

PLANNING COMMISSION  
RESOLUTION NO. 2019-12

RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO THE URBAN AREA GENERAL PLAN TO ELIMINATE THE REQUIREMENT TO PREPARE A SPECIFIC PLAN FOR THE PELANDALE / MCHENRY COMPREHENSIVE PLANNING DISTRICT AND RELATED TEXT AMENDMENTS (TESORO HOMES AND CALANDEV, LLC)

WHEREAS, on March 5, 2019, by Resolution No. 2019-108, the City Council certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2014042081) for the Modesto Urban Area General Plan; and

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

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, 2004-233, 2005-70, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-435, 2011-253, 2011-254, 2012-430, 2012-17, 2014-422, 2015-262, 2016-34, 2017-21, and 2019-109, 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, the Land Use Element of the General Plan designates approximately 80 acres of land within the Pelandale / McHenry Comprehensive Planning District, which is located outside the Modesto city limits and inside the City's sphere of influence; and

WHEREAS, General Plan policy establishes that, prior to annexation and development, a specific plan meeting certain requirements shall be prepared for property(ies) within a Comprehensive Planning District; and

WHEREAS, Tesoro Homes and Calandev, LLC, (collectively "Applicant") submitted the Wells Avenue Residential General Plan Amendment ("Project") application (File No. GPA-18-001) for a General Plan Amendment to eliminate the requirement to prepare a specific plan for the Pelandale / McHenry Comprehensive Planning District and related text amendments; and

WHEREAS, on April 15, 2019, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary relating to this proposed amendment to the Modesto Urban Area General Plan was considered, and

WHEREAS, the Planning Commission certifies it has received and reviewed the Initial Study, Environmental Assessment No. EA/C&ED 2019-08, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2014042081) and that pursuant to Section 21157.1 of the Public Resources Code, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Modesto that it hereby recommends that the City Council find as follows:

1. The Pelandale / McHenry Comprehensive Planning District is small and there is a limited area remaining for development because much of it has already been developed. There is no need for a specific plan or infrastructure master plan because there is no centralized storm water drainage basin and most of the sewer and water lines are built or planned.
2. An Initial Study, EA / C&ED No. 2019-08, was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
3. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
4. No new or additional mitigation measures or alternatives are required.
5. The subsequent project is within the scope of the project covered by the Master EIR.
6. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
7. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.
8. All project-related documentation may be reviewed at the office of the official custodian of records, which in this case is the City of Modesto Community and Economic Development Director (or designee), located at 1010 Tenth Street, Suite 3100, Modesto CA.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Modesto that it hereby recommends to the City Council adoption of the proposed amendment to the General Plan land use element as described in Exhibit "A," attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the General Plan Amendment (File No. GPA-18-001), and related files. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on April 15, 2019, by Commissioner Lucas who moved its adoption, which motion was seconded by Commissioner Smith, and carried by the following vote:

Ayes: Birring, Escutia-Braaton, Lucas, Pollard, Smith, Morad  
Noes: None  
Absent: Vohra  
Recused: None

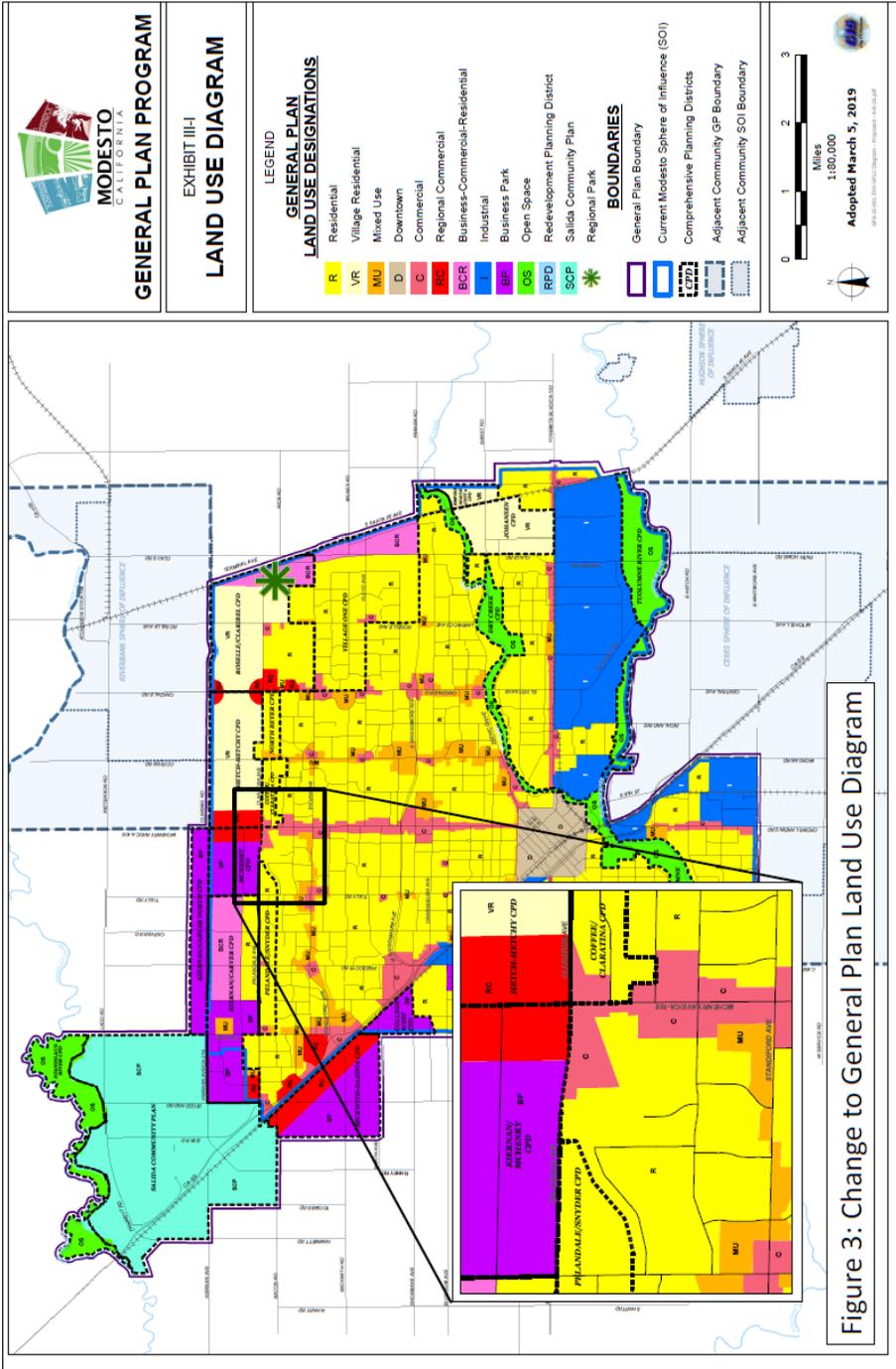
BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD

Steve Mitchell, Secretary

EXHIBIT "A"

AMENDMENT TO THE LAND USE ELEMENT OF THE URBAN AREA GENERAL PLAN



**EXHIBIT "B"**

**Initial Study  
C&ED No. 2019-08**