



THE WEEKLY COUNCIL INFORMATION REPORT

October 6, 2023

National Coffee with a Cop Day

National Coffee with a Cop Day is observed on the first Wednesday in October. The day is important for community because it serves to foster positive relations between community and police officers.

This year, the Merced Police Department collaborated with Target and Starbucks to host Coffee with a Cop. The event was successful; everyone enjoyed complimentary hot coffee, hot chocolate, and Halloween cookies. Target also set up a corn hole game for kids and adults. Everyone appreciated the event.



Thank you, Girl Scout Troop 3019

This week, Girl Scouts with Troop 3019 continued their Zoo beautification work. These fantastic ladies planted a garden for the residents at Merced Applegate Zoo. The animals will have delicious treats, from lettuce to carrots, at harvest time.



National Taco Day at Merced PD



Public Works in Action

Public Works and Merced Irrigation District Crews removed three fallen trees from Bear Creek.



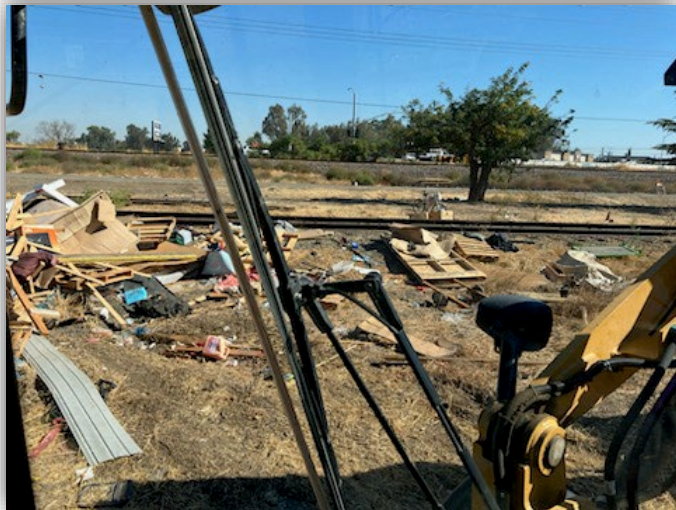
Public Works in Action

This week, Streets Crews replaced *Bike Path Closed* signs along the Bear Creek path between R Street and W 25th Street. Parks Crews added playground fiber to Brooks Park and a few other playground areas.



Public Works in Action

Refuse Crews cleaned up a vacated homeless encampment and illegal dump site at Santa Fe & HWY 59.



City of Merced Fire Department

TOWN HALL MEETINGS

FREE & OPEN TO THE PUBLIC



**Tuesday,
October
10th**

6 to 8 PM
Merced College, 3600 M St
Allied Health Center, RM 130
*Free parking

**Thursday,
October
12th**

6 to 8 PM
Sam Cafe, 235 W. 12th St

**Wednesday,
October
18th**

6 to 8 PM
Merced Civic Center,
678 W. 18th Street

Topic of Discussion:

First Responder Fee Information & Education

Everyone is invited to attend these meetings

For more information, visit
www.engage.cityofmerced.org

First Responder Fee Town Hall Meetings

The Fire Department will hold three Town Hall meetings to discuss First Responder Fees and gather community feedback.

For information about First Responder Fees, visit www.engage.cityofmerced.org – City of Merced Fire Department First Responder Fee Community Outreach. Take the survey and read the First Responder Questions and Answers.





The poster for the 'Run for the Rail' event features a circular logo on the left with the text 'GATEWAY TO YOSEMITE' and 'RUN/WALK' around a central image of a train tower. To the right, the text reads 'RUN FOR THE RAIL' and 'A FUNDRAISER TO BENEFIT IMPROVEMENTS TO THE TRAIN AT Kiddieland'. Below this, it says 'Kiddieland' with an illustration of a train. The event is scheduled for 'SUNDAY NOV. 19 7:30 AM'. A QR code is provided for registration. A map titled '5K ROUTE' shows a path starting and ending near Bob Hart Square, passing through Kiddieland. Text indicates that the '10K route includes out-and-back along Bear Creek Bike Path'. At the bottom, logos for Merced County Office of Education, Merced Parks and Community Services, Kiwanis Club of Greater Merced, and Cultiva-Salud are displayed.

Run for the Rail

The Parks & Community Services Team invites you to participate and support the first *Gateway to Yosemite 5K/10K Run*.

This inaugural event will support local nonprofits that will dedicate proceeds to an amenity in our local parks. This year's race will help the Kiwanis of Greater Merced and efforts to restore the train and railroad at Applegate Park's Kiddieland.

The train at Kiddieland is a historic attraction in Merced and serves thousands of families yearly.

Run for the Rail will occur on Sunday, November 19th, at 7:30 a.m. The start and finish will be in front of Bob Hart Square on Main Street. Runners and walkers of all ages and abilities are welcome.

Join the Parks and Community Services Team and "Run for the Rail" at this year's *Gateway to Yosemite 5K/10K Run*. Visit the following link to register: <https://www.trisignup.com/Race/CA/Merced/GatewaytoYosemite10k5k>

150 Years Later: Old Betsy's Legacy Continued Exhibit Opening at the Courthouse Museum

Merced County Courthouse Museum will open the "150 Years Later: Old Betsy's Legacy Continued" exhibit on Thursday, October 12, at 5:00 p.m.

The Merced Fire Department's story is intertwined with the story of Merced as it is the oldest city government agency. For the last 150 years, the Fire Department has evolved from a volunteer fire-fighting fraternity to a modern fire and rescue organization.

This anniversary exhibit presents the entire 150 years of history in a concise timeline, with "Old Betsy" (the first fire engine) leading the way. During the exhibit opening, there will be a community celebration, featuring the newly polished and restored "Old Betsy," a bucket brigade showdown, an antique fire engine display, an ice cream social, a haunted Blacksmith Shop, and activities for kids.

For more information about the exhibit, please contact the Museum office at (209) 723-2401.



The poster for the 'New Museum Exhibit' features the title '150 Years Later: Old Betsy's Legacy Continued' in large, bold, red and black text. Below the title, it lists the location 'Merced County Courthouse Museum, 21st and N Streets' and the date and time 'Thursday, Oct. 12, 2023, 5:00-7:00 p.m.'. A photograph shows a restored antique fire engine, 'Old Betsy', with large wooden wheels and a red-painted body, displayed in a museum setting. Below the photo, the text reads '5:00 p.m.: Restored Old Betsy, Antique Fire Engines Bucket Brigade Showdown, Kid's Activities Haunted Blacksmith Shop, Ice Cream Social'. At the bottom, it states 'FREE ADMISSION' and 'Exhibit will run through February 18, 2024. Info: (209) 723-2401 or www.mercedmuseum.org'.

State of California • Department of Transportation

News Release



Date: October 4, 2023
Contact: Brian Hooker, Caltrans District 10
Phone: (209) 693-3897

FOR IMMEDIATE RELEASE

Caltrans and the City of Merced to Host Public Meeting for State Route 59 Widening Project in Merced County

Project Proposes to Widen and Improve State Route 59 near the City of Merced

STOCKTON – The California Department of Transportation (Caltrans) and the City of Merced will be holding a public meeting on Tuesday, October 10, 2023, to gather input from the public on a proposed highway widening project for State Route 59. The meeting will be held at the City of Merced Civic Center, Council Chambers located at 678 West 18th Street, on the Second Floor from 6:00 p.m. to 8:00 p.m.

The purpose of the public meeting is to gather input from Merced County residents on the proposed widening project which plans to expand State Route 59 from a two-lane roadway to four lanes from 16th Street to Buena Vista Drive. The project is needed to relieve traffic congestion and improve traffic safety. The project also proposes to replace the Black Rascal Creek Bridge, South Fork Rascal Creek Bridge, and will include standard shoulders, intersection improvements, bicycle lanes, and sidewalks.

The State Route 59 Widening Project is scheduled to begin construction in Spring 2026 and Caltrans will be accepting public comments through October 26, 2023. If members of the public would like to obtain the Initial Study with Proposed Mitigated Negative Declaration and other project information they can request copies in the following locations:

- Caltrans District 10 Office – 1976 East Doctor Martin Luther King Jr. Boulevard, Stockton, CA 95205, weekdays from 8:00 a.m. to 4:00 p.m.
- City of Merced Civic Center – 678 West 18th Street, Merced, CA 95340, weekdays from 8:00 a.m. to 5:00 p.m.
- Contact Scott Guidi, Caltrans District 10 Environmental Office Chief – scott.guidi@stel.ca.gov | (209) 479-1839
- Online at <https://www.cityofmerced.org/departments/planning-division/environmental-review-documents/folder-2508>

BE WORK ZONE ALERT



SR 59 Widening Project Public Meeting

Join Caltrans and the City of Merced to learn about the State Route 59 Widening Project in Merced County. The public meeting is Tuesday, October 10th, from 6 to 8 p.m. at the Civic Center, 678 W. 18th Street in Merced.

Public Notice: <https://www.cityofmerced.org/.../city-clerk/public-hearings>

Environmental Document: <https://www.cityofmerced.org/.../environment.../folder-2508>



Community Conversations

This week, City of Merced Assistant Engineer Paul Flores talked about the upcoming SR 59 widening project. Visit

<https://1480kyos.com/featured/community-conversations/> to listen to the interview.

YOU ARE INVITED TO OUR
3RD ANNUAL COPS FOR CRITTERS

TRUNK or TREAT CAR SHOW

Eventbrite

SPACE IS LIMITED,
REGISTER NOW!



ALL PROCEEDS TO BENEFIT APPELEGATE PARK AND ZOO
Saturday, Oct 28th • 10AM-2PM
611 W. 22ND St. Merced CA 95340

vehicle Registration
\$25 until 10/16
after deadline \$30

Adult & Child Costumes welcome
CANDY-GAMES-MUSIC-FOOD VENDORS
&MORE!

Vendor Registration \$25



City of Merced
MEMORANDUM

DATE: October 5, 2023
TO: City Council
FROM: Scott McBride, Acting City Manager
SUBJECT: Actions at the Planning Commission Meeting of October 4, 2023

At their meeting of October 4, 2023, the Planning Commission heard and found Vacation #23-03, to abandon a 64-foot-wide Public Utilities Easement on the south side of Devonwood Drive, west of Bannon Lane, consistent with the General Plan.

The Planning Commission heard and found Vacation #23-04, to abandon a 15-foot-wide Public Utilities Easement at 2111 Wardrobe Avenue, consistent with the General Plan.

The Commission recommended to the City Council the approval of Density Bonus #23-02 to allow a reduction to the minimum parking requirements and concessions for relief from certain Design Standards for the construction of a 156-unit affordable apartment complex, located on the south side of Devonwood Drive between Loughborough Drive and Austin Avenue.

The Planning Commission recommended to the City Council the approval of Annexation and Rezoning Application #22-01, which would annex UC Merced and a 2-mile-long section of Bellevue Road from G Street to Lake Road and pre-zone the property to “Public Facility” (P-F).

The Commission re-elected Mike Harris as Chairperson and Mary Camper as Vice-Chairperson.

If you have any questions about these items, please feel free to contact me.

Attachments

CITY OF MERCED
Planning Commission

Resolution #4123

WHEREAS, the Merced City Planning Commission at its regular meeting of October 4, 2023, held a public hearing and considered **Density Bonus #23-02**, initiated by The Richman Group on behalf of Devonwood 64, LP, property owner. This application involves a request to consider Density Bonus #23-02 which allows concessions to certain development standards and a reduction in parking requirements to allow the construction of a 156-unit apartment complex with 155 affordable housing units on an approximately 6-acre parcel, generally located on the south side of Devonwood Drive, between Loughborough Drive and Austin Avenue; also known as Assessor Parcel: 058-220-048; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through E of Attachment A of Planning Commission Staff Report #23-824 (Exhibit A); and,

NOW THEREFORE, after reviewing the City's Initial Study and Draft Environmental Determination, and fully 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 #23-30, and recommend approval of Density Bonus #23-02, subject to the Findings set forth in Exhibit A, attached hereto and incorporated herein by the reference.

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

AYES: Commissioner Ochoa, Gonzalez, Smith, Thao, Camper, and Chairperson Harris

NOES: None

ABSENT: Commissioner Delgadillo

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4123

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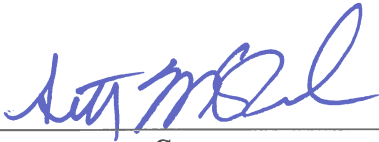
October 4, 2023

Adopted this 4th day of October 2023



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Findings/Considerations

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**Findings and Considerations
 Planning Commission Resolution #4123
 Density Bonus #23-02**

FINDINGS/CONSIDERATIONS:

State Density Bonus Law

A) State Density Bonus Law (SDBL) states that a development which meets the requirements of the SDBL is entitled to receive a density bonus to increase the density of a project by right. This means that no discretionary review is required to allow an increase in the density of a project.

In addition to an increase in density, the City is required to grant concessions or incentives proposed by the developer unless it finds one of the following:

- That the proposed concession or incentive does not result in identifiable and actual cost reductions: or,
- Would cause a public health or safety project: or,
- Would cause an environmental problem; or,
- Would harm historical property; or,
- Would be contrary to law.

The City has the burden of proof in the event it declines to grant a requested incentive or concession. Financial incentives, fee waivers, and reductions in dedication requirements may be, but are not required to be, granted by the City.

The number of required incentives or concessions is based on the percentage of affordable units in the project as shown in the table below:

No. of Incentives / Concessions	Very Low-Income Percentage	Low-Income Percentage	Moderate Income Percentage
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)

A concession or incentive is defined as:

1. A reduction in site development standards or a modification of zoning requirements or architectural design requirements that exceed the minimum State building standards, such as reductions in setback, square footage, or vehicular and bicycle parking space requirements. The requested concession or incentive must result in an identifiable and actual cost reduction to provide for affordable housing costs or rents.
2. Approval of mixed-use zoning for housing projects if associated commercial, office, industrial, or other land uses will reduce the cost of the housing project, and existing or planned development in the immediate area.
3. Other regulatory incentives or concessions that result in identifiable and actual cost reductions to provide for affordable housing costs, which may include the provision of direct financial incentives or land for the housing development by the City.

Concessions and incentives are differentiated from waivers and reductions in the SDBL. Projects that are eligible for a density bonus, and that are approved for concessions or incentives, cannot be subjected to any development standard that will have the effect of physically precluding the construction of the project. If a local development standard is found to have this effect, applicants have the option of requesting a waiver or reduction of any development standard that may preclude completion of the project; there is no limit on the number of waivers that may be requested. Waivers or reductions do not take the place of concessions or incentives that the project is qualified to receive.

Additional information about Density Bonus Law is provided in the Guide to the California Density Bonus Law (revised January 2023) by Jon Goetz and Tom Sakai of Meyers-Nave Law Firm (Attachment B of Planning Commission Staff Report #23-471).

Parking Requirements

- B) State Density Bonus Law (SDBL) also provides relief from parking requirements. If a project provides 100% affordable housing units to lower income residents (excluding a manager's unit) the City cannot require on-site parking spaces in excess of the requirements shown in the table below:

Studio	1 space
1 Bedroom	1 space
2 Bedroom	1.5 spaces
3 Bedroom	1.5 spaces
4 Bedroom	2.5 spaces

The proposed project consists of 156 units. Based on the current requirements of the Zoning Ordinance, the project as proposed would be required to provide 248 parking spaces. Based on the maximum parking requirements allowed under the Density Bonus Law, the project maximum number of parking spaces the City would be able to require is 200 spaces. The project is proposing 200 parking spaces. Therefore, the project complies with the SDBL and the City shall not require additional parking spaces.

Although the project complies with the minimum parking requirements allowed by SDBL, the letter at Attachment F provides more details as to why the reduction in parking is needed and the cost savings attributed to the reduction.

Zoning Ordinance Findings

C) Merced Municipal Code Section 20.56.080 (C) establishes specific findings that must be made to approve a Density Bonus. These findings are as following:

1. *The findings included in Section 20.56.030 (land Donation) if the density bonus is based all or in part on donation of land.*

This finding does not apply as the project does not include land donation.

2. *The findings included in Section 20.56.040 (Child Care Facilities) if the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility.*

This finding does not apply as the project does not include a Child Care Facility.

3. *The findings included in Section 20.56.070 (Modifying Development Standards) if the incentive or concession includes mixed use development.*

This finding does not apply as the project does not include a mixed-use development.

4. *If a waiver or modification is requested, the developer has to prove by submitting substantial evidence that the waiver or modification is necessary to make the housing units economically feasible.*

A 2021 appellate court case, *Schreiber v. City of Los Angeles*, held that a local government may not require an applicant to submit a pro forma or other documentation to prove that a requested incentive or concession is required in order to make the housing development economically feasible. However, local agencies can require applicants to show that requested incentives and concessions will result in cost reductions for the project to provide for affordable housing costs or rents. The local jurisdiction has the burden of proof in the event it declines to grant a requested incentive or concession.

The requested concessions are outlined below along with the applicant's justification as to how the concession would result in cost reductions to provide affordable housing costs or rents.

Concessions and Waivers

D) Private Outdoor Space (Concession)

Merced Municipal Code (MMC) Section 20.46.040 establishes design standards for any multi-family dwelling with 5 or more units (or 3 or more units on corner lots). Section 20.46.030 (I) - Private Outdoor Space, subsection (1) states: “**Ground Floor Units.** Every dwelling unit which is on the ground floor should have a private outdoor usable space, if feasible, of a minimum size of 5 feet by 8 feet.” Subsection (2) of this section states: “**Units Above Ground Floor.** Every dwelling unit which is above the ground floor should, if feasible, have a usable outdoor balcony space of a minimum size of 5 feet by 8 feet.

Justification:

The applicant has requested this concession primarily due to the increased costs involved with providing private outdoor space. The cost of including patios/balconies would have a significant impact on structural design, material cost, waterproofing, and long-term maintenance. Please refer to the letter at Attachment G for additional details.

Additionally, the noise pollution related to the nearby train tracks would expose the private outdoor spaces to above-average noise pollution levels. An acoustic study concluded that the exterior noise level is 75 DNL, which is an above-average level.

Roof-mounted Mechanical Equipment (Concession)

The applicant is requesting a relief from Zoning Ordinance Section 20.46.040 (A)(5a) which prohibits roof-mounted mechanical equipment.

Justification:

Allowing roof-mounted mechanical equipment screened from public view, allows more space on the ground for this small parcel. Placing mechanical equipment on the ground takes up space that could be otherwise used for open space or general outdoor area. Additionally, the cost of a roof-mounted HVAC unit is typically less because the entire unit is on the roof. Ground-mounted units require a portion of the unit to be inside the living area. This not only takes up space, but adds cost to the apartment unit.

As described above, the applicant is requesting two concessions. Based on the affordability, the project is eligible for four concessions. Without the requested concessions, the project would not be feasible to build. The requested concessions would not result in any of the conditions listed in Finding A of this resolution that would result in the denial of the requested concession. Therefore, the concessions comply with State Density Bonus Law.

Environmental Clearance

- E) Planning staff has conducted an environmental review (Environmental Review #23-30) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and recommends a Categorical Exemption based on the previous environmental review (Initial Study #20-32 for GPA #20-01) remains sufficient and no further documentation is required (CEQA Section 15162 Findings) (Attachment H of Planning Commission Staff Report #23-824).

CITY OF MERCED
Planning Commission

Resolution #4124

WHEREAS, the Merced City Planning Commission at its regular meeting of October 4, held a public hearing and considered **Annexation and Rezoning Application #22-01**, initiated by the City of Merced, on behalf of the Regents of the University of California, property owners. The application would involve the annexation of the University of California, Merced Main Campus as described in the University of California, Merced 2020 Long-Range Development Plan (dated March 2020) consisting of approximately 1,139 acres to the City of Merced and pre-zoning of the property to “Public Facility” (P-F) as well as the annexation of the 2-mile long section of Bellevue Road right-of-way from the current Merced City Limits at G Street to Lake Road, as allowed by Assembly Bill 3312 (enacted in 2020). The UC Campus is generally located at the northeast and southeast corners of Bellevue and Lake Roads with a General Plan designation of “School”; more particularly described as portions of Section 26, Section 27, Section 32, Section 33, Section 34, and Section 35 in Township 6 South, Range 14 East, and portions of Section 2, Section 3, Section 4, and Section 5 in Township 7 South, Range 14 East, Mount Diablo Base and Meridian in the County of Merced; also known as portions (or all) of Assessor’s Parcel Numbers (APN) 060-010-003, 060-020-047, 170-220-006, 170-220-007, 170-220-008, and 170-220-015; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through I of Staff Report #23-102 (Exhibit A); 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 Environmental Review #22-15 [Addendum to the *Merced Vision 2030 General Plan Environmental Impact Report*] and Annexation and Rezoning Applications #22-01, subject to the Findings set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

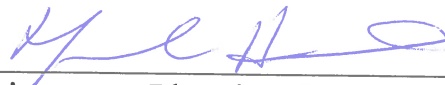
- AYES: Commissioner Thao, Smith, Gonzalez, Camper, Ochoa, and Chairperson Harris
NOES: None
ABSENT: Commissioner Delgadillo
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4124

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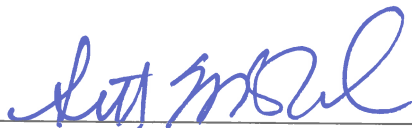
October 4, 2023

Adopted this 4th day of October 2023



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Findings/Considerations

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Findings and Considerations
Planning Commission Resolution #4124
Annexation/Prezoning #22-01 (“UC Merced Annexation”)

FINDINGS/CONSIDERATIONS:

General Plan Policies Related to This Application

- A) The proposed annexation would involve approximately 1,139 acres (Attachment B) which includes the entire area defined in the UC Merced Long Range Development Plan (approximately 1,125 acres) as well as the approximate 2-mile-long Bellevue Road right-of-way from G Street to Lake Road, per the terms of AB 3312 (see Finding C). The Prezoning for the UC Merced Campus would be “Public Facility” (P-F) which would match the General Plan designation of “School.”

General Plan policies that deal with the UC Campus are as follows:

Policy UE-1.4

Continue Joint Planning Efforts on the UC Merced Campus and University Community Plans.

The University Community Plan area is planned as an urban area requiring urban services. Consideration has been given to making this area part of the incorporated City of Merced. Cooperative planning efforts will be necessary to ensure the effective development of this area for all interested and affected parties.

Implementing Actions:

1.4.a Incorporate the UC Merced campus area as part of the City’s SUDP/Sphere of Influence and begin planning for the eventual annexation of the Campus.

This designation within the SUDP/SOI would facilitate the eventual incorporation of the Campus into the City. The City should begin the process of planning for the eventual annexation of the Campus to the City, including evaluating various corridors for possible annexation in order to bridge the gap between the current City limits and the Campus boundary. Planning of the land uses along those corridors should also begin as well, including possible locations for research and development parks.

1.4.b Working in cooperation with the County, implement the following policy statement from City Council Resolution #2006-89 regarding the University Community Plan Area.

MERCED CITY COUNCIL: UNIVERSITY COMMUNITY POLICY STATEMENT

The City Council establishes the following as the City of Merced's position regarding the development of the University community.

Long-term Land Use and Governance

The University Community should be incorporated into the City of Merced, and should not be part of the unincorporated County, or a separate City.

- It is in the public interest that the University Community's development not result in the creation of a new city or other jurisdiction.
- Multiplication of jurisdictions can lead to conflicts, which should be avoided. A separate city on Merced's border is inherently undesirable.
- The University Community is expected to develop at an urban density. Merced County does not currently provide urban services. The City is already serving the University of California campus, and it is logical for the City to serve the adjacent area as well.
- No separate wastewater treatment plant should be allowed or constructed in the area, given the risks to the City's groundwater supply that could result, and competition for qualified licensed operators. This statement does not, however, preclude consideration of innovative methods of wastewater treatment for the area which are reasonably viable from an economic perspective.

The University Community should be developed with the use of annexation agreements and phased annexations, not through the creation of a County services district, either as an interim or permanent measure.

Phasing of Development and Services

The City of Merced is willing to provide interim sewer and water services from existing sewer and water lines along Bellevue Road that serve the University campus, provided that certain conditions are met:

- Interim services to the University Community require compliance with environmental law and permitting, including the California Environmental Quality Act (CEQA) and approval by the Local Agency Formation Commission (LAFCo).
- Prior to providing interim services, the City must receive an acceptable plan for long term service provision, enforceable commitment for annexation, and financial planning and commitments necessary to fund long term services.

The City should encourage annexation along the Bellevue Corridor to provide contiguity between the University Community and the City of Merced.

- The Bellevue corridor is expected to become a major regional transportation arterial. Bellevue Road also contains sewer and water lines which have been extended from the City to the University of California campus. The western half of the Corridor, from G Street to Golf Road, is already within Merced's SUDP, and annexation proposals are pending. East of Golf Road, the area along Bellevue Road is held in large tracts by a few land owners, and is mostly undeveloped. It is realistic to expect development proposals in this area in the near term.
- Phasing of the University Community's development should provide for logical extension of urban services.

The Merced County "Rural Residential Center" bounded by Lake Road, Cardella Road, Yosemite Avenue, and Golf Road (extended) should be annexed into the City of Merced as well. However, this area, which is already developed to a large extent, should be allowed to retain its rural character, with a special plan Designation to be worked out through the General Plan update process.

Planning Processes

The City accepts the University Community Plan adopted by Merced County on December 21, 2004 as a general conceptual framework for the planning of the University Community.

- That existing plan can be used as foundational work for further planning for the area, with the City as lead agency in the planning process.
- If a special planning process or framework is used for the development of the University Community, then the costs of that planning process shall be borne by applicants and developers, not by Merced residents.

The City should revise all of its various planning documents to accommodate the incorporation of the University Community into the City of Merced. These include not only the General Plan, but also plans for wastewater treatment, water, storm drainage, parks, fire protection, and other services.

General Plan Policies Related to This Application

- B) General Plan Policy UE-1.3 and Implementing Action 1.3.g requires that annexation requests be evaluated against certain criteria. Below is an evaluation of the proposed annexation against those criteria as seen below.

<i>Policy UE-1.3</i>
<i>Control the Annexation, Timing, Density, and Location of New Land Uses Within the City's Urban Expansion Boundaries.</i>
<i>Implementing Actions:</i>
1.3.g Evaluate future annexation requests against the following conditions: <ul style="list-style-type: none">a) Is the area contiguous to the current City limits and within the City's Specific Urban Development Plan (SUDP)/Sphere of Influence (SOI)? Do the annexed lands form a logical and efficient City limit and include older areas where appropriate to minimize the formation of unincorporated peninsulas?b) Is the proposed development consistent with the land use classifications on the General Plan Land Use Diagram (Figure 3.1)?

- c) Can the proposed development be served by the City water, sewer, storm drainage, fire and police protection, parks, and street systems to meet acceptable standards and service levels without requiring improvements and additional costs to the City beyond which the developer will consent to provide or mitigate?**
- Can the proposed development be served by the City water, sewer, storm drainage, fire and police protection, parks, and street systems to meet acceptable standards and service levels without requiring improvements and additional costs to the City beyond which the developer will consent to provide or mitigate?**
- d) Will this annexation result in the premature conversion of prime agricultural land as defined on the Important Farmland Map of the State Mapping and Monitoring Program? If so, are there alternative locations where this development could take place without converting prime soils?**
- e) Will a non-agricultural use create conflict with adjacent or nearby agricultural uses? If so, how can these conflicts be mitigated?**
- f) Does annexation of the area help the City reach one of the following goals?**
- 1) Does annexation of the area bring the City closer to annexation of the UC Merced campus and University Community?**
 - 2) Does the area contain significant amounts of job-generating land uses, such as industrial, commercial, office, and business/research & development parks?**
 - 3) Does the project provide key infrastructure facilities or other desirable amenities, such as the extension of major roads, utility trunk lines, parks and recreational facilities, etc.?**

Criteria "a"--Is the area contiguous to the Current City Limits and within the City's Specific Urban Development Plan (SUDP)/Sphere of Influence (SOI)? Do the annexed lands form a logical and efficient City limit and include older areas where appropriate to minimize the formation of unincorporated peninsulas?

Evaluation

Because of the terms of AB 3312 (see Finding C), the City is allowed to annex the UC Merced Campus along a roadway strip. The Bellevue Road right-of-way will be annexed from the current City Limits at G Street for approximately 2 miles to Lake Road to connect to the UC Campus Main Campus and Long Range Development Plan (LRDP) boundary.

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Criteria “b”--Is the proposed development consistent with the land use classification on the General Plan Land Use Diagram (Figure 3.1)?

Evaluation

The UC Merced Campus LRDP area is designated on the General Plan Land Use Diagram as “School”. The proposed rezoning of “Public Facility” (P-F) is consistent with that designation.

Criteria “c”--Can the proposed development be served by the City water, sewer, storm drainage, fire and police protection, parks, and street systems to meet acceptable standards and service levels without requiring improvements and additional costs to the City beyond which the developer will consent to provide or mitigate?

Evaluation

The City would be able to provide services to the annexation area as spelled out in the Urban Services Agreement from 2003. See Finding C for further details.

Criteria “d”--Will this annexation result in the premature conversion of prime agricultural land as defined in the Important Farmland Map of the State Mapping and Monitoring Program? If so, are there alternative locations where this development could take place without converting prime soils?

Evaluation

As identified on the most recent data provided by the Farmland Mapping and Monitoring Program of the California Resources Agency, the annexation area contains area of land that is considered Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, Urban and Built-Up Land, and Grazing Land. As noted in the Environmental Document at Attachment D of Planning Commission Staff Report #23-102, the conversion of this farmland was evaluated in the Merced Vision 2030 General Plan EIR. The EIR included a mitigation measure (MM #3.2-1) that among other things, requires the City to protect agricultural land by establishing conservation easements. UC Merced has placed enough Important Farmland under conservation easements to compensate for the conversion of Important Farmland to campus uses. Therefore, any impacts to the Important Farmland within the annexation area is off-set by the conservation easements.

Criteria “e”--Will a non-agricultural use create conflict with adjacent or nearby agricultural uses? If so, how can these conflicts be mitigated?

Evaluation

The UC Campus would not conflict with any nearby agricultural uses. As discussed in the environmental document at Attachment D of Planning Commission Staff Report #23-102, the area proposed for annexation is within the 8,758 acres of agricultural land where potential impacts due to land use conflicts were disclosed in the adopted GP PEIR. The area north and east of the UC Merced campus outside of the SUDP/SOI evaluated in the GP PEIR is within an area zoned as Exclusive Agricultural (A-2) by Merced County (Merced County n.d.). This includes Lake Yosemite and Lake Yosemite Regional Park managed by Merced County and the Merced Vernal Pools and Grassland Reserve established by UC Merced. Due to existing uses and land use restrictions, these areas would not convert to nonagricultural uses as a result of development or annexation of UC Merced. The agricultural land to the southeast would be buffered from the developed portion of the university by passive open space.

Criteria "f"--Does the annexation area help the City reach one of the following goals?

- 1) *Does annexation of the area bring the City closer to annexation of the UC Merced campus and University Community?*
- 2) *Does the area contain significant amounts of job-generating land uses, such as industrial, commercial, office, and business/research and development parks?*
- 3) *Does the project provide key infrastructure facilities or other desirable amenities such as the extension of major roads, utility trunk lines, parks and recreational facilities, etc.?*

Evaluation

- 1) The proposed annexation would meet this criterion by bringing the UC Merced campus into the City Limits. It is anticipated that land within the northern portion of the University Community currently owned by the Virginia Smith Trust would annex soon after.
- 2) The UC Campus currently has over 3,000 employees. As the UC Campus grows additional jobs would be generated both on campus and throughout the region.
- 3) The development of the UC Merced Campus has involved the development of key infrastructure in the area, including the extension of water and sewer lines that currently serve the UC Campus. These

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lines which were installed in Bellevue Road would also serve other annexations in the area.

UC Merced is responsible for a pro-rata share of the cost to widen Bellevue Road from two lanes to four lanes. This project would happen gradually as development occurs along Bellevue Road and right-of-way is acquired.

AB 3312

- C) During 2020, AB 3312 was introduced in the California Legislature by District 21 Assembly member Adam Gray. AB 3312 passed both the House and Senate unanimously and was signed into law by the Governor on September 9, 2020. The final text of AB 3312 can be found at Attachment C. In summary, AB 3312 allows the City to annex the main UC Merced Campus through a “road strip” (Bellevue Road) annexation and places certain restrictions on future annexations along the “road strip.” The “road strip” being used is Bellevue Road. Therefore, once the UC Merced annexation is completed, other properties along Bellevue Road would be eligible for annexation.

City-UC Merced Agreements

- D) In 2003, the City and the Regents of the University of California entered into a “Contract for Water and Sewer Services.” This contract provided an agreement for the City to provide sewer and water services to Phase One of the campus (102 acres). The contract has been amended twice to modify the payment terms and to enlarge the area of service from 102 acres to 219 acres to accommodate the UC’s Revised 2020 Project.

In 2003, as part of the original agreement to provide water and sewer services, the UC was required to enter into an “Agreement to Annex. This agreement states that the UC agrees to annex at such time as the City determines it to be appropriate. In 2016, an “Agreement Affecting Real Property and Covenant to Annex” was entered into between the Regents of the University of California and the City of Merced. The 2016 agreement modified the area to be considered for annexation to include the Revised 2020 Project.

As part of the current annexation application, the UC and the City of Merced have negotiated a Memorandum of Understanding (MOU) regarding the annexation of the UC Campus. City Council will consider this MOU on October 16, 2023. The MOU clarifies the annexation area

and includes the following provisions related to the annexation:

- The UC shall retain full powers of sovereignty and self-governance;
- UC approval and adoption of Long Range Development Plans (LRDP) shall govern future Merced Campus development;
- The City agrees that the LRDP is the sole cap or limitation on the amount and type of development and uses allowed within the UC Campus area.

Public Improvements/City Services

- E) The annexation of the UC Merced Campus will not initially involve the development of public improvements. However, as development occurs within the annexation area, typical infrastructure improvements such as streets, sidewalks, curb, gutters, streetlights, and traffic signals (if required) would be installed.

UC Merced is responsible for paying a pro-rata share of the cost to widen Bellevue Road from two to four lanes between G Street and Lake Road as well as the improvements to the intersections of Bellevue Road and Lake Road and Yosemite Avenue and Lake Road. A traffic signal was recently installed at the intersection of Lake Road and Yosemite Avenue. The installation was done by the developer of the Merced Stations Apartment Complex. UC Merced is responsible for a pro-rata share of the cost of the signal.

1) Streets/Sidewalks/Curb/Gutter

All streets/sidewalks/curb/gutter and any other street improvements on the campus would be the sole responsibility of UC Merced. As development occurs, the campus would install the necessary improvements on the campus to serve the new development. Any development along Lake Road would be required to install frontage improvements (i.e., street, sidewalk, etc.) per City Standards.

2) Sewer/Water

UC Merced is currently receiving City sewer and water through the extension of main lines in Bellevue Road. This extension was part of the Agreement to Annex entered into by the UC Regents and the City in 2003. The UC would be responsible for any extension of lines on the campus to serve future development.

- 3) *Storm Drainage*
The UC Merced campus would continue to accommodate storm drainage on the campus. If storm drainage facilities are required for future development that cannot be accommodated on the campus, those facilities would be required to meet City Standards.
- 4) *Police and Fire Protection*
UC Merced has its own independent police department. This would not change with the annexation of the campus.

Fire protection for the UC Merced Campus is currently contracted through the County. Once the campus is annexed into the City, the UC would contract with the City Fire Department to provide fire protection services.
- 5) *Parks and Recreation*
The UC campus provides an array of open space and recreation programs for students. The campus is responsible for the maintenance of all the parks and open space on the campus. This would not change after annexation. The UC is also responsible for any recreation programs run through UC Merced.

Timeliness of Annexation

- F) It has been the City's long term goal to annex the UC Merced Campus and the adoption of AB3312 allowed the City to annex the Campus along a road strip without having to annex a significant amount of private property between the current City Limits at G Street and the UC Merced Campus. This has allowed the annexation of the UC Campus to proceed quicker than anticipated.

Pre-Annexation Development Agreement

- G) Section 20.86.150 of the Zoning Ordinance requires a property owner to enter into a Pre-Annexation Development Agreement prior to annexation. However, since the University of California has already entered into an Annexation Agreement with the City and is not subject to the City's land use authority, no Pre-Annexation Development Agreement is necessary.

Time Frames

- H) If recommended for approval by the Planning Commission on October 4, 2023, the Annexation/Rezoning would be scheduled for a City

Council public hearing on December 6, 2023. If the City Council authorizes an application to the Merced Local Agency Formation Commission (LAFCO), the application would likely be submitted by December 15, 2023. The LAFCO approval process would likely take several months, but the City is hopeful that the annexation will be finalized by April 2024.

Environmental Clearance

- I) An Addendum to the *Merced Vision 2030 General Plan Environmental Impact Report (EIR)* for the UC Merced Annexation Project has been prepared on behalf of the City by Ascent Environmental under the California Environmental Quality Act and concluded that the annexation project would not result in significant new or substantially more severe environmental impacts than described in the previously-adopted *Merced Vision 2030 General Plan EIR* (adopted in January 2012). (See Attachment D of Planning Commission Staff Report #23-102.)