

PLANNING COMMISSION
RESOLUTION NO. 2017-07

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL (R-1) ZONE TO PROFESSIONAL OFFICE (P-O) ZONE, PROPERTY LOCATED AT 1237 OAKDALE ROAD, WEST SIDE OF OAKDALE ROAD SOUTH OF EAST ORANGEBURG (TONG SUN)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Dr. Tong Sun on November 22, 2016 to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at 1237 Oakdale Road south of East Orangeburg described as follows:

R-1 to P-O:

All of Parcel 1 as shown on that certain map filed for record on July 10, 1985 in Book 36 of Parcel Maps at Page 95, Stanislaus County Records.

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

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 2017-05, 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 new office uses that are compatible with nearby professional office and commercial uses.
2. The requested change will result in an orderly planned use of land because the rezoning will allow uses similar to what has existed onsite and will be compatible with the adjacent professional office and commercial uses.
3. The requested change is consistent with the General Plan. The General Plan designates the site as Mixed Use (MU), which provides for a mixture of commercial and residential developments at a ratio of 60 percent of gross area for residential uses at minimum, and no more than 40 percent of gross area for commercial uses. Approximately 24 percent of the area, which runs along Oakdale Road from Scenic Drive to Floyd Avenue, is comprised of commercial uses and 76 percent is residential, therefore the rezone would not cause an inconsistency to the ratio prescribed by the General Plan.

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 that was not identified in the Master EIR, as defined in subdivision (d) of Section 21158 of the Public Resources Code.
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 DR. Tong Sun to amend Section 22-3-9 of the Zoning Map to reclassify the property located at 1237 Oakdale Road from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, be approved.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 27, 2017, by Morad, who moved its adoption, which motion was seconded by Vohra 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