

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4044**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of August 19, 2020, held a public hearing and considered Modifications to the Pre-Annexation Development Agreement for the Absolute-Bright Annexation, initiated by Rick Telegan, on behalf of Exposition Properties, LLC, and Leeco, LLC, This application involves a request to modify Exhibits “D” and “G” of the Pre-Annexation Development Agreement. The requested modification of Exhibit “D” would remove the requirement that development within the annexation area be done from south to north, thus allowing any of the property owners to develop without being delayed by the development of other property, and the requested modification of Exhibit “G” would modify Condition #7 of Planning Commission Resolution #2871 removing the requirement that all infrastructure on G Street be completed in one construction project, and not be divided by ownership or tentative maps. The affected property consists of approximately 85 acres, generally located on the east side of G Street, north of Merrill Place (extended). The property has General Plan designations of Low Density Residential (LD), Village Residential (VR), and Open Space/Park Recreation (OS-PK); and is zoned R-1-5 and Residential Planned Development (P-D) #61; Also known as Assessor’s Parcel Numbers (APN) 060-030-037; -038; and -039; and 060-080-001; -002; -003; and -004; and,

**WHEREAS**, the Merced City Planning Commission concurs with the Findings in 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 adopt a Categorical Exemption regarding Environmental Review # 20-15, and recommend denial of the modifications to the Pre-Annexation Development Agreement for the Absolute-Bright Annexation.

Upon motion by Commissioner DYLINA, seconded by Commissioner CAMPER, and carried by the following vote:

AYES: Commissioners Camper, Butticci, Delgadillo, White, Dylina, and Chairperson Harris  
NOES: None  
ABSENT: Commissioner Rashe  
ABSTAIN: None

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September 9, 2020

Adopted this 9th day of September 2020

*Michael Harris*

Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Findings/Considerations

**Findings and Considerations**  
**Planning Commission Resolution #4044**  
**Modification to the Pre-Annexation Development Agreement for the**  
**Absolute-Bright Annexation**

**FINDINGS/CONSIDERATIONS:**

**Compliance with Agreement and State Law**

- A) According to Section 25 of the Pre-Annexation Development Agreement and Government Code Section 65868, all parties must agree to modifications made to the Pre-Annexation Development Agreement. To date, Bright Development has not agreed to the proposed changes. Therefore, in compliance with the provisions of the agreement and state law, the proposed modifications can not be approved.

**Direction from Applicant**

- B) Based on the direction from the City Attorney and Planning Staff regarding the provision of the agreement and state law, the Planning Commission could not recommend approval of the proposed modifications. Therefore, the applicant requested the Planning Commission recommend denial of the proposed modifications in order to allow the request to move forward to the City Council for final decision.