

PLANNING COMMISSION  
RESOLUTION NO. 2018-09

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 21-3-9 OF THE ZONING MAP TO REZONE 0.2 ACRES FROM MEDIUM DENSITY RESIDENTIAL (R-2) ZONE AND PROFESSIONAL OFFICE (P-O) ZONE TO MEDIUM-HIGH DENSITY RESIDENTIAL (R-3) ZONE, PROPERTY LOCATED AT 405 AND 409 E. ORANGEBURG AVENUE, AT THE NORTHEAST CORNER OF E. ORANGEBURG AVENUE AND NELSON AVENUE (SIMVOULAKIS)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by George Simvoulakis on July 3, 2018 to reclassify from Medium Density Residential (R-2) Zone and Professional Office (P-O) Zone, to Medium High Density Residential Zone, R-3, property located at 405 and 409 E. Orangeburg Avenue described as follows:

R-2 to R-3

The south 125 feet of the following to wit:

All that portion of Lot 12 of Coolidge Colony, as per Map filed on November 15, 1910 in Volume 5 of Maps at Page 17, Stanislaus County Records, described as follows:

Commencing at the intersection of the center line of Melrose Avenue and the center line of Orangeburg Avenue; thence West and along the center line of said Orangeburg Avenue, 330 feet to the southwest corner of the property described in the deed to C. B. Jamison and Wife, recorded March 3, 1950 as Instrument No. 4598 and being the true Point of Beginning of this description; thence North and along the West line of said Jamison property, a distance of 177.50 feet to the southwest corner of the property conveyed to C. C. Stine and Wife by deed recorded March 15, 1950 as Instrument No. 6070; thence East and along said Stine property, a distance of 130 feet to the southeast corner of said Stine property and a point on the east line of the C. B. Jamison property, thence South and along and East line of said Jamison property, a distance of 177.50 feet to the southeast corner of said Jamison property and a point in the center line of Orangeburg Avenue, thence West and along the center line of said Orangeburg Avenue, a distance of 130 feet to the true Point of Beginning of this description.

Excepting therefrom the east 60 feet.

Also excepting therefrom all that portion thereof lying within Lot 11 of said Coolidge Colony.

Also excepting therefrom that portion of the land conveyed to the City of Modesto, a Municipal Corporation, in grant deed recorded December 18, 1969 in Book 2307, Page 48 of Official Records.

Including also the easterly 25 feet of Nelson Avenue and the northerly 40 feet of E. Orangeburg Avenue, all being adjacent to the above described property.

0.09 Acres.

APN 031-006-050

P-O to R-3

The east 60 feet of the south 125 feet to the following:

All that portion of Lot 12 of Coolidge Colony, as per Map filed on November 15, 1910 in Volume 5 of Maps at Page 17, Stanislaus County Records, described as follows:

Commencing at the intersection of the center line of Melrose Avenue and the center line of Orangeburg Avenue; thence West and along the center line of said Orangeburg Avenue, 330 feet to the southwest corner of the property described in the deed to C. B. Jamison and Wife, recorded March 3, 1950 as Instrument No. 4598 and being the true Point of Beginning of this description; thence North and along the West line of said Jamison property, a distance of 177.50 feet to the southwest corner of the property conveyed to C. C. Stine and Wife by deed recorded March 15, 1950 as Instrument No. 6070; thence East and along said Stine property, a distance of 130 feet to the southeast corner of said Stine property and a point on the east line of the C. B. Jamison property, thence South and along and East line of said Jamison property, a distance of 177.50 feet to the southeast corner of said Jamison property and a point in the center line of Orangeburg Avenue, thence West and along the center line of said Orangeburg Avenue, a distance of 130 feet to the true Point of Beginning of this description.

Excepting therefrom the south 40.00 feet measured at right angles.

Including also the northerly 40 feet of E. Orangeburg Avenue, all being adjacent to the above described property.

0.11 acres

APN 031-006-049

WHEREAS, a public hearing was held by the Planning Commission on August 6, 2018 in the Basement Training Room B300, 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 2018-15, 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 the development of two vacant lots for multi-family residential housing that is compatible with the surrounding neighborhood.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the allowable uses in the Medium High Density Residential (R-3) 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 George Simvoulakis to amend Section 21-3-9 of the Zoning Map to reclassify the property described above from Medium Density Residential Zone, R-2, and Professional Office Zone, P-O to Medium High Density Residential, R-3, be approved.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on August 6, 2018, by Pollard, who moved its adoption, which motion was seconded by Smith and carried by the following vote:

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