

PLANNING COMMISSION
RESOLUTION NO. 2015-10

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), PROFESSIONAL OFFICE (P-O), NEIGHBORHOOD COMMERCIAL (C-1), GENERAL COMMERCIAL (C-2), COMMERCIAL-INDUSTRIAL (C-M), AND PLANNED DEVELOPMENT (P-D (95), (101), (119), (143), (370), (443), (492), (563)) ZONES TO EAST NEIGHBORHOOD DOWNTOWN (END) ZONE, PROPERTY LOCATED IN BLOCKS 96-98, 101-103, 115-119, 128, M AND Q 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 East Neighborhood Downtown (END) 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), Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2), Commercial-Industrial (C-M), and Planned Development (P-D (95), (101), (119), (143), (370), (443), (492), (563)) Zones to a proposed East Neighborhood Downtown (END) Zone, property located in Blocks 96-98, 101-103, 115-119, 128, M and Q 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), Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2), Commercial-Industrial (C-M), and Planned Development (P-D (95), (101), (119), (143), (370), (443), (492), (563)) Zones to a proposed East Neighborhood Downtown (END) 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:	Carter, 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

EAST NEIGHBORHOOD DOWNTOWN

R-3 to East Neighborhood Downtown

All that certain real property situate in a portion of the southwest Quarter of Section 28, 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 1 through 3 in Block 119 of the City of Modesto, according to the Official Map thereof, recorded July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Including also the southwest half of 80.00-foot-wide 16th Street, the southeast half of 80.00-foot-wide G Street, and the northeast half of the adjacent 20.00-foot-wide alley, all immediately adjacent to the above-described property in said Block 119.

Containing 0.5 acres, more or less.

APNs 106-008-001 and 106-008-002.

Area No. 2:

Lot 9 in Block "O" of the City of Modesto, according to the Official Map thereof, recorded July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the southeast half of E Street and the west half of 52-foot wide Burney Street, all immediately adjacent to the above-described property in said Block "O".

Containing 0.3 acres, more or less.

APNs 106-008-001, 106-008-002, portion of 106-010-002.

P-O to East Neighborhood Downtown

All that certain real property situate in a portion of the southwest Quarter of Section 28, 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:

The northeasterly 93.3 feet of Lots 1 through 4 in Block "M" of the City of Modesto, according to the Official Map thereof, recorded July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the southwestern half of the 80-foot wide 18th Street and the southeasterly half of the 80-foot wide G Street, all being immediately adjacent to the above-described property.

Containing 0.43 acres, more or less.

APNs 106-003-002 and 106-003-003.

C-1 to East Neighborhood Downtown

All that certain real property situate in a portion of the southwest Quarter of Section 28, the Southeast quarter of Section 29, and the Northwest quarter of Section 33, all in 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 1 through 16 in Block 96 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

Lots 1 through 16 in Block 97 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

Lots 1 through 4 in Block 98 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

Lots 1 through 4 and Lots 29 through 32 in Block 101 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

Lots 1 through 4, together with Lots 9 through 20 and Lots 23 through 32 in Block 102 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

The entirety of Block 103 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

Lots 1 through 4 and Lots 7 through 32 in Block 115 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

The entirety of Block 116 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

Lots 1 through 16, 29 and 30 in Block 117 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

Lots 17 through 32 in Block 118 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

Lots 17 through 28 and the southeasterly 6.25 feet of Lot 29 in Block 119 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

Lots 1 through 5 and the northwesterly 1.15 feet of Lot 6 in Block "O" of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County.

Also including the northeasterly half of 80-foot wide 12 Street, the southeasterly half of 80-foot wide G Street, all of the 80-foot wide E and F Streets, all of the 80-foot wide 13th, 14th and 15th Streets, the westerly half of 52-foot wide Burney Street, the southwesterly half of the alleys through Blocks 96, 97, 98, 118 and 119, the northeasterly half of the 20-foot wide alleys through Blocks 96, 97, 98, 118 and 119, and all of the alleys in Blocks 101, 102, 103, 115, 116 and 117, all being immediately adjacent to the above-described properties.

Containing 28.8 acres, more or less.

APNs 106-008-010 through 106-008-016, 106-009-011 through 106-009-018, 106-009-020, portion of 106-010-002, 106-011-008, 106-011-014, 106-011-019, 106-011-002, 106-011-003, 106-011-016, 106-011-017, 106-012-001 through 106-012-018, 106-013-005 through 106-013-018, 106-016-001 through 106-016-015, 106-017-001, 106-017-002, 106-017-005 through 106-017-012, 106-017-014 through 106-017-018, 106-018-001, 106-018-013, 106-018-015, 106-018-016, 106-018-020, 106-024-001, 106-024-002, 106-025-001 through 106-025-009, 106-026-001, 106-026-005 through 106-026-008, 106-026-018, and 106-026-019.

C-2 to East Neighborhood Downtown

All that certain real property situate in a portion of the Southwest Quarter of the Southwest Quarter of Section 28, a portion of the Southeast Quarter of the Southeast Quarter of Section 29, the Northeast Quarter of the Northeast Quarter of Section 32, and the Northwest Quarter of the Northwest Quarter of Section 33, all in 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:

The northwesterly 15 feet of Lot 22 and all of Lots 23 through 28 in Block 117 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

All of Lots 5 through 10 and the northwesterly 19 feet of Lot 11, together with the northeasterly 22 feet of Lot 22 and all of Lots 23 through 28, in Block 101 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

All of Lots 5 through 9 and the northwesterly 12.6 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.

Also including all of 80-foot wide 14th Street, all of the 20-foot wide alley in Block 101, all of the 80-foot wide 13th Street, the southwesterly half of the alley in Block 117, and the northeasterly half of the 20-foot wide alley in Block 98, all being immediately adjacent to the above-described properties.

Containing 2.8 acres, more or less.

APNs 106-011-011 through 106-011-013, portion of 106-011-010, portion of 106-018-019, 106-018-003, 106-018-021, portion of 106-018-020, 106-018-010 through 106-018-012, portion of 106-018-009, and 106-024-003 through 106-024-005.

Area No. 2:

Lots 17 through 32 of Block 96 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

Lots 17 through 29, the northwesterly 12.5 feet of Lot 31, and all of Lot 32 in Block 97 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

Lots 29 through 32 of 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 southeasterly half of 80-foot wide G Street, all of 80-foot wide F Street, all of 80-foot wide E Street, the northeasterly half of 80-foot wide 12th Street, and the southwesterly half of the 20-foot wide alley in Blocks 96, 97 and 98, all being immediately adjacent to the above-described properties.

Containing 4.64 acres, more or less.

APNs 106-024-012, 106-024-016, 106-025-010 through 106-025-014, 106-025-016, 106-026-009 through 106-026-011, and 106-026-014 through 106-025-016.

M-1 to East Neighborhood Downtown

All that certain real property situate in a portion of the Northwest Quarter of the Northwest Quarter of Section 33, all in 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 21 and the southeasterly 10 feet of Lot 22 in Block 117 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records; and

The southeasterly six feet of Lot 11 and all of Lots 12 and 13, together with all of Lot 21 and the southeasterly three feet of Lot 22, in Block 101 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including all of 80-foot wide 14th Street, the northeasterly half of 80-foot wide 13th Street, the southwesterly half of the 20-foot wide alley in Block 117, and all of the 20-foot wide alley in Block 101, all being immediately adjacent to the above-described properties.

Containing 0.5 acres, more or less.

Portions of APNs 106-011-010, 106-018-009 and 106-018-019.

P-D(95) to East Neighborhood Downtown

All that certain real property situate in a portion of the southwest quarter of Section 28, 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 31 and 32 in Block 117 of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps Stanislaus County.

Also including the northwesterly half of the 80-foot wide E Street and the southwesterly half of the 80-foot wide 14th Street, all being immediately adjacent to the above-described property.

Containing 0.4 acres, more or less.

APN 106-011-015

P-D(101) to East Neighborhood Downtown

All that certain real property situate in a portion of the southwest quarter of Section 28, 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 5, 6, 7 and 8 in Block 102 of the City of Modesto, as per Map recorded December 21, 1942 in Volume 15 of Maps, Stanislaus County.

Also including the southwesterly half of the 80-foot wide 14th Street and the northeasterly half of the 20-foot wide alley, all directly adjacent to the above described property.

Containing 0.43 acres, more or less.

APN 106-017-019

P-D(119) to East Neighborhood Downtown

All that certain real property situate in a portion of the southwest quarter of Section 28, and 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 21 and 22 in Block 102 of the City of Modesto, and Lots 5 and 6 in Block 115 of the City of Modesto, as per Maps recorded December 21, 1942 in Volume 15 of Maps, Stanislaus County.

Also including the southwesterly half of the 80-foot wide 13th Street, the northeasterly half of the 80-foot wide 15th Street, the northeasterly half of the 20-foot wide alley in Block 102 and the southwesterly half of the 20-foot wide alley in Block 115, all directly adjacent to the above described property.

Containing 0.44 acres, more or less.

APNs 106-013-004 and 106-017-013

P-D(139) to East Neighborhood Downtown

All that certain real property situate in a portion of the southwest quarter of Section 28, 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 1, 2, 3 and 4 in Block 128 of the City of Modesto, as per Map recorded December 21, 1942, in Volume 15 of Maps, Stanislaus County Records; and

The westerly 46.66 feet of Lots 1 through 4, and all of Lots 27 through 32 in Block "M" of the City of Modesto, as per Map recorded December 21, 1942, in Volume 15 of Maps, Stanislaus County.

Including also all of the westerly one-half of the eight-foot wide G Street in said Blocks 128 and "M", all of the eight-foot wide 17th Street in said Lot 128, and the 20-foot wide alley in said Block "M", all directly adjacent to the above described property.

Containing 1.63 acres, more or less.

APNs 106-003-001, 106-003-018, 106-003-019, and 106-005-017.

P-D(143) to East Neighborhood 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:

The southeasterly 12.5 feet of Lot 31 and all of Lot 32 in Block 97 of the City of Modesto, as per Map recorded December 21, 1942, in Volume 15 of Maps, Stanislaus County.

Also including the northeasterly half of the 80-foot wide 12th Street and the southwesterly half of the 20-foot wide alley in said Block 97, all directly adjacent to the above described property.

Containing 0.16 acres, more or less.

APN 106-025-015

P-D(370) to East Neighborhood Downtown

All that certain real property situate in a portion of the southwest quarter of Section 28, 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:

Parcel B as shown upon that certain Parcel Map filed January 22, 1979 in Volume 28 of Parcel Maps, Page 56, Stanislaus County Records, being a portion of Lots 1 through 9 in Block "O" of the City of Modesto, as per Map filed December 21, 1942, in Volume 15 of Maps, Stanislaus County.

Including also all of the west 25 feet of Burney Street and the northeastern 40 feet of 15th Street immediately adjacent to the above described property.

Containing 0.43 acres, more or less.

APN 106-010-003

P-D(443) to East Neighborhood Downtown

All that certain real property situate in a portion of the southwest quarter of Section 28, 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 Lots 30, 31 32 and the northwest 18.75 feet of Lot 29 in Block 119 of the City of Modesto, as per Map filed December 21, 1942, in Volume 15 of Maps, Stanislaus County.

Also including the southwest half of the 80-foot wide G Street, the northeast half of the 80-foot wide 15th Street, and the northeast half of the 20-foot wide alley in Block 119, all being immediately adjacent to the above described property.

Containing 0.6 acres, more or less.

APNs 106-008-017 through 106-008-019.

P-D(492) to East Neighborhood Downtown

All that certain real property situate in a portion of the southwest quarter of Section 28, 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 5 and 6 in Block "M" of the City of Modesto, as per Map recorded December 21, 1942, in Volume 15 of Maps, Stanislaus County.

Including also all of the northeastern one-half of the twenty-foot wide alley in said Block "M", the west one half of original 33-foot wide Burney Street and all directly adjacent to the above described property.

Containing 0.16 acres, more or less.

APN 106-003-004

P-D(563) to East Neighborhood Downtown

All that certain real property situate in a portion of the southwest Quarter of Section 28, 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 25, 26, 27, 28, 29, 30, 31, and 32, in Block 128 of the City of Modesto, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on April 18, 1903, in Volume 1 of Maps, at Page 82.

Including also all of the Northeast one half of 80.00-foot-wide 16th Street, the Southeast one half of 80.00-foot-wide G Street and the Southwest one half of the adjacent 20.00-foot-wide alley and all immediately adjacent to the above-described property.

Containing 1 acres, more or less.

APNs 106-005-019 through 106-005-026.