

PLANNING COMMISSION
RESOLUTION NO. 2024-06

A RESOLUTION RECOMMENDING DENIAL OF AN AMENDMENT TO THE ALLOWABLE USES OF PLANNED DEVELOPMENT ZONE P-D (497), TO ALLOW FOR THE PROVISION OF CARE FOR ADULTS AGES 18-59 WITH PHYSICAL, MENTAL OR DEVELOPMENTAL DISABILITIES, OR A COMBINATION OF DISABILITIES, IN ADDITION TO THE CURRENT USE OF THE FACILITY AS A SENIOR ASSISTED LIVING FACILITY (COMFORT CARE LIVING, LLC)

WHEREAS, the Sundial Lodge, a small boutique hotel with attached restaurant, was established at 808 McHenry Avenue in 1956 and continued operation as a hotel and restaurant until July of 1993; and

WHEREAS, 1.312 acres surrounding the Sundial Lodge was annexed into the City of Modesto on August 15, 1956 as the Covell Addition to the City of Modesto, with the underlying zone of Medium-High Density Residential (R-3); and

WHEREAS, on June 12, 1979 by Resolution No. 79-584 and Ordinance No. 1838-C.S. the City Council approved the rezone of the site from Medium-Density Residential (R-3) Zone to Planned Development Zone P-D(219) to allow for the ongoing operation and expansion of the Sundial Lodge, said expansion adding a cocktail lounge and banquet hall; and

WHEREAS, on October 26, 1993 the City Council by Resolution No. 93-584 and Ordinance No. 2871-C.S. approved the rezone of the site from Planned Development Zone P-D(219) to Planned Development Zone P-D(497), to allow for the conversion of the Sundial Lodge hotel and restaurant into a residential care facility and senior housing; and

WHEREAS, the facility was operated as the Sundial senior assisted living facility until 2014, then operated as the Stacie's Chalet senior assisted living facility until 2019; and

WHEREAS, an application for an amendment to the allowable uses of Planned Development Zone P-D(497) was filed by Comfort Care Living, LLC, to allow for a new use, specifically the provision of care for conserved adults ages 18 to 59 with physical, mental or developmental disabilities or a combination of disabilities; and

WHEREAS, the Applicant has indicated that the capacity of the facility would be up to 120 beds; and

WHEREAS, a public hearing was held by the Planning Commission on February 26, 2024, in the Chambers, 1010 Tenth Street, Modesto, California, at which time all the Planning Commission consider both oral and documentary evidence, including a staff report dated February 26, 2024; and

WHEREAS, in order to approve a zoning amendment, Modesto Municipal Code section 10-9.903 requires the decisionmaker find, among other things, that the proposed change will not be detrimental to the public health, safety, or welfare;

WHEREAS, as detailed in the Staff Report dated February 26, 2024 and incorporated herein by reference, the Applicant has been slow to provide fundamental information about the operation and security of the proposed facility; and

WHEREAS, the Applicant's inability to provide necessary information about the facility operations and security raises significant doubts about the capacity and ability to safely operate for the vulnerable population that would be living there; and

WHEREAS, the proposed amendment to Planned Development Zone P-D(497) is exempt from CEQA, pursuant to Section 15301 of the California Code of Regulations, which exempts the operation and minor alterations to existing facilities involving negligible or no expansion of existing or former use. The proposed change to the PD-Zone, if approved, would result in only minor alterations to the existing building and related facilities. There are no usual circumstances associated with the proposed project that would prevent the use of the exemption.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that the above recitals are true and correct, and incorporated herein.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The requested change will be detrimental to the public health, safety, or welfare because:
 - a) the Applicant has not provided any memorandums of understanding or letters of intent from social service agencies or medical centers who will be providing necessary services for residents of the facility;
 - b) the Applicant has not provided a formal contract from a security company for services, nor has provided a business plan or facility maintenance plan which is fundamental to the safety of the residents in the care of the 120-bed facility; and
 - c) the Applicant's inability to timely provide basic information about business operations and facility security raises significant doubts about the capacity and ability to safely operate for the vulnerable population that would be living at the facility.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that the application to amend Planned Development Zone P-D (497) be denied.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 26, 2024, by Commissioner Silva, who moved its adoption, which motion was seconded by Commissioner Vazquez, and carried by the following vote:

Ayes: Birring, Black, Grewal, Russell, Shanks, Silva, Vazquez

Noes: None

Absent: None

Recused: None

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

Original, signed copy on file in CEDD

Jessica Hill, Secretary