

PLANNING COMMISSION
RESOLUTION NO. 2015-09

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTIONS 28-3-9, 29-3-9, 32-3-9 AND 33-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM-HIGH DENSITY RESIDENTIAL (R-3), NEIGHBORHOOD COMMERCIAL (C-1), GENERAL COMMERCIAL (C-2), LIGHT INDUSTRIAL (M-1), AND PLANNED DEVELOPMENT (P-D (325)) ZONES TO MAIN STREET DOWNTOWN (MSD) ZONE, PROPERTY LOCATED IN BLOCKS 1, 2, 4-6, 8-10, 13-19, 98, 101, AND 117 OF DOWNTOWN MODESTO

WHEREAS, the Planning Commission has considered and recommended to the City Council an amendment to Article 5 of Chapter 7 of Title 10 of the Municipal Code to create a new Main Street Downtown (MSD) Zone; and

WHEREAS, an amendment to Sections 28-3-9, 29-3-9, 32-3-9 and 33-3-9 of the Zoning Map was initiated by the City of Modesto to reclassify from Medium-High Density Residential (R-3), Neighborhood Commercial (C-1), General Commercial (C-2), Light Industrial (M-1), and Planned Development (P-D (325)) Zones to a proposed Main Street Downtown (MSD) Zone, property located in Blocks 1, 2, 4-6, 8-10, 13-19, 98, 101, and 117 of downtown Modesto as set forth on the map attached hereto, which is hereby made a part of this resolution by reference, and described as follows:

Legal Description as shown in Exhibit "A"

WHEREAS, a public hearing was held by the Planning Commission on March 16, 2015 in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered.

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

1. The proposed rezoning will benefit the public health, safety, and welfare because it is intended to improve the downtown area through facilitating increased densities and intensification of shared uses; providing additional housing choices and opportunities; ensuring development occurs at a human scale; promoting store frontage and display on public streets; and improving pedestrian circulation.
2. The proposed rezoning will result in an orderly planned use of land because it will help to ensure that new development in downtown is of a type, form and scale that is appropriate to the existing development in downtown.
3. The proposed rezoning is in accordance with the community's objectives as set forth in the General Plan because it will implement the following General Plan goals and policies:
 - a. General Plan Overall Goal I.C.6 (preserving agricultural land by having new development be relatively compact and of reasonably

high density) by promoting higher density, mixed-use development in downtown.

- b. General Plan Economic Development Goal I.D.1. (striving for a jobs/housing balance by encouraging the economic revitalization of downtown) by allowing higher density development and providing incentives such as reduced parking standards to encourage economic development in downtown.
- c. General Plan Economic Development Goal I.D.2 by strengthening downtown as the focal point of community life and the social, cultural, business, governmental, and entertainment center of the City and by preserving and revitalizing the downtown and making it an identifiable center.
- d. The rezoning is consistent with the Redevelopment Planning District General Plan designation by assisting in implementing the vision and goals of the Redevelopment Master Plan for downtown.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that the amendment to Sections 28-3-9, 29-3-9, 32-3-9 and 33-3-9 of the Zoning Map to reclassify the property described above from Medium-High Density Residential (R-3), Neighborhood Commercial (C-1), General Commercial (C-2), Light Industrial (M-1), and Planned Development (P-D (325)) Zones to a proposed Main Street Downtown (MSD) Zone, be approved.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on March 16, 2015, by Chris Tyler, who moved its adoption, which motion was seconded by Dennis Smith and carried by the following vote:

Ayes:	Cater, Grewal, Smith, Tyler
Noes:	None
Absent:	Escutia-Braaton, Lucas
Recused:	None

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

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

Exhibit "A"
CODE-11-003
Legal Description

MAIN STREET DOWNTOWN

R-3 to Main Street Downtown

All that certain real property situate in a portion of the Northwest Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Area No. 1:

Lot 21 in Block 17 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the northeasterly half of the 80-foot wide 4th Street and the southwesterly half of the 20-foot wide alley, all being immediately adjacent to the above property.

Containing 0.12 acres, more or less.

APN 104-019-010

Area No. 2:

Lot 12 in Block 8 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southwesterly half of the 80-foot wide 4th Street and the northeasterly half of the 20-foot wide alley, all being immediately adjacent to the above property.

Containing 0.12 acres, more or less.

APN 104-023-006 (portion)

Area No 3:

Lot 5 in Block 10 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southwesterly half of the 80-foot wide 4th Street and the northeasterly half of the 20-foot wide alley, all being immediately adjacent to the above property.

Containing 0.12 acres, more or less.

APN 103-019-001 (portion)

Area No. 4:

Lots 17, 18 and 19 in Block 5 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the northeasterly half of the 80-foot wide 2nd Street, the northwesterly half of 80-foot wide H Street, and the southwesterly half of the 20-foot alley, all being immediately adjacent to the above described properties.

Containing 0.5 acres, more or less.

APNs 104-025-008 and 104-025-009.

Area No. 5:

Lots 29 through 32 in Block 4 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeasterly half of the 80-foot wide H Street, the northeasterly half of the 80-foot wide 2nd Street and the southwesterly half of the 20 foot wide alley, all being immediately adjacent to the above property.

Containing 0.6 acres, more or less.

APN 103-020-014.

Area No. 6:

Lots 1, 2 and 27 through 32 in Block 2 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeasterly half of the 80-foot wide H Street, the southwesterly half of the 80-foot wide 2nd Street, the northeasterly half of the 80-foot wide 1st Street and the southwesterly half of the 20 foot wide alley, all being immediately adjacent to the above properties.

Containing 1.2 acres, more or less.

APNs 103-023-001, 103-023-018, 103-023-019 and 103-023-020.

Area No. 7:

Lots 15 through 20 in Block 1 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the northeasterly half of the 80-foot wide 1st Street, the northwesterly half of the 80-foot wide H Street, the southwesterly half of the 80-foot wide 2nd Street and the southeasterly half of the 20-foot wide alley, all being immediately adjacent to the above properties.

Containing 1 acre, more or less.

APNs 104-028-008 through 104-028-011.

C-1 to Main Street Downtown

All that certain real property situate in a portion of the Northwest Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Area No. 1:

Lots 17 through 20 in Block 17 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the northeasterly half of the 80-foot wide 4th Street, the northwesterly half of the 100-foot wide I Street and the southwesterly half of the 20-foot wide alley, all being immediately adjacent to the above property.

Containing 0.7 acres, more or less.

APN 104-019-009.

Area No. 2:

Lots 17 through 32 in Block 16 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeasterly half of the 100-foot wide I Street, the northwesterly half of the 80-foot wide H Street, the northeasterly half of the 80-foot wide 4th Street, and the southwesterly half of the 20-foot wide alley, all being immediately adjacent to the above properties.

Containing 2.1 acres, more or less.

APNs 104-018-006, 104-018-007, 104-018-010, 104-018-011 and 104-018-012.

Area No. 3:

Lots 29 through 32 in Block 15 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeast half of the 80-foot wide H Street, the northeast half of the 80-foot wide 4th Street and the southwest half of the 20-foot wide alley, all being immediately adjacent to the above properties.

Containing 0.6 acres, more or less.

APN 103-014-014.

Area No. 4:

Lots 1 through 4 and 29 through 32 in Block 10 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeasterly half of the 80-foot wide H Street, the southwesterly half of the 80-foot wide 4th Street, the northeasterly half of the 80-foot wide 3rd Street and all of the 20-foot wide alley, all being immediately adjacent to the above properties.

Containing 1 acre, more or less.

APNs 103-019-001 (portion) and 103-019-013.

Area No. 5:

All of Block 9 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeasterly half of the 100-foot wide I Street, the northeasterly half of the 80-foot wide 3rd Street, the southwesterly half of 80-foot wide 4th Street, the northwesterly half of the 80-foot wide H Street and all of the 20-foot alley, all being immediately adjacent to the above described properties.

APNs 104-024-001 through 104-024-015.

Area No. 6:

Lots 13 through 18 in Block 8 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the northwesterly half of the 100-foot wide I Street, the northeasterly half of the 80-foot wide 3rd Street, the southwesterly half of the 80-foot wide 4th Street and the northeasterly half of the 20-foot wide alley, all being immediately adjacent to the above described properties.

APNs 104-023-006 (portion), 104-023-007 and 104-023-008.

Area No. 7:

Lots 15 and 16, together with the southerly 55 feet of Lot 14 in Block 6 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southwesterly half of the 80-foot wide 3rd Street, the northwesterly half of the 100-foot wide I Street and the southwesterly half of the 20-foot wide alley, all being immediately adjacent to the above described properties.

Containing 0.5 acres, more or less.

APNs 104-026-009 through 104-026-013.

Area No. 8:

Lots 1 through 16 in Block 5 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southwesterly half of the 80-foot wide 3rd Street, the northwesterly half of the 80-foot wide H Street, the southeasterly half of the 100-foot wide I Street and the northeasterly half of the 20-foot wide alley, all being immediately adjacent to the above described properties.

Containing 2.1 acres, more or less.

APNs 104-025-001 through 104-025-007.

Area No. 9:

Lots 1 through 4 in Block 4 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeasterly half of the 80-foot wide H Street, the southwesterly half of the 80-foot wide 3rd Street and the northeasterly half of the 20-foot wide alley, all being immediately adjacent to the above described properties.

Containing 0.6 acres, more or less.

APN 103-020-001

C-2 to Main Street Downtown

All that certain real property situate in a portion of the Southwest Quarter of the Southwest Quarter of Section 29 and the northwest quarter of the Northwest Quarter of Section 32, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Area No. 1:

All of Block "D" and all of Blocks 20 through 26 of the City of Modesto as Maps recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southwesterly half of 80-foot 6th Street, the northwesterly half of 80-foot wide E Street, the northeasterly half of 80-foot wide 5th Street, and all of the following 80-foot wide streets: G Street, H Street, I Street, K Street, and L Street, all being immediately adjacent to the above described Blocks.

Containing 31 acres, more or less, comprised of right-of-way of streets and State Highway 99.

Area No. 2:

Lots 5 through 16 in Block 19 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the northwesterly half of the 80-foot wide K Street, all of the 90-foot wide Maze Boulevard, the southeasterly half of the 80-foot wide L Street, the east half of 80-foot wide South Washington Street, and the northeasterly half of the 20-foot alley, all being immediately adjacent to the above described properties.

Containing 1.8 acres, more or less.

APNs 104-021-001, 104-021-002, 104-021-003, 104-021-004, 104-021-005 and 104-021-006.

Area No. 3:

Lots 1 through 16 in Block 18 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeasterly half of the 80-foot wide K Street, the northwesterly half of the 80-foot wide J Street, the southwesterly half of 80-foot wide 5th Street and the northeasterly half of the 20-foot alley, all being immediately adjacent to the above described properties.

Containing 2.1 acres, more or less.

APNs 104-020-019, 104-020-020, 104-020-023 and 104-020-024.

Area No. 4:

Lots 1 through 16 in Block 17 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeasterly half of the 80-foot wide J Street, the northwesterly half of the 100-foot wide I Street, the southwesterly half of 80-foot wide 5th Street and the northeasterly half of the 20-foot alley, all being immediately adjacent to the above described properties.

Containing 2.1 acres, more or less.

APNs 104-019-001, 104-019-002, 104-019-003, 104-019-004 and 104-019-020.

Area No. 5:

Lots 1 through 16 in Block 16 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeasterly half of the 100-foot wide I Street, the northwesterly half of the 80-foot wide H Street, the southwesterly half of 80-foot wide 5th Street and the northeasterly half of the 20-foot alley, all being immediately adjacent to the above described properties.

Containing 2.1 acres, more or less.

APNs 104-018-001, 104-018-002, 104-018-003, 104-018-004 and 104-018-005.

Area No. 6:

Lots 1 through 16 in Block 15 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeasterly half of the 80-foot wide H Street, the northwesterly half of the 80-foot wide G Street, the southwesterly half of 80-foot wide 5th Street and the northeasterly half of the 20-foot alley, all being immediately adjacent to the above described properties.

Containing 2.1 acres, more or less.

APNs 103-014-003, 103-014-004, 103-014-005, 103-014-006, 103-014-007, 104-014-014 and 103-014-015.

Area No. 7:

Lots 1 through 16 in Block 14 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeasterly half of the 80-foot wide G Street, the northwesterly half of the 80-foot wide F Street, the southwesterly half of 80-foot wide 5th Street and the northeasterly half of the 20-foot alley, all being immediately adjacent to the above described properties.

Containing 2.1 acres, more or less.

APNs 103-015-001, 103-015-002, 103-015-003, 103-015-004, 103-015-005 and 103-015-006.

Area No. 8:

Lots 1 through 16 in Block 13 of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeasterly half of the 80-foot wide F Street, the northwesterly half of the 80-foot wide E Street, the southwesterly half of 80-foot wide 5th Street and the northeasterly half of the 20-foot alley, all being immediately adjacent to the above described properties.

Containing 2.1 acres, more or less.

APNs 103-016-001, 103-016-002, 103-016-003, 103-016-004, 103-016-005, 103-016-006, 103-016-007 and 103-016-008.

C-M to Main Street Downtown

All that certain real property situate in a portion of the Northwest Quarter of the Northwest Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Lot 11 and the southeasterly 12.5 feet of Lot 10 in Block 98 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southwesterly half of the 80-foot wide 13th Street and the northeasterly half of the 20-foot wide alley, all being immediately adjacent to the above-described property.

M-1 to Main Street Downtown

All that certain real property situate in a portion of the Northwest Quarter of the Northwest Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lots 12 through 16 of Block 98 in the City of Modesto, together with Lots 14 through 20 of Block 101 in the City of Modesto, and Lots 17 through 20 in Block 117 of the City of Modesto, as per Maps recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the northwesterly 40 feet of the 80-foot wide D Street, the southwesterly 40 feet of the 80-foot wide 14th Street and the northeasterly 10 feet of the alley adjacent to the abovementioned Lots in Block 117, the southwesterly 40 feet of the 80-foot wide 14th Street and the northeasterly 40 feet of the 80-foot wide 13th Street adjacent to the abovementioned Lots in Block 101, and the southwesterly 40 feet of the 80-foot wide 13th Street and northeasterly ten feet of the alley adjacent to the abovementioned Lots in Block 98, all being immediately adjacent to the above described properties.

Containing 2.4 acres, more or less.

APNs 106-011-009, 106-018-006, 106-018-008 and 106-024-006.

P-D(325) to Main Street Downtown

All that certain real property situate in the northwest quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 33 in Block 98 as per map recorded on August 17, 1983 in Volume 30 of Maps at Page 10, Stanislaus County Records.

Also including the northwesterly 40 feet of the 80-foot wide D Street, the northeasterly 40 feet of the 80-foot wide 12 Street and the southwesterly ten feet of the alley, all being immediately adjacent to the above described property.

Containing 1.48 acres, more or less.

APNs 106-049-001 through 106-049-012.