



## Legislation Text

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File #: 24-031, Version: 2

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### Planning Commission Staff Report

*Report Prepared by: Jonnie Lan, AICP, Principal Planner, Development Services Department*

**SUBJECT:** Consideration and Recommendation regarding a Pre-Annexation and Development Agreement by and Between the City of Merced and Virginia Smith Trust (VST) Relating to Annexation and Pre-zoning Application #23-03, General Plan Amendment #23-04, the adoption of the VST Specific Plan, the Establishment of Planned Development (P-D) #80 , and with the City of Merced acting as the Responsible Agency, consideration and recommendation regarding the Final Focused Subsequent Environmental Impact Report (FSEIR), State Clearinghouse No. (SCH) #2001021056; (2) The Findings Required By CEQA Guidelines Section 15091; (3) The Proposed Mitigation Monitoring And Reporting Program; and, (4) the Statement of Overriding Considerations Pursuant to the California Environmental Quality Act (CEQA) for the Pre-Annexation And Development Agreement described above. The Pre-Annexation Development Agreement and FSEIR are related to approximately 654 acres of land located at 4600 Lake Road, generally bounded by the University of California, Merced, Campus to the north, agriculturally zoned land in Merced County to the south, agriculturally zoned land in Merced County to the east, and Lake and Cardella Roads to the west \*\*PUBLIC HEARING\*\*

### **ACTION**

#### PLANNING COMMISSION:

##### Recommendation to City Council

1) Environmental Review #23-44 (Acting as a Responsible Agency):

- (a) the Final FSEIR, State Clearinghouse No. SCH #2001021056
- (b) the Findings Required by CEQA Guidelines Section 15091
- (c) The Proposed Mitigation Monitoring and Reporting Program
- (d) Statement of Overriding Considerations

2) Pre-Annexation Development Agreement by and between the City of Merced and Virginia Smith Trust (VST)

#### CITY COUNCIL:

##### Approve/Disapprove/Modify

1) Environmental Review #23-44 (Acting as a Responsible Agency):

- (a) the Final FSEIR, State Clearinghouse No. Sch# 2001021056

- (b) the Findings Required by CEQA Guidelines Section 15091
- (c) The Proposed Mitigation Monitoring and Reporting Program
- (d) Statement of Overriding Considerations

2) Pre-Annexation Development Agreement by and between the City of Merced and Virginia Smith Trust (VST)

## SUMMARY

The Planning Commission is being asked to make a recommendation regarding the adoption of the Pre-Annexation Development Agreement for Annexation and Pre-zoning Application #23-03, General Plan Amendment #23-04, Establishment of Planned Development (P-D) #80, adoption of the Virginia Smith Trust Specific Plan and Environmental Review #23-44 which adopts the FSEIR including the Findings required by CEQA Section 15091, the Mitigation and Monitoring Program, and a Statement of Overriding Considerations.

## RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #23-44 and the Pre-Annexation Development Agreement for Annexation and Pre-zoning Application #23-03, General Plan Amendment #23-04, Adoption of the VST Specific Plan, and the Establishment of Planned Development (P-D) #80 (including the adoption of the Draft Resolution at Attachment A), subject to the conditions in Exhibit A and findings/considerations in Exhibit B, and the Mitigation Measures in Exhibit C, of the Draft Resolution at Attachment A.

## DISCUSSION

The Planning Commission held a public hearing on December 20, 2023, to consider the above entitlements for the VST project at 4600 Lake Road (Attachment B). At this meeting, the Planning Commission recommended approval of the annexation and other entitlements (refer to Planning Commission Resolution #4127 at Attachment D). Per Merced Municipal Code Section 20.86.030, a Development Agreement is required for this project. This code section also requires the Planning Commission to consider the agreement at a public hearing and make a recommendation to the City Council regarding the agreement. Because the Development Agreement was not included in the public notice for the December 20, 2023, Planning Commission meeting, the Planning Commission could not take action on it at that meeting. Therefore, the Planning Commission is being asked to consider the Pre-Annexation Development Agreement separately.

The Pre-Annexation Development Agreement at Attachment C includes items such as a description of the project, project development parameters, applicable city, state and federal laws, uniform codes and standard specifications, the financial commitments of the city and VST, VST project facility and infrastructure obligations, permits and approvals and the mitigation monitoring and reporting program. The developer has reviewed and agrees to the terms of the agreement.

The other entitlements related to this project are scheduled to be heard at the January 16, 2024, City Council meeting. However, for the Council to consider and approve these entitlements, they must also consider and approve the accompanying Development Agreement. If recommended for approval, the Development Agreement will then be added to the list of entitlements being considered for this site on January 16, 2024.

Staff requests that the Commission hold the Public Hearing and make a recommendation to the City Council regarding the Pre-Annexation Development Agreement and Environmental Review. The City Council would then consider the Development Agreement along with the environmental review and other entitlements on January 16, 2024.

## **ATTACHMENTS**

- A. VST Location Map
- B. Approved Planning Commission Resolution #4127
- C. Final Draft Development Agreement
- D. Development Agreement Exhibits
- E. Planning Commission Development Agreement Resolution #4128
- F. FSEIR
- G. Presentation