Legislation Details (With Text)

File #:	19-299	**Version:**	1	**Name:**	
Type:	Public Hearing Item			**Status:**	Passed
File created:	5/23/2019			**In control:**	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency
On agenda:	6/17/2019			**Final action:**	6/17/2019

Title: SUBJECT: Public Hearing to Consider the Proposed Vacation of a Portion of Mission Avenue, Between S. Coffee Street and State Highway 99 (Vacation #18-01) and Adoption of Resolution Approving the Vacation and Authorization to Execute and Record a Quitclaim or Grant Deed to Transfer any and all of the City's Interest in the Property to the Developer

REPORT IN BRIEF
Conduct the public hearing of the proposed vacation of a portion of Mission Avenue, Between S. Coffee Street and State Highway 99 (Vacation #18-01) and consider the adoption of a Resolution approving the vacation. Authorizes the City Manager or Assistant City Manager to execute and have recorded a quitclaim or grant deed to transfer any and all of the City's interest in the property to the Developer, Shemoil Moradzadeh.

RECOMMENDATION
City Council - Adopt two (2) separate motions:

A. Adopting Resolution 2019-34, a Resolution of the City Council of the City of Merced, California, ordering the vacation of a portion of Mission Avenue, between Coffee Street and State Highway 99 [approximately 400 feet long] (Vacation #18-01); and,

B. Authorizing the City Manager or the Assistant City Manager to execute and have recorded a quitclaim or grant deed to transfer any and all of the City's interest in the property to Shemoil Moradzadeh.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1 - Location Map.pdf, 2. Attachment 2 - Legal Description.pdf, 3. Attachment 3 - Vacation Map.pdf, 4. Attachment 4 - Proposed Adjacent Development.pdf, 5. Attachment 6 - Resolution Approving GPA #19-01.pdf, 6. Attachment 5 - Planning Commission Resolution.pdf, 7. Attachment 7 - Resolution to Set the Public Hearing for Vacation #18-01.pdf, 8. Attachment 8 - Draft Resolution Approving Vacation #18-01.pdf, 9. Attachment 9 - Presentation.pdf

Date	Ver.	Action By	Action	Result
6/17/2019	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services Department

SUBJECT: Public Hearing to Consider the Proposed Vacation of a Portion of Mission Avenue, Between S. Coffee Street and State Highway 99 (Vacation #18-01) and Adoption of Resolution

Approving the Vacation and Authorization to Execute and Record a Quitclaim or Grant Deed to Transfer any and all of the City's Interest in the Property to the Developer

REPORT IN BRIEF

Conduct the public hearing of the proposed vacation of a portion of Mission Avenue, Between S. Coffee Street and State Highway 99 (Vacation #18-01) and consider the adoption of a Resolution approving the vacation. Authorizes the City Manager or Assistant City Manager to execute and have recorded a quitclaim or grant deed to transfer any and all of the City's interest in the property to the Developer, Shemoil Moradzadeh.

RECOMMENDATION

City Council - Adopt two (2) separate motions:

A. Adopting **Resolution 2019-34,** a Resolution of the City Council of the City of Merced, California, ordering the vacation of a portion of Mission Avenue, between Coffee Street and State Highway 99 [approximately 400 feet long] (Vacation #18-01); and,

B. Authorizing the City Manager or the Assistant City Manager to execute and have recorded a quitclaim or grant deed to transfer any and all of the City's interest in the property to Shemoil Moradzadeh.

ALTERNATIVES

1. Approve as recommended by the Planning Commission and staff; or,
2. Approve, subject to modifications 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 motion).

AUTHORITY

Part 3, Chapter 3 of the Streets and Highways Code of the State of California authorizes the City Council to vacate a right-of-way or easement. The vacation shall be made by adoption of a resolution setting a public hearing pursuant to Section 8320 of the Streets and Highways Code, and shall be recorded pursuant to Section 8325. The City of Merced Administrative Policies and Procedures No. A-6 provides direction to staff for processing vacation requests, and City Resolution 86-80 establishes a policy concerning costs associated with the vacation.

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

The portion of Mission Avenue that the City is proposing to vacate (described at Attachment 2 and shown at Attachment 3) 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 1) 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 a Portion of Mission Avenue

If the street vacation is to be approved by the City Council, the portion of Mission Avenue, between S. Coffee Street and Highway 99 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 4 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 or City Council in the future for special land use approvals, such as alcohol sales for off-site consumption and a large freeway freestanding sign.

History and Past Actions

On April 3, 2019, the Planning Commission considered the General Plan Amendment and Vacation. After the public hearing on the General Plan Amendment, the Planning Commission voted 6-0-1 (6 ayes, 1 absent) to recommend approval of General Plan Amendment #19-01 and made a finding of General Plan consistency (contingent on Council approval of GPA). The Planning Commission Resolution and minute excerpts can be found at Attachment 5.

On May 20, 2019, the City Council adopted a Resolution of Intention (Resolution #2019-24) and set June 17, 2019, as the date for the public hearing to consider Vacation #18-01 (see Attachments 6 and 7). In addition, during that meeting the City Council adopted Resolution #2019-25 eliminating the subject site from the City's Merced 2030 Vision General Plan Transportation and Circulation Element.

Since that meeting, the City's Engineering Department found technical errors in the legal description and vacation map for the subject site. The legal description has been revised (Attachment 2), and

included as part of an official exhibit for the resolution found at Attachment 8.

IMPACT ON CITY RESOURCES

There would be no impact on City resources with this action.

ATTACHMENTS

1. Location Map
2. Legal Description
3. Vacation Map
4. Proposed Adjacent Development
5. Planning Commission Resolution and Minute Excerpts
6. City Council Resolution for General Plan Amendment #19-01
7. City Council Resolution to set the Public Hearing for Vacation #18-01
8. Draft City Council Resolution for Vacation #18-01
9. Presentation

powered by Legistar™