

PLANNING COMMISSION
RESOLUTION NO. 2023-16

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 12-03-09 OF THE ZONING MAP TO REZONE A 4.98-ACRE PORTION OF PRECISE PLAN AREA NO. 6, SUBAREA "A," IN THE VILLAGE ONE SPECIFIC PLAN FROM SPECIFIC PLAN-HOLDING ZONE (SP-H) ZONE TO SPECIFIC PLAN (SP) ZONE, FOR PROPERTY LOCATED ON THE NORTHWEST SIDE OF THE INTERSECTION OF ESTA AND MILLBROOK AVENUES. (MILLER/ADERHOLT)

WHEREAS, a verified application for an amendment to Section 12-03-09 of the Zoning Map was filed by Fred Miller on July 22, 2022, to reclassify a 4.98-acre property, from Specific Plan-Holding (SP-H) zone to Specific Plan (SP), located at 3431 and 3419 Millbrook Avenue on the northwest side of the intersection of Esta and Millbrook Avenues, described as follows:

SP-H to SP

All of Parcel "b" as shown and designated on that certain parcel map filed in the office of the County Recorder of Stanislaus County, California on February 3, 1978 in Volume 26 of Parcel Maps, at page 68, and being a division of Parcel 4 of that certain Parcel Map filed in Volume 1 of Parcel Maps at Page 138, located in the southwest corner of Section 12, Township 3 south, range 9 east, mount diablo base and meridian.

Together with Parcel "a", as shown on that certain parcel map filed in book 26 of parcel maps, at Page 68, Stanislaus County records.

Together with all that portion of abandoned 50.00 foot wide Esta Avenue, as described in abandonment resolution no. 2001-577, filed as doc- 2001-0139479, official records, Stanislaus County records, lying easterly of and coincident with the easterly line of Parcel "a", as shown on that certain parcel map filed in book 28 of Parcel Maps, at Page 68, Stanislaus County records, more particularly described as follows:

Beginning at the southeast corner of said Parcel "a", thence along the easterly line of said Parcel 3, as shown on that certain parcel map filed in book 15 of parcel maps, at page 85, Stanislaus County records, thence along the easterly prolongation of the southerly line of said Parcel 3, north 89°48'18" east 13.52 feet to a point on the easterly line of said abandoned portion of Esta Avenue, said point being on a nontangent curve concave to the northeast, having a radius of 428.00 feet, from which the radius point of said curve bears north 82°51'51" east; thence southeasterly, along the arc of said curve, through a central angle of 10°33'19", an arc distance of 78.85 feet to the east line of the northwest quarter of the southwest quarter of said section 12; thence along said line, south 00°19'45" east 123.05 feet to a point of intersection with the easterly prolongation of the southerly line of aforesaid Parcel "a", thence along said line, south 89°48'18" west 30.00 feet to the point of beginning.

Also together with all that portion of abandoned 50.00 foot wide Esta Avenue, as

described in Abandonment Resolution No. 2001-577, filed as Doc-2001-0139479, official records, Stanislaus County records, lying the northeast quarter of the southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the Southeast corner of Parcel "a", as shown on that, certain Parcel Map filed in Book 26 of Parcel Maps, at Page 68, Stanislaus County Records; thence along the easterly prolongation of the southerly, line of said Parcel "a", North 89°48'18" East 30.00 feet to the west line of said Northeast quarter of the Southwest quarter of Section 12; thence along said line, North 00°19'45" West 2.58 feet to the point of beginning of this description; thence continue along said line, North 00°19'45" West 120.41 feet to a point on the easterly line of said abandoned portion of Esta Avenue said point being on a non-tangent curve concave to the Northeast, having a radius of 428.00 feet; thence Southeasterly, along the arc of said curve concave to the Northeast, having a radius of 428.00 feet, whose radius point bears north 72°18' 32" East, through a central angle of 7°26' 50", an arc distance of 55.83 feet to the Northerly corner of Lot "h", as shown on that certain Map of Atherton Place, filed in Book 39 of Maps, at Page 59, Stanislaus County records; thence along the Westerly line of said Lot "h", South 00°19' 45" East 6 1/2 feet to a point on a curve concave to the Northwest, having a radius of 100.00 feet, whose radius point bears North 25°22'52" West; thence Southwesterly, along the arc of said curve, through a central angle of 12°08'26", an arc distance of 21.19 feet to the point of beginning.

Together with all that portion of Lot "h", as shown, on that certain Map of Atherton place, filed in Book 39 of Maps, at Page 59, Stanislaus County records, lying in the Northeast quarter of Southwest quarter Section 12, Township 3 South, Range 9 East, Mount Diablo base and meridian, described as follows:

Beginning at the most Northerly corner of said Lot "h", said point being on the, Southwesterly right-of-way line of 56-foot wide Millbrook Avenue, thence along the Easterly line of said Parcel "h" also being the Westerly right-of-way line of said Millbrook Avenue, Southeasterly along the arc of a curve concave to the Northeast, whose radius point bears north 64°51'42" east, having a radius of 428.00 feet, through a central angle of 7°07'35", an arc distance of 53.23 feet, thence on a non-tangent line, South 57°44' 07" West 17.35 feet to the beginning of a curve concave to the Northwest, having a radius of 100.00 feet; thence Southwesterly, along the arc of said curve, through a central angle of 6°53'01", an arc distance of 12.01 feet to the Westerly line of said Lot "h", thence along said Westerly line, North 00°19'45" West 61.72 feet to the point of beginning.

EXCEPTING THEREFROM all that portion of abandoned 50.00 foot wide Esta Avenue, as described in Abandonment Resolution No. 2001-577, filed as Doc-2001-0139479, official records, Stanislaus County Records, being a portion of the Northwest quarter of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo base and meridian, more particularly described as follows:

Commencing at the Southeast corner of Parcel "a", as shown on that certain Parcel Map filed in Book 26 of Parcel Maps at Page 68, Stanislaus County Records; thence

along the Easterly prolongation of the Southerly line of said Parcel "a", North 99°48'18" East 7.42 feet to the beginning of a curve concave to the northwest, having a radius of 100.00 feet, and the point of beginning of this description, thence Northeasterly along the arc of said curve, through a central angle of 13°02'44", an arc distance of 22.77 feet to the east line of the northwest quarter of the southwest quarter of said Section 12, thence along said line, south 00°19'45", east 2.58 feet to a point of intersection with the easterly prolongation, of the southerly line of said Parcel "a"; thence along last said line, south 99°48'18" west 22.58 feet to the point of beginning.

Subject to all rights of way, easements, and other encumbrances of record.

APN: 085-064-016 and 085-064-017.

WHEREAS, a public hearing was held by the Planning Commission on June 5, 2023, in 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 2022-22, 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 proposed change will not be detrimental to the public health, safety, or welfare. The rezoning of a 4.98-acre portion of Precise Plan Area No. 6 (Subarea A) from Specific Plan-Holding Zone (SP-H) to Specific Plan (SP) will allow for the development of a maximum of nine (9) single family residential parcels, each being a minimum of 0.50 acres, which is consistent with the requirements of the Zoning Code and the Village One Specific Plan.
2. The proposed change will result in an orderly planned use of land. This rezone applies only to the 4.98-acre project site, which is proposed to be subdivided. If additional subdivisions are requested within Precise Plan Area No. 6 (Subarea A), property owners must request a zoning change from Specific Plan-Holding Zone (SP-H) to Specific Plan (SP).
3. The proposed change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s). The zone change will facilitate the development of a 4.98-acre portion of Subarea A, in Precise Plan Area No. 6 of the Village One Specific Plan. Nine (9) single family residential parcels will be created with a subsequent Tentative Subdivision Map. Each parcel will be a minimum of 0.50 acres, which is consistent with the requirements of the Zoning Code and the Village One Specific Plan. No other property will be subdivided as part of this action.

4. An Initial Study/Finding of Conformance 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(s) 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.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that the application by Fred Miller to amend Section 12-03-09 of the Zoning Map to reclassify the property described above, located at 3431 and 3419 Millbrook Avenue from Specific Plan-Holding (SP-H) Zone to Specific Plan (SP) Zone, be approved.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on the 5th day of June 2023, by Commissioner Vohra, who moved its adoption, which motion was seconded by Commissioner Russel and carried by the following vote:

Ayes:	Birring, Russel, Shanks, Vohra
Noes:	None
Absent:	Silva, Russel
Recused:	None

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

Original, signed copy on file in CEDD
Jessica Hill, Secretary