

PLANNING COMMISSION
RESOLUTION NO. 2009-14

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF THE NEIGHBORHOOD COMPATIBILITY GUIDELINES AND DIRECTION TO STAFF TO PREPARE AMENDMENTS TO THE MUNICIPAL CODE AS DETERMINED NECESSARY FOR THE EFFECTIVE IMPLEMENTATION OF SAID GUIDELINES

WHEREAS, in 2007 a group of residents approached the City with concerns regarding the compatibility of new construction in existing neighborhoods and a request that the City formulate new regulations to deal with neighborhood compatibility issues; and

WHEREAS, the Planning Commission considered this request on June 4, 2007 and August 6, 2007, and recommended to the City Council that staff be directed to prepare guidelines to address neighborhood compatibility, multi-family design guidelines, and heritage trees; and

WHEREAS, the City Council, on November 11, 2007, directed staff to prepare the following three efforts:

1. Neighborhood Compatibility Guidelines to address compatibility issues created by new homes and additions in existing neighborhoods;
2. Multi-Family Design Guidelines to ensure that new multi-family projects are compatible with the surrounding neighborhoods and are of quality design;
3. A Heritage Tree Ordinance to preserve heritage trees on private property; and

WHEREAS, staff has prepared draft "Neighborhood Compatibility Guidelines" for residential development in order to:

1. Ensure that new two-story residential development is consistent and compatible with the design and character of existing neighborhoods by providing guidelines for privacy, scale and massing, architectural consistency, and lot pattern, size and configuration;
2. Provide flexibility to allow for individual circumstances on specific projects;
3. Provide a comprehensive set of guidelines early in the development process regarding City expectations for builders, investors and residents; and

WHEREAS, public workshops were held by the Planning Commission and Board of Zoning Adjustment on October 23, 2008, and February 19, 2009, in Room B300, 1010 Tenth Street, Modesto, California, at which public comments were received and considered; and

WHEREAS, a public hearing was held by the Planning Commission on April 6, 2009, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing comments were received and evidence both oral and documentary was received and considered; and

WHEREAS, the "Neighborhood Compatibility Guidelines" is a policy document and therefore is not a project pursuant to Section 15378(b)(2) of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Modesto that it hereby finds and determines that the proposed "Neighborhood Compatibility Guidelines" conforms to the City of Modesto Urban Area General Plan and are necessary for the general health, safety, and welfare of the community for the following reason:

1. The "Neighborhood Compatibility Guidelines" document is consistent with the Overall Mission Statement of the Urban Area General Plan, which states, in part, ". . . The Urban Area General Plan presents a blueprint for the preservation of Modesto's 'quality of life' while providing direction for the growth of business and industry to meet the needs of the future generations . . ." page 1-2 of the Urban Area General Plan.
2. The "Neighborhood Compatibility Guidelines" is a general policy document and is not a project pursuant to Section 15378(b)(2) of the CEQA Guidelines.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Modesto that it hereby recommends to the City Council that the Council (1) adopt the proposed "Neighborhood Compatibility Guidelines" document as set forth in Exhibit A, attached hereto and incorporated herein by this reference; and (2) direct staff to prepare amendments to the City of Modesto Municipal Code for the effective implementation of the "Neighborhood Compatibility Guidelines" as outlined in the Planning Commission Agenda Report for April 6, 2009, Public Hearing Item A, with the exception that the Commission recommends expanding public notification of staff action on applications subject to the "Neighborhood Compatibility Guidelines" to property owners within a 300-foot radius of the subject property.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on April 6, 2009, by Patricia Gillum, who moved its adoption, which motion was seconded by John Sanders, and carried by the following vote:

Ayes:	Berglund, Bernal, Brandvold, Gillum, Sanders, and Tyler
Noes:	None
Absent:	None

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

Original, signed copy on file in CEDD
Patrick Kelly, Secretary

Attachment: Exhibit "A"

**EXHIBIT A
NEIGHBORHOOD COMPATIBILITY DESIGN GUIDELINES**

**Draft on File with the Community & Economic Development
Department/Planning Division**

**Final Neighborhood Compatibility Design Guidelines will be on file with the
Community & Economic Development Department/Planning Division**