



City of Modesto  
City Clerk's Office

BOARD OF SUPERVISORS

2008 DEC -9 A 10: 51

## MEMORANDUM

DATE: November 12, 2008

TO: Christine Ferraro Tallman, Clerk of the Board  
Stanislaus County

FROM: Cathi Erbe, City Clerk's office

SUBJECT: Certified Resolution

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As per instructions contained within Resolution 2008-583: Attached you will find a certified copy of Resolution 2008-583 (A Resolution Approving an Amendment to the Modesto Urban Area General Plan – Community and Economic Development Department) and associated attachment to be delivered to the Board of Supervisors.

If you have any questions, or need any assistance from the City Clerk's office, please feel free to contact me.

Thanks,

Cathi

ATTACHMENTS AVAILABLE  
FROM YOUR CLERK

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2008-583**

**A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN  
AREA GENERAL PLAN (COMMUNITY AND ECONOMIC DEVELOPMENT  
DEPARTMENT)**

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 92052017) 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, 2007-066, and 2008-142, 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 Community and Economic Development Department (“Applicant”) filed the Amendment to the Urban Area General Plan (“Project”) (File No. P-GPA-06-002) to:

1. incorporate as policies various practices that are regularly approved and have effectively become policy;
2. include new policies to provide direction for anticipated issues; and
3. incorporate adopted policies that have not been amended into the General Plan.

WHEREAS, a Final Master Environmental Impact Report was prepared for the Urban Area General Plan Update (SCH No. 2007072023) which analyzed the potential environmental effects of the proposed Project, and

WHEREAS, on September 8, 2008, the Planning Commission held a duly noticed public hearing at 7:00 p.m. 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, a public hearing on the Project was held by the City Council on October 14, 2008, at 5:30 p.m., in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence, both oral and documentary, was received and considered; and

WHEREAS, after said public hearing the Planning commission adopted Resolution No. 2008-39, recommending to the City council an amendment to the Modesto Urban Area General Plan.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban Area General Plan as described in **Exhibit "A," attached** hereto and incorporated herein by reference, is required for the public health, safety, and welfare of the citizens of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the proposed amendment to the Modesto Urban Area General Plan is consistent with the Final Master Environmental Impact Report for the Urban Area General Plan (SCH No. 2007072023) and has been adequately analyzed by the Master Environmental Impact Report.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts the proposed amendment to the Urban Area General Plan as described in **Exhibit "A," attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community and Economic Development Department Director is hereby authorized and directed to forward certified copies of this resolution and said amendment to the Urban Area General Plan to the Board of Supervisors, and file a Notice of Determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of October, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood  
SUSANA ALCALA WOOD, City Attorney

THIS IS TO CERTIFY THAT THIS  
IS A TRUE COPY OF THE DOCUMENT ON  
FILE WITH THIS OFFICE.

DATE December 9, 2008

Stephanie Lopez

SIGNATURE

CITY CLERK

CITY OF MODESTO, CA

**EXHIBIT "A"**

**GENERAL PLAN AMENDMENT**

<http://www.modestogov.com/ced/projects/gp-meir.aspx>

Original Exhibit "A" kept on file and available from the Modesto City Clerk's office upon request.