

PLANNING COMMISSION
RESOLUTION NO. 2023-02

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 27-3-9 OF THE ZONING MAP TO REZONE FROM LOW-DENSITY RESIDENTIAL (R-1) ZONE TO MEDIUM-HIGH DENSITY RESIDENTIAL (R-3) ZONE, PROPERTY LOCATED AT 1505 AND 1513 SCENIC DRIVE (CITY OF MODESTO)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Ulises Belmonte on November 7, 2022 to reclassify from Low-Density Residential Zone, R-1, to Medium-High Density, R-3, property located at 1505 and 1513 Scenic Drive described as follows:

All that portion of Lot 40 of Broughton Colony, according to the Official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on March 17, 1904 in Volume 1 of Maps, at Page 78, particularly described as follows:

Commencing at the Northwest corner of Lot 40, said corner being in the centerline of a 40 foot avenue; thence South 0°30' East along the West line of Lot 40 and along the centerline of 40 foot avenue 625.05 feet to the Southwest corner of second parcel of land conveyed to Francis E. Bishop, et ux, by Deed recorded August 3, 1944 as Instrument No. 11023; thence North 74°20' East 20.72 feet to the East line of 40 foot Avenue to the True Point of Beginning of this description; thence continuing North 74°20' East along the Southerly line of said Bishop land and along the centerline of a concrete pipeline, 77.72 feet; thence south 0°30' East 191.56 feet; thence South 73°48'30" West along the South line of Lot 40, 77.90 feet; thence North 0°30' West along East line of 40 foot Avenue 192.20 feet to the True Point of Beginning of this description.

EXCEPTING THEREFROM that parcel granted to the City of Modesto recorded August 2, 1988, Instrument No. 51495 described as follows:

Commencing at the Southwestern corner of said Lot 40, said point being on the Centerline of Brighton Avenue; thence North 74°24'30" East, 20.77 feet to the Southwestern corner of property conveyed to Nick Masellis, et ux, by Deed recorded May 6, 1977 in Book 2911 of Official Records, at page 01, Stanislaus County Records, and the True Point of Beginning of this description; thence continuing along the Northern line of Scenic Drive North 74°24'30" East, 77.90 feet, to the Southeastern corner of said Masellis property, thence along the Eastern line of Masellis property North 00°05'25" East 20.77 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Northerly from said Northern line of Scenic Drive; thence along said Parallel line, South 74°24'30", West 47.72 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 15.00 feet, a central angle of 105°40'55" and an arc length of 27.67 feet to its' point of tangency on a line which is parallel with and 30.00 feet, measured at right angles, Easterly from said centerline of Brighton Avenue; thence along a radial line, North 89°54'35" West, 10.00 feet, to the Eastern line of 40.00 foot Brighton Avenue; thence along said last mentioned Eastern line of Brighton Avenue, South 00°05'25" West, 43.37 feet to the point of beginning.

Parcel No. 1:

All that portion of Lot 40 of Broughton Colony, as per map filed March 17, 1904 in volume I of maps, page 78, Stanislaus County Records, particularly described as:

Commencing at the northwest corner of Lot 40, said corner being in the center line of a 40 foot avenue; thence south 0°30' east along the west line of lot 40 and along the centerline of 40 foot avenue 625.05 feet to the southwest corner of the second parcel of land, described in the deed to Francis E. Bishop, et ux, be deed recording August 3, 1944 as instrument No. 11023; thence north 74°20' east and along the southerly line of said Bishop land, being the center line of a concrete pipe line, 98.44 feet to the point of commencement of this description; being the northeast corner of premises conveyed to Joseph F. Maroney and Kathleen Maroney, by deed recorded October 11, 1945 instrument No. 18187; thence continuing north 74°20' east 77.72 feet along the southerly line of said Bishop Land to a point; thence south 0°30' east 190.91 feet to a point on the south line of said lot 40 and north line of county road; thence south 73°48'30" west, a distance of 77.90 feet to a point to the southeast corner of premises conveyed to Maroney as aforesaid; thence north 0°30' west along the easterly line of said Maroney lands 191.56 feet to the point of beginning.

Parcel No. 2:

All that portion of lot 40 of the Broughton colony, as per map filed March 17, 1904 in volume 1 of maps, page 78, particularly described as follows:
Commencing at the northwest corner of lot 40, said corner being in the centerline of a 40 foot avenue; thence south 0°30' east along the west line of lot 40 and along the center line of a 40 foot avenue 625.05 feet; thence north 74°17' east along the center line of a concrete pip line 176.16 feet; thence south 0°30' 125.91 feet to the true point of beginning of this description; thence, continuing south 0°30' east 65.00 feet: thence north 17' west 63.04 feet to the true point of beginning of this description.

WHEREAS, a public hearing was held by the Planning Commission on January 23, 2023 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 2023-02, 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 the proposed rezone will make possible future development

of multi-family residential projects that are compatible with nearby multi-family residential uses.

2. The requested change will result in an orderly planned use of land because the proposed rezone is consistent with the adjacent residential zone and land uses.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the proposed rezone conforms to the General Plan Land Use designation of Residential Use (R).
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, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
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.
9. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that the application of Ulises Belmonte to amend Section 27-3-9 of the Zoning Map to reclassify the property located at 1505 and 1513 Scenic Drive from Low-Density Residential Zone, R-1, to Medium-High Density Residential Zone, R-3, be approved.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on January 23, 2023, by Commissioner Shanks, who moved its adoption, which motion was seconded by Silva and carried by the following vote:

Ayes:	Birring, Pollard, Shanks, Silva, Vazquez, Vohra
Noes:	None
Absent:	None
Recused:	None

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

Original, signed copy on file in CEDD

Jessica Hill, Acting Planning Manager