

PLANNING COMMISSION  
RESOLUTION NO. 2015-11

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTIONS 28-3-9 AND 32-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL (R-2), MEDIUM-HIGH DENSITY RESIDENTIAL (R-3), PROFESSIONAL OFFICE (P-O), NEIGHBORHOOD COMMERCIAL (C-1), AND PLANNED DEVELOPMENT (P-D (523)) ZONES TO TRADITIONAL NEIGHBORHOOD DOWNTOWN (TND) ZONE, PROPERTY LOCATED IN BLOCKS 1-8, 10-15, 17-19, 118, 119, 128, B, C, M, N, X, Y, AND Z 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 Traditional Neighborhood Downtown (TND) Zone; and

WHEREAS, an amendment to Sections 28-3-9 and 32-3-9 of the Zoning Map was initiated by the City of Modesto to reclassify from Medium Density Residential (R-2), Medium-High Density Residential (R-3), Professional Office (P-O), Neighborhood Commercial (C-1), and Planned Development (P-D (523)) Zones to a proposed Traditional Neighborhood Downtown (TND) Zone, property located in Blocks 1-8, 10-15, 17-19, 118, 119, 128, B, C, M, N, X, Y, and Z 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 and 32-3-9 of the Zoning Map to reclassify the property described above from Medium Density Residential (R-2), Medium-High Density Residential (R-3), Professional Office (P-O), Neighborhood Commercial (C-1), and Planned Development (P-D (523)) Zones to a proposed Traditional Neighborhood Downtown (TND) 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 Mani Grewal 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.

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Patrick Kelly, Secretary

Exhibit "A"  
CODE-11-003  
Legal Description

## **TRADITIONAL NEIGHBORHOOD DOWNTOWN**

### **R-2 to Traditional Neighborhood Downtown**

All that portion of 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:

The southeasterly 350 feet of Block 11 of the City of Modesto, together with the entirety of Block 12, Block "Y" and Block "Z", Lots 5 through 28 of Block 3, Lots 17 through 32 of Block 13, and Lots 17 through 28 of Block 14 of the City of Modesto, as per Maps recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the north 50 feet of Sierra Drive, the east 40 feet of G Street, the west 40 feet of E Street, the entire width of the alley on Block 3 and the south 10 feet of the alley adjacent to Lots 13 and 14, the entire width of F, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Streets, all being immediately adjacent to the above described lots.

Containing 16 acres, more or less.

APNs: 103-018-001, 103-021-003, 103-021-004, 103-021-005, 103-021-006, 103-021-007, 103-021-008, 103-021-009, 103-021-010, 103-021-011, 103-021-012, 103-021-013, and a portion of 103-021-002, 103-022-001, 103-016-009, 103-016-010, 103-016-011, 103-016-012, 103-016-013, 103-016-017, 103-015-007, 103-015-008, 103-015-009, 103-015-010 and a portion of 103-015-011.

### **R-3 to Traditional Neighborhood Downtown**

All that portion of 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:**

The entirety of Block "X" of the City of Modesto as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the westerly half of the 80-foot wide 5<sup>th</sup> Street, the southeasterly half of the 80-foot wide E Street, the northeasterly half of the 80-foot wide 4<sup>th</sup> Street, the northern half of 80-foot wide Sierra Street, and all of the 20-foot wide alley, all being immediately adjacent to the above described property.

Containing 2.3 acres, more or less.

APNs 103-017-001, 103-017-002, 103-017-003, 103-017-004, 103-017-005 and 103-017-006.

Area No. 2:

Lots 3 through 26 in Block 2 of the City of Modesto, together with Lots 1 through 4 and 29 through 32 in Block 3, Lots 5 through 28 in Block 4, Lots 6 through 28 in Block 10, the northwesterly 100 feet of Block 11, Lots 29 through 32 in Block 14, and Lots 17 through 28 in Block 15 of the City of Modesto as per Maps recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the entire width of 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Streets, the entire width of G Street, the northeasterly half of 80-foot wide 1<sup>st</sup> Street, the entire width of the alleys in Blocks 2, 3, 4 and 10, and the southwestern half of the 20-foot wide alleys in Blocks 14 and 15, all being immediately adjacent to the above described properties.

Containing 13.2 acres, more or less.

APNs 103-014-008 through 103-014-013, 103-015-011 (portion), 103-015-012 through 103-015-014, 103-018-001 (portion), 103-019-002 through 103-019-011, 103-019-014, 103-019-015, 103-020-002 through 103-020-007, 103-020-009 through 103-020-013, 103-021-001, 103-021-002 (portion), 103-021-014 through 103-021-016, and 103-023-004 through 103-023-015.

Area No. 3:

All of Block 7, Block "B", and Block "C" of the City of Modesto, together with Lots 1 through 14 and 21 through 32 of Block 1 of the City of Modesto, Lots 21 through 32 in Block 5 of the City of Modesto, Lots 1 through 12 and 17 through 28 in Block 6 of the City of Modesto, Lots 1 through 11 and 21 through 32 in Block 8 of the City of Modesto, Lots 22 through 32 in Block 17 of the City of Modesto, Lots 17 through 32 in Block 18 of the City of Modesto, and Lots 17 through 21 of Block 19 of the City of Modesto, as per Maps recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the east half of 80-foot wide S. Washington Street, the northeasterly half of 80-foot wide 1<sup>st</sup> Street, the entire width of 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Streets, the entire width of I, J and K Streets, the entire width of the alleys in Blocks 1, 6, 7, and 8, and the southwesterly half of the 20-foot wide alleys in Blocks 17, 18 and 19, all being immediately adjacent to the above described properties.

Containing 19.6 acres, more or less.

APNs: 104-019-011 through 104-019-017, 104-020-009 through 104-020-014, 104-020-017, 104-020-018, 104-022-001 through 104-022-014, 104-023-001 through 104-023-005, 104-023-010 (portion) through 104-023-015, 104-025-010 through 104-025-013, 104-025-016, 104-026-001 through 104-026-007, 104-026-014 through 104-026-018, 104-027-001, 104-027-003, 104-027-004, 104-028-001 through 104-028-007, and 104-028-012 through 104-028-017.

### R-3 to Traditional Neighborhood Downtown

All that portion of the Southwest Quarter of Section 28, 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:

Lots 7 through 9 and 19 through 26 in Block "M" of the City of Modesto, together with Lots 1 through 6 and 21 through 30 in Block "N" of the City of Modesto, Lots 1 through 16 in Block 118 of the City of Modesto, all of Lots 4 through 11 and the southerly 65 feet of Lots 14 through 16 in Block 119 of the City of Modesto, and Lots 5 through 24 in Block 128 of the City of Modesto, as per Maps recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Including also the western half of 33-foot Burney Street, the entire width of 80-foot wide 16<sup>th</sup> and 17<sup>th</sup> Streets, the entire width of 80-foot wide F Street, the northeasterly half of the 20-foot wide alleys in Blocks 118 and 119, and the entire width of the alleys in Blocks 128, "M" and "N", all being immediately adjacent to the above described properties.

Containing 8.6 acres, more or less.

APNs 106-003-005, 106-003-008, 106-003-015, 106-003-016, 106-005-003 through 106-005-012, 106-008-003 through 106-008-006, 106-008-009, 106-004-001 through 106-004-007, and 106-009-001 through 106-009-008.

### P-O to Traditional Neighborhood Downtown

All that portion of the Southwest Quarter of Section 28, 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:

Lots 31 and 32 in Block "N" of the City of Modesto, as per Map recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the southeasterly half of 80-foot wide F Street and the northeasterly half of 80-foot wide 16<sup>th</sup> Street, all being immediately adjacent to the above described properties.

Containing 0.4 acres, more or less.

APN 106-004-008.

### C-1 to Traditional Neighborhood Downtown

All that portion of 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:

All of Lot 13 and the northeasterly 85 feet of Lot 14 in Block 6 of the City of Modesto, together with Lots 19 and 20 in Block 8 of the City of Modesto, as per Maps recorded July 15, 1938, in Volume 13 of Maps, Stanislaus County Records.

Also including the entire width of 80-foot 3<sup>rd</sup> Street, the southwest half of the 20-foot wide alley in Block 8 and the northeast half of the 20-foot alley in Block 6, all being immediately adjacent to the above described properties.

Containing 0.4 acres, more or less.

APNs 104-023-009, 104-023-010 (portion), and 104-026-008.

#### P-D(523) to Traditional Neighborhood Downtown

All that portion of the Southwest Quarter of Section 28, 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:

All of Lots 12 and 13 and the northerly 75 feet of Lots 14, 15 and 16 in Block 119 the City of Modesto, as per maps recorded on December 21, 1942 in Volume 15 of Maps, Stanislaus County Records.

Also including the southwesterly half of 80-foot wide 16<sup>th</sup> Street, the northwesterly half of 80-foot wide F Street, and the northeasterly half of the 20-foot wide alley, all being immediately adjacent to the above described properties.

Containing 0.5 acres, more or less.

APNs 106-008-007 and 106-008-008.