

PLANNING COMMISSION
RESOLUTION NO. 2017-06

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM THE LOW DENSITY RESIDENTIAL (R-1) ZONE TO THE MEDIUM DENSITY RESIDENTIAL (R-2) ZONE, PROPERTY LOCATED AT 1105 COFFEE ROAD (SARWARI)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Mike Sarwari on January 6, 2017 to reclassify from the Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at 1105 Coffee Road, described as follows:

R-1 to R-2:

That portion of Lot 11 of Rice Colony, as per Map filed February 19, 1904 in Volume 1 of Maps, at Page 54, Stanislaus County Records, described as follows:

Beginning at the southeast corner of said Lot 11; thence westerly along the southerly line of said Lot 11, 330 feet; thence northerly and parallel with the easterly line of Lot 11, 66 feet; thence easterly and parallel to the southerly line, 330 feet; thence southerly along the easterly lot line 66 feet to the Point of Beginning.

Including also the west one-half of Coffee Road, being immediately adjacent to the above-described land.

APN: 031-042-035

WHEREAS, a public hearing was held by the Planning Commission on February 27, 2017 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 2017-06, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2007072023) 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 it will provide for multi-family residential housing that is compatible with the surrounding neighborhood.
2. The requested change will result in an orderly planned use of land because it will allow for the continued use of a legal non-conforming multi-unit residential building and the conversion of a non-conforming commercial building into an additional residential unit, thereby allowing the continued use

of the property at a density permitted by the Medium Density Residential (R-2) Zone.

3. The requested change is in accordance with the community's objectives as set forth in the General Plan because the allowable uses in the Medium Density Residential (R-2) Zone are consistent with the site's General Plan Land Use Designation of Mixed Use (MU), which allows for residential uses.
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 Mike Sarwari to amend Section 21-3-9 of the Zoning Map to reclassify the property described above from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, be approved.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 27, 2017, by Commissioner Smith, who moved its adoption, which motion was seconded by Commissioner Pollard and carried by the following vote:

Ayes:	Birring, Escutia-Braaton, Lucas, Morad, Pollard, Smith, 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

Patrick Kelly, Secretary