

PLANNING COMMISSION
RESOLUTION NO. 2020-09

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF SPECIFIC PLAN AMENDMENT NO. 25 TO THE VILLAGE ONE SPECIFIC PLAN TO AMEND ALLOWABLE USES IN THE SENIOR HOUSING LAND USE DESIGNATION (NRB INVESTMENTS LLC)

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value; and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A, adopted the Village One Specific Plan; and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body; and

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan to adopt an amended Affordable Housing Program; and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan to improve technical correctness, readability, and comprehension; and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to the Village One Specific Plan to rewrite and reorganize the Plan to be more implementation oriented; and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH No. 90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4; and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan to widen Floyd Avenue from three to five lanes, realign the Claus/Sylvan intersection, delete the nonpotable water supply for public landscaping, and integrate mitigation monitoring into the Specific Plan; and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan to revise the Residential Design Policies for cul-de-sacs, alleys, garage orientation, and plan processing; and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 to the Village One Specific Plan to revise the school and park sites within the Specific Plan and redistribute residential units among the Village One Precise Plan Areas; and

WHEREAS, the City Council on October 10, 1995, by Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to the Village One Specific Plan to reduce costs

and to implement recommendations to increase the marketability of development within the Village One area; and

WHEREAS, the City Council on May 14, 1996, by Resolution No. 96-245, adopted Specific Plan Amendment No. 7.1 to the Village One Specific Plan to delete the multiple-family development designation from Precise Plan Areas Nos. 8 and 33, and Resolution No. 26-246, to amend the Design Standard portion of the Village One Specific Plan pertaining to single-family dwelling setbacks and three-car garages, limited to Precise Plan Areas Nos. 8, 32, and 33; and

WHEREAS, the City Council on June 4, 1996, by Resolution No. 96-295, adopted Specific Plan Amendment No. 8 to the Village One Specific Plan to incorporate changes previously approved in Specific Plan Amendment No. 7 into the Specific Plan document itself, to make minor editorial changes to the Specific Plan, and to incorporate changes resulting from development of a revised Village One Facilities Master Plan; and

WHEREAS, the City Council on August 13, 1996, by Resolution No. 96-453, adopted Specific Plan Amendment No. 9 to the Village One Specific Plan to modify the standards for dwelling setbacks and three-car garages for the entire Specific Plan area; and

WHEREAS, the City Council on May 6, 1997, by Resolution No. 97-225, adopted Specific Plan Amendment No. 10 to the Village One Specific Plan to eliminate redundancy with the General Plan Housing Element policies and to eliminate language that was too restrictive; and

WHEREAS, the City Council on June 3, 1997, by Resolution No. 97-300, adopted Specific Plan Amendment No. 11 to the Village One Specific Plan to exempt public facilities from precise plan requirements, to streamline the Specific Plan amendment process, and to provide minor clarification to various policies and diagrams; and

WHEREAS, the City Council on October 21, 1997, by Resolution No. 97-602, adopted Specific Plan Amendment No. 12 to the Village One Specific Plan to allow changes in public service providers, delete the requirement for a business park market study, revise Amtrak station language, revise the business park precise plan diagram, and allow regional commercial uses in the business park; and

WHEREAS, the City Council on February 17, 1998, by Resolution No. 98-97, adopted Specific Plan Amendment No. 13 to the Village One Specific Plan to redesignate 9.8 acres in Precise Plan Area No. 3 from Multi-Family Residential to Village Residential; and

WHEREAS, the City Council on August 17, 1999, by Resolution No. 99-416, adopted Specific Plan Amendment No. 14 to the Village One Specific Plan to modify the mix of land uses allowed in the southeast quadrant of Precise Plan Area No. 20; and

WHEREAS, the City Council on September 26, 2000, by Resolution No. 2000-507, adopted Specific Plan Amendment No. 15 to the Village One Specific Plan to reduce the noise setback along Claus Road; and

WHEREAS, the City Council on May 7, 2002, by Resolution No. 2002-230, adopted Specific Plan Amendment No. 16 to the Village One Specific Plan to move 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7; and

WHEREAS, the City Council on April 1, 2003, by Resolution No. 2003-177, adopted Specific Plan Amendment No. 17 to the Village One Specific Plan to allow for a revised infrastructure financing plan for Village One, including the formation of a new community facilities district for the remaining undeveloped, unvested property in Village One; and

WHEREAS, the City Council on December 7, 2004, by Resolution No. 2004-650, adopted Specific Plan Amendment No. 18 to the Village One Specific Plan to change the land use designation of Precise Plan Areas 23 and 24 from Commercial, Village Residential, and Multi-Family Residential to Village Residential and Medium-Density Residential and to amend some of the Village One design and development standards; and

WHEREAS, the City Council on March 8, 2005, by Resolution No. 2005-129, adopted Specific Plan Amendment No. 19 to the Village One Specific Plan to change the land use designation of a portion of Precise Plan Area No. 1 from Very-Low-Density Residential to Office and High School and to allow City Council approval of a Final Development Plan concurrent with approval of Precise Plan Area No. 1; and

WHEREAS, the City Council on November 1, 2005, by Resolution No. 2005-547, adopted Specific Plan Amendment No. 20 to the Village One Specific Plan to allow for a revised layout for the Village Center Retail Center, property located at the southeast corner of Roselle and Floyd Avenues; and

WHEREAS, the City Council on May 9, 2006, by Resolution No. 2006-290, adopted Specific Plan Amendment No. 21 to the Village One Specific Plan to modify policies related to the development of the Village One Town Center Housing Project, property located at the northeast corner of Roselle Avenue and Belharbour Drive; and

WHEREAS, the City Council on December 12, 2007 by Resolution No 2007-749, adopted Specific Plan Amendment No. 22 to the Village One Specific Plan to change the land use designation from Multi-Family Residential to Village Center for the property at the northeast corner of Floyd Avenue and Roselle Avenue; and

WHEREAS, the City Council on March 11, 2014 by Resolution No 2014-89, adopted Specific Plan Amendment No. 23 to the Village One Specific Plan to change the land use designation of six acres located at the southeast corner of Hillglen Avenue and Caden Drive from Elementary School to Village Residential; and

WHEREAS, the City Council on February 24, 2015 by Resolution No. 2015-55 adopted Specific Plan Amendment No. 24 to change the land use designation of 9.5 acres located at the southwest corner of Kodiak Drive and Lincoln Oak Drive from Multi-Family Residential to Village Residential; and

WHEREAS, NRB Investments LLC has filed an application to amend the Village One Specific Plan to allow small-lot single-family residential developments of a minimum

density of 10 units per net acre and multi-family residential uses within the Senior Housing land use designation; and

WHEREAS, on June 25, 2020 the proposed Specific Plan Amendment was referred to the Sylvan and Modesto School Districts, Modesto Irrigation District, Local Agency Formation Commission, and the Director of Stanislaus County Planning and Community Development, for a 45-day referral period in accordance with Government Code sections 65453 and 65352; and

WHEREAS, a public hearing was held by the Planning Commission on September 14, 2020, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission has considered an Initial Study, Environmental Assessment No. EA/C&ED 2020-11, which concluded that the potential environmental effects of the proposed specific plan amendment have been adequately addressed within the context of the previously-certified City of Modesto 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 that it hereby finds and determines as follows:

1. The proposed amendment to the Village One Specific Plan is consistent with the General Plan, because the amendment to amend the Senior Housing land use designation to allow for small-lot single family residential developments of a minimum density of 10 units per net acre would facilitate the development of a small-lot single-family residential development of a net 11.3 dwellings per acre on a vacant infill parcel of 5.36 acres. The General Plan designates the proposed development site as Residential (R), which allows for a mixture of uses, including single-family residential uses.
2. The proposed amendment to the Village One Specific Plan is consistent with the Housing Element of the General Plan because the site was considered by the Housing Element as a site of potential residential development of 21 dwelling units, and the proposed development would provide for 46 single-family lots in a small-lot subdivision, resulting in no net loss towards the City's Regional Housing Needs Allocation (RHNA).
3. The proposed amendment facilitates the development of housing because the property, with the designation of Senior Housing of a higher density than typical single-family residential uses, has remained vacant with no development since adoption of the Village One Specific Plan on October 16, 1990.
4. 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.
5. No new or additional mitigation measures or alternatives are required.

6. The subsequent project is within the scope of the project covered by the Master EIR.
7. 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.
8. The Initial Study, Environmental Assessment No. EA/C&ED 2020-11, provides the substantial evidence to support findings 4-7, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council adoption of the proposed Village One Specific Plan Amendment No. 25 as described in Exhibit "A," attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on September 14, 2020, by Commissioner Escutia-Braaton, who moved its adoption, which motion was seconded by Commissioner Pollard, and carried by the following vote:

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

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

Original, signed copy on file in CEDD
Steve Mitchell, Secretary

Attachment (Exhibit "A")

The Plan calls for eight multi-family sites (not including senior housing), totaling approximately 1,700 units, which includes Section 65915 density bonus units. These would be distributed throughout the Village. Because of their relatively limited amount of private open space, multi-family sites would generally be located closer to proposed public parks.

They would also be located along connector roadways in order to minimize through-traffic within single-family residential areas. Finally, sites are identified which would be easier to assemble, due to a fewer number of property owners.

- g) Senior housing sites (at a maximum density of 50 dwelling units per gross acre includes Section 65915 density bonus units) ~~shall~~ should be designated within the Village Center.

There is a need to provide senior housing in the City of Modesto, and the Village Center area provides a tremendous opportunity for seniors to reside within walking distance of community amenities, Village Green, medical/emergency facilities, shopping facilities and active public parks. Senior housing can also be a great resource for a community, diversifying its composition and adding to the activity of public spaces.

It is anticipated that up to 600 units of senior housing and 50 units of mixed-use housing can be built in close proximity to the Village Center.

- h) Senior Housing ~~shall~~ should be located in close proximity to Village Center services in high-density and mixed-use developments.

The segment of the senior population needing housing assistance can best be accommodated in higher density units in the Village Center, with good access to amenities, shopping, and transit service. Such housing could achieve a density of fifty units per acre in three- to four-story elevator buildings, or located in mixed-use buildings over retail or service uses. Standard parking requirements can be reduced for such housing in conjunction with density bonus provision of State Law.

13. Residential – Community Design Policies

Residential design standards and guidelines are established, as policies, for areas of concern to the community. In particular, as residential densities increase (and lot sizes decrease in size), design considerations, especially related to garage location and size, become of significant to the overall character and quality of the community.

In general, these Policies shall be implemented through the Precise Plan process, specified in Chapter IV. In many cases, architectural and urban design graphics would be required to demonstrate conformance with these Policies. However, on existing and proposed lots of 5,000 square feet and greater, such conformance may be demonstrated through development and design regulations, if specified within the appropriate Precise Plan.

Precise Plan Area #20
(Figure III-21)

1. Acreage: 112 Acres
2. Land Use Intensity

Village Commercial Center	17 ac.
Multi-Family	21.5 ^a ac.
Senior Housing/Multi-family	6 ^b ac.
<u>Village Residential</u>	<u>67.5 ac.</u>
Total	112 ac.

^a The area south of the Village Commercial Center shall be exclusively for the Housing Authority Project, which will consist of 1.5 acres designated for Multi-Family and 3.5 for Village Residential.

^b The 6 acres of Senior Housing ~~shall be exclusively for Senior Housing~~ may also accommodate small-lot single-family residential developments at a minimum density of 10 units per net acre.

3. Special Considerations

- a. Ideally, the Village Commercial Center is the first development to occur in this Precise Plan Area. At a minimum, development of the Village Commercial center should precede the development of the 10 acres closest to the Floyd/Roselle intersection on each of the other two corners.
- b. The first phase of development of the Village Commercial Center shall include construction of a supermarket. Construction of other permitted commercial uses may accompany construction of the supermarket subject to the condition that the supermarket shall be the first use to open for business.
- c. The time limit for commencement of construction of the first phase of development of the Village Commercial Center shall not be more than three years from the effective date of approval of the Precise Plan by the City Council. One-year time extensions, not to exceed three in number, may be granted by the Planning Commission after benefit of a public hearing, if adequate cause for such time extension is shown by the developer.
- d. If construction of the first phase of the Village Commercial Center does not occur within the specified time limitations, the City may consider Precise Plan applications for development of the Village Commercial Center at one of the other two corners of Floyd and Roselle Avenues.
- e. The Precise Plan shall provide for a maximum of 350,000 square feet of gross leasable area for commercial and office uses distributed in the following manner:
 1. The Village Commercial Center will contain a maximum of 215,000 – 250,000 square feet of gross leasable area.

- f. The Village Commercial Center should be of an improved design over a typical neighborhood shopping center, reflecting pedestrian orientation and direct linkage to neighboring land uses.
- g. The Village Commercial Center should be designed in accordance with the policies presented in Sections II-G(4) and II-G.
- h. Within each area designated Multi-family, only multi-family uses will be allowed with the following number of dwelling units:

- 1. The maximum number of dwelling units for each area is calculated as follows:

10 Acres x 26.25 dwelling units/acre = 263 dwelling units for each 10-acre multi-family site.

- 2. The minimum number of dwelling units for each area is calculated as follows:

263 dwelling units x 90% = 237 dwelling units for each 10-acre multi-family site.

- i. Within each area designated Senior Housing/Multi-family Housing, either Multi-Family Housing or Senior Housing are allowed. If Multi-Family Housing is developed, the maximum density allowed is 26.75 dwelling units/gross acre, with a minimum density of 90% of the maximum density. If Senior Housing is developed, then the maximum density allowed is 50 dwelling units/gross acre. The area designated Senior Housing/Multi-Family may also accommodate small-lot single-family residential developments at a minimum density of 10 units per net acre.

The City has been working with the Stanislaus County Housing Authority to develop a 55-unit project in Village One, Precise Plan Area #20. The proposal consists of 20 unit apartment complex and 35 single-family residential units. The apartments will be affordable to lower income households. The above density requirements will not apply to the Housing Authority project.

- j. It is desirable that the City and the property owners in this Precise Plan Area agree on the process for coordinated development of this Precise Plan Area in advance of initiating any development. In any case, a single development entity should manage the development process. This role should include coordinating all aspects of land assemblage and infrastructure improvements, construction of the buildings, and implementation of the sales and leasing programs. In addition, consistent and centralized ongoing management of the retail/commercial components of the Village Center should be maintained.