

PLANNING COMMISSION
RESOLUTION NO. 2023-25

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTIONS 02-03-08, 11-03-08, 12-03-08, 04-03-09, 05-03-09, 08-03-09, 09-03-09, 13-03-08, 14-03-08, 14-03-09, 16-03-09, 17-03-09, 18-03-09, 19-03-09, 20-03-09, 21-03-09, 22-03-09, 23-03-09, 26-03-09, 28-03-09, and 29-03-09 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE PROPERTIES FROM VARIOUS ZONES TO THE MIXED-USE PEDESTRIAN ZONE (MU-P) AND MIXED-USE HIGHWAY ZONE (MU-H)

WHEREAS, the City of Modesto has proposed an Amendment to Sections 02-03-08, 04-03-09, 05-03-09, 08-03-09, 09-03-09, 11-03-08, 12-03-08, 13-03-08, 14-03-08, 14-03-09, 16-03-09, 17-03-09, 18-03-09, 19-03-09, 20-03-09, 21-03-09, 22-03-09, 23-03-09, 26-03-09, 28-03-09, AND 29-03-09 of the Zoning Map, to rezone from various zoning designations to either of the Mixed-Use Pedestrian Zone, MU-P, or Mixed Use Highway Zone, MU-H, on properties located along the McHenry Avenue, Sisk Road, Oakdale Road, and Yosemite Boulevard corridors; and

WHEREAS, since 1969, the State of California has required that all local governments adequately plan to meet the housing needs of everyone in the community through the Regional Housing Needs Allocation (RHNA) process. This process starts with the state determining how much housing at a variety of affordability levels is needed for each region in the state, and then regional governments developing a methodology to allocate that housing need to local governments. California's local governments then adopt housing plans called housing elements as part of their General Plan, which is also required by the state, to show how the jurisdiction will meet local housing needs; and

WHEREAS, the Modesto Housing Plan, adopted by the Modesto City Council in 2022, includes in its Key Housing Production Strategies the strategy to Transform Major Commercial Corridors Into Neighborhoods; and

WHEREAS, the City of Modesto has submitted a draft 6th Cycle Housing Element to the Department of Housing and Community Development indicating how it will meet local housing needs, and in said Housing Element the City has identified commercial corridors along McHenry Avenue, Sisk Road, Oakdale Road, and Yosemite Boulevard as areas in which additional housing needs can be met; and

WHEREAS, in order to designate sites as "opportunity sites" that fulfill the RHNA obligations placed on the City, those sites must allow for multi-family residential uses as a by-right use; and

WHEREAS, parcels zoned in any of the Commercial Zones allow for multi-family residential uses only through a Conditional Use Permit, which does not meet the requirements to fulfill the City's RHNA obligations; and

WHEREAS, the City has proposed to create the Mixed-Use Pedestrian (MU-P) Zone and Mixed-Use Highway (MU-H) Zone through a separate action, CODE-23-003; and

WHEREAS, the City proposes to amend the zoning of parcels within the abovementioned commercial corridors to the MU-P and MU-H zones in order to implement

the goals of the 2022 Housing Plan and satisfy the State's RHNA requirements by implementing the actions outlined in the draft 6th Cycle Housing Element; and

WHEREAS, a public hearing was held by the Planning Commission on October 2, 2023, 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 2023-19, which concludes that the proposed amendment is within the scope of the General Plan Master Environmental Impact Report (SCH No. 2014042081) and that pursuant to Section 21157.1(b) of the CEQA Guidelines, no new environmental review is required, in accordance with the findings below.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines that the amendment to the above listed Planned Development Zones, is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed amendment is consistent with the Modesto Urban Area General Plan, as the affected sites are primarily designated as Commercial (C) and Mixed Use (MU), both of which are consistent with the proposed rezoning. A small number of parcels are zoned either in whole or in part Residential, which is also consistent with the proposed rezoning.
2. The type of project is described in Chapter II of the Modesto Urban Area General Plan Master EIR (MEIR).
3. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
4. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project is within the scope of the MEIR.
5. Based on the Initial Study, the City of Modesto finds and determines:
 - a. The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
 - b. No new or additional mitigation measures or alternatives are required.
 - c. The subsequent project is within the scope of the project covered by the Master EIR.
 - d. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent

project or otherwise made conditions of approval of the subsequent project.

6. The Initial Study, Environmental Assessment No. EA/C&ED 2023-19, provides the substantial evidence to support finding numbers 5a-5d, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that the proposed code amendment will not be detrimental to the public health, safety, or welfare because providing additional sites where multi-family housing is permitted by-right will benefit the community, will result in an orderly planned use of land because the rezoned sites follow the goals of the Housing Plan to incorporate additional density through mixed-use development in existing commercial corridors; and, is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plans because the proposed code amendments will provide for additional sites, with appropriate zoning, for the development of multiple-family residential uses consistent with the State's required Regional Housing Needs Allocation that the City must meet with its Housing Element, a portion of the General Plan.

BE IT FURTHER RECOMMENDED by the Planning Commission that the City Council rezone each of the parcels in the following lists of Assessor's Parcel Numbers to the Mixed-Use Pedestrian Zone. With the exception of any parcel that is partially zoned as a Planned Development, each parcel listed below shall be rezoned in its entirety to the Mixed-Use Pedestrian Zone regardless of whether it held one or more zoning designations previously. For any parcel that held both a Planned Development and any other zoning designations, the Planned Development Zone shall remain, and other zoning designations shall be rezoned to the Mixed-Use Pedestrian Zone. Where possible, legal descriptions for such sites are listed below.

PARCELS TO BE REZONED TO MIXED-USE PEDESTRIAN (MU-P)

McHenry Avenue Corridor Assessor's Parcel Numbers:

031-001-001, 031-001-004, 031-001-006, 031-001-007, 031-001-008, 031-001-010, 031-001-011, 031-001-041, 031-001-042, 031-001-044, 031-001-045, 031-003-038, 031-003-039, 031-003-040, 031-003-078, 031-003-079, 031-003-080, 031-011-028, 031-011-029, 031-011-054, 031-011-055, 031-011-056, 110-002-013, 110-002-014, 110-002-017, 110-002-018, 110-002-079, 110-002-082, 110-003-055, 110-003-056, 110-003-079, 110-003-080, 110-003-081, 110-003-082, 110-007-060, 110-007-061, 110-007-062, 110-007-063, 110-007-064, 110-007-065, 110-007-066, 110-007-067, 110-007-068, 110-007-069, 110-007-070, 110-008-037, 110-008-038, 110-008-039, 110-008-040, 110-008-041, 110-008-042, 110-008-045, 111-001-001, 111-001-078, 111-001-079, 111-001-080, 111-001-081, 111-001-082, 111-001-083, 111-001-086, 111-005-002, 111-005-027, 111-005-029, 111-005-050, 111-005-067, 111-005-069, 111-005-071, 111-005-072, 111-006-001, 111-006-002, 111-006-022, 111-006-023, 111-006-045, 111-006-046, 111-006-061, 111-006-062, 111-006-067, 112-001-040, 112-001-041, 112-003-001, 112-003-020, 112-003-021, 112-003-022, 112-004-019, 112-004-020, 112-013-003, 112-013-012, 112-013-013, 112-045-001, 112-045-002, 112-045-014, 112-045-015, 112-045-016, 112-045-026, 112-045-027, 112-045-028, 112-045-052, 113-001-002, 113-001-005, 113-001-009, 113-001-012, 113-001-013, 113-001-014, 113-001-052, 113-001-055, 113-004-014, 113-004-029, 113-005-033,

113-005-036, 113-005-037, 113-005-038, 113-006-035, 113-006-036, 113-006-038, 113-006-057, 113-006-058, 119-005-018, 119-005-021, 119-006-009, 119-006-011, 119-006-017, 119-006-018, 119-006-021, 119-006-026, 119-006-027, 119-006-028, 119-006-029, 119-006-034, 119-006-035, 119-006-036, 119-006-037, 119-006-038, 119-006-039, 119-006-040, 119-006-041, 119-006-042, 119-006-043, 119-006-044, 119-014-032, 119-018-003, 119-018-004, 119-018-005, 119-018-006, 119-018-007, 119-018-009, 119-018-011, 119-018-013, 119-018-017, 119-018-018, 119-018-021, 119-018-022, 119-018-023, 119-018-024, 120-033-002, 120-033-003, 120-033-004, 120-033-005, 120-033-007, 120-033-008, 120-033-009, 120-033-018, 120-033-019, 120-033-020, 120-033-021, 120-033-022, 120-033-023, 120-033-025, and 120-033-026.

Oakdale Road Corridor Assessor's Parcel Numbers:

032-015-038, 032-015-045, 032-015-047, 032-032-018, 032-032-019, 032-032-023, 032-032-024, 032-032-026, 032-032-028, 032-032-029, 032-032-032, 032-032-033, 067-025-001, 067-025-002, 067-025-004, 067-025-005, 067-026-058, 067-026-060, 067-027-021, 067-029-057, 067-033-019, 067-033-022, 067-033-023, 067-035-054, 067-035-055, and 067-035-057.

The zoning for parcel 032-015-045 is split between Planned Development (P-D) 394 and General Commercial (C-2). Only the portion of the parcel that is presently zoned C-2 is hereby rezoned to Mixed-Use Pedestrian. The legal description for the portion of parcel to be rezoned is as follows:

All that portion of Parcel C shown on that certain map filed in the office of the Recorder of Stanislaus County on November 2, 1987, in Book 40 of Parcel Maps at Page 16, lying within a portion of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being more particularly described as follows:

Commencing from the Point of Beginning of this description at the southwest corner of said Parcel C of that Parcel Map in Book 40 of Parcel Maps at Page 16, Stanislaus County **Records, thence North 89° 56' 30" East a distance of 154.41 feet, thence North 00° 27' 05" West a distance of 182.00 feet, thence South 89° 56' 30" West a distance of 154.41 feet, thence South 00° 27' 05" East a distance of 182.00 feet to the Point of Beginning.**

Containing 0.64 acres, more or less.
Westerly Portion of APN 032-015-045

BE IT FURTHER RECOMMENDED by the Planning Commission that the City Council rezone each of the parcels in the following lists of Assessor's Parcel Numbers to the Mixed-Use Highway Zone. With the exception of any parcel that is partially zoned as a Planned Development, each parcel listed below shall be rezoned in its entirety to the Mixed-Use Highway Zone regardless of whether it held one or more zoning designations previously. For any parcel that held both a Planned Development and any other zoning designations, the Planned Development Zone shall remain, and other zoning designations shall be rezoned to the Mixed-Use Pedestrian Zone.

PARCELS TO BE REZONED TO MIXED-USE HIGHWAY (MU-H)
McHenry Avenue Corridor Assessor's Parcel Numbers:

013-005-017, 013-005-034, 013-005-038, 013-005-039, 013-005-040, 013-006-028, 013-006-031, 013-010-072, 013-010-074, 013-010-075, 013-010-077, 013-010-078, 013-014-002, 013-014-003, 013-014-005, 013-014-080, 013-014-081, 013-014-082, 013-014-083, 013-026-002, 013-026-003, 052-012-005, 052-012-006, 052-012-007, 052-012-008, 052-012-009, 052-012-017, 052-027-010, 052-060-001, 052-060-010, 055-023-032, 055-023-033, 055-023-038, 055-023-042, 055-023-043, 055-023-045, 055-023-046, 055-023-047, 055-023-048, 055-025-007, 055-025-008, 055-025-010, 055-025-011, 055-025-012, 055-025-013, 055-030-003, 055-030-004, 055-030-005, 055-031-003, 055-031-004, 055-031-091, 055-031-092, 055-031-093, 055-038-019, 055-046-002, 055-046-003, 055-046-004, 055-046-005, 055-048-001, 059-003-007, 059-003-009, 059-003-011, 059-003-012, 059-004-005, 059-004-006, 059-004-007, 059-004-010, 059-004-011, 059-004-013, 059-004-014, 059-004-015, 059-004-016, 059-004-017, 059-004-018, 059-004-019, 059-004-020, 059-014-002, 059-014-003, 059-014-004, 059-014-006, 059-014-007, 120-032-001, 120-046-051, 120-046-059, 120-046-060, 120-046-061, 120-046-064, 120-046-065, 120-049-023, 120-049-024, 120-052-009, 120-052-011, 120-052-024, 120-052-025, 120-052-026, 120-052-028, 120-052-032, 120-052-033, 120-052-034, 120-052-037, 120-052-038, 120-052-040, 120-052-041, 120-052-042, and 120-052-043.

Sisk Road Corridor Assessor's Parcel Numbers:

005-037-020, 005-037-024, 005-037-026, 005-046-006, 005-053-009, 005-053-011, 005-053-016, 005-053-027, 005-053-028, 005-053-029, 005-053-035, 005-053-036, 029-002-031, 029-002-032, 029-002-033, 029-002-034, 029-002-035, 029-002-037, 029-002-038, 029-002-039, 029-002-042, 029-002-043, 029-002-045, 029-002-046, 029-005-025, 029-005-037, 029-005-038, 029-005-044, 029-036-003, 029-036-012, 029-036-013, 029-036-017, 060-036-004, 060-036-005, 060-036-006, 060-036-012, 060-036-019, 060-036-021, 060-036-025, 060-036-026, 076-028-036, 076-028-037, 076-031-014, and 076-031-016.

Yosemite Boulevard Corridor Assessor's Parcel Numbers:

033-078-001, 033-078-003, 033-078-008, 033-078-009, and 033-078-010.

BE IT FURTHER RESOLVED by the Planning Commission that the Secretary of the Planning Commission is hereby directed to file with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed Planned Development amendment.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on October 16, 2023 by Commissioner Vohra , who moved its adoption, which motion was seconded by Commissioner Russell and carried by the following vote:

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

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

Signed copy on file in CEDD

Jessica Hill, Secretary