

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #19-09 - Addendum

AGENDA ITEM: 4.3

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: April 3, 2019
(Continued from
March 20, 2019)

PREPARED BY: Francisco Mendoza-Gonzalez,
Associate Planner

CITY COUNCIL
MEETING DATE: May 6, 2019
(Tentative)

SUBJECT: **General Plan Amendment #19-01 and Vacation #18-01**, initiated by the City of Merced. This application involves the review and recommendation to the City Council for a request to modify the City of Merced Circulation Plan (Figures 4.1 and 4.2) and all associated maps and descriptions throughout the General Plan, to vacate excess right-of-way and easements along Mission Avenue, between Coffee Street and State Highway 99. *PUBLIC HEARING*

ACTION: PLANNING COMMISSION:

Recommendation to City Council

- 1) Environmental Review #19-07 (Categorical Exemption)
- 2) General Plan Amendment #19-01

Finding:

Approve/Disapprove/Modify

- 1) The proposed Vacation #18-01 is consistent with the General Plan.

CITY COUNCIL:

Approve/Disapprove/Modify

- 1) Environmental Review #19-07 (Categorical Exemption)
- 2) General Plan Amendment #19-01

SUMMARY

The City of Merced initiated this request for a General Plan Amendment (GPA #19-01) after receiving a request from Shemoil Moradzadeh to vacate Mission Avenue, west of Coffee Street (Vacation #18-01). The General Plan Amendment involves the Planning Commission making a recommendation to the City Council regarding this request to modify the City of Merced Circulation Plan (Figures 4.1 and 4.2 – see Attachments D and E) and all associated maps and descriptions throughout the General Plan, to vacate excess right-of-way and easements along

Mission Avenue, between Coffee Street and State Highway 99. The Street Vacation would require the Planning Commission to adopt a Finding determining whether the Vacation is consistent with the General Plan, contingent upon the General Plan Amendment being approved by the City Council. The General Plan Amendment and Street Vacation would subsequently go before the City Council for action. If this request is approved by the City Council, the northern portion of Mission Avenue would be transferred to the parcel to the north (to be used for commercial development), and the southern portion of Mission Avenue would most likely be transferred to either Caltrans or Merced County.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend to the City Council approval of Environmental Review #19-07 (Categorical Exemption) and General Plan Amendment #19-01 (including the adoption of the Resolution at Attachment H), as proposed in Findings A through D below, contingent on the acceptance of the Title Report by the City Attorney.

In addition, Planning staff recommends that the Planning Commission adopt a Finding showing that the proposed Vacation is consistent with the General Plan, contingent on the General Plan Amendment (#19-01) being approved by the City Council and acceptance of the Title Report by the City Attorney.

BACKGROUND AND DISCUSSION

Mission Avenue is a 6-mile stretch of road on the southernmost boundary of the City limits that goes between City and County jurisdictions, and in certain areas, is solely located within County jurisdiction (Attachment D). Mission Avenue is oriented to facilitate traffic traveling east and west, from S. Tower Road to S. West Avenue. Mission Avenue traffic flow was disrupted around 2011, when Caltrans completed the Mission Avenue/Campus Parkway interchange. This new interchange prevented traffic on Mission Avenue from traveling directly across Highway 99.

The portion of Mission Avenue that the City is proposing to vacate (described at Attachment B and shown at Attachment C) was highly impacted by the realignment of Highway 99, and the creation of the Mission Avenue/Campus Parkway interchange. The subject site is a mostly undeveloped 400-foot portion of Mission Avenue with limited public improvements that spans between S. Coffee Street and Highway 99. If this portion of Mission Avenue were to be constructed, it would come to a terminus along the N. Highway 99 off-ramp. This portion of Mission Avenue can no longer facilitate traffic over Highway 99 like originally intended. Instead, drivers wanting to travel over Highway 99 can use the nearby Campus Parkway/Mission Avenue overpass (shown at Attachment A) to drive to the other side of Mission Avenue. City staff, including the Engineering Department, have reviewed this request and have concluded that this portion of Mission Avenue is no longer needed to help facilitate traffic or significantly improve the Level of Service/Vehicle Miles Traveled in this area when the surrounding parcels are eventually fully developed with commercial projects. Vacating the subject site would give the City the added fiscal benefit of having less roads to maintain.

Vacating the Southern Portion of Mission Avenue

If the street vacation is to be approved, the southern portion of Mission Avenue would most likely be transferred to Merced County or Caltrans. The property to the south belongs to Merced County and is located within their jurisdiction. Merced County uses this property as a storm drain basin, much of which is intended to serve the future Gateway Merced Shopping Center. This storm drain basin would remain accessible from S. Alfalfa Road, thus not needing access from the subject site, i.e., Mission Avenue.

Vacating the Northern Portion of Mission Avenue

If the street vacation is to be approved by the City Council, the northern portion of Mission Avenue would be transferred to the parcel to the north. The property owner of this site is Shemoil Moradzadeh and he intends to use his adjacent 7.5-acre site to develop a commercial center. Mr. Moradzadeh is currently in the process of submitting plans for his commercial center. Attachment F shows Mr. Moradzadeh's draft proposal which includes a 5-story hotel (with 134 rooms) directly adjacent to the vacation site. The commercial center would also include 3 fast food restaurants, 2 sit-down restaurants, and one gas station at the corner of Campus Parkway and S. Coffee Street. The commercial center would have 3 driveways from S. Coffee Street, including one from the vacation site. The applicant would like to utilize the vacated portion of Mission Avenue to provide more parking for his commercial center. Mr. Moradzadeh believes that the added parking stalls can be of significant value to his development given that the hotel is expected to have grand ball rooms for parking intensive events such as conferences, weddings, quinceaneras, family reunions, and other functions.

Mr. Moradzadeh's proposal would be consistent with the site's Zoning Classification and General Plan designation, which is Thoroughfare Commercial (CT). The CT designation allows uses that are commonly seen along highways. Because of the development's consistency with land use, it is likely that this proposal can go before the City's Site Plan Review Committee for review. However, before submitting plans, Mr. Moradzadeh and his architect would like to know if they can include the vacation area on their site plan for official consideration. The developer would like to begin this project as soon as possible. Certain other elements of Mr. Moradzadeh's commercial center might be brought to the Planning Commission in the future for special land use approvals, such as alcohol sales for off-site consumption and a large freeway freestanding sign.

Amendments to the Merced Vision 2030 General Plan

- A) The proposed General Plan Amendment would modify Merced Vision 2030 General Plan Figure 4.1 ("City of Merced Circulation Plan") and Figure 4.2 ("Major Regional Routes), as shown at Attachments D and E. These figures would be amended to eliminate the portion of Mission Avenue, between S. Coffee Street and State Highway 99.

Vacation

- B) If the General Plan Amendment (#19-01) is approved, the proposed Abandonment would be consistent with the General Plan. Planning staff recommends the Planning Commission adopt a Finding showing that the proposed Vacation would be consistent with the General Plan, contingent on the General Plan Amendment being approved.

Title Report

- C) It is unclear as to whether Merced County or Caltrans would be the property owner who would receive the southern portion of Mission Avenue if abandoned. The City Attorney's Office has ordered a Title Report. The City Attorney has recommended that the Planning Commission's action on these items be contingent on the City Attorney's acceptance of the Title Report. The items will also not move forward to the City Council without the Title Report being accepted.

Environmental Clearance

- D) Planning staff conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment G).

Attachments:

- A) Location Map
- B) Legal Description
- C) Vacation Map
- D) City of Merced Circulation Plan (Figure 4.1)
- E) City of Merced Major Regional Route (Figure 4.2)
- F) Proposed Adjacent Development
- G) Categorical Exemption
- H) Draft Planning Commission Resolution



ATTACHMENT A

EXHIBIT A

SUMMARY VACATION OF EXCESS RIGHT OF WAY AND EASEMENTS ALONG MISSION AVENUE BETWEEN COFFEE STREET AND STATE HIGHWAY 99

LEGAL DESCRIPTION

All that certain real property being portions of Mission Avenue as shown on the Map of Merced Colony, recorded in Volume 4 of Official Plats at Page 24, Merced County Records, lying in the southeast quarter of Section 33, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, as shown on the Map of Smith's Merced Tract recorded in Volume 5 of Official Plats at Page 4, Merced County Records, lying in the northeast quarter of Section 4, Township 8 South, Range 14 East, Mount Diablo Base and Meridian, as shown on the Parcel Map for L. J. Steiner, LLC recorded in Volume 99 of Parcel Maps at Pages 25-27, Merced County Records, lying in the southeast quarter of Section 33, Township 7 South, Range 14 East, Mount Diablo Base and Meridian and Record of Survey for Department of Transportation recorded Volume 49 of Record of Surveys at Pages 45-50, Merced County Records, in the City of Merced and the County of Merced, State of California, described as follows:

COMMENCING at the southeast corner of said Section 33, thence along the south line of said Section 33 and the center line of Mission Avenue as shown on said Map of Smith's Merced Tract, North 89° 57' 17" West a distance of 15.441 to the **TRUE POINT OF BEGINNING** of this description; thence to a point on the south line of Mission Avenue as shown on said Map of Smith's Merced Tract, South 01° 20' 20" West a distance of 9.146; thence along the south line of said Mission Avenue to point on the east line of State Highway 99, North 89° 57' 17" West a distance of 115.702; thence along the east line of State Highway 99 to the southwest corner of Parcel 4 of said Parcel Map for L. J. Steiner, LLC, North 20° 42' 03" West a distance of 21.837; thence along the south line of said Parcel 4 to the southerly southeast corner of said Parcel 4, South 89° 57' 17" East a distance of 119.473; thence along the southeast diagonal line of said Parcel 4 to a point on the west line of Coffee Street as shown on said Parcel Map for L. J. Steiner, LLC, North 44° 53' 52" East a distance of 6.420; thence to the **TRUE POINT OF BEGINNING**, South 01° 20' 20" West a distance of 15.833.

Containing 2,457 square meters, more or less.

As shown on Exhibit B attached hereto.

Subject to rights of record, if any.

All that certain easements defined as Public Utility Easement, Landscaping Strip Easement, Tree Planting Easement and Sidewalk Easement, 5.486 in width, northerly and adjacent to the south line of Parcel 4 as shown on the Parcel Map for L. J. Steiner, LLC recorded in Volume 99 of Parcel Maps at Pages 25-27, Merced County Records, lying in the southeast quarter of Section 33, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, in the City of Merced and the County of Merced, State of California, described as follows:

COMMENCING at the southeast corner of said Section 33, thence along the south line of said Section 33 and the center line of Mission Avenue as shown on the Map of Smith's Merced Tract recorded in Volume 5 of Official Plats at Page 4, Merced County Records, North 89° 57' 17" West a distance of 15.441; thence to the **TRUE POINT OF BEGINNING** of this description, a point on the west line of Coffee Street and the easterly south corner of Parcel 4 as shown on said Parcel Map for L. J. Steiner, LLC, North 01° 20' 20" East a distance of 15.833; thence along the southeast diagonal line of said Parcel 4 to the

ATTACHMENT B

southerly southeast corner of said Parcel 4 and a point on the north line of Mission Avenue as shown on said Parcel Map for L. J. Steiner, LLC, South 44° 53' 52" West a distance of 6.420; thence along the south line of said Parcel 4 to the southwest corner of said Parcel 4 and a point on the east line of State Highway 99, North 89° 57' 17" West a distance of 119.473; thence along the west line of said Parcel 4 and the east line of State Highway 99, North 20° 42' 03" West a distance of 5.867; thence parallel and offset 5.486 northerly with the south line of said Parcel 4, South 89° 57' 17" East a distance of 119.270; thence along a diagonal parallel and offset 5.486 northwesterly with the southeast diagonal of said Parcel 4 to a point on the west line of easements as shown as shown on said Parcel 4, North 44° 53' 52" East a distance of 7.108; thence perpendicular to and a point on the east line of Coffee Street as shown on said Parcel Map for L. J. Steiner, LLC, North 89° 44' 37" East a distance of 1.764; thence to the **TRUE POINT OF BEGINNING**, along the west line of Coffee Street as shown on said Parcel Map for L. J. Steiner, LLC, South 00° 15' 23" East a distance of 5.984.

Containing 697 square meters, more or less.
As shown on Exhibit B attached hereto.
Subject to rights of record, if any.

Unless otherwise noted, all distance are grid and linear units are meters. To convert to U. S. survey feet, multiply by 3937/1200 per Section 8810 of the Public Resource Code.

The CGF (Combined Factor) is used to convert a ground distance to a grid distance.

CGF = 0.99995896
Map Angle = -0°02'03.4848"
Scale Factor = 0.99996255



8/14/2018



99 PM 26
PARCEL 2

CAMPUS PARKWAY



SCALE 1:40



8/14/2018

CITY OF MERCED

99 PM 26
PARCEL 3

99 PM 26
PARCEL 4

MAP OF
MERCED COLONY
4 OP 24, MCR

T.7 S., R.14., M.D.B.&M.
SECTION 33

5.486 WIDE EASEMENTS PER
PM FOR LOUIS J. STEINER
85 PM 13, MCR
TO BE VACATED

N89°44'37"E 1.764
N44°53'52"E 7.108
N44°53'52"E 6.420

5.984
AREA TO BE VACATED
BY THE CITY OF MERCED
15.441

T.7 S., R.14., M.D.B.&M.
SECTION 34

COMMENCEMENT POINT
SE SECTION CORNER
SEC 33-T7S/R14E

TOWNSHIP LINE
N89°57'17"W

T7S
T8S

MISSION AVENUE
TOWNSHIP LINE N89°52'28"E
FARMDALE LATERAL

STATE OF CALIFORNIA
HIGHWAY 99

AREA TO BE VACATED
BY MERCED COUNTY

N89°10'22"E
RADIAL

CITY LIMITS
MERCED COUNTY

MAP OF
SMITH'S MERCED TRACT
5 OP 4, MCR

T.8 S., R.14., M.D.B.&M.
SECTION 4

SEGMENT 1
RIGHT OF WAY
RELINQUISHMENT MAP
MAP NO. 16704
4 MB 16, MCR

T.8 S., R.14., M.D.B.&M.
SECTION 3

REFERENCED RECORD DOCUMENTS

RELINQUISHMENT TO THE TO THE MERCED COUNTY
RECORDED 4/23/2011 AS DOC #2010-015160, MCR.
SEE STATE HIGHWAY MAP BOOK, RECORDED
3/1/2010 IN VOL 3 OF MB, PAGES 47-54, MCR,
AS DOC #2010-007437.

RELINQUISHMENT TO THE TO THE MERCED COUNTY
RECORDED 9/10/2015 AS DOC #2015-031922, MCR.
SEE STATE HIGHWAY MAP BOOK, RECORDED
7/1/2015 IN VOL 4 OF MB, PAGE 16, MCR,
AS DOC #2010-007437.

REFERENCED RECORD MAPS

RECORD OF SURVEY FOR
DEPARTMENT OF TRANSPORTATION
VOL 49 OF RS, PGS 45-50, MCR
AS DOC #2011-034339.

PARCEL MAP FOR L. J. STEINER, LLC
VOL 99 PM, PGS 25-27, MCR
AS DOC #2005-042066.

PARCEL MAP FOR LOUIS J. STEINER
VOL 85 OF PM, PGS 13-15, MCR
AS DOC #1999010846

NOTE

UNLESS OTHERWISE NOTED, ALL DISTANCES SHOWN ARE
GRID & LINEAR UNITS ARE METERS. TO CONVERT TO
U. S. SURVEY FEET, MULTIPLY BY 3937/1200 PER
SECTION 8810 OF THE PUBLIC RESOURCES CODE.

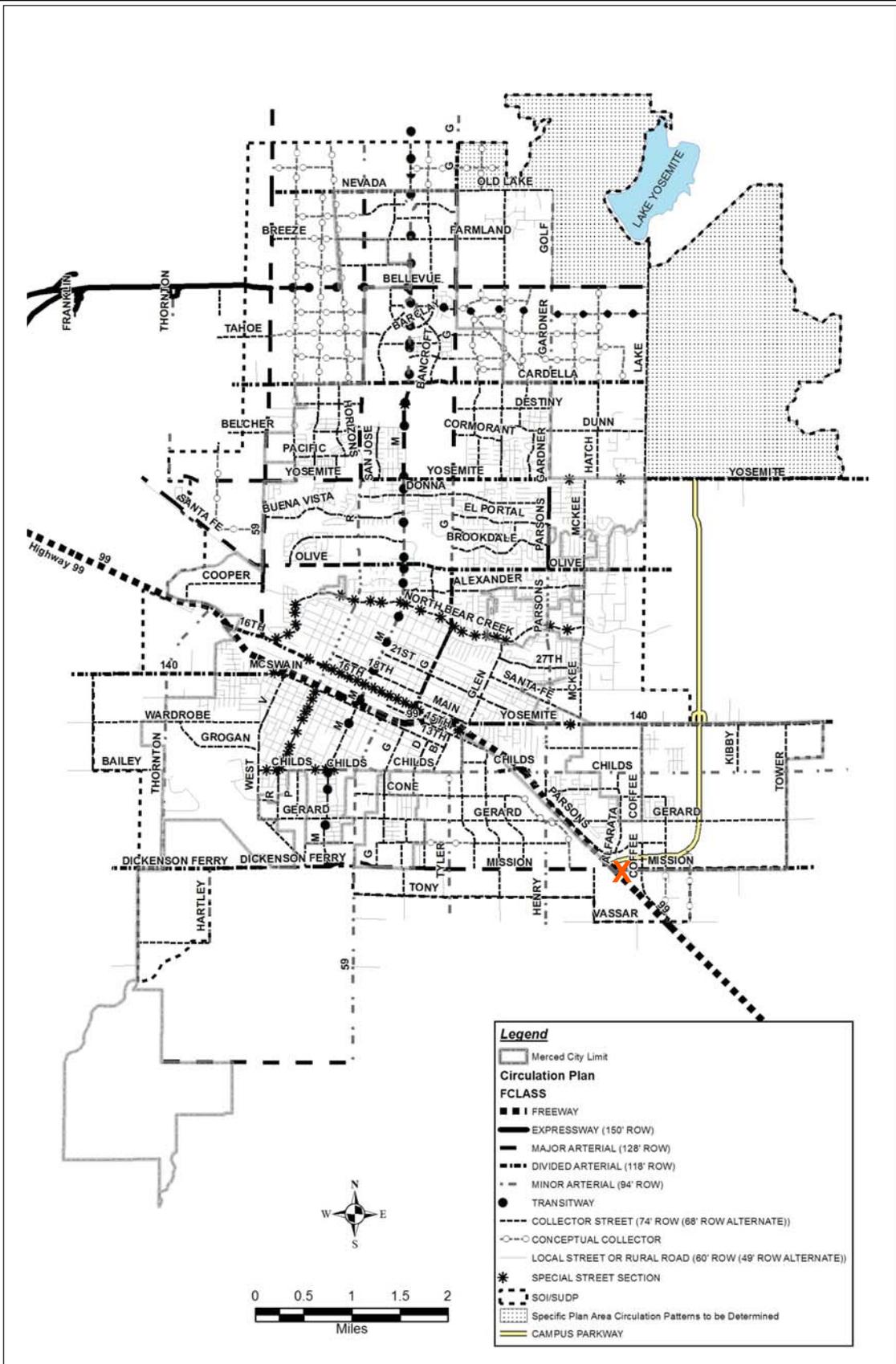
THE CGF (COMBINED FACTOR) IS USED TO CONVERT A
GROUND DISTANCE TO A GRID DISTANCE.

CGF = 0.99995896
MAP ANGLE = -0°02'03.4848"
SCALE FACTOR = 0.99996255

EXHIBIT B

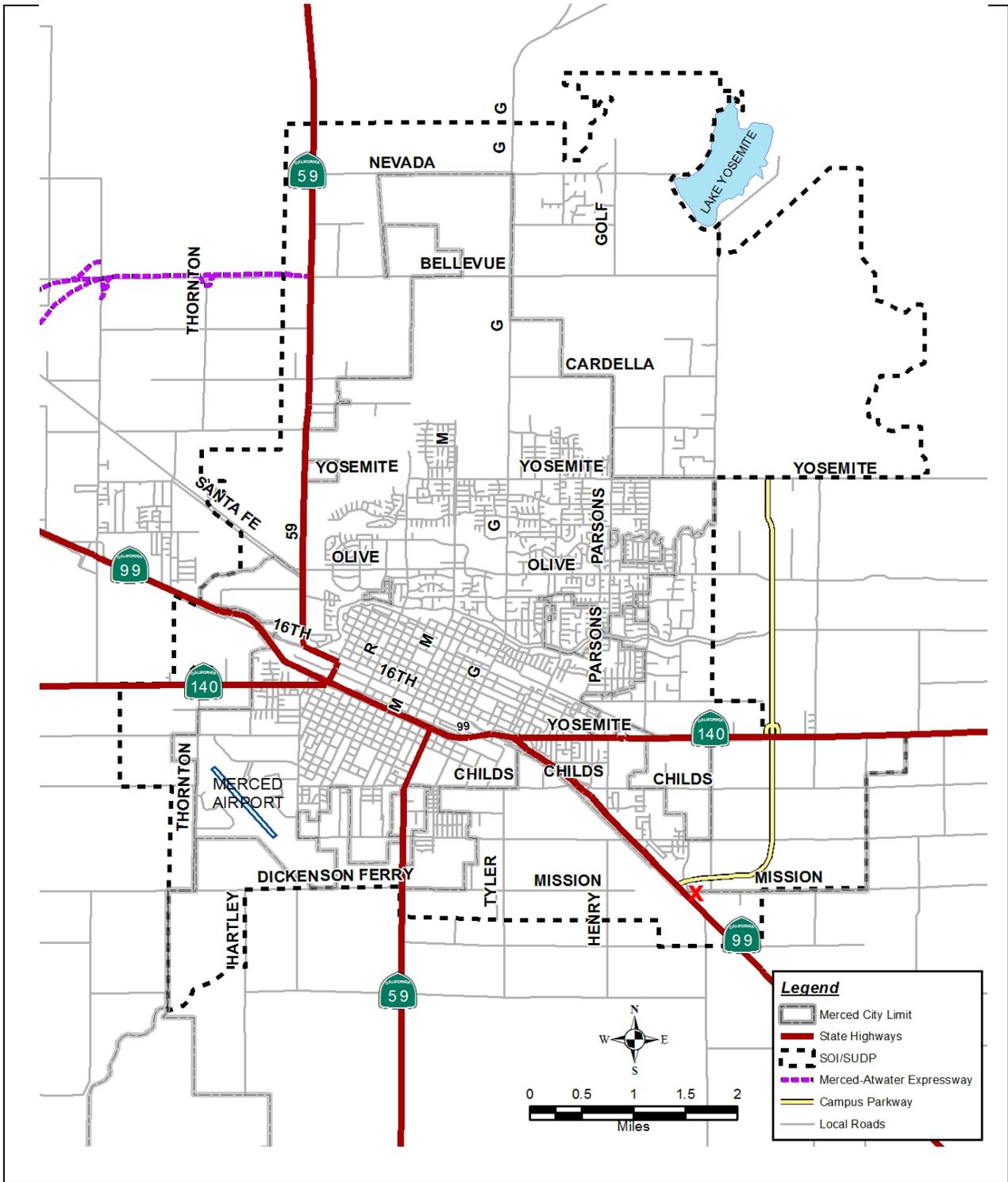
SUMMARY VACATION (ABANDONMENT)
OF EXCESS RIGHT OF WAY AND EASEMENTS
FOR PORTION OF MISSION AVENUE
PM FOR L. J. STEINER, LLC, VOL 99 OF PM, PGS 25-27, MCR
MAP OF MERCED COLONY, VOL 4 OF OP, PG 24, MCR
SE 1/4 OF SECTION 33, T.7S., R.14E., M.D.B.&M.
MAP OF SMITH'S MERCED TRACT, VOL 5 OF OP, PG 4, MCR
NE 1/4 OF SECTION 4, T.8S., R.14E., M.D.B.&M.
MERCED COUNTY, CALIFORNIA

ATTACHMENT C



CITY OF MERCED CIRCULATION PLAN

Figure 4.1



MAJOR REGIONAL ROUTES

Figure 4.2

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: GPA #19-01 (Environmental Review #19-07)

Project Applicant: City of Merced

Project Location (Specific): Mission Avenue, between S. Coffee St. and Highway 99

Project Location - City: Merced

Project Location - County: Merced

Description of Nature, Purpose, and Beneficiaries of Project: This application involves the review and recommendation to the City Council for a request to modify the City of Merced Circulation Plan (Figures 4.1 and 4.2) and all associated maps and descriptions throughout the General Plan, to vacate excess right-of-way and easements along Mission Avenue, between Coffee Street and State Highway 99.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: City of Merced

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State Type and Section Number: 15301 (a)
- Statutory Exemptions. State Code Number: _____.
- X General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: As defined under the above referenced Section, the proposed project is exempt from CEQA by the general rule that if it can be seen with certainty that there is no possibility that the activity in question can have a significant effect on the environment. This project involves a change to the City’s General Plan as described above. Such regulations by themselves do not have a direct effect on the environment as there is no physical change to the environment proposed at this time.

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez

Area Code/Telephone: (209) 385-6858

Signature:  **Date:** 2-18-2019 **Title:** Planner

Signed by Lead Agency Date Received for Filing at OPR: _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

**CITY OF MERCED
Planning Commission**

Resolution # _____

WHEREAS, the Merced City Planning Commission at its regular meeting of April 3, 2019, held a public hearing and considered **General Plan Amendment #19-01**, initiated by the City of Merced. This application involves the review and recommendation to the City Council for a request to modify the City of Merced Circulation Plan (Figures 4.1 and 4.2) and all associated maps and descriptions throughout the General Plan, to vacate excess right-of-way and easements along Mission Avenue, between Coffee Street and State Highway 99; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through D of Staff Report #19-09; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #19-07, and approval of General Plan Amendment #19-01.

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

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION # _____

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April 3, 2019

Adopted this 3rd day of April 2019

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary