

PLANNING COMMISSION  
RESOLUTION NO. 2019-17

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 20-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL (R-1) ZONE TO MEDIUM DENSITY RESIDENTIAL (R-2) ZONE, PROPERTY LOCATED AT 1215 AND 1225 W ROSEBURG AVENUE, NORTH SIDE OF W. ROSEBURG AVENUE, EAST OF TULLY ROAD AND WEST OF COLLEGE AVENUE (LY NGUYEN)

WHEREAS, a verified application for an amendment to Section 20-3-9 of the Zoning Map was filed by Ly Nguyen on March 5, 2019 to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at 1215 and 1225 W. Roseburg Avenue east of Tully Road and west of College Avenue described as follows:

R-1 to R-2:

All that portion of the Northwest Quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing from a point on the North line of a 60-foot road known as W. Roseburg Avenue, said point being the Southwest corner of Parcel "A" of the Parcel Map filed in the Office of the Recorder of Stanislaus County, State of California, on August 30, 1988 in Volume 41 of Parcel Maps at Page 28; thence continue South 88° 13' 22" East a distance of 95 feet along the North line of W. Roseburg Avenue to the True Point of Beginning, said point being the Southeastern-most corner of Parcel "B" of the aforementioned Parcel Map; thence North 0° 13' 37" West a distance of 140 feet; thence South 88° 13' 23" East a distance of 75 feet; thence North 0° 13' 37" West a distance of 160 feet; thence South 88° 13' 23" East a distance of 176.5 feet; thence South 0° 13' 38" East a distance of 300 feet; thence North 88° 13' 23" West a distance of 251.5 feet to the True Point of Beginning.

Including also the northern half of W. Roseburg Avenue, all being immediately adjacent to the above description.

Containing 1.63 acres, more or less.

APNs 118-018-024 and -025.

WHEREAS, a public hearing was held by the Planning Commission on May 6, 2019 in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Initial Study, Environmental Assessment No. EA/C&ED 2019-011, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2014042081) and that pursuant to Section 21157.1 of the Public Resources Code, no new environmental review is required.

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

1. The requested change will not be detrimental to the public health, safety, or welfare because it will provide for new residential units that are compatible with nearby multi-family residential uses.
2. The requested change will result in an orderly planned use of land because the rezoning will allow uses similar to the adjacent multi-family residential uses.
3. The requested change is consistent with the General Plan. The General Plan designates the site as Residential (R), which provides for residential uses of varying densities, including densities consistent with the proposed rezoning, therefore the rezone would not cause an inconsistency to the General Plan.
4. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
5. The subsequent project will have no additional significant effect on the environment that was not identified in the Master EIR, as defined in subdivision (d) of Section 21158 of the Public Resources Code, because the General Plan designation of Residential encompasses both single-family and multi-family housing, as allowed in the R-2 Zone.
6. No new or additional mitigation measures or alternatives are required.
7. The subsequent project is within the scope of the project covered by the Master EIR.
8. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that the application of Ly Nguyen to amend Section 20-3-9 of the Zoning Map to reclassify the property located at 1215 and 1225 W. Roseburg Avenue from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, be approved.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on May 6, 2019, by Commissioner Smith, who moved its adoption, which motion was seconded by Commissioner Birring and carried by the following vote:

Ayes: Birring, Escutia-Braaton, Lucas, Smith, Vohra, Morad  
Noes: None

Absent: Pollard  
Recused: None

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

Original, signed copy on file in CEDD

Steve Mitchell, Secretary