

**CITY OF MERCED
Planning Commission**

Resolution #4111

WHEREAS, the Merced City Planning Commission at its regular meeting of April 5, 2023, held a public hearing and considered **General Plan Amendment #22-03**, initiated by Eric Plum on behalf of Gateway Park Development Partners, LLC, property owners. This application involves a request to change the General Plan roadway classification from Divided Arterial to Collector for a portion of Mission Avenue from Coffee Street east to the City Limit line at Tower Road (extended); and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through G of Staff Report #23-283 (Exhibit B); 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 approval of the Addendum to the *Merced Vision 2030 General Plan* Environmental Impact Report (Environmental Review #22-25) and General Plan Amendment #22-03, subject to the Conditions set forth in Exhibit A and the Findings set forth in Exhibit B, attached hereto and incorporated herein by this reference.

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 #4111

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April 5, 2023

Adopted this 5th day of April 2023

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

Conditions of Approval
Planning Commission Resolution #4111
General Plan Amendment #22-03

1. The General Plan roadway classification for the portion of Mission Avenue between Coffee Street and the east side of Plum Drive (extended) shall be changed from “Divided Arterial” to “Collector” as shown on the map at Attachment B of Planning Commission Staff Report #23-283.
2. The Circulation Plan of the *Merced Vision 2030 General Plan* (Figure 4.1) shall be updated to reflect this change.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City’s attorney’s fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City’s defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

5. The developer of the Merced Gateway Marketplace Shopping Center and all future development along this section of Merced Avenue shall construct the development's portion of Mission Avenue, which is equal to one-half of a collector equivalent, north of the center line on Mission Avenue, unless otherwise determined by the City Engineer. Construction shall include, but is not limited to, pavement, sidewalk, curb, gutter, street trees, streetlights, and landscaping in the park strip.
6. The developer of the Merced Gateway Marketplace Shopping Center shall initiate vacation proceedings to request the City vacate the excess right-of-way on Mission Avenue along the entire frontage of the Merced Gateway Marketplace property and the Lyon's property. This request shall be initiated at the developer's expense and shall be made prior to a Notice of Completion being issued for the work on Mission Avenue. Each property owner shall work with the Engineering Department to determine the location and width of public utilities easements. Existing easements may need to be adjusted as determined by the City Engineer.
7. The area along the Merced Gateway Marketplace frontage that is vacated as required by Condition #6 shall be fully landscaped to match the rest of the shopping center. The vacation area along the Lyon's property frontage shall be incorporated into their future development.

**Findings and Considerations
Planning Commission Resolution #4111
General Plan Amendment #22-03**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed change to the road classification would comply with the General Plan if the proposed amendment is approved by the City Council.

Zoning Code Compliance

- B) The Zoning Ordinance does not address changes to the General Plan Circulation Element and Circulation Plan.

Traffic/Circulation

- C) The proposal to change the segment of Mission Avenue from Coffee Street east to the City Limits at Tower Road (extended) was supported by a traffic analysis prepared by KD Anderson & Associates, Inc. (Attachment F of Planning Commission Staff Report #23-283). The analysis provided long-term daily traffic volumes and resulting traffic conditions under the current General Plan circulation plan. A transportation model obtained from the Merced County Association of Governments (MCAG) was utilized to determine the estimated traffic volume in the area. The applicable roadway classification for this segment of Mission Avenue was then determined based on the daily traffic volume and the General Plan's applicable Level of Service (LOS) thresholds.

A new 24-hour count collected on May 27, 2021, revealed that Mission Avenue from Coffee Street to Arboleda Drive (beyond the City Limits) currently operates at LOS C. The section of Mission Avenue from Coffee Street to Tower Road had 375 average daily trips (ADT's), of which 28 (7%) were trucks. Mission Avenue from Tower Road to Arboleda had 109 ADT's with 14 trucks (13%).

The results of the analysis show that if the segment of Mission Avenue from Coffee Street to the City Limits at Tower Road (extended) is reduced to a 2-lane Collector, the section from Coffee Street to approximately 1,300 feet east of Plum Drive (extended) would operate at LOS D. From this point to Tower Road (extended) would operate at LOS C. The *Merced Vision 2030 General Plan* identifies LOS D as an acceptable level of service. Therefore, even if

the classification for this segment is changed, it would still operate at a better level than is acceptable per the General Plan.

The Merced Gateway Marketplace Shopping Center is expected to have two driveway entrances from this segment of Mission Avenue. Local traffic from the immediate area could continue to use Mission Avenue, but with the extension of Pluim Drive, would also have access to Campus Parkway and Gerard Avenue without using this segment of Mission Avenue. A traffic signal would be installed at the intersection of Campus Parkway and Pluim Drive with a future phase of development within the shopping center. This will allow any traffic traveling north on Pluim Drive from Mission Avenue to have full turning movements. Currently, a four-way stop exists at the intersection of Coffee Street and Campus Parkway that allows left and right-hand turns. Campus Parkway runs parallel to this segment of Mission Avenue, therefore, the majority of traffic in this area would use Campus Parkway rather than Mission Avenue.

Public Improvements/City Services

D) If the requested change is approved, Mission Avenue would be constructed as a Collector with a 74-foot right-of-way (Attachment F). This would include the following:

- Two 12-foot-wide travel lanes (one in each direction)
- A 7-foot-wide parking area
- A 5-foot-wide bicycle lane
- A 7.5-foot-wide park strip
- A 5-foot-wide sidewalk
- A 6-inch gap between the sidewalk and the property line

The parking area, bicycle lane, park strip, and sidewalk would ultimately be required on both the north and south side of Mission Avenue. The Merced Gateway Marketplace project is required to install all improvements on the north side of the center line in Mission Avenue along their property frontage (Condition #5). As the other properties development, they would be required to install the improvements along their property frontage. The improvements south of the center line of Mission Avenue would be installed when the properties to the south develop.

Vacation of Right-of-Way

E) Currently, the City has acquired enough Mission Avenue right-of-way from the Merced Gateway Marketplace property and the Lyon's property to the east

to accommodate the width of a Divided Arterial (118-foot-wide). If the classification is reduced to a collector, the City will have excess right-of-way. Therefore, Condition #6 requires that the developer of the Merced Gateway Marketplace initiate a vacation application to request that the City vacate the excess right-of-way and return it to the Merced Gateway Marketplace property. The request should also include the vacation of the excess right-of-way in along the Lyon's property frontage. Condition #7 requires that the property vacated along the Merced Gateway Marketplace frontage be landscaped to match the rest of the shopping center landscaping. When the Lyon's property is developed, the vacated right-of-way would be incorporated into their development plans.

As part of the vacation process, the existing Public Utilities Easements may need to be adjusted to avoid having a large easement or a gap between two easements. These details would be worked out with the Engineering Department through the vacation process (Condition #6)

Neighborhood Impact/Interface

- F) As shown on the location map at Attachment B of Planning Commission Staff Report #23-283, on the south side of the segment of Mission Avenue under consideration is primarily vacant farmland, a few single-family homes on Mission Avenue, and a subdivision on Lawndale Avenue. To the north is the Merced Gateway Marketplace Shopping Center. Once Plum Drive is constructed, traffic on Mission Avenue would have access to Campus Parkway via Plum Drive or Coffee Street. Eventually, Kibby Road and Tower Road would be extended providing additional access to the north, including access to SR Hwy 140.

A traffic signal would be installed at the intersection of Plum Drive and Campus Parkway providing full turning movements at the intersection. Given the amount of traffic expected on this segment of Mission Avenue, it is not expected that the reduction of Mission from a Divided Arterial to a Collector would impact the immediate area.

Environmental Clearance

- G) Pursuant to the California Environmental Quality Act (CEQA), the project was reviewed and an Addendum to the Environmental Impact Report for the *Merced Vision 2030 General Plan* SCH#2008071069 (Attachment G of Planning Commission Staff Report #23-283) was prepared.