

**PLANNING COMMISSION
RESOLUTION NO. 2025-28**

**A RESOLUTION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN
AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN TO AMEND THE
DENSITIES OF RESIDENTIAL ZONES AND CERTIFYING THE FINAL
ENVIRONMENTAL IMPACT REPORT**

WHEREAS, a General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan” (UAGP), was adopted by the City Council by Resolution No. 95-409 on August 15, 1995, in accordance with Section 65300 of the Government Code;

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, 2003-122, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-253, 2011-254, 2011-436, 2012-430, 2014-17, 2014-422, 2015-262, 2016-34, 2017-21, 2019-109, 2022-101, 2022-193, 2022-449, and 2024-022, copies of which are on file in the office of the City Clerk; and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body; and

WHEREAS, on December 5, 2023, the City Council adopted Resolution 2023-532, adopting the Modesto 2023-2031 Housing Element (hereinafter “the Housing Element”); and

WHEREAS, on April 10, 2024, the California Department of Housing and Community Development found Modesto’s Housing Element in substantial compliance with State Housing Element Law per Gov. Code § 65580 et seq; and

WHEREAS, the Housing Element includes Program A-3, General Plan and Zoning Densities, which requires the City to revise the densities of the residential zones as discussed in the General Plan; and

WHEREAS, the City is concurrently proposing an Ordinance to update the Modesto Municipal Code (CODE-24-003) for concurrence with the General Plan as amended and for other items as required by the Housing Element; and

WHEREAS, an Initial Study has been prepared as required by CEQA, which concluded that an Environmental Impact Report should be prepared; and

WHEREAS, a Programmatic Environmental Impact Report for the Modesto Urban Area General Plan was prepared, which concluded that the City Council would need to adopt a statement of overriding considerations as well as written findings in accordance with State CEQA Guidelines Section 15091 and 15093; and

WHEREAS, a 45-day public review period for the proposed Environmental Impact Report began on February 28, 2025, and concluded on April 15, 2025; and

WHEREAS, the City received two (2) public comment letters on the draft Environmental Impact Report and has made changes to the document as a result, addressing their contents and providing responses thereto within the Final EIR; and

WHEREAS, a public hearing was held by the Planning Commission on May 5, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Modesto that it hereby recommends that the City Council approve the amendments to the Urban Area General Plan as described in **Exhibit “A”**, attached hereto and incorporated herein by reference, and to find as follows:

1. An Environmental Impact Report, Environmental Assessment No. EA/C&ED No. 2024-38, has been prepared by the City of Modesto and provided as Exhibit “B”,

attached hereto and incorporated herein by reference, that analyzed the proposed General Plan Amendment, and the Planning Commission has determined that, on the basis of the whole record before it, that in addition to the mitigation measures provided therein, that the City Council should certify the Environmental Impact Report and adopt a Statement of Overriding Considerations as well as written findings in accordance with State CEQA Guidelines Section 15091 and 15093. The CEQA Findings and Statement of Overriding Considerations are provided as Exhibit “C”, attached hereto, and incorporated herein by reference. In accordance with State CEQA Guidelines Section 15090, the Planning Commission recommends that the Council certify that:

- i. The final EIR has been completed in compliance with CEQA; and
 - ii. The final EIR was presented to the City Council, the decision-making body of the lead agency, the City of Modesto, and that the City Council reviewed and considered the information contained in the final EIR prior to approving the project; and
 - iii. The final EIR reflects the City of Modesto’s independent judgment and analysis.
2. The proposed amendment to the General Plan implements the requirements of the adopted Housing Element and makes the General Plan more internally consistent.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on 5TH day of May, 2025, by Commissioner Goriel who moved its adoption, which motion being duly seconded by Commissioner Russell, was upon roll call carried and the resolution adopted by the following vote:

Ayes: Arroyo, Black, Goriel, Grewal, Russell, Shanks

Noes: None

Absent: Hauselmann

Recused: None

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

Signed copy on file in CEDD

Jessica Hill, Secretary

EXHIBIT "A"
General Plan Amendment

EXHIBIT "B"

Environmental Assessment No. EA/C&ED No. 2024-38

EXHIBIT "C"

CEQA Findings and Statement of Overriding Considerations