

RESOLUTION NO. 2017-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF MERCED, CALIFORNIA, APPROVING
GENERAL PLAN AMENDMENT #15-03, WHICH
AMENDS THE GENERAL PLAN DESIGNATION FOR
PROPERTY GENERALLY LOCATED AT THE
NORTHEAST CORNER OF COFFEE STREET AND
CAMPUS PARKWAY BY RECONFIGURING AND
REDUCING THE AREA BY APPROXIMATELY 12
ACRES DESIGNATED AS HIGH-MEDIUM DENSITY
RESIDENTIAL (HMD), CHANGING THE GENERAL
PLAN DESIGNATION TO REGIONAL/COMMUNITY
COMMERCIAL (RC), AND AMENDING THE
CIRCULATION ELEMENT**

WHEREAS, the City is processing an application for a General Plan Amendment for approximately 12 acres of land generally located on the northeast corner of Coffee Street and Campus Parkway and shown on the map at Exhibit “A,” attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission of the City of Merced held a noticed public hearing on June 21, 2017, at which time all those interested in the matter were provided the opportunity to speak or provide written or oral testimony regarding the application; and

WHEREAS, after hearing all of the evidence and testimony, the Planning Commission adopted Resolution #3084, attached hereto as Exhibit “C,” and incorporated herein by reference, recommending that the City Council approve the General Plan Amendment; and,

WHEREAS, The City Council held a noticed public hearing on August 7, 2017, at which time all those interested in the matter were provided the opportunity to speak or to provide written or oral testimony regarding the application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MERCED AS FOLLOWS:

SECTION 1. GENERAL PLAN AMENDMENT ADOPTION. The General Plan of the City of Merced is hereby amended by approving General Plan Amendment #15-03, which reconfigures the area designated as High-Medium

Density Residential (HMD) and reduces the area designated as High-Medium Density Residential (HMD) by approximately 12 acres by changing the General Plan designation for that area to Regional/Community Commercial (RC) for land generally located at the northeast corner of Coffee Street and Campus Parkway as shown on Exhibit "B," attached hereto and incorporated herein by reference.

SECTION 2. APPROVAL OF LEGISLATIVE ACTION AGREEMENT. The Legislative Action Agreement between the City of Merced and the Plum Family Partnership, pertaining to the approvals granted herein and the development of the property subject to these approvals is hereby approved. The approvals granted herein are contingent upon the property owner executing and returning the Developer Agreement and the documents being recorded. The City Manager or Assistant City Manager is hereby authorized to execute the Legislative Action Agreement on behalf of the City of Merced.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2017, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Joel Dawson 7-17-17
W. Klein City Attorney Date

GENERAL PLAN AMENDMENT #15-03
MERCED GATEWAY MASTER PLAN

DINKEY CREEK

COFFEE

DAFFODIL

PLUM

GERARD

ALFARATA

PARSONS

SUBJECT
SITE

COFFEE

CAMPUS PKWY

SUBJECT
SITE

MISSION

EXHIBIT A



GENERAL PLAN AMENDMENT #15-03 MERCED GATEWAY MASTER PLAN

GERARD

High-Medium Density
Residential (HMD)
(Approximately 8 acres +/-)

Regional/Community
Commercial (RC)

COFFEE

CAMPUS PKWY

Reconfigure the area designated as HMD and reduce the area designated as HMD by approximately 12 acres by changing the General Plan designation from HMD to RC.

MISSION



EXHIBIT B

CITY OF MERCED
Planning Commission

Resolution #3084

WHEREAS, the Merced City Planning Commission at its regular meeting of June 21, 2017, held a public hearing and considered **General Plan Amendment #15-03, Zone Change #422, and the Establishment of Planned Development (P-D) #74**, for the proposed Merced Gateway Master Plan (hereinafter referred to as the “Project”), initiated by Gateway Park Development Partners, LLC, on behalf of Pluim Family Partnership, property owner. General Plan Amendment #15-03 would: 1) reconfigure the boundary between the Regional/Community Commercial (RC) and High to Medium Density Residential (HMD) designations; and, 2) amend the Official Circulation Plan by adding several driveways along the Campus Parkway Expressway. Planned Development Establishment #74 would establish a Site Utilization Plan for 601,127 square feet of commercial uses (including retail, restaurants, a hotel, and gas station), 178 multi-family residential dwelling units, and a 1.53-acre fire station site; along with development standards. Zone Change #422 would relocate and reduce the size of a High-Medium Density Residential (R-3-2) site, and change the designation of the Regional/Central Commercial (C-C) area to Planned Development (P-D) #74. The project site is bounded by Gerard Avenue, Coffee Street, Mission Avenue and Pluim Drive (extended), on property currently designated Regional/Community Commercial and High to Medium Density Residential; also known as Assessor’s Parcel No. 061-250-092; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through P of Staff Report #17-11; and,

NOW THEREFORE, after reviewing the City’s Environmental Impact Report, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council Approval of General Plan #15-03, Zone Change #422, and the Establishment of Planned Development (P-D) #74, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

PLANNING COMMISSION RESOLUTION #3084

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June 21, 2017

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

AYES: Commissioner(s) Camper, Colby, Padilla, Smith, and
Chairperson Dylina

NOES: Commissioner(s) None

ABSENT: Commissioner(s) Baker and Smoot

ABSTAIN: Commissioner(s) None

Adopted this 21st day of June 2017



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Conditions of Approval
Planning Commission Resolution #3084
General Plan Amendment #15-03, Zone Change #422, and
Establishment of Planned Development (P-D) #74

1. The proposed project shall be constructed/designed in substantial compliance with Exhibit 1 (site plan) and Exhibit 2 (the Merced Gateway Master Plan), -- Attachments F and G of Staff Report #17-11, except as modified by the conditions below or as approved by the Site Plan Review Committee.
2. The approval of the Merced Gateway Master Plan is an approval of the conceptual design of the project. Specific details related to access, site design, and architectural details shall be approved by the Site Plan Review Committee prior to each phase of construction.
3. In compliance with Merced Municipal Code Section 20.20.020 Q, Site Plan Review permits are required prior to construction to address conformance with the standards of Planned Development (P-D) #74, including but not limited to, building elevations, landscaping, signage, etc.
4. Approval of the General Plan Amendment, Zone Change, Planned Development Establishment, and Merced Gateway Master Plan is subject to the applicant's entering into a written (legislative action) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc., unless a subsequent agreement is reached with the City for a modified fee schedule for the project. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such fees, taxes, and or assessments at an earlier or subsequent time. Said legislative action agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.

5. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
6. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
7. 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 (with counsel selected by the City), 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 such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
8. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
9. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage,

public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated before issuance of the first building permit. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.

10. The project shall comply with all mitigation measures required by the Mitigation Monitoring program (Exhibit B of Planning Commission Resolution #3083 – Attachment M of Staff Report #17-11).
11. All development shall be in accordance with the design guidelines and standards of the Merced Gateway Master Plan unless otherwise modified by this resolution or future action of the Site Plan Review Committee.
12. Minor modifications to the Merced Gateway Master Plan, including the site plan are subject to approval by the Development Services Director or, at his/her discretion, may be referred to the Site Plan Review Committee. Changes to the Master Plan and/or site plan shall be supported by evidence showing that the changes would not create conflicts within the Master Plan area or surrounding area. The Director of Development Services may require changes to the Master Plan or Site Plan if it is determined the proposed plan creates an unsafe situation.
13. If the final site plan is approved in phases, evidence shall be provided showing that the phase being approved would not conflict with future phases. A site plan of the entire Master Plan area shall be provided with the approval of each phase to allow the Site Plan Review Committee to confirm each phase will work in conjunction with existing and future phases.
14. At the time the City determines it is needed, the owner shall offer for dedication a minimum 1.5-acre parcel for a future fire station as shown on the site plan found at Attachment F of Staff Report #17-11.
15. Roadway improvements shall be made in accordance with the Circulation Transportation Improvement Phasing Plan found at Attachment I of Staff Report #17-11.
16. The Circulation Transportation Improvement Phasing Plan (CTIPP) shall be modified prior to the first phase of construction at the owner's

sole expense to determine what improvements are necessary. Subsequent modifications shall be made at the owner's sole expense if the phasing of the project is different than what is analyzed in the CTIPP. Any modifications to the CTIPP shall be approved by the Development Services Director and City Engineer and in consultation with Caltrans regarding improvements within its jurisdiction.

17. Any modifications to the CTIPP shall be supported by a traffic analysis subject to City and Caltrans approval which identifies:
 - a. When "Interim" improvements to the SR 99 / Mission Avenue / Campus Parkway interchange are needed,
 - b. Design requirements for "Interim" improvements in terms of lane length, signage, markings, etc.;
 - c. When improvements to the Campus Parkway / Coffee Street intersection are needed; and,
 - d. What level of overall project development can be accommodated prior to the need for ultimate SR 99/Mission Avenue / Campus Parkway interchange improvements.
18. The construction of Pluim Drive, including the signal at Pluim Drive and Campus Parkway, shall be required when the eastern access driveway is necessary to either the north or south parcels. This may be as determined by the phasing of the site or when deemed necessary by the City Engineer to ensure adequate circulation and safety.
19. A signal shall be installed at the intersection of Parsons Avenue and Coffee Street. The traffic signal shall be constructed at the time Parsons Avenue is extended and the shopping center entrance is constructed unless otherwise approved by the Development Services Director and City Engineer.
20. All streets shall be built to City Standards (with the exception of a portion of Parsons Avenue – see Condition #21).
21. Parsons Avenue shall extend through the shopping center and connect to Pluim Drive. However, the design shown on the proposed Site Plan and Merced Gateway Master Plan are not approved as proposed. The developer shall work with the City Engineer, Public Works Director, and Director of Development Services to determine the alignment and design of Parsons Avenue. The City Engineer and Public Works Director shall also determine if public utilities would be needed in this

section of Parsons Avenue and if the applicant will be responsible for maintenance of the roadway.

22. A Class II Bike Lane shall be included on the following streets: 1) Coffee Street – east side of the street for the full length of Coffee Street between Gerard and Mission Avenue; 2) Gerard Avenue – south side of street for the full length between Coffee Street and Pluim Drive; and 3) Mission Avenue from Coffee Street to Pluim Drive. Refer to Figure 32 of the Merced Gateway Master Plan.
23. Full frontage improvements, including, but not limited to sidewalk, curb, gutter, street lights, and street trees, shall be installed along the frontage adjacent to each building or group of buildings at the time of construction. Additional areas may be required to be improved by the Site Plan Review Committee or as determined necessary by the Engineering Department at the time of building permit review.
24. The project shall dedicate all necessary right-of-way along Coffee Street (Collector Street), Gerard Avenue (Arterial Street), Pluim Drive (future Collector Street), and Mission Avenue (Collector Street) to comply with City Standards or as determined by the City Engineer.
25. Prior to the construction of any phase which proposes direct access to Campus Parkway between Coffee Street and Pluim Drive, a traffic analysis shall evaluate the impacts of this access on the operation of SR 99 ramps ,and identify desirable driveway location and design. If required by Caltrans, dual right turn lanes for eastbound traffic on Campus Parkway into the western driveway access for the southern parcel shall be constructed.
26. “Interim” improvements to the SR 99 NB ramps / Mission Avenue and SR 99 SB ramps / Mission Avenue intersection shall be constructed with the first phase of development unless determined to be needed under an alternative schedule by an updated CTIPP. “Interim” improvements shall include:
 - a. restripe the northbound off ramp to include a shared left/through/right lane and an exclusive right turn lane. The outside (#1) right-turn lane shall be designated for northbound Coffee Street by appropriate signing and markings approved by Caltrans

- b. restripe the southbound off ramp to have a shared right/through/left lane and an exclusive left turn lane.
 - c. All work within the State right of way shall be completed under an encroachment permit issued subject to Caltrans approval and shall be accompanied by a supporting traffic analysis subject to Caltrans approval which evaluates specific design requirements.
- 27. The project may be eligible for reimbursement for certain improvements subject to the provisions of the Merced Municipal Code (MMC).
- 28. Per the Merced Gateway Master Plan, an enhanced bicycle crossing should be considered at the intersection of Campus Parkway and Coffee Street. Additionally, an enhanced bicycle crossing should be considered at Campus Parkway and Plum Drive. The developer shall work with the City Engineer and Director of Development Services to determine if such crossings are needed. If it is determined the enhanced crossings are needed, the developer shall work with the City Engineer and Director of Development Services to determine the design of the crossings. The crossings shall be subject to Caltrans approval.
- 29. Deceleration and acceleration lanes shall be constructed at all non-signalized entrances/exits to the project site along Campus Parkway. The length of these lanes shall be approved by the City Engineer and Caltrans.
- 30. All uses within the Merced Gateway Master Plan area shall comply with the parking requirements set forth in Merced Municipal Code Section (MMC) 20.38 – Parking and Loading.
- 31. Sidewalks or pedestrian pathways shall be incorporated into the parking areas to provide pedestrian access from the parking areas to the buildings. Details shall be worked out with the Planning Department at the Site Plan Review stage.
- 32. A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project site. Refuse containers or other items shall not be permitted to be placed in the required clear space of the turning area.

33. Bicycle parking shall meet the minimum requirements of the California Green Building Code and MMC 20.38.080.
34. All driveways shall comply with the City of Merced Standard for commercial driveways and are to be reviewed by the Fire Department as part of the review of the improvement plan submittals.
35. The developer shall work with UC Merced (Cat Tracks) and the Merced Transit System (The Bus) to determine the best location for public transit facilities. The location of these facilities will be subject to review and approval by the Development Services Director and City Engineer or through the Site Plan Review process.
36. Consideration shall be given to circulation and vehicle stacking room for all uses with a drive-through window. Vehicles waiting in the drive-through aisle shall not conflict with the circulation on the site.
37. If the apartment complex or any other part of the project has gated entrances/exits, each entrance/exit shall be provided with a Knox-box that is equipped with “click-to-enter” technology for the Fire Department and Public Works Departments. Details to be reviewed by Fire Department at the building permit stage. The developer/owner shall provide the necessary remotes to operate the gates to the City.
38. If the apartment complex or any other part of the project is gated, pedestrian access gates shall be provided to allow pedestrian access to the public sidewalks as well as into the shopping center.
39. Prior to any demolition work, the applicant shall obtain all necessary approvals from the San Joaquin Valley Air Pollution Control District.
40. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
41. All construction activity shall be conducted in accordance with City of Merced standards for times of operation.
42. All landscaping shall comply with the Section 20.36.040 – Landscape and Sprinkler Plans, of the City’s Zoning Ordinance in addition to all applicable state laws and the Merced Gateway Master Plan requirements.

43. Changes to the tree and plant list approved with the Merced Gateway Master Plan are subject to approval by the Planning Manager for any on-site landscape areas. All landscaping in the public right-of-way is subject to approval by the City's Public Works Department.
44. Full landscape and irrigation plans shall be submitted at the time of building permit application. Landscaping is required with each building at the time of construction and in common areas connecting buildings as these areas are constructed, as well as the public right-of-way adjacent to each building. Additional areas may be required to be landscaped at the time of building permit review or by the Site Plan Review Committee.
45. Parking lot trees shall be installed per the City's Parking Lot Landscape Standards. Trees shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list). Trees shall be installed at a ratio of at least one tree for each six parking spaces. The trees may be located in planter areas that protrude into the parking areas, or which run along the edge of the parking areas and shall be located to accommodate any carport or shade structures (details to be worked out with Planning Staff).
46. All walking paths, bicycle and vehicle parking areas, and recreational areas shall be provided with sufficient lighting to ensure a safe environment.
47. Lighting near the apartment complex at the northwest corner of the site or across the street from residential uses shall be oriented and/or shielded in such a way as to not spill-over into the apartment units.
48. The project shall comply with the Post Construction Standards in accordance with the requirement for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
49. All storm water shall be retained onsite and metered out to the City's storm water system in accordance with City Standards. The storm drainage plan proposed by the Merced Gateway Master Plan is conceptually approved. The City Engineer shall approval final design of the storm drain system prior to construction.
50. The use of the County of Merced-owned terminal drainage basin at the intersection of Mission Avenue and Coffee Street is approved

subject to the approval of a license agreement with Merced County and approval of the Local Agency Formation Commission (LAFCo).

51. A 16-inch water line shall be installed in Mission Avenue along the full frontage of the project site. A 12-inch water line (or a size determined to be acceptable by the Public Works Director) shall be installed in Pluim Drive. All water lines shall be installed per City Standards. The developer may be eligible for reimbursement from the adjacent property owner and for any over-sizing of the water lines in accordance with the Merced Municipal Code.
52. The developer shall work with the Public Works Director to determine if a sewer line is required in Mission Avenue and Pluim Drive. If sewer lines are required, they shall be installed per City Standards. The developer may be eligible for reimbursement from the adjacent property owner and for any over-sizing of the water lines in accordance with the Merced Municipal Code.
53. All new utilities (including electrical lines) shall be installed underground.
54. A backflow prevention device shall be provided for all water services (i.e., domestic, irrigation, and fire).
55. All signs shall comply with the sign requirements adopted with the Merced Gateway Master Plan. Single and multi-tenant buildings shall be permitted two square feet of sign area for each linear foot of building frontage. Primary anchor tenants (30,000 square feet or larger) shall be permitted up to one square foot of sign area for each linear foot of building frontage. Modifications to the sign program may be approved by the Director of Development Services.
56. The project shall comply with all FEMA Flood Zone requirements and with the California 200-year Urban Level of Flood Protection requirements.
57. The applicant shall work with the City's Refuse Department to determine the best location for the refuse enclosures serving each building or group of buildings. The enclosures shall be constructed per City Standards.
58. The premises shall remain clean and free of debris, weeds, and graffiti at all times.

59. Fire Hydrants shall meet minimum fire-flow requirements and be located in accordance with City of Merced codes and standards. The maximum spacing between hydrants is 500 feet. The placement of fire hydrants and the number of hydrants for the site is to be worked out with the Fire Department no later than the review of building permit plans.

n:\shared\planning\PC Resolutions\GPA#15-03\ZC#422\Est. of PD #74 (Merced Gateway) Exhibit A