

Section 20

Land Use and Planning

This section of the master environmental impact report (Master EIR) describes existing and proposed land uses in and around the planning area and the potential impacts of the proposed project on these land uses. Information about the project area and the regional location was obtained from relevant plans, including the *City of Modesto Urban Area General Plan (UAGP)*.

A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the California Environmental Quality Act (CEQA) Guidelines. This environmental setting is the baseline for determining whether an impact of the UAGP is significant.

1. Study Area for Direct Impacts

The study area for direct impacts related to land use and planning is the UAGP planning area.

2. Study Area for Cumulative Impacts

The cumulative analysis will be based on the plan or projection approach to examining cumulative effects, as provided under Section 15130(b)(1)(B) of the State CEQA Guidelines. Pertinent plans and projections to be used for this purpose are the *Stanislaus County General Plan (County General Plan)* and the City's UAGP. The study area for cumulative impacts on land use is the limits of Stanislaus County.

3. Existing Physical Conditions in the Study Area

a. Overview

The City of Modesto is located in Stanislaus County in the central San Joaquin Valley, approximately 95 miles east of San Francisco and 80 miles south of Sacramento. The Tuolumne River runs along the southern edge of the city, and the Stanislaus River runs roughly parallel to the northern boundary of the City's urban area. Modesto is intersected by State Route (SR) 99 along the north-south axis and Highway 132 along the east-west axis. In a larger context, the county is bounded by San Joaquin County to the north, Calaveras, Tuolumne, and Mariposa Counties to the east, Merced County to the south, and Santa Clara and Alameda Counties to the west.

b. General Plan Area

Modesto is bordered by the natural greenbelts of the Stanislaus and Tuolumne Rivers. In the long-term future, the San Joaquin River flood plain and anticipated wetlands preserves will separate urban expansions of the SR 99 corridor from those of the I-5 corridor.

(1) Existing Land Use Patterns

The Baseline Developed Area encompasses approximately 22,460 acres, excluding the Downtown Area. The Downtown Area encompasses approximately 710 acres. The Baseline Developed Area and the Downtown Area in Modesto contain mostly developed, urbanized land uses. The approximately 17,525-acre Planned Urbanizing Area is predominantly undeveloped or fallow agricultural land, and minimally if at all supported by urban services and infrastructure.

(2) Existing Land Use Designations

(a) Residential (R)

The Residential (R) land-use designation defines areas where residential land uses would be compatible with other existing and planned land uses throughout the planning area. Residential uses include single-family detached housing and mobile homes. Compatible uses in the residential designation may include schools, parks, and religious or community facilities.

(b) Mixed-Use (MU)

The Mixed-Use (MU) land use designation describes areas within City limits that are generally developed (as of January 1, 1995) and contain a mixture of all or some of the following uses in close proximity to one another: multi-family residential, commercial, office, and institutional.

(c) Commercial (C)

The Commercial (C) land-use designation is generally located at intersections along major arterial streets and expressways. This designation includes a variety of service and retail uses, including but not limited to offices, downtown commercial districts, and regional retail centers serving the needs of the entire region.

(d) Industrial (I)

The Industrial (I) land use designation is generally located within major tracts oriented to SR 99 and to the three railroads serving the urban area. This designation includes manufacturing, food processing, trucking, packing, and recycling, as well as those enterprises that may want to combine office and production aspects of their business in the same complex.

(e) Redevelopment Planning District (RPD)

The Redevelopment Planning District (RPD) is a land use designation applied within redevelopment areas of Modesto. This designation includes housing and is defined by an urban forest system and transportation access.

(f) Village Residential (VR)

The Village Residential (VR) land-use designation provides for the development of urban “villages” defined by mixed-use compact, pedestrian- and transit-oriented development.

(g) Regional Commercial (RC)

The Regional Commercial (RC) land-use designation is located in large scale commercial areas for the sale of goods and services that meet the needs of the entire region.

(h) Business Park (BP)

The Business Park (BP) land-use designation is located with adequate access to regional traffic routes and transit corridors. This designation provides for areas of light industrial and employment-intensive uses. Regional Commercial uses are also permitted in Business Parks.

(i) Open Space (OS)

Land uses in the Open Space (OS) designation will include low-impact recreational facilities, public ownership, low-density residential, and agriculture. This designation is to provide for regional recreational open space (active and passive) along the Tuolumne River, Stanislaus River, and Dry Creek. Community and neighborhood parks and other smaller open space areas can be accommodated in any land use designation.

(j) Salida Community Plan (SCP)

The Salida Community Plan (SCP) designation applies to the Salida area. The City does not propose to change any land use policies or designations from those established by Stanislaus County (County), so the Salida Community Plan, as adopted by Stanislaus County in August 2007, would continue to regulate growth and development for this area. Additional land-use category information is located in Chapter III of the UAGP.

c. Planning Areas

(1) Downtown Area

The approximately 710-acre Downtown Area generally includes the original downtown street network grid, which is parallel & perpendicular to the Union Pacific Railroad. It is therefore oriented in a northeast / northwest – southeast / southwest directional pattern.

(2) Baseline Developed Area

The Baseline Developed Area, comprising approximately 22,460 acres, excluding the Downtown Area, contains lands that are mostly developed with urban uses, which are not expected to change substantially during the time horizon of this plan. Also included within the Baseline Developed Area are vacant lands which have a clearly defined future, such as the Beard Tract industrial area.

(3) Planned Urbanizing Area

Future development within the approximately 17,445-acre Planned Urbanizing Area (PUA) will occur on land which is predominantly flat, vacant and/or developed with agricultural uses, and minimally if at all served with urban services and infrastructure, including roads. Approximately 12,610 acres of the PUA are located within the sphere of influence, excluding the Downtown and Baseline Developed Areas. The PUA is expected to absorb substantial urban development in a comprehensively planned manner. For this reason, the land uses projected by the Land Use Diagram in Chapter III of the General Plan will be implemented through CPDs, as defined and explained in Chapter III.

d. Adjacent Areas

The City of Ceres is located directly south of Modesto. Its sphere of influence abuts the Modesto planning area. The City of Riverbank is located directly north of Modesto. Its sphere of influence also abuts the Modesto planning area. Ceres and Riverbank have adopted their own general plans to guide development within the respective cities. Land use in the unincorporated areas surrounding Modesto, Ceres, and Riverbank is regulated by the County.

(1) Proposed Land Use Designations

The following changes to the General Plan land use designations are proposed:

(a) Redevelopment Planning District (RPD)

Eliminate the RPD designation due to changes in State Redevelopment law.

(b) Downtown (D)

Add a new designation, Downtown (D), to be applied within the one-square-mile downtown grid only. This formal Downtown area – Modesto’s historic city center – contains low- to mid-rise buildings and accommodates a wide variety of land use types, including residential, commercial, institutional, civic / governmental, professional office, plus industrial types. The “D” designation is consistent with the applicable form-based code zoning construct, which envisions increased density / intensity in the Downtown area as well as a trend toward more vertical mixed use development.

(c) Business-Commercial-Residential (BCR)

Add a new designation, Business-Commercial-Residential (BCR), to be applied in areas within the PUA that are deemed appropriate for employment-intensive land use in close proximity to residential uses. The BCR designation would be generally located along the south side of Kiernan Avenue / SR219, to the west of McHenry Avenue, and along Claus Road in the northeast portion of the UAGP boundary. This designation includes business park, residential and commercial land use, so that vehicle trips between home and work can be reduced.

4. Existing Policies Applying to the Study Area

Below is a comprehensive list and summary of major federal, state, regional and local policies or summaries of policies in effect that apply to the study area. This list provides the full range of applicable policies with which a project within the study area would potentially need to comply, including policies beyond the jurisdiction of the City. This list of laws, regulations, and programs also serves to describe the circumstances under which the Master EIR analyzes this environmental topic.

A discrete reference number, following the initials of the resource topic, is assigned to each policy or policy summary listed to facilitate its identification elsewhere in this Master EIR or, where appropriate, its incorporation as a mitigation measure into subsequent projects analyzed under this Master EIR (e.g., Land Use and Planning policies are designated as LUP-X, where X is the discrete number).

a. Federal Regulations

There are no applicable federal policies or regulations related to land use and planning.

b. State Policies

The Planning, Zoning, and Development Law (Government Code Section 65100 et seq.) establishes the basic requirements for local general plan content. Each city and county is allowed to apply the requirements in a way “that accommodate[s] local conditions and circumstances.” Government Code Section 65302 provides that each general plan must include land use, housing, circulation, conservation, open space, noise, and safety elements.

These elements may be adopted “in any format deemed appropriate or convenient by the legislative body, including the combining of elements.” (Government Code Section 65301)

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56300 et seq.) establishes the county Local Agency Formation Commission (LAFCo) and empowers it to consider and approve city and special district annexation, dissolution, and formation. The Act requires the LAFCo to apply good planning principles to its decisions, including conservation of agricultural land, compact growth patterns, and efficient provision of government services.

c. Stanislaus County Policies

The County General Plan applies to the unincorporated lands surrounding Modesto, including lands within the City’s sphere of influence. Lands within the city limits are not governed by the County General Plan. The County General Plan has the following applicable policies (Stanislaus County 2016).

(1) Land Use Element

- LUP-1:** Land will be designated and zoned for agricultural, residential, commercial, industrial, or historical uses when such designations are consistent with other adopted goals and policies of the general plan. (Policy One)
- LUP-2:** Land designated Agriculture shall be restricted to uses that are compatible with agricultural practices, including natural resources management, open space, outdoor recreation and enjoyment of scenic beauty. (Policy Two)
- LUP-3:** Expansion of urban boundaries of unincorporated communities should be based on infilling and elimination of existing "islands" and should not permit leapfrog development or create new "islands." (Policy Thirteen)
- LUP-4:** Uses should not be permitted to intrude into or be located adjacent to areas that are identified as existing and/or potential sites for solid waste facilities if such uses would not be compatible. (Policy Fifteen)
- LUP-5:** Agriculture, as the primary industry of the County, shall be promoted and protected. (Policy Seventeen)
- LUP-6:** New development shall pay its fair share of the cost of cumulative impacts on circulation and transit systems. (Policy Twenty-Five)
- LUP-7:** Development, other than agricultural uses and churches, which requires discretionary approval and is within the sphere of influence of cities or in areas of specific designation created by agreement (e.g., Sperry Avenue and East Las Palmas Corridors), shall not be approved unless first approved by the city within whose sphere of influence it lies or by the city for which areas of specific designation were agreed. Development requests within the spheres of influence or areas of specific designation of any incorporated city shall not be approved unless the development is consistent with agreements with the cities which are in effect at the time of project consideration. Such development must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration. (Comment: This policy refers to those development standards that are transferable, such as street improvement standards,

landscaping, or setbacks. It does not always apply to standards that require connection to a sanitary sewer system, for example, as that is not always feasible.) (Policy Twenty-Six)

LUP-8: Whenever an application is to be considered which includes property within the sphere of influence of a city or special district (e.g., sewer, water, community services) or areas of specific designation created by agreement between County and City, the following procedures should be followed:

1. Development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities shall be referred to that city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what conditions are necessary to ensure that development will comply with city development standards. Requested conditions for such things as sewer service in an area where none is available shall not be imposed. Approval from a city does not preclude the County decision-making body from exercising discretion, and it may either approve or deny the project.
2. Agricultural uses and churches which require discretionary approval should be referred to that city for comment. The County Planning Commission and Board of Supervisors shall consider the responses of the cities in the permit process. If the County finds that a project is inconsistent with the city's general plan designation, it shall not be approved. Agricultural use and churches shall not be considered inconsistent if the only inconsistency is with a statement that a development within the urban transition area or sphere of influence shall be discouraged (or similar sweeping statement). The city shall be asked to respond to the following questions:
 - (a) Is the proposed project inconsistent with the land use designation on the city's general plan? If so, please include a copy of the map (or that portion which includes the subject property) and the text describing uses permitted for the general plan designation. All findings of inconsistency must include supporting documentation.
 - (b) If the project is approved, specifically what type of conditions would be necessary to ensure the development will comply with city development standards such as street improvements, setbacks and landscaping? In the case of a proposed project within the sphere of influence of a sanitary sewer district, domestic water district or community services district, the proposal shall be forwarded to the district board for comment regarding the ability of the district to provide services. If the district serves an unincorporated town with a Municipal Advisory Council (MAC), the proposal shall also be referred to the MAC for comment. (Spheres of Influence Policy)

Other land use regulations in Stanislaus County include the following:

LUP-9: The Stanislaus County General Plan contains an Urban Transition designation to ensure that land remains in agricultural usage until urban development consistent with a city's (or unincorporated community's) general plan designation is approved. The Urban Transition designation is appropriate for undeveloped land located within the LAFCo-established sphere of influence of a city or town.

LUP-10: The Stanislaus County Airport Land Use Commission Plan discourages locating new uses that concentrate large numbers of people or that involve the handling of hazardous materials under airport approaches within its planning area. It advises against development that would interfere with communications, visibility, and

exceed height limitations. It encourages jurisdictions to make land use changes from incompatible uses to compatible uses, and to relocate existing non-conforming uses.

d. City of Modesto Regulations

(1) Baseline Developed Area

The UAGP provides the following proposed policies related to land use and planning.

- LUP-11:** Zoning within the incorporated City limits should be, and generally is, consistent with the General Plan Land Use Designations as presented on the Land Use Diagram. However, because these designations are broad in nature, there may be minor instances in which the existing zoning for a particular property is not consistent with the Land Use Designation for the property. These situations are still considered to be consistent with the overall goals and policies of the General Plan, and development of these properties may occur consistent with zoning. (UAGP Policy III.A.1)
- LUP-12:** Rezoning should also be consistent with the General Plan Land Use Designations. However, rezonings involving less than five (5) acres may occur even if they are not consistent with the Land Use Designation for the property, as long as the rezoning can be found consistent with the Land Use goals and policies of the General Plan. Rezoning of five (5) acres or more that are inconsistent with the applicable Land Use Designation(s) will require a General Plan amendment. (UAGP Policy III.A.2)
- LUP-13:** Facilitate infill development through active leadership and strategic provision of infrastructure and services, and supporting land uses. Provide incentives for infill development, redevelopment and growth in existing urbanized areas to enhance community character, optimize infrastructure investments, support increased transit use, promote non-motorized transportation, increase housing diversity and enhance commercial viability. Structure fee programs so that infill development is “priced” according to its relative infrastructure efficiencies and the community-wide benefits to be realized. (UAGP Policy III.B.1)
- LUP-14:** To maximize economic and social benefits, and resource efficiencies, prioritize and focus new development within the existing City limits. This will strengthen existing neighborhoods and maximize efficiencies of utility and infrastructure systems. New development should be accessible via all modes of transportation, both motorized and non-motorized, with an emphasis on availability of public services. (UAGP Policy III.B.2)
- LUP-15:** Complete neighborhoods promote livability, sustainability and safety for all residents. Neighborhoods are to contain: a mix of housing types including affordable and market-rate; a range of services and facilities such as schools, parks, retail, services & civic facilities; transit access within ½-mile of all dwelling units; and, complete streets with tree canopy cover that accommodate both motorized and non-motorized mobility. (UAGP Policy III.C.1)
- LUP-16:** Preserve, protect, and enhance established neighborhoods by providing sensitive transitions between and among adjoining neighborhoods, and by requiring new development – both private and public – to respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that

contribute to the overall character and livability of the neighborhood. (UAGP Policy III.C.2)

- LUP-17:** Corridor Studies guide infill development, and re-use / recycling of existing development, along major transportation corridors. Such development will balance vehicular circulation and access against all other travel modes – both motorized and non-motorized. Development along major transportation corridors should mix land uses effectively so that housing, retail and service needs are combined with pedestrian-friendly facilities and gathering places. (UAGP Goal III.D)
- LUP-18:** Development along major transportation corridors that occurs pursuant to an adopted corridor study should be compact, mixed-use, transit- / bicycle- / pedestrian-friendly, and scaled appropriately to match the context and transition to existing nearby neighborhoods. (UAGP Goal III.E)
- LUP-19:** Downtown Modesto is a high-priority area for both public and private investment. Therefore, the City should prioritize and focus infrastructure investments here. Downtown is planned to become a more urban, higher-density, mixed-use, pedestrian-oriented, economically vibrant, innovative center for living, working, socializing and recreating. (UAGP Goal III.F)
- LUP-20:** Commercial development should strengthen the vehicular, pedestrian and visual connections between shopping centers and their surrounding neighborhoods, and between neighboring retail sites, through physical improvements, public transit and coordinated land use and transportation planning. (UAGP Goal III.G)
- LUP-21:** Locate employment-intensive uses, such as medical and professional offices, light industry, R&D and skill training, in appropriate areas as designated by the General Plan and the zoning map. Locate Business Parks, Industrial development and other employment centers near access points to major transportation facilities so that they are accessible by all modes of transportation. (UAGP Goal III.H)

(2) Planned Urbanizing Area

The following Principal CPD Policies apply to all CPDs, regardless of whether they are located in the Baseline Developed Area or the Planned Urbanizing Area.

- LUP-22:** Since each Comprehensive Planning District contains a number of properties, unified direction from affected property owners should be encouraged, particularly for privately-initiated applications. In the case of disparate or unknown development intentions, the City may proactively seek consensus from affected property owners. (UAGP Policy III.I.2)
- LUP-23:** The Specific Plan(s) within each CPD should follow the policies and procedures as outlined in the City of Modesto’s Specific Plan Procedures and Preparation Guide (Guide), which identifies all subsequent land use approvals required to be consistent with the Specific plan. The Guide should be updated in order to keep it current with regard to policies and practices. (UAGP Policy III.I.3)
- LUP-24:** Each Specific Plan should be accompanied by a long-range financing strategy that provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding for any development project that serves to implement the subject Specific Plan. If new public facilities are required that will also serve the broader community, the Specific Plan should include options for broad-based funding

mechanisms. Each Specific Plan should address the need to provide water, wastewater and storm drainage infrastructure, in the context of the required Facilities Master Plan and Infrastructure Master Plan prepared at the developer's expense. (UAGP Policy III.I.4)

LUP-25: More than one Specific Plan may be processed within a given CPD, as long as the remaining area within the CPD can still comply with the General Plan policies presented in this chapter. Conversely, a Specific Plan can be used to implement more than one CPD, when those districts are adjoining. A CPD may consist of more than one Specific Plan provided that the Specific Plans are consistent, compatible, and complement one another. This is particularly important for issues related to, but not limited to, land use plans, circulation plans and the Specific Plans' financing sections (which must be correlated to provide for adequate infrastructure throughout the CPD). If Specific Plans are adopted at different times within a CPD, the first Specific Plan should include an infrastructure plan for the entire CPD. (UAGP Policy III.I.5)

e. Other Governing Bodies

(1) Stanislaus County Local Agency Formation Commission

State law established the Stanislaus County LAFCo to administer the local government reorganization process. This includes incorporation of new cities, formation of special districts, annexations to cities and special districts, and establishment of spheres of influence for all cities and special districts. The LAFCo is responsible for the orderly provision of services and the conservation of agricultural and open-space lands. It is composed of elected officials from Stanislaus County and its cities, as well as members-at-large. The LAFCo decides whether land is to be annexed to the City of Modesto and which agency (i.e., county, city, or special district) will provide services to newly annexed areas.

(2) City of Ceres

The City of Ceres is located directly south of Modesto. Its sphere of influence abuts the Modesto planning area. Ceres has adopted its own general plan that guides development within the city. Land use in the unincorporated areas surrounding Ceres is regulated by the County.

(3) City of Riverbank

The City of Riverbank is located directly north of Modesto. Its sphere of influence abuts the Modesto planning area. Riverbank has adopted its own general plan that guides development within the city. Land use in the unincorporated areas surrounding Riverbank is regulated by the County.

(4) Stanislaus Council of Governments

(a) Regional Transportation Plan

The Stanislaus Council of Governments is the region's transportation planning agency and prepares the Regional Transportation Plan (RTP) (Government Code Section 65080, et seq.). Along with the Regional Transportation Improvement Program, the RTP is the basis for state and federal funding of transportation improvements. The RTP describes the proposed, priority transportation system, including roads, mass transit, and pedestrian and bicycle facilities for the county. The RTP also describes the region's transportation objectives and policies. It contains an action element describing the programs that will implement the plan, as well as a financial element describing the cost of plan implementation.

The 2014 RTP includes a Sustainable Communities Strategy (SCS). The 2014 RTP/SCS presents a strategy to accommodate the anticipated growth in the region, while promoting economic vitality and providing more housing & transportation choices, and to meet the goals of state climate change laws such as AB32 and SB375.

(5) Airport Land Use Compatibility Plan

Pursuant to Public Utilities Code sections 21670–21679.5, Airport Land Use Commissions (ALUCs) have the authority to regulate land use decisions in the vicinity of airports in order to "protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to the extent that these areas are not already devoted to incompatible uses." The commission's chief business is to prepare and enforce a land use plan for the area surrounding each general aviation airport in the county. After adopting an airport land-use compatibility plan, the ALUC is to review the land use plans and zoning ordinances of cities and other local agencies (such as school districts) that affect the area within the airport planning boundary established by the ALUC. Section 21676 provides that local agencies whose general plan includes areas covered by an ALUC plan must submit a copy of its general plan and specific plans to the commission. Before amending a general plan or specific plan or adopting a zoning ordinance that overlaps with the ALUC's plan boundaries, the local agency must first refer the proposed action to the ALUC. The local agency may only adopt a general plan or specific plan or zoning ordinance that conflicts with the ALUC plan upon a 2/3rds majority vote of its legislative body.

In 2003, the legislature limited the ability of local agencies to overrule the ALUC (Assembly Bill [AB] 332). A local agency that proposes to overrule the ALUC must first provide the ALUC and the California Department of Transportation (Caltrans) Division of Aeronautics, with the proposed decision at least 45 days in advance. Any comments by the ALUC or Division of Aeronautics must be included in the final record of the local agency's final decision to overrule the ALUC.

The Stanislaus County ALUC has adopted an airport land-use compatibility plan for the Modesto City-County Airport with the plan's boundaries being the outer boundaries

of the Modesto City-County Airport Approach and Clear Zone Plan (Stanislaus County Airport Land Use Commission 2016). This is an oval area generally encompassing the central, eastern, and southeastern portions of the Modesto planning area and the City of Ceres.

(6) Natural Habitat Planning and Open Space Conservation Programs

Although there are no relevant habitat conservation plans (HCPs) or natural community conservation plans (NCCPs) in the City of Modesto, there are three riparian corridors within the planning area (Dry Creek, Stanislaus River, Tuolumne River) that are designated as CPDs under the UAGP. Development within these areas is subject to a Specific Plan per Policies III.J.1 and 3 of the UAGP. The Tuolumne River CPD includes a significant amount of public land owned by a joint powers authority (JPA) made up of Modesto, Ceres, and Stanislaus County. The JPA has completed and the City has certified a Master EIR for the TRRP Master Plan.

5. Policies That Avoid Impacts

The following policies associated with the proposed General Plan amendment have been determined to reduce, avoid, or mitigate environmental impacts relative to land use and planning. County policies are also included because they reduce or avoid cumulative impacts. The policy reference numbers are listed, and the full text of these policies is found in Section A-4, *Existing Policies Applying to the Study Area*.

(a) Stanislaus County Policies:

The territory outside the city limits is under Stanislaus County jurisdiction. The County's General Plan includes the following applicable policies, identified in Section A-4 above: LUP-1 through LUP-10.

(b) City of Modesto Policies

The proposed UAGP amendment provides policies LUP-11 through LUP-25, identified in Section A-4, above, related to land use and planning. These policies would help regulate design of new development so that it is compatible with its given context. Complete neighborhoods, transportation choices and provision of reliable infrastructure systems – all of which are supported via these policies – would also aid in avoiding adverse impacts related to land use and planning.

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT IMPACTS

The following information is provided in accordance with State CEQA Guidelines Section 15126.2.

1. Thresholds of Significance

Appendix G of the State CEQA Guidelines offers the following broad suggestions for impact assessment. The proposed General Plan amendment project could result in a potentially significant impact(s) relative to land use and planning if:

- a. it would physically divide an established community;
- b. conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or,
- c. Conflict with any applicable habitat conservation plan or natural community conservation plan.

2. Significant Direct Impacts

a. Baseline Developed Area and Downtown Area

The policies of the UAGP amendment would not result in physical division of an established community, conflict with applicable plans or policies, or land use/operational conflicts between existing and proposed uses. Policies LUP 11 through LUP 21 prescribe a comprehensive, integrated approach to new development, taking into consideration economic and social outcomes of policy implementation in the “real world.” As a result, any impact(s) relative to land use and planning within the existing City would be less than significant.

b. Planned Urbanizing Area

UAGP Figure III-1, Adopted Land Use Diagram, does not identify any land use designations that would divide an established community, and the UAGP includes several policies that serve to build community, including promoting the variety of land uses and techniques needed for walkable communities and non-motorized transportation in general.

The UAGP distributes land uses to minimize land use impacts and contains specific goals and policies to mitigate existing or potential conflicts. The UAGP strives to preserve, revitalize, and ensure compatibility throughout the City by promoting mixed-use and transit-oriented development in strategic locations, redevelopment of blighted areas and the Downtown planning area, and preservation of historic neighborhoods (see policies LUP 13 through LUP 19, above). Additional guidance ensures quality development and integration with surrounding areas (policies LUP 22 through LUP 25). Furthermore, these policies do not conflict with any other applicable plan(s), policy(ies) or regulation(s). Therefore, the impacts of development on the Planned Urbanizing Area related to the land use and planning are considered less than significant.

3. Significant Cumulative Impacts

CEQA and the State CEQA Guidelines require the disclosure of the significant cumulative environmental effects, whether the project will make a cumulatively considerable contribution to any such effects, and, if so, mitigation measures intended to reduce the project's contribution (Section 15130 of the State CEQA Guidelines). A cumulative effect is one that results from past, present, and probable future projects. A project that has a less than significant direct effect on the environment may nonetheless make a considerable contribution to a cumulative effect.

A cumulative impact analysis first identifies whether there exists a cumulatively significant effect in the given resource area. If so, it determines whether the project will make a considerable contribution to that effect. Where a cumulative impact is severe, even a small contribution may be considerable. Where a project is required to implement or fund its fair share of a mitigation measure designed to alleviate the cumulative impact, its contribution will be rendered less than considerable. (Section 15130(a) of the State CEQA Guidelines)

No cumulative impacts are identified for land use and planning because policies of the UAGP would reduce any cumulative impact(s) under the UAGP via requirement for a comprehensive approach re: the specific plan / EIR process prior to annexation of new growth areas. Accordingly, the project would not contribute to any cumulative impact and, therefore, any impact(s) resulting from the proposed General Plan amendment would be less than significant.

C. POLICIES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with State CEQA Guidelines Section 15126.2.

1. Policies That Reduce Direct Impacts

The policies contained in the proposed UAGP amendment listed in Section A-4, *Existing Policies Applying to the Study Area*, above (policies LUP-11 through LUP-25), would eliminate any potential direct impacts by promoting mixed-use developments and transit-oriented development in strategic locations, and requiring the comprehensive planning of new development areas.

2. Policies That Reduce Cumulative Impacts

The policies contained in the proposed UAGP amendment listed in Section A-4, *Existing Policies Applying to the Study Area*, above (policies LUP-11 through LUP-25), would also reduce any cumulative impact(s) relative to land use and planning, by minimizing any divisions of communities and land use conflicts on lands annexed to the City.

D. MONITORING POLICIES THAT REDUCE IMPACTS

The following information is provided in accordance with Public Resources Code (PRC) Section 211081.6. The mitigation measures identified in the Master EIR have been incorporated into the UAGP and are implemented by that plan. City staff provides the Modesto City Council with an annual report on General Plan implementation. Therefore, no separate mitigation monitoring program is required for the UAGP Master EIR.