

PLANNING COMMISSION
RESOLUTION NO. 2023-26

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO PLANNED DEVELOPMENT ZONES P-D(102), P-D(109), P-D(120), P-D(123), P-D(125), P-D(134), P-D(137), P-D(147), P-D(166), P-D(179), P-D(200), P-D(217), P-D(223), P-D(287), P-D(306), P-D(320), P-D(394), P-D(403), P-D(405), P-D(421), P-D(422), P-D(433), P-D(436), P-D(459), P-D(477), P-D(481), P-D(491), P-D(494), P-D(499), P-D(515), P-D(525), P-D(531), P-D(553), P-D(560), P-D(566), P-D(584), P-D(591), AND P-D(593) TO ALLOW MULTI-FAMILY USE IN ADDITION TO THEIR EXISTING ALLOWABLE USES

WHEREAS, the City of Modesto has proposed an Amendment to Planned Development Zones, P-D(102), P-D(109), P-D(120), P-D(123), P-D(125), P-D(134), P-D(137), P-D(147), P-D(166), P-D(179), P-D(200), P-D(217), P-D(223), P-D(287), P-D(306), P-D(320), P-D(394), P-D(403), P-D(405), P-D(421), P-D(422), P-D(433), P-D(436), P-D(459), P-D(477), P-D(481), P-D(491), P-D(494), P-D(499), P-D(515), P-D(525), P-D(531), P-D(553), P-D(560), P-D(566), P-D(584), P-D(591), AND P-D(593) to allow multiple-family residential development in addition to their existing uses; and

WHEREAS, since 1969, the State of California has required that all local governments adequately plan to meet the housing needs of everyone in the community through the Regional Housing Needs Allocation (RHNA) process. This process starts with the state determining how much housing at a variety of affordability levels is needed for each region in the state, and then regional governments developing a methodology to allocate that housing need to local governments. California's local governments then adopt housing plans called housing elements as part of their General Plan, which is also required by the state, to show how the jurisdiction will meet local housing needs; and

WHEREAS, the Modesto Housing Plan, adopted by the Modesto City Council in 2022, includes in its Key Housing Production Strategies the strategy to Transform Major Commercial Corridors Into Neighborhoods; and

WHEREAS, the City of Modesto has submitted a draft 6th Cycle Housing Element to the Department of Housing and Community Development indicating how it will meet local housing needs, and in said Housing Element the City has identified corridors along McHenry Avenue, Sisk Road, Oakdale Road, and Yosemite Boulevard as areas in which additional housing needs can be met; and

WHEREAS, in order to designate sites as "opportunity sites" that fulfill the RHNA requirements placed on the City, those sites must allow for multi-family residential uses as a by-right use; and

WHEREAS, numerous existing Planned Developments along the McHenry Avenue and Sisk Road corridors do not allow for by-right multi-family residential development as a part of their allowable uses; and

WHEREAS, fully rezoning Planned Developments to another zone would negate the value of the Planned Developments as they were initially conceived, and existing allowable uses for those Planned Developments could be removed through such a rezoning, unnecessarily creating nonconforming parcels where they otherwise would not be; and

WHEREAS, amending Planned Developments to allow for multi-family residential uses in addition to their existing uses serves to both continue to allow the previously identified uses in the Planned Developments and allow multi-family residential development as a by-right use, meeting the State's requirements for RHNA allocation and providing the opportunity for the development of multi-family residences in locations not presently permitted by-right in the City; and

WHEREAS, by Ordinance No. 1228-C.S., approved on September 18, 1972, the City Council established P-D(102); and

WHEREAS, by Ordinance No. 3206-C.S., approved on February 27, 2001, the City Council established P-D(109); and

WHEREAS, by Ordinance No. 1302-C.S., approved on November 26, 1973, the City Council established P-D(120); and

WHEREAS, by Ordinance No. 1432-C.S., approved on February 24, 1975, the City Council established P-D(123); and

WHEREAS, by Ordinance No. 3172-C.S., approved on February 22, 2000, the City Council established P-D(125); and

WHEREAS, by Ordinance No. 2468-C.S., approved on January 6, 1987, the City Council established P-D(134); and

WHEREAS, by Ordinance No. 1488-C.S., approved on January 5, 1976, the City Council established P-D(137); and

WHEREAS, by Ordinance No. 3108-C.S., approved on October 27, 1998, the City Council established P-D(147); and

WHEREAS, by Ordinance No. 2072-C.S., approved on August 18, 1981, the City Council established P-D(166); and

WHEREAS, by Ordinance No. 1708-C.S., approved on January 23, 1978, the City Council established P-D(179); and

WHEREAS, by Ordinance No. 2833-C.S., approved on November 24, 1992, the City Council established P-D(200); and

WHEREAS, by Ordinance No. 1820-C.S., approved on April 10, 1979, the City Council established P-D(217); and

WHEREAS, by Ordinance No. 1836-C.S., approved on June 5, 1979, the City Council established P-D(223); and

WHEREAS, by Ordinance No. 2958-C.S., approved on October 17, 1995, the City Council established P-D(287); and

WHEREAS, by Ordinance No. 2055-C.S., approved on June 23, 1981, the City Council established P-D(306); and

WHEREAS, by Ordinance No. 2166-C.S., approved on January 4, 1983, the City Council established P-D(320); and

WHEREAS, by Ordinance No. 2665-C.S., approved on April 25, 1989, the City Council established P-D(394); and

WHEREAS, by Ordinance No. 2428-C.S., approved on May 27, 1986, the City Council established P-D(403); and

WHEREAS, by Ordinance No. 2431-C.S., approved on June 3, 1986, the City Council established P-D(405); and

WHEREAS, by Ordinance No. 2524-C.S., approved on July 7, 1987, the City Council established P-D(421); and

WHEREAS, by Ordinance No. 2512-C.S., approved on May 26, 1987, the City Council established P-D(422); and

WHEREAS, by Ordinance No. 2550-C.S., approved on September 22, 1987, the City Council established P-D(433); and

WHEREAS, by Ordinance No. 2558-C.S., approved on October 27, 1987, the City Council established P-D(436); and

WHEREAS, by Ordinance No. 2624-C.S., approved on November 22, 1988, the City Council established P-D(459); and

WHEREAS, by Ordinance No. 2729-C.S., approved on September 19, 1990, the City Council established P-D(477); and

WHEREAS, by Ordinance No. 2750-C.S., approved on January 22, 1991, the City Council established P-D(481); and

WHEREAS, by Ordinance No. 2832-C.S., approved on October 20, 1992, the City Council established P-D(491); and

WHEREAS, by Ordinance No. 2856-C.S., approved on June 15, 1993, the City Council established P-D(494); and

WHEREAS, by Ordinance No. 2874-C.S., approved on November 9, 1993, the City Council established P-D(499); and

WHEREAS, by Ordinance No. 2999-C.S., approved on August 27, 1996, the City Council established P-D(515); and

WHEREAS, by Ordinance No. 3073-C.S., approved on November 4, 1997, the City Council established P-D(525); and

WHEREAS, by Ordinance No. 3094-C.S., approved on June 23, 1998, the City Council established P-D(531); and

WHEREAS, by Ordinance No. 3252-C.S., approved on March 19, 2002, the City Council established P-D(553); and

WHEREAS, by Ordinance No. 3298-C.S., approved on May 13, 2003, the City Council established P-D(560); and

WHEREAS, by Ordinance No. 3352-C.S., approved on June 22, 2004, the City Council established P-D(566); and

WHEREAS, by Ordinance No. 3482-C.S., approved on April 1, 2008, the City Council established P-D(584); and

WHEREAS, by Ordinance No. 3528-C.S., approved on May 25, 2010, the City Council established P-D(591); and

WHEREAS, by Ordinance No. 3553-C.S., approved on September 13, 2011, the City Council established P-D(593); and

WHEREAS, the City proposes to amend each of the above Planned Developments, to allow multi-family development, and

WHEREAS, a public hearing was held by the Planning Commission on October 2, 2023, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Initial Study, Environmental Assessment No. EA/C&ED 2023-19, which concludes that the proposed amendment is within the scope of the General Plan Master Environmental Impact Report (SCH No. 2014042081) and that pursuant to Section 21157.1(b) of the CEQA Guidelines, no new environmental review is required, in accordance with the findings below.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines that the amendment to the above listed Planned Development Zones, is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed amendment is consistent with the Modesto Urban Area General Plan, as the sites are designated Commercial, which each of the Planned Developments allows subject to compliance to City standards.

2. The type of project is described in Chapter II of the Modesto Urban Area General Plan Master EIR (MEIR).
3. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
4. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project is within the scope of the MEIR.
5. Based on the Initial Study, the City of Modesto finds and determines:
 - a. The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
 - b. No new or additional mitigation measures or alternatives are required.
 - c. The subsequent project is within the scope of the project covered by the Master EIR.
 - d. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
6. The Initial Study, Environmental Assessment No. EA/C&ED 2023-19, provides the substantial evidence to support finding numbers 5a-5d, noted above.

BE IT FURTHER RECOMMENDED by the Planning Commission that it recommends that the City Council amend the Planned Developments listed above to add Multi-Family Residential as an additional permitted by-right use for each of those Planned Developments.

BE IT FURTHER RESOLVED by the Planning Commission that the Secretary of the Planning Commission is hereby directed to file with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed Planned Development amendment.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on October 16, 2023 by Commissioner Vohra , who moved its adoption, which motion was seconded by Commissioner Russell and carried by the following vote:

Ayes: Birring, Russell, Shanks, Silva, Vohra

Noes: None

Absent: Vazquez

Recused: None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Jessica Hill, Secretary

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