



Legislation Text

File #: 20-538, **Version:** 2

Report Prepared by: Michael Hren, Principal Planner, Development Services, Planning Division

SUBJECT: Public Hearing to Consider Adoption of a Resolution Approving the First Amended and Restated Legislative Action Agreement with Yosemite & G, LLC.

REPORT IN BRIEF

In order to proceed with the commercial development at the northeast corner of Yosemite Avenue and G Street, the developers and City staff have proposed modifications to the Legislative Action Agreement made in January 2020; this new agreement is proposed to supersede all previous agreements.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2020-68**, a Resolution of the City Council of the City of Merced, California, approving an amendment to an existing legislative action agreement with Yosemite & G., LLC and authorizing the Interim City Manager to execute the necessary documents.

ALTERNATIVES

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

AUTHORITY

Charter of the City of Merced, Section 400.

CITY COUNCIL PRIORITIES

Economic Development is Priority 6 of the FY 2020-21 Council Goals and Priorities.

DISCUSSION

History

The request for an amendment to the Legislative Action Agreement is the next step in an ongoing process to develop the commercial site at the northeast corner of Yosemite Ave and G St. The Planning Commission reviewed and recommended approval of General Plan Amendment #19-03 and the Site Utilization Plan Revision #3 to Planned Development #72 for the Yosemite Crossing Development in December 2019, with the City Council approving the same in January 2020. The proposed new shopping center will consist of retail locations, restaurants of both sit-down and drive-

through type, a gas station, office uses, a four-story hotel, and a multi-family housing element. In May 2020, the Planning Commission approved Conditional Use Permit #1241 for a Comprehensive Sign Program for the property including 6 monument signs, three pylon signs, and a wall sign for the identification of the center, along with proposed locations and guidelines for the signage of future tenants to ensure consistency with all signage types throughout the center. At its September 9, 2020, meeting, the Planning Commission approved Environmental Review #20-13 and, contingent on the City Council's Approval of the Amendment to the Legislative Action Agreement, approved Vesting Tentative Subdivision Map #1314, subject to Conditions, as well as recommending approval of the changes to the Legislative Action Agreement. Planning Commission Resolution #4046 is shown at Attachment 4 of Administrative Report #20-538.

Legislative Action Agreement

For the Vesting Tentative Subdivision Map to proceed, an amendment to the existing agreement is necessary in order to both meet the infrastructure needs of the City of Merced and the viability of the site to the developer. The most recent agreement references previous agreements that have several outdated, contradictory, or infeasible requirements, schedules, and terms. The amendment removes these issues, adds a new phasing requirement tying the off-site improvements required to the phased development of the parcels, and generally removes unnecessary language that the developer believes has the potential to deter potential tenants from locating on the subject site. The amendment proposes to unify all conditions in this single agreement, superseding all previous agreements. This will remove from the title report these additional agreements, meet the needs of the developer, and provide an updated framework for the off-site improvements that will assure that the City's infrastructure is improved in a timely and sensible fashion with respect to the impacts that the development will have. Planning Commission and staff are recommending approval of the modified Agreement and Resolution at Attachments 1 and 3.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed

ATTACHMENTS

1. Draft Resolution
2. Location Map/Site Plan
3. Proposed Amendment to Legislative Action Agreement with Yosemite & G, LLC.
4. Planning Commission Resolution #4046
5. Staff Presentation