

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING THE OFFICIAL CITY ZONING MAP
BY APPROVING ZONE CHANGE #436, SITE
UTILIZATION PLAN REVISION #19 TO
PLANNED DEVELOPMENT #4, SITE
UTILIZATION PLAN REVISION #14 TO
PLANNED DEVELOPMENT #42 AND SITE
UTILIZATION PLAN REVISION #18 TO
PLANNED DEVELOPMENT #46 TO REZONE
TWENTY SEVEN (27) SITES WITHIN THE CITY
TOTALING APPROXIMATELY 95 ACRES OF
LAND AND DENY THE REZONE OF THREE (3)
SITES TOTALING ABOUT 6 ACRES OF LAND**

WHEREAS, the City of Merced ("City") is required to implement the Housing Element of the General Plan for the 2024-2032 planning period pursuant to State Housing Element Law (Gov. Code S 65580 et seq.); and,

WHEREAS, the City of Merced submitted first draft of the City's 2024-2032 Housing Element ("Housing Element") on August 9, 2024, to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on November 7, 2024, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, in 2023, City staff identified 33 opportunity sites to rezone to a higher density to accommodate the RHNA allocation assigned by the State; and,

WHEREAS, from the total 33 identified opportunity sites, there are 27 opportunity sites left to be rezoned which can fully meet the RHNA allocation assigned to the City; and,

WHEREAS, on January 21, 2025, City staff provided the City Council with an update on the status of the opportunity site rezones; and

WHEREAS, City staff has prepared an Addendum to the 2012 General Plan Environmental Impact Report (Environmental Review ##24-42) for this zoning amendment (“Addendum”), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act (“CEQA”) Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on February 5, 2025, the Planning Commission of the City of Merced held a duly noticed public hearing, 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 the evidence and testimony, the Planning Commission adopted Resolution #4149, attached hereto as Exhibit C and incorporated herein by this reference, recommending that the City Council approve the Rezoning for Sites A-F, H-Q and T-DD, the Site Utilization Plan Revisions and the Environmental Review (an Addendum to the Merced Vision 2030 General Plan EIR); and,

WHEREAS, after hearing all the evidence and testimony, the Planning Commission recommended that the City Council deny the Rezoning for Sites G, R and S; and,

WHEREAS, on April 7, 2025, at a duly noticed public hearing of the City Council, this Ordinance and Addendum, was introduced on a first reading, and the Council moved to adopt this Ordinance on a vote,

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT TO CODE. The property described in Exhibit A, attached hereto, and by reference made a part of this Ordinance, is hereby re-designated as shown on Exhibit A except for Sites G, R and S.

SECTION 2. ENVIRONMENTAL REVIEW. The City Council finds that Environmental Review #24-42 has been conducted for the project in accordance with the requirements of the California Environmental Quality Act (CEQA). An Addendum is the appropriate environmental document under CEQA Section 15164 because the proposed project would not require revisions to the certified 2012 General Plan EIR due to the involvement of new significant

environmental effects or substantial increases in the severity of significant effects previously identified in the General Plan EIR. The Addendum to the General Plan EIR (Environmental Review #24-42) is included as Attachment E of Planning Commission Staff Report #25-096.

SECTION 3. GENERAL PLAN AND ZONING CONSISTENCY.

The proposed Zone Changes and the Site Utilization Plan Revisions comply with the current and Draft 6th Cycle Housing Elements of the Merced Vision 2030 General Plan. The amendments align with the goals and policies of the Housing Element and are integral to meeting the City's Regional Housing Needs Allocation (RHNA). The rezoning supports increased residential density, affordability, and compliance with state housing laws, as described in Exhibit A.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the 7th day of April 2025, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2025, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

**APPROVED:
MATTHEW SERRATTO, MAYOR**

Mayor

**ATTEST:
D. SCOTT MCBRIDE, CITY CLERK**

**BY: _____
Assistant/Deputy City Clerk**

(SEAL)

**APPROVED AS TO FORM:
CRAIG J. CORNWELL, CITY ATTORNEY**

 4/1/2025
City Attorney Date