

PLANNING COMMISSION  
RESOLUTION NO. 2009-16

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO CHAPTER 2 OF TITLE 10 OF THE MODESTO MUNICIPAL CODE (ZONING REGULATIONS) TO ADD SECTIONS 10-2.3101-3109, 10-2.2503, AND AMEND SECTION 10-2.2304 (WIRELESS TELECOMMUNICATION FACILITIES ORDINANCE CODE-09-001)

WHEREAS, the City of Modesto has reviewed multiple proposals for wireless telecommunication facilities in recent year without the guidance of specific regulations; and

WHEREAS, the proposed Zoning Code amendments will establish regulations for wireless telecommunication facilities; and

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

WHEREAS, the Commission has received and reviewed Initial Study Environmental Assessment No. EA/C&ED No. 2009-11 documenting that this proposed amendment to the Zoning Code is in conformance with the General Plan as analyzed by the General Plan Master EIR; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed amendments conform to the City's adopted 2003 Urban Area General Plan for the following reasons:
  - a. The proposed amendments will provide regulations consistent with the Urban Area General Plan policy V-N.2 regarding Telecommunication Policies.
2. In addition, the proposed amendments will benefit public health, safety & welfare for the following reasons:
  - a. The proposed amendments provide regulations to guide and clarify the review of wireless telecommunication facilities.
  - b. The proposed amendments are intended to be consistent with state and federal law while ensuring public safety, reducing visual impacts, mitigating other impacts of such facilities, and ensuring adequate wireless telecommunication service to the community.
3. The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:
  - a. The type of project is described in Chapter II of the Master EIR.

- b. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
- c. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
- d. Based on the Initial Study, the City of Modesto finds and determines:
  - 1. The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
  - 2. No new or additional mitigation measures or alternatives are required.
- e. The Initial Study, Environmental Assessment No. EA/C&ED 2009-11, provides the substantial evidence to support the findings a-d, noted above.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends to the Council an amendment to Chapter 2 of Title 10 of the Modesto Municipal Code (Zoning Regulations) to add Sections 10-2.3101-3109 and 10-2.2503, and amend Section 10-2.2304.

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

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

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

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