

1 BACKGROUND AND OVERVIEW

STATE GENERAL PLAN LAW

California Government Code Section 65300 et seq. requires all counties and cities to prepare and maintain a general plan for the long-term growth, development, and management of the land within the jurisdiction's planning boundaries. The general plan acts as a "constitution" for development and is the jurisdiction's lead legal document in relation to growth, development, and resource management issues. Development regulations (e.g., zoning and subdivision standards) are required by law to be consistent with the general plan.

General plans must address a broad range of topics, including, at a minimum, the following mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. General plans must also address the topics of environmental justice and climate change and resiliency planning, either as separate elements or as part of other required elements. At the discretion of each jurisdiction, the general plan may combine these elements and may add optional elements relevant to the physical features of the jurisdiction.

The California Government Code also requires that a general plan be comprehensive, internally consistent, and plan for the long term. The general plan should be clearly written, easy to administer, and available to all those concerned with the community's development.

State planning and zoning law (California Government Code Section 65000 et seq.) establishes that zoning ordinances are required to be consistent with the general plan and any applicable specific plans, area plans, master plans, and other related planning documents. When amendments to the general plan are made, corresponding changes in the zoning ordinance may be required within a reasonable time to ensure consistency between the revised land use designations in the general plan (if any) and the permitted uses or development standards of the zoning ordinance (Gov. Code Section 65860, subd. [c]).

CITY OF MODESTO GENERAL PLAN

Adoption of the 2019 General Plan

In 2011, the City of Modesto launched its most recent City-initiated General Plan Update, after being awarded a US HUD-DOT-EPA federal planning grant as one of 14 San Joaquin Valley cities known as the Smart Valley Places (SVP) consortium. The comprehensive General Plan update was a multi-year project that ultimately resulted in changes to nearly every chapter, section, and element of Modesto's General Plan. The City certified a Master EIR on March 6, 2019 and adopted the Modesto Urban Area General Plan (UAGP).

The adopted UAGP is Modesto's long-term, comprehensive guide for development. Its 40,600-acre planning area reaches beyond the city limits and sphere of influence. The UAGP Growth Strategy establishes three geographic areas within the plan: (1) the Downtown Area; (2) the Baseline Developed Area; and, (3) the Planned Urbanizing Area. The adopted UAGP includes a

comprehensive set of goals, policies and exhibits that establish the direction, scale / magnitude and priorities associated with Modesto's growth and development.

Amendments to the 2019 General Plan and Zoning Code

Since adoption of the UAGP in 2019, the City has approved amendments to the UAGP from time to time, as internal and external factors resulted in a need to update the document or maps. Examples of internal factors may include changing priorities and recognition of new opportunities; external factors may include new state laws and changing physical conditions or property owner requests – both development-related and environmental.

One recent change to the UAGP that is prompting the preparation of this EIR, changes made in the City of Modesto's 2023-2031 6th Cycle Housing Element. This Housing Element sets forth the City's overall housing objectives in the form of goals, policies, and programs. One specific program provided in the Housing Element required amendments to the zoning ordinance to rezone four corridors to mixed-use, and to change zoning densities to allow more residential development. Per Housing Element Program **Error! Reference source not found.**, the City rezoned parcels on McHenry, Sisk, Oakdale, and Yosemite to new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) zones, and modified P-D parcels to allow for 45 du/ac in order to create a net new capacity for 21,014 units within the City. This is an added capacity of almost twice the RHNA of 11,248, and almost three times the remaining RHNA need after factoring in pending projects and ADUs. These zoning amendments were completed in December, 2023. Beyond these zoning amendments, the Housing Element also directed the City to increase the maximum density of the R-1 zone from 7.5 to 10.9, the R-2 zone from 14.5 to 22, and the maximum density of the R-3 zone from 29 to 45, as noted in Program **Error! Reference source not found.**. This will also create opportunity for higher density residential development throughout the City.

The amendments to the Zoning Code were intended to occur across all opportunity categories, with specific geographic targeting in the higher resource areas. About 45 percent of the rezone area (13,774 units) is in high or higher resource areas, creating substantial new opportunities for housing mobility, new housing choices, affordability, and lower-income housing in eastern and northern neighborhoods. About 33 percent of the land area of the City was in an area of high or highest resource. As about 45 percent of the rezone area is in an area of high or highest resource, the rezone is promoting housing mobility and housing choice in higher resource areas at a disproportionately higher rate than the City's existing state. The City determined that the amendments to the Zoning Code were significant and meaningful enough to overcome currently identified patterns and trends.

The Housing Element indicated that the increase the densities of the R-1, R-2, and R-3 zones were intended to ensure there is continuity of permitted densities between residential zones and align more closely with recommended densities in the General Plan. Table 2.0-1 provides the Zoning and Density Guidance as directed in Program A-4.

NOP PROJECT DESCRIPTION

TABLE 2.0-1: ZONING AND DENSITY GUIDANCE

<i>General Plan Land Use Designation</i>	<i>Existing Density</i>	<i>Proposed Density</i>
Low Density Residential (R-1)	Up to 7.5 du/ac	Less than 10.9 du/ac
Medium Density Residential (R-2)	10.9 to 14.5 du/ac	10.9 to 22 du/ac
Medium High Density Residential (R-3)	21.8 to 29 du/ac	22 to 45 du/ac
Mixed Use (MU)	Average 14 du/ac	Average 14 du/ac ¹
Mixed-Use-Pedestrian (MU-P)	N/A	22 to 45 du/ac ²
Mixed-Use-Highway (MU-H)	N/A	22 to 45 du/ac ²
Downtown (D)	FAR: 1 - 14	FAR: 1 - 14
Village Residential (VR)	6.6 du/ac	6.6 du/ac
Business-Commercial-Residential (BCR)	30% of ac	30% of ac
Open Space (OS)	1 du/10 ac	1 du/10 ac

SOURCE: CITY OF MODESTO, GENERAL PLAN COMMUNITY DEVELOPMENT POLICIES, 2019, AND 2023-2031 6TH CYCLE HOUSING ELEMENT.

¹The RHNA and zoning is not reliant on the 14 du/ac. This land use designation reflects previously existing uses. The average of 14 du/ac was originally intended to be an average of the whole land use designation area, and is not enforced on a project-by-project basis. The new mixed-use zones will reflect new densities.

²The Mixed- Use Zones allow a range of high-density development up to 45 du/ac.

Current Project

The project analyzed in the EIR consists of two parts. First, the City will examine, at a project level, proposed amendments to the General Plan land use designations to ratify and conform the General Plan land use designations with the changes adopted in the General Plan's Housing Element. Approval of these changes will create internal consistency within the General Plan. Rejection of these changes would mean the City would need to look at new/different changes to the Housing Element in order to comply with the City's housing obligations. Second, the City will examine, at a programmatic level, the amendments to the General Plan that have taken place since 2019 and update the environmental analysis of those changes in a Programmatic EIR.

Other Efforts to Update General Plan

The City of Modesto is currently embarking on a new comprehensive update to the UAGP that will look toward the City's long-term future to reflect the issues, ideas, and aspirations of today, and plan toward the year 2050. That UAGP Update is in the early stages of a multi-year process, and is not anticipated to conclude until 2026 or later. This EIR is not intended to cover the Update to the General Plan.

2 PURPOSE OF THE EIR

The City of Modesto, as lead agency, determined that the density changes from Housing Element Programs A-2 and A-4, which changed the maximum and realistic densities expected to be developed within the existing General Plan land uses, is a "project" within the meaning of CEQA. CEQA requires the preparation of an EIR prior to approving any project that may have a significant impact on the environment. The City certified a Master EIR in 2019, but since that time the City has adopted programs directing increases to residential densities.

NOP PROJECT DESCRIPTION

CEQA Guidelines section 15162 sets forth the conditions and facts that require a public agency, in considering project changes or changed circumstances relating to a project that was the subject of a previously certified Final Environmental Impact Report (EIR), to prepare a so-called “subsequent EIR.” When an EIR has been certified, a subsequent EIR is required if (PRC Section 21166; CEQA Guidelines Section 15162):

- (1) “Substantial changes are proposed in the project which will require major revisions” to the EIR “due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;”
- (2) “Substantial changes occur with respect to the circumstances,” and those changes will require “major revisions” to the EIR “due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;” or
- (3) “New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time” of preparation of the EIR, becomes available. Such information must show either: the project will have one or more significant effects not discussed in the previous EIR; significant effects previously examined will be substantially more severe; mitigation measures or alternatives previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As one court explained in 2021, “...a subsequent EIR is necessary ‘[w]hen the previous EIR must be rewritten from the ground up to make its environmental analysis adequate.’” (*California Coastkeeper Alliance v. State Lands Commission* (2021) 64 Cal.App.5th 36, 59, quoting 2 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act (Cont.Ed.Bar 2d ed. 2019) § 19.5, p. 19-9 and *City of Irvine v. County of Orange* (2015) 238 Cal.App.4th 526, 539.)

The City determined that the density increases directed by the Housing Element, combined with the regulatory changes associated with SB 743, collectively qualify as *new information* that has become available, which was not known and could not have been known at the time that the Master EIR was certified because it did not exist. In the Laurel Heights decision, the California Supreme Court noted that the CEQA Guidelines “generally define ‘new information’ as information which shows that the project will have new or more severe ‘significant effects’ on the environment not disclosed in the prior EIR.” (*Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, citing Guidelines Section 15162(a)(3)). A new Program-level EIR would evaluate the impacts related to the new information (i.e. density changes and VMT) that was not known when the 2019 EIR was prepared. The new EIR reuses existing information and data from the Master EIR that remains relevant and unchanged, and supplements the data/analysis where necessary to address the new information that is necessary. The City will

also examine, at a project level, the proposed changes to the General Plan's land use designations to accommodate the changes contemplated by the City's recently revised Housing Element.

3 TYPE OF EIR

The State CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a Program EIR pursuant to CEQA Guidelines Section 15168. Section 15168 states:

"A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- 1) Geographically;
- 2) As logical parts in the chain of contemplated actions;
- 3) In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or
- 4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways."

The program-level analysis considers the broad environmental effects of the proposed project. This EIR will be used to evaluate subsequent projects and activities under the proposed project. This EIR is intended to provide the information and environmental analysis necessary to assist public agency decision-makers in considering approval of the proposed project, but not to the level of detail to consider approval of subsequent development projects that may occur after adoption of the General Plan.

Additional environmental review under CEQA may be required for subsequent projects and would be generally based on the subsequent project's consistency with the General Plan and the analysis in this EIR, as required under CEQA. It may be determined that some future projects or infrastructure improvements may be exempt from environmental review. When individual subsequent projects or activities under the General Plan are proposed, the lead agency that would approve and/or implement the individual project will examine the projects or activities to determine whether their effects were adequately analyzed in this program EIR (CEQA Guidelines Section 15168). If the projects or activities would have no effects beyond those disclosed in this EIR, no further CEQA compliance would be required.

4 INTENDED USES OF THE EIR

The City of Modesto, as the lead agency, has prepared this EIR to provide the public and responsible and trustee agencies with an objective analysis that reflects an update to the 2019 EIR to reflect new information and changes that have occurred since the 2019 General Plan EIR was certified. Ultimately, the City intends to use this EIR to implement the General Plan and subsequent projects consistent with the General Plan. The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to

examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This EIR will be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the General Plan. Subsequent actions that may be associated with the General Plan are identified in Chapter 2.0, Project Description. This EIR may also be used by other agencies within Stanislaus County.

In addition, this EIR will examine, at a project level, the proposed changes to the General Plan's land use designations to accommodate the changes contemplated by the City's recently revised Housing Element. This analysis will be used to inform the City Council of any environmental impacts associated with such changes.

ANTICIPATED SUBSEQUENT PROJECTS

CEQA Guidelines Section 15183 allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. The City anticipates relying on Section 15183 and other streamlining provisions for future projects.

Anticipated Future Projects

There are a variety of future projects that the City anticipates to be within the scope of this EIR, unless it later finds that any of the conditions of CEQA Guidelines Section 15183(b) are relevant to the future project. The project types are listed below:

- Sphere-of-Influence Amendment
- Annexation
- Specific Plans/Community Plans
- Zoning
- Conditional Use Permits
- Development Plan Review (Authorized under Section 10-9.1005 of the Modesto Municipal Code)
- Conditional Use Permits (Authorized under Section 10-9.701 of the Modesto Municipal Code)
- Variances (Authorized under Section 10-9.601 of the Modesto Municipal Code)
- Building Permits (Authorized under Title 9 of the Modesto Municipal Code)
- Subdivisions
- Development Agreements
- Capital Improvement Program
- Parks Facilities Plans
- Household Hazardous Waste Element

- Source Reduction and Recycling Element
- Public Facilities Financing Plans

5 PROJECT LOCATION

Modesto is in Stanislaus County, in the northern San Joaquin Valley, approximately 95 miles east of San Francisco and 80 miles south of Sacramento (See Figure 2-1 Vicinity Map). The City of Ceres is located immediately south of the Modesto city limits, the City of Riverbank is located immediately northeast, and the unincorporated town of Salida is located northwest.

6 MODESTO URBAN AREA GENERAL PLAN (UAGP)

UAGP PLANNING AREA

There are two key boundary lines addressed by the UAGP that make up the study area for the EIR. These include the City Limits, and the Planning Area, as shown on Figure 2-2 and described below.

City Limits

Includes the area within the City's corporate boundary, over which the City exercises land use authority and provides public services.

Planning Area

For the purposes of the UAGP, the Planning Area is the geographic area for which the General Plan provides a framework for long-term plans for growth. State law requires the General Plan to include all territory within incorporated area as well as "any land outside its boundaries which in the planning agency's judgment bears relation to its planning" (California Government Code Section 65300). The Planning Area for the UAGP includes the entire City Limits, plus areas in the unincorporated areas proximately to the city limits that the City deemed appropriate for development as part of the City Growth Strategy.

UAGP GROWTH STRATEGY

The UAGP Growth Strategy Diagram identifies three subareas within the Modesto Planning Area: the Downtown Area, the Baseline Developed Area, and the Planned Urbanizing Area. These three subareas are illustrated in Figure 2-3. Application of the EIR analyses and mitigating policies varies among these areas. The City's procedures are described as follows.

Downtown Area

The Downtown has been the focal point of planning and zoning efforts, such as establishing the Downtown Zones that facilitate increased development potential both in terms of density / intensity, and in accommodating a broader range of land uses and development types. The purposes of focusing on Downtown for new growth and development are to enhance the economic vitality of the City, reduce costs associated with provision of services and reduce the potentially negative environmental consequences associated with the sprawl-type development patterns that have been commonplace throughout the region over the past century.

Within Downtown, the UAGP would reflect existing zoning. As a result, this area generally would be developed according to the existing zoning designations. If a subsequent project within this area conforms to the proposed UAGP, the initial study for the project would find it to be within the scope of this EIR and no future environmental review would be required unless there could be a project-specific impact that was not analyzed in the EIR.

All mitigation measures adopted as part of the 2019 EIR and applicable to the Downtown Area will be incorporated into the new Program EIR. Additionally, the City will file a notice for future projects where it is found that the future project is within the scope of the new Program EIR.

Baseline Developed Area

The Baseline Developed Area reflects areas that are developed or anticipated to develop according to existing zoning. If a subsequent project within this area conforms to the proposed UAGP, the initial study for the project would find it to be within the scope of this EIR and no future environmental review would be required unless there is a project-specific impact that was not analyzed in the EIR.

All mitigation measures adopted as part of the 2019 EIR and applicable to the Baseline Development Area will be incorporated into the new Program EIR. Additionally, the City will file a notice for future projects where it is found that the future project is within the scope of the new Program EIR.

Planned Urbanizing Area

The Planned Urbanizing Area encompasses the Comprehensive Planning Districts (CPDs) identified in Chapter III of the adopted UAGP. This area accommodates most of the City's growth through 2040. For development to proceed in an orderly fashion, development in each CPD would be restricted until a Specific Plan(s) for that CPD has been adopted by the City. The Specific Plan would implement the UAGP policies identified in Chapter III of the UAGP and establish development policies specific to that CPD. This includes the policies requiring adoption of one or more specific plans to specify the intensity and location of development within the CPD. In conjunction with the Specific Plan process, additional environmental analyses and documentation would routinely occur.

UAGP LAND USE MAP

Modesto's UAGP Land Use Map is based on a Growth Strategy that establishes three geographic areas: (1) the Downtown Area; (2) the Baseline Developed Area, generally consisting of lands within the 2014 Modesto city limits, plus the unincorporated Beard Industrial Tract located south of SR132 / Yosemite Blvd., and minus the Village One and Tivoli specific plan areas; and, (3) the Planned Urbanizing Area, consisting of areas outside of the 2014 city limits (plus Village One and Tivoli) and within the planning area boundary.

The UAGP Land Use Map is Modesto's long-term, comprehensive guide for development of its planning area. Table 2.0-1 presents the existing adopted land uses within the UAGP. Figure 2.4 illustrates the existing General Plan Land Use Map.

NOP PROJECT DESCRIPTION

TABLE 2.0-1: ACREAGE BY LAND USE DESIGNATION – ADOPTED LAND USE MAP

<i>Land Use Designation</i>	<i>City Limits</i>	<i>Planning Area (outside of City)</i>	<i>Total Acres</i>
<i>Residential Land Uses</i>			
R - Residential	16,718.96	1,983.51	18,702.47
VR - Village Residential	292.29	3,765.58	4,057.87
<i>Mixed Use Land Uses</i>			
MU - Mixed Use	1,521.52	0.01	1,521.52
D - Downtown	712.85	--	712.85
<i>Commercial, Professional, and Industrial Land Uses</i>			
C - Commercial	1,619.68	146.49	1,766.17
RC - Regional Commercial	238.37	655.95	894.32
BCR - Business-Commercial-Residential	204.82	736.31	941.13
I - Industrial	1,187.06	2,591.57	3,778.63
BP - Business Park	381.79	2,697.17	3,078.96
<i>Public Land Uses</i>			
OS - Open Space	1,349.37	1,531.93	2,881.30
<i>Community Plan</i>			
SCP - Salida Community Plan	1.67	4,331.36	4,333.03
Total	24,228.37	18,439.89	42,668.26

SOURCE: CITY OF MODESTO GIS, ADOPTED LAND USE MAP, 2024.

7 UAGP PROJECT OBJECTIVES

The State CEQA Guidelines require that the project description include a statement of the objectives sought by the project (CEQA Guidelines Section 15124.b). In addition to disclosing the project’s intent, the objectives help the lead agency select a reasonable range of project alternatives to be evaluated in the EIR. The objectives may also aid the City in preparing findings or a statement of overriding considerations, if necessary (CEQA Guidelines Section 15124.b).

The overarching goals of the General Plan remains consistent with those described in the 2019 EIR, including: revise the land use element, including the land use diagram, to provide enhanced economic development opportunities as new development occurs; revise the circulation element to provide a mode-balanced and cost-effective transportation system; update policies to reflect applicable state laws and regulations; and, update the General Plan EIR to allow subsequent projects to benefit from streamlined review based on its environmental analysis. Project objectives presented are as follows:

- Amend the land use and zoning densities in accordance with the adopted Modesto Housing Element;
- Comply with new State and Federal laws;

- Provide improved transportation alternatives, including transit, bicycle & pedestrian facilities;
- Facilitate an improved mix of land uses to reduce vehicle miles traveled by locating residential land uses close to employment, retail and services;
- Promote infill development;
- Provide framework for intensified development in Modesto’s downtown area;
- Align Modesto’s land use and transportation goals and policies;
- Establish a realistic set of assumptions for infrastructure needs and funding;
- Facilitate complete, safe and walkable neighborhoods;
- Provide for a variety of transportation options;
- Promote equitable, affordable housing;
- Support existing neighborhoods / communities; and,
- Maintain the General Plan and Sphere-of-Influence boundaries (for purposes of defining the proposed project to be analyzed under CEQA).

8 ADOPTED GENERAL PLAN ELEMENTS

The adopted General Plan includes a comprehensive set of goals, policies, and actions (implementation measures), as well as a Land Use Map. The General Plan includes all the State-mandated elements, including Land Use (addresses Environmental Justice), Circulation, Resource Conservation (combines Open Space, Conservation, and Air Quality topics), and Safety (addresses Climate Adaptation and Noise) as well as optional elements, including Growth Management, Community Design, Economic Development, and Community Facilities and Services. As previously noted, the Housing Element was adopted in December 2023 and certified in April 2024. The General Plan analyzed under this new Program EIR includes the adopted General Plan, including the recently adopted Housing Element, and is intended to reflect the density changes adopted under Housing Element Program A-2 and A-4.

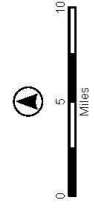
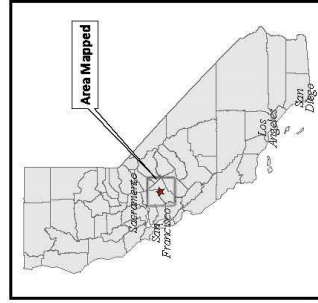


GENERAL PLAN PROGRAM

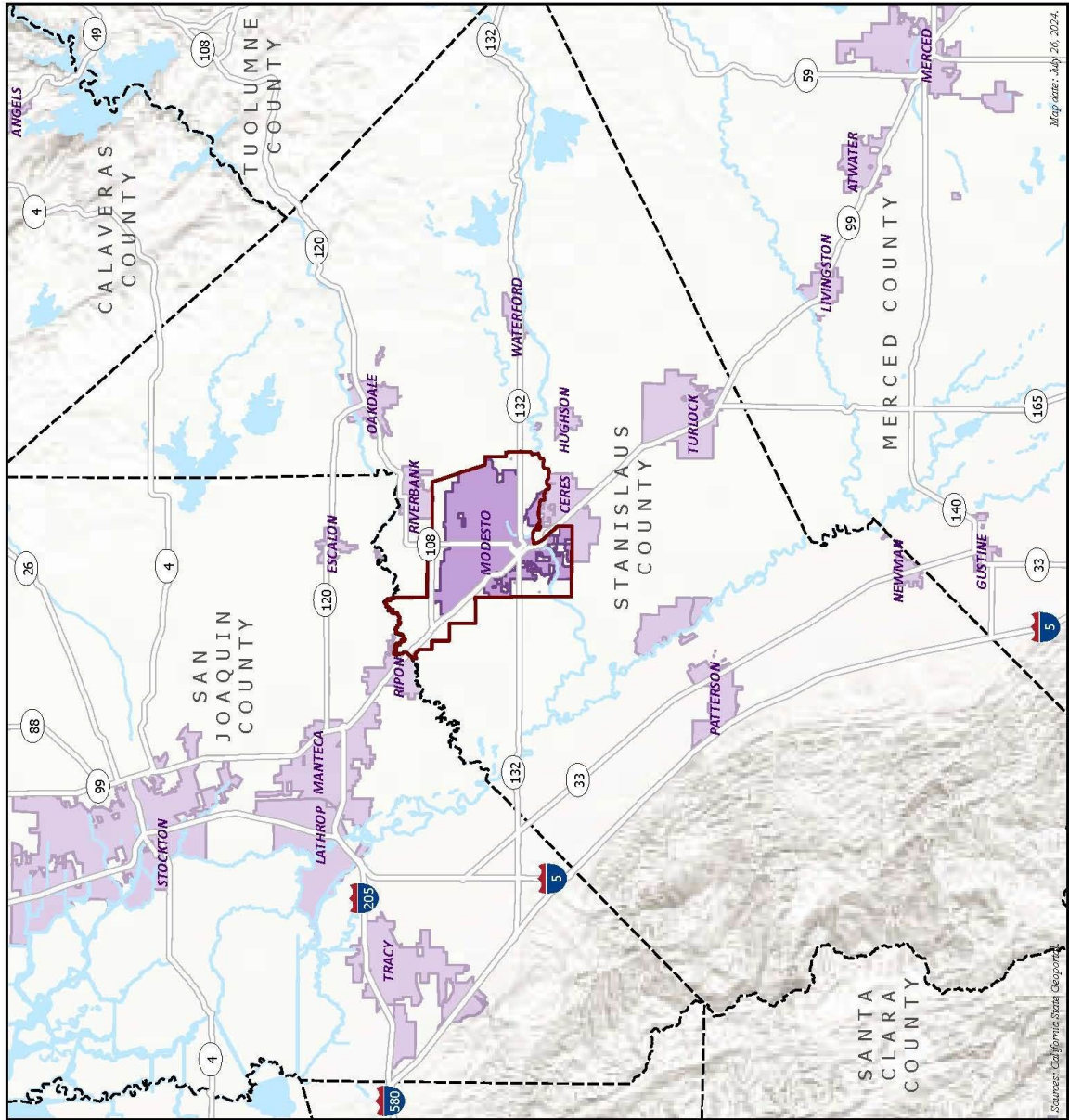
Figure 1.

VICINITY MAP

- Legend
- City of Modesto
 - General Plan Planning Area
 - County Area
 - Other Incorporated Areas



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 A LULU, LLC, PULVER, DENNIS, AND EVERETT, LLC, FIRM



Map date: July 26, 2024.

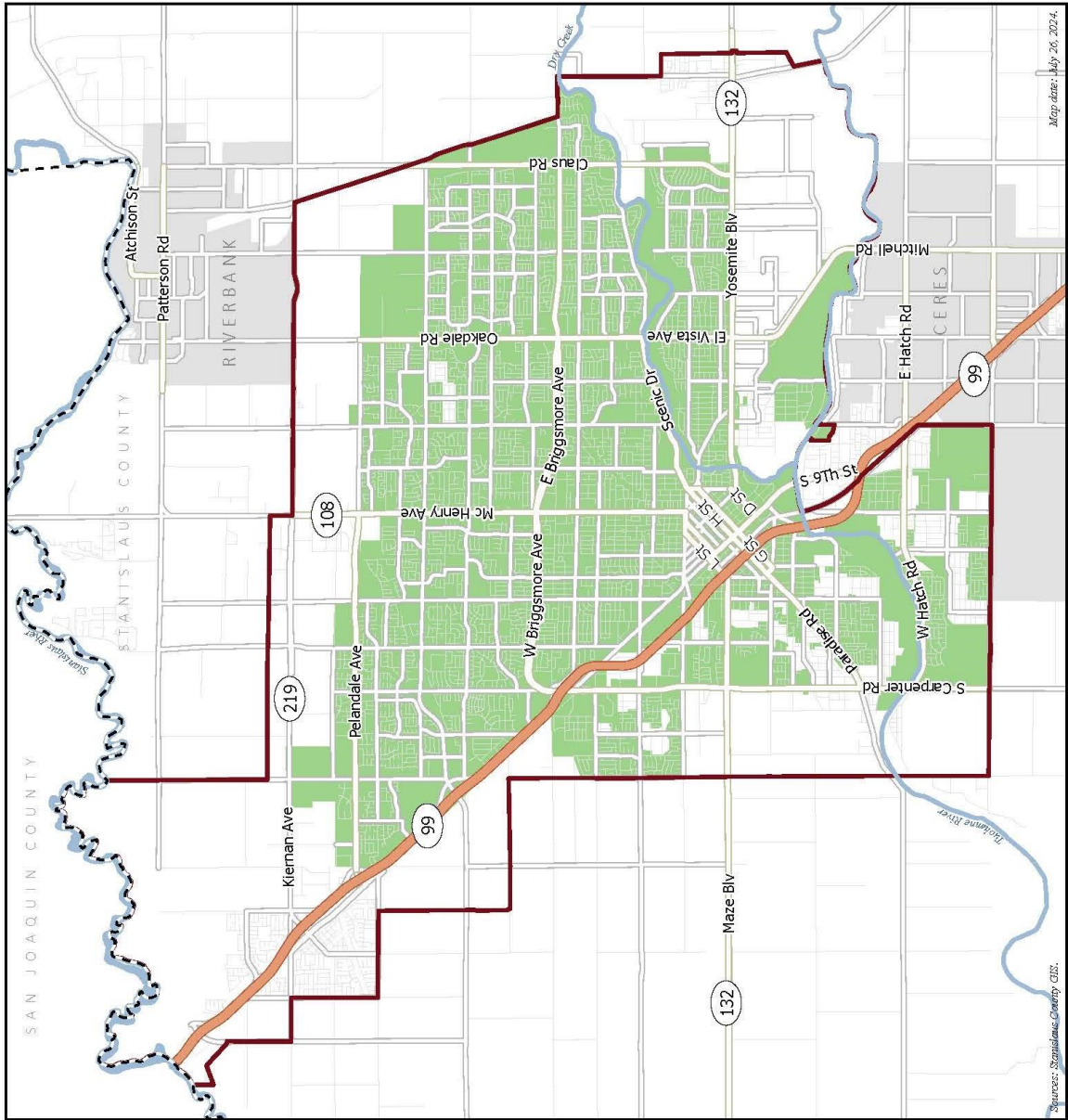
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Figure 2.
CITY OF MODESTO
PLANNING AREA

- Legend
- General Plan Planning Area
 - City of Modesto
 - County Boundary
 - Other Municipalities

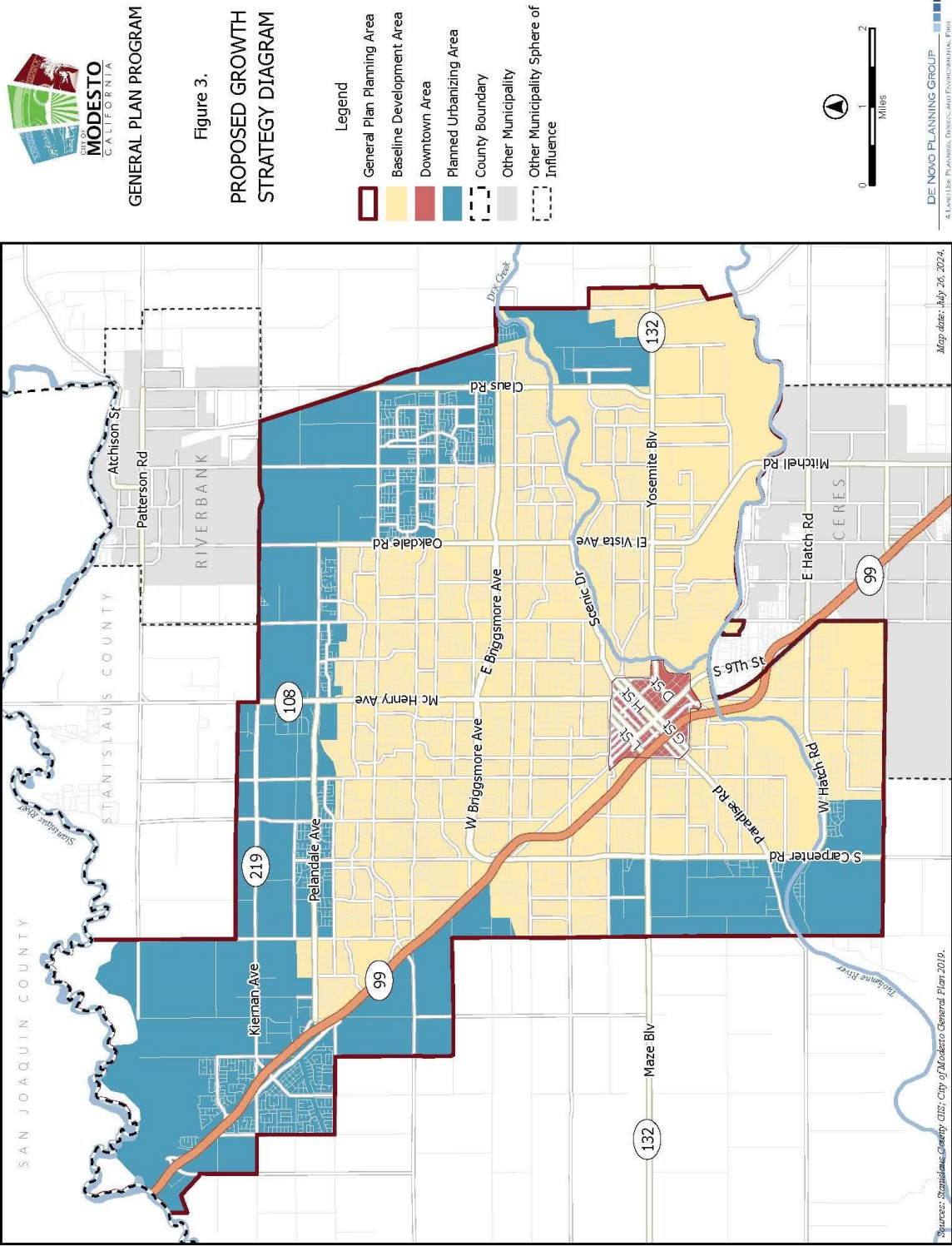


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Map date: July 26, 2024

Sources: Stanislaus County GIS.

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