

PLANNING COMMISSION
RESOLUTION NO. 2015-07

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTIONS 28-3-9, 29-3-9 AND 32-3-9 OF THE ZONING MAP TO REZONE A PORTION OF THE DOWNTOWN CORE (DC) ZONE TO TRANSITION DOWNTOWN (TD) ZONE, PROPERTY LOCATED IN BLOCKS 31-36, 39-44, 53-58, 69- 71, 81-83, 92-95, 104-107 AND 140-144 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 Transition Downtown (TD) Zone; and

WHEREAS, an amendment to Sections 28-3-9, 29-3-9 and 32-3-9 of the Zoning Map was initiated by the City of Modesto to reclassify from Downtown Core (DC) Zone to the proposed Transition Downtown (TD) Zone, property located in Blocks 31-36, 39-44, 53-58, 69- 71, 81-83, 92-95, 104-107 and 140-144 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 and 32-3-9 of the Zoning Map to reclassify the property described above from Downtown Core (DC) Zone to a proposed Transition Downtown (TD) 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

TRANSITION DOWNTOWN

Downtown Core (DC) to Transition Downtown

All that portion of the Southwest Quarter of the Southwest Quarter of Section 28, the Southeast Quarter of Section 29, and the Northeast Quarter of Section 32, 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 5 in Block 86 of the City of Modesto, as per map recorded on July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the east 40 feet of L Street, the north half of the 20-foot wide alley and the south 40 feet of 12th Street, all being immediately adjacent to the above described lots.

Containing 0.40 acres, more or less.

APNs: 105-028-001 and 105-028-002.

Area No. 2:

Lots 1 through 16 in Block 71 of the City of Modesto, as per map recorded on July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the east 40 feet of G Street, the north 10 feet of the alley, the west 40 feet of F Street and the south 40 feet of 11th Street all being immediately adjacent to the above described lots.

Containing 2.1 acres, more or less.

APNs: 106-040-001 and a northerly portion of 106-040-010.

Area No. 3:

Lots 1 through 16 in Block 70 of the City of Modesto, as per map recorded on July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the east 40 feet of H Street, the north 10 feet of the alley, the west 40 feet of G Street and the south 40 feet of 11th Street all being immediately adjacent to the above described lots.

Containing 2.1 acres, more or less.

APNs: 106-041-003, 106-041-004 and 106-041-017.

Area No. 4:

The northeasterly 133.5 feet of Lots 13 through 16 in Block 69 of the City of Modesto, as per map recorded in July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the north 40 feet of 11th Street, the north 10 feet of the alley and the west 40 feet of H Street all being immediately adjacent to the above described lots.

Containing .61 acres, more or less.

APN: 105-039-013 (portion)

Area No. 5:

All of Block 81 and Block 82 of the City of Modesto, as per maps recorded on July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the east 40 feet of H Street, the north 40 feet of 11th Street, the west 40 feet of F Street, the south 40 feet of 12th Street, the entire width of 80-foot wide G Street, and the entire width of any alley, all being immediately adjacent to the above described lots.

Containing 8.37 acres, more or less.

APNs: 106-029-001, 106-029-005, 106-029-006, 106-029-007, 106-029-008, 106-029-009, 106-029-010 106-028-006 and 106-028-012.

Area No. 6:

All that portion of Block 83 of the City of Modesto, as per map recorded July 15, 1938 on Volume 13 of Maps, described as follows:

Beginning from a point at the south corner of said Block 83, thence commencing North 43° 9' 57" West 100 feet, thence North 46° 50' 13" East 300 feet, thence South 43° 10' 1" East 100 feet, thence South 46° 50' 13" West 300 feet to the Point of Beginning.

Also including the west 40 feet of H Street, the north 40 feet of 11th Street and the south 40 feet of 12th Street all being immediately adjacent to the above described lots.

Containing 1.22 acres, more or less.

APNs: Eastern portions of 105-025-003, 105-025-004 and 105-025-005.

Area No. 7:

Lots 1 through 20 in Block 94 of the City of Modesto, as per map recorded on July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the east 50 feet of I Street, the north or south 10 feet of the alley adjacent to the lots listed, the west 40 feet of H Street, the north 40 feet of 12th and the south 40 feet of 13th Street all being immediately adjacent to the above described lots.

Containing 2.75 acres, more or less.

APNs: 105-024-001, 105-024-002, 105-024-003, 105-024-004 and an easterly portion of 105-024-010.

Area No. 8:

Lots 1 through 16 in Block 93 of the City of Modesto, as per map recorded on July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the east 40 feet of J Street, the west 50 feet of I Street, the north 10 feet of the alley and the south 40 feet of 13th Street all being immediately adjacent to the above described lots.

Containing 2.1 acres, more or less.

APNs: 105-023-004, 105-023-005, 105-023-006 and 105-023-012.

Area No. 9:

Lots 1 through 16 in Block 92 of the City of Modesto, as per map recorded on July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the east 40 feet of K Street, the west 40 feet of J Street, the north 10 feet of the alley and the south 40 feet of 13th Street all being immediately adjacent to the above described lots.

Containing 2.09 acres, more or less.

APNs: 105-022-001, 105-022-002, 105-022-005, and 105-022-012.

Area No. 10:

All of Blocks 95, 104, 105, 106 and 107 of the City of Modesto, as per maps recorded on July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the northeastern half of 80-foot wide G Street, the southwestern half of 80-foot wide 14th Street, the southeastern half of 80-foot wide K Street, the northeastern half of 80-foot wide 13th Street, the entire width of H, I and J Streets, and the entire width of the alleys in Blocks 95, 104, 105, 106 and 107, all being immediately adjacent to the above described lots.

Containing 21 acres, more or less.

APNs 106-027-002, 106-027-003, 106-027-004, 106-027-005, 106-027-006, 106-027-007, 106-027-008, 106-027-009, 106-027-010, 106-027-011, 106-027-012, 106-015-001, 106-015-002, 106-015-003, 106-015-004, 106-015-005, 106-015-006, 106-015-007, 106-015-008, 106-015-009, 106-015-010, 106-015-011, 106-015-012, 106-015-013, 106-015-014, 106-015-015, 105-014-006, 105-015-001, 105-015-002, 105-015-003, 105-015-004, 105-015-005, 105-015-006, 105-015-007, 105-015-008, 105-015-009, 105-015-010, 105-015-011, 105-015-012, 105-015-013, 105-015-014, 105-016-001, 105-016-002, 105-016-003, 105-016-004, 105-016-005, 105-016-006, 105-016-007, 105-016-008, 105-016-009, 105-016-010 and 105-016-011.

Area No. 11:

Parcels "A" and "B" on as shown on the map recorded May 11, 1988 in Volume 40 of Parcel Maps, at Page 86, Stanislaus County Records.

Also including the east 40 feet of L Street, the north 40 feet of 9th Street and the west 40 feet of K Street, all being immediately adjacent to the above described lots. Containing 2.00 acres, more or less.

APNs: 105-048-008 and 105-048-010.

Area No. 12:

Lots 17 through 32 in Block 53 of the City of Modesto, as per map recorded on July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the east 40 feet of G Street, the south 10 feet of the alley, the west 40 feet of F Street and the north 40 feet of 9th Street all being immediately adjacent to the above described lots.

Containing 2.1 acres, more or less.

APNs: 106-043-007, 106-043-008, 106-043-09, 106-043-010 and 106-043-011.

Area No. 13:

Lots 17 through 32 in Block 54 of the City of Modesto, as per map recorded on July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the east 40 feet of H Street, the south 10 feet of the alley, the west 40 feet of G Street and the north 40 feet of 9th Street all being immediately adjacent to the above described lots.

Containing 2.1 acres, more or less.

APNs: 106-042-010, 106-042-011, 106-042-012 and 106-042-013.

Area No. 14:

Lots 17 through 32 in Block 55 of the City of Modesto, as per map recorded on July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the east 50 feet of I Street, the south 10 feet of the alley, the west 40 feet of H Street and the north 40 feet of 9th Street all being immediately adjacent to the above described lots.

Containing 2.1 acres, more or less.

APNs: 105-040-014, 105-040-015, and 105-040-016.

Area No. 15:

Lots 17 through 32 in Block 56 of the City of Modesto, as per map recorded on July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the east 40 feet of J Street, the south 10 feet of the alley, the west 50 feet of I Street and the north 40 feet of 9th Street all being immediately adjacent to the above described lots.

Containing 2.1 acres, more or less.

APNs: 105-041-015, 105-041-021 and 105-041-022.

Area No. 16:

Lots 17 through 32 in Block 57 of the City of Modesto, as per map recorded on July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the east 40 feet of K Street, the south 10 feet of the abandoned alley, the west 40 feet of J Street and the north 40 feet of 9th Street all being immediately adjacent to the above described lots.

Containing 2.1 acres, more or less.

APNs: 105-042-007 and the southern portion of 105-042-016.

Area No. 17:

All of Blocks 31, 32, 33, 34, 35, 36, 40, 41, 42, 43, 44, 45, 140, 141, 142, 143 and 144 of the City of Modesto, as per maps recorded on July 15, 1938 in Volume 13 of Maps, Stanislaus County Records.

Also including the east 40 feet of L Street, the north 40 feet of 6th Street, the west 40 feet of F Street, the south 40 feet of 9th Street, the entire width of K, I, H, G, 7th and 8th Streets, and the entire width of any alley, all being immediately adjacent to the above described lots.

Containing 75.90 acres, more or less.

APNs: 104-008-002, 104-008-005, 104-008-007, 104-008-008, 104-008-009, 104-007-001, 104-007-008, 104-007-0010, 104-007-011, 104-006-001, 104-006-005, 104-006-006, 104-006-007, 104-006-008, 104-006-009, 104-006-010, 104-006-011, 104-005-001, 104-005-002, 104-005-003, 104-005-004, 104-005-005, 104-005-006, 104-005-007, 104-005-008, 103-003-001, 103-003-002, 103-003-003, 103-003-004, 103-003-005, 103-003-006, 103-003-009, 103-003-010, 103-003-013, 103-003-014, 103-003-015, 103-003-016, 103-003-017, 103-003-018, 103-004-003, 103-004-004, 103-004-005, 103-004-006, 103-004-007, 103-004-008, 103-004-009, 103-004-011, 103-004-012, 103-012-001, 103-012-004, 103-012-005, 103-012-006, 103-012-007, 103-012-008, 103-012-009, 103-013-004, 103-013-005, 103-013-006, 103-013-007, 103-013-008, 103-013-011, 103-013-016, 103-013-019, 103-013-020, 104-017-003, 104-017-004, 104-017-005, 104-017-008, 104-017-009, 104-001-012, 104-017-0013, 104-017-014, 104-016-001, 104-016-002, 104-016-003, 104-016-004, 104-016-007, 104-016-008, 104-016-009, 104-016-010, 104-016-011, 104-016-012, 104-016-013, 104-015-006, 104-015-007, 104-015-008, 104-015-009, 104-015-010, 104-015-014, 104-015-015, 104-015-018, 104-015-019, 104-015-020, 104-015-021, 104-014-001, 104-014-002, 104-014-003, 104-014-004, 104-014-005, 104-014-006, 104-014-007, 104-014-012, 104-014-013, 104-014-014, 104-014-015, 104-014-016, 105-048-005, 105-048-006, 104-003-008, 104-003-010, 104-004-004, 104-004-006, 104-004-007, 103-001-002, 103-001-003, 103-001-004, 103-001-006, 103-001-007, 103-001-009, 103, 002-009 and the western portion of 103-002-002 measuring 440 feet from the western property line towards the east and the western portion of 103-002-101 measuring about 360 feet from the eastern parcel line of parcel number 103-002-009 towards the east.