

PLANNING COMMISSION
RESOLUTION NO. 2019-31

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 30-3-9 OF THE ZONING MAP TO REZONE 2.66 ACRES FROM GENERAL COMMERCIAL (C-2) ZONE, TO PLANNED DEVELOPMENT ZONE, P-D(607) PROPERTY LOCATED AT 722 KANSAS AVENUE (HOUSING AUTHORITY OF STANISLAUS COUNTY)

WHEREAS, in 1974 the property located at 722 Kansas Avenue was developed with a 103-room motel with 95 off-street parking spaces, prior to annexation of the site into the City of Modesto on July 24, 1978 as part of the Kansas Avenue Annexation to the City of Modesto; and

WHEREAS, the site and surrounding area was zoned as General Commercial (C-2) Zone as part of the annexation; and

WHEREAS, the amount of parking spaces at the site is considered legal but non-conforming as the City's parking standards for hotels and motels is one space per each guest room, and the site provides 95 spaces, a shortage of eight parking spaces for motel and hotel uses; and

WHEREAS, the General Plan Land Use designation of the site was amended from Redevelopment Planning District (RPD) to Industrial (I) in the General Plan update adopted on March 5, 2019; and

WHEREAS, Policy III.A.2 of the General Plan provides that rezonings involving less than five acres in size may occur even if not consistent with the land use designation of the site if the rezoning can be found consistent with the Land Use goals and policies of the General Plan; and

WHEREAS, a verified application for an amendment to Section 30-3-9 of the Zoning Map was filed by the Housing Authority of Stanislaus County on October 7, 2019, to rezone 2.66 acres from General Commercial (C-2) Zone, to Planned Development Zone, P-D(607), to facilitate the conversion of the existing motel at the site comprised of 103 guest rooms into 103 permanent supportive housing units, comprised of studio efficiency units for a target population with an immediate need of housing, with parking at 35 spaces fewer than required by the City's Zoning Code for multi-family residential uses, property located at 722 Kansas Avenue described as follows:

C-2 to P-D(607)

All that portion of the Southeast Quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Parcel One:

All that portion of Lots 4 and 5 of Maze Ranch Subdivision, in the County of Stanislaus, State of California, according to the Official Map thereof

filed in the Office of the Recorder of Stanislaus County, California, on March 19, 1909, Volume 4 of Maps, Page 18, described as follows:

Commencing at the Northeast corner of said Lot 5, thence West along the North line thereof, 66.2473 feet, more or less, to the Northwest corner of the property conveyed to Vesta B. Smith, a Single Man, by Deed recorded March 30, 1948 as Instrument No. 7022; thence South along the West line of said Smith Property, 10.86 feet to a point on the South line of Parcel No. 1 of the property conveyed to Vesta B. Smith, Et Ux, to the State of California by Deed dated September 22, 1958 and recorded October 2, 1958, Volume 1506 of Official Records, Page 62, Instrument No. 24671; thence continuing South along the said West line of the Smith Property, 125 feet to the True Point of Beginning of this Description; thence East parallel with the South line of Parcel No. 1 of the State of California property above referred to, 150 feet; thence North parallel with the said West line of the Smith parcel 125 feet to a point on the South line of Parcel No. 1 of the said State of California property; thence East along the last said South line 115 feet, more or less, to a point on the East line of the West 2-1/4 acres of North Half of Lot 4 above referred to; thence South along the last said East line, 232 feet, more or less, to a point on the North line of the parcel of land described as Parcel No. 2 in the Deed from Vesta B. Smith, Et Ux, to the State of California, above referred to; thence along the last said North line, the following two Courses and Distances: South 83 Degrees 55' 51" West 194.03 feet and North 89 Degrees 47' 00" West 116.63 feet to a point on the West line of the property conveyed to Vesta B. Smith first above mentioned; thence North along the last said West line 123 feet, more or less, to the True Point of Beginning.

Parcel Two:

A portion of the North Half of Lot 4 of Maze Ranch Subdivision, in the County of Stanislaus, State of California, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on March 19, 1909, Volume 4 of Maps, Page 18, described as follows: Commencing at the Northeast corner of said Lot 4; thence along the North line of said Lot, North 89 Degrees 47' 00" West 242.93 feet; thence South 0° 35' 00" East 10.84 feet to the True Point of Beginning; thence

- (1) South 89° 47' 15" East, 92.01 feet; thence
- (2) South 34° 50' 54" East, 212.03 feet; thence
- (3) South 39° 17' 14" West, 50.47 feet; thence
- (4) South 83° 55' 51" West, 179.85 feet; thence
- (5) North 0° 35' West 232.45 feet to the True Point of Beginning.

Excepting any and all rights of ingress to or egress from the above described Parcel over and across Courses No. (2), (3) and (4) herein above described, as excepted and reserved in the Deed

from the State of California recorded October 14, 1965, Volume 2062 of Official Records, Page 101, Instrument No. 40303.

Also including the southerly one-half of Kansas Avenue and the westerly one-half of the right-of-way of California State Highway 99, all being immediately adjacent to the above-described property.

Containing 2.66 acres, more or less.

APN 029-015-021

WHEREAS, a public hearing was held by the Planning Commission on November 4, 2019, in 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 2019-40, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2014042081) 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 the rezone to Planned Development will provide for the development of permanent supportive housing units, and the conversion of motel rooms into studio efficiency units will be done in accordance to all applicable City Standards and adopted Building Codes.
2. The requested change will result in an orderly planned use of land because the conversion of the motel into permanent supportive housing units will be compatible with the surrounding commercial uses including nearby grocery stores and restaurants.
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
 - a) The site is within the Industrial (I) land use designation of the General Plan, which allows for commercial uses such as motels and hotels but is not intended for residential uses; and
 - b) Policy III.A.2 of the General Plan provides that rezonings involving less than five acres in size may occur even if not consistent with the land use designation of the site if the rezoning can be found consistent with the Land Use goals and policies of the General Plan; and

- c) The General Plan Land Use goal of Great, Safe Neighborhoods encourages a mix of housing types affordable to all income levels. The rezone to facilitate the conversion of the motel into permanent supportive housing for local population with an immediate need for housing meets this goal; therefore the rezoning is in accordance with community objectives as set forth in the General Plan.
4. The requested reduction in parking of 35 parking spaces will not adversely affect surrounding uses because the site provides 95 existing parking spaces would adequately serve the project because the tenants will be a target population with low to very-low income levels, many of whom will not have vehicles, and the site is within one quarter-mile of the nearest transit stop, Modesto Area Express (MAX) Line 26.
5. 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.
6. 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.
7. No new or additional mitigation measures or alternatives are required.
8. The subsequent project is within the scope of the project covered by the Master EIR.
9. 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.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the Council as follows:

SECTION I

That Section 30-3-9 of the Zoning Map be amended to rezone from General Commercial (C-2) Zone to Planned Development Zone, P-D(607), the above-described property in accordance with the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the Development Plan titled "Building Improvements, SRHA Rehab 2019, 722 Kansas Avenue, Modesto CA 95351", as stamped approved by the City Council on [date to be determined].
2. Prior to the issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be

reviewed and approved by the Director of Community and Economic Development or designee.

3. Any public improvements that are missing damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment or Building permit.
4. The improvement plans shall include all landscaping, parking and common areas, and any and all easements required for the establishment of new utilities and the preservation of existing utilities.
5. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.
6. Prior to the issuance of a building permit, plans for the residential units shall incorporate construction techniques to achieve an interior noise limit of 45 decibels or less, to the satisfaction of the Chief Building Official.
7. Prior to issuance of a building permit, plans for any new trash enclosures shall demonstrate the use of building materials, colors and finishes which are consistent or compatible with those used in the major buildings of the development, as approved by the Community and Economic Development Director.
8. Climbing vines shall be included in the landscape surrounding any new trash enclosures and CMU block walls to prevent tagging.
9. All signs shall comply with the sign requirements of the R-3 Zone.
10. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.
11. All aspects of this project to comply with current City of Modesto Standards and also current California Building, Fire, Electrical, Mechanical, Plumbing, Energy codes adopted by the City of Modesto.
12. Improvement plans shall demonstrate the provision of onsite fire hydrants as required.
13. Developer shall provide bicycle parking as required by the California Green Building Standards Code.

14. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
15. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
16. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.
17. Prior to Certificate of Occupancy, the applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department.
18. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that are applicable to the project:

19. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:
 - Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
 - Require impact tools to be equipped with shrouds or shields;
 - Require that the quietest equipment available be used; and,
 - Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)
20. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for

Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

SECTION II

BE IT FURTHER RESOLVED that the following uses shall be authorized in said Planned Development Zone as shown on the development plan:

1. Permanent supportive housing units, and;
2. General Commercial uses as permitted in the C-2 Zone.

SECTION III

IT IS FURTHER RECOMMENDED that the entire construction program be accomplished in one phase, construction to begin on or before November 4, 2021, and completion to be not later than November 4, 2023.

SECTION IV

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that they adopt a resolution certifying that the rezoning is within the scope of the General Plan EIR.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on November 4, 2019, by Commissioner Vohra, who moved its adoption, which motion was seconded by Commissioner Pollard and carried by the following vote:

Ayes:	Escutia-Braaton, Lucas, Pollard, Smith, Vohra, Birring
Noes:	None
Absent:	Morad
Recused:	None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD
Steve Mitchell, Secretary