

PLANNING COMMISSION  
RESOLUTION NO. 2021-09

A RESOLUTION APPROVING AN AMENDMENT TO P-D (607) TO ALLOW THE DEVELOPMENT OF 112 DETACHED DWELLINGS IN TWO SUBDIVISIONS (TESORO HOMES, INC., AND CALANDEV, LLC)

WHEREAS, Planned Development Zone, P-D(607), was approved by City Council by Ordinance No. 3695-C.S., which became effective on June 27, 2019, to allow for a gated single family residential development of 111 dwellings and supporting infrastructure such as a stormwater drainage basin and open space for recreation and two publicly-owned stormwater drainage basins; and

WHEREAS, by Resolution No. 2019-237 adopted on May 14, 2019, the City Council approved a development plan for P-D(607) to allow the annexation of the subject property, to provide for the subsequent development of single family residences in a gated subdivision on said property, and requiring prior to development Planning Commission approval for a Planned Development amendment to satisfy the requirements of Title 10, Chapter 7, Sections 101 – 109 of the Modesto Municipal Code; and

WHEREAS, an application for an amendment to P-D(607) was filed by Tesoro Homes, Inc., and Calandev, LLC, to allow the development of 112 single family residences in two gated subdivisions, the easterly subdivision of 17.84 acres to be developed to R-1, Low-Density Residential standards with 76 residential lots and six landscape lots; the westerly subdivision to be developed as a small-lot single-family subdivision with 36 residential lots and three landscape lots with front setbacks 20 feet from the garage face to the face of curb and 10 feet from other portions of the house to the curb face, the street side setback 10 feet from the building to the face of curb, the interior side setback to be 5 feet, and the rear setback to be 10 feet; and

WHEREAS, the Planning Commission continued the meeting to the June 7, 2021, public meeting to allow the applicant time to address neighborhood concerns about external roadway connections; and

WHEREAS, the Planning Commission further continued the meeting to the June 21, 2021, public meeting to allow the applicant time to address neighborhood concerns about external roadway connections; and

WHEREAS, a public hearing was held by the Planning Commission on June 21, 2021, in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the City of Modesto has prepared a Finding of Conformance with the General Plan, Initial Study Environmental Checklist C&ED No. 2021-01; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Initial Study, Environmental Assessment No. EA/C&ED 2021-01, which concludes 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 that it hereby finds and determines as follows:

1. The requested amendment will not be detrimental to the public health, safety or welfare because the project will continue the pattern of residential development in the area and will conform to City standards.
2. The requested amendment will result in an orderly planned use of land because the project is infill residential development compatible with adjacent residential uses.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the proposed amendment to Planned Development Zone, P-D(607) to add development standards for the proposed 112 single family residences is consistent with the Modesto Urban Area General Plan, which designates the property as Residential (R).
4. An Initial Study 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.
5. 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.
6. No new or additional mitigation measures or alternatives are required.
7. The subsequent project is within the scope of the project covered by the Master EIR.
8. 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.

BE IT FURTHER RESOLVED by the Planning Commission that Planned Development Zone P-D(607) be amended to permit:

1. 112 detached dwellings in two gated subdivisions.
2. The easterly subdivision of 17.84 acres to be developed to R-1, Low-Density Residential standards with 76 residential lots and six landscape lots.
3. The westerly subdivision to be developed as a small-lot single-family subdivision with 36 residential lots and three landscape lots with front setbacks 20 feet from the garage face to the face of curb and 10 feet from other portions of the house to the curb face, the street side setback 10 feet from the building to the face of curb, the interior side setback to be 5 feet, and the rear setback to be 10 feet.

4. Supporting infrastructure associated with the two subdivisions.
5. Two publicly-owned stormwater drainage basins.

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 subdivision.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on June 21, 2021, by Commissioner Vohra, who moved its adoption, which motion was seconded by Commissioner Pollard, and carried by the following vote:

Ayes:	Birring, Pollard, Smith, Vohra, Shanks
Noes:	None
Absent:	Morad, Silva
Recused:	None

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

Original, signed copy on file in CEDD

Steve Mitchell, Secretary