilities), and other similar uses. The Zoning Ordinance also lists a variety of uses that would be allowed with Conditional Use Permit or Site Plan Review approval. Please refer to the Zoning Ordinance excerpt at Attachment 6.

The Zoning Ordinance also has parking and development standards for commercial uses adjacent to a residential uses. Section 20.38 I (2) (c) requires commercial parking lots abutting residential zoning districts to have a solid wall with a minimum height of 6 feet. However, there are no parking standards for multi-family uses adjacent to single-family uses.

The proposed General Plan land use designation change to High/Medium Density (HMD) Residential allows 12 to 24 units per acres. The proposal of 176 units would have a density of 16 units per acre and if the project is reduced to 164 units, the density would be 15 units per acre. The density from both scenarios fall within the allowable density for the General Plan designation of High/Medium Density (HMD) Residential and would be compatible with the nearby residential uses.

### Environmental Clearance

The Planning staff has conducted an environmental review (Initial Study # 18-60) 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 7).

### Planning Commission Action

The Planning Commission held a duly noticed public hearing on this matter on January 23, 2019. At the meeting, the project proponent spoke in favor of the project and no one spoke in opposition. The Planning Commission voted 7 ayes, 0 noes, to recommend approval of Environmental Review #18-

60, General Plan Amendment #18-03, Revision #4 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #6 to Planned Development (P-D) #46. Planning Commission Resolution #4013 is provided at Attachment 8. Planning Commission Staff Report #19-05 is available at Attachment 9 and an excerpt from the Planning Commission minutes of January 23, 2019, is available at Attachment 10.

### City Council Action

The Planning Commission and Planning Staff recommend approval of Environmental Review #18-60, General Plan Amendment #18-03, Revision #4 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #6 to Planned Development (P-D) #46. In order for the Council to approve these items, a motion should be made to adopt the Resolution at Attachment 11, introduce the Ordinance at Attachment 12, and authorize the City Manager or Assistant City Manager to execute the Legislative Action Agreement at Attachment 13.

### **IMPACT ON CITY RESOURCES**

As a condition of approval, the project would be required to annex into the City's Community Facilities District (CFD) for services. Once building permits are issued for construction of the project, the City would be able to begin collecting funds to cover the costs of Police and Fire protection, landscape maintenance (in the public right-of-way), storm drain maintenance, and the costs for street lights.

### **ATTACHMENTS**

1. Location Map
2. Site Plan
3. Elevations
4. Floor Plans
5. E-mail from Fong Xiong
6. Zoning Ordinance Table 20.10-1
7. Initial Study #18-60
8. Planning Commission Resolution #4013
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