

ORDINANCE NO. 3774-C.S.

ORDINANCE AMENDING SECTIONS 02-03-08, 04-03-09, 05-03-09, 08-03-09, 09-03-09, 11-03-08, 12-03-08, 13-03-08, 14-03-08, 14-03-09, 16-03-09, 17-03-09, 18-03-09, 19-03-09, 20-03-09, 21-03-09, 22-03-09, 23-03-09, 26-03-09, 28-03-09, AND 29-03-09 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE PROPERTIES LOCATED ALONG MCHENRY AVENUE, SISK ROAD, OAKDALE ROAD, AND YOSEMITE BOULEVARD FROM VARIOUS ZONES TO MIXED-USE PEDESTRIAN ZONE, MU-P, AND MIXED-USE HIGHWAY ZONE, MU-H.

WHEREAS, the City of Modesto has proposed an Amendment to Sections 02-03-08, 04-03-09, 05-03-09, 08-03-09, 09-03-09, 11-03-08, 12-03-08, 13-03-08, 14-03-08, 14-03-09, 16-03-09, 17-03-09, 18-03-09, 19-03-09, 20-03-09, 21-03-09, 22-03-09, 23-03-09, 26-03-09, 28-03-09, AND 29-03-09 of the Zoning Map, to rezone from various zoning designations to either of the Mixed-Use Pedestrian Zone, MU-P, or Mixed Use Highway Zone, MU-H, on properties located along the McHenry Avenue, Sisk Road, Oakdale Road, and Yosemite Boulevard corridors; and

WHEREAS, since 1969, the State of California has required that all local governments adequately plan to meet the housing needs of everyone in the community through the Regional Housing Needs Allocation (RHNA) process. This process starts with the state determining how much housing at a variety of affordability levels is needed for each region in the state, and then regional governments developing a methodology to allocate that housing need to local governments. California's local governments then adopt housing plans called housing elements as part of their General Plan, which is also required by the state, to show how the jurisdiction will meet local housing needs; and

WHEREAS, the Modesto Housing Plan, adopted by the Modesto City Council in 2022, includes in its Key Housing Production Strategies the strategy to Transform Major Commercial Corridors Into Neighborhoods; and

WHEREAS, the City of Modesto has submitted a draft 6th Cycle Housing Element to the Department of Housing and Community Development indicating how it will meet local housing needs, and in said Housing Element the City has identified commercial corridors along McHenry Avenue, Sisk Road, Oakdale Road, and Yosemite Boulevard as areas in which additional housing needs can be met; and

WHEREAS, in order to designate sites as “opportunity sites” that fulfill the RHNA obligations placed on the City, those sites must allow for multi-family residential uses as a by-right use; and

WHEREAS, parcels zoned in any of the Commercial Zones allow for multi-family residential uses only through a Conditional Use Permit, which does not meet the requirements to fulfill the City’s RHNA obligations; and

WHEREAS, the City has proposed to create the Mixed-Use Pedestrian (MU-P) Zone and Mixed-Use Highway (MU-H) Zone through a separate action, CODE-23-003; and

WHEREAS, the City proposes to amend the zoning of parcels within the abovementioned commercial corridors to the MU-P and MU-H zones in order to implement the goals of the 2022 Housing Plan and satisfy the State’s RHNA requirements by implementing the actions outlined in the draft 6th Cycle Housing Element, and

SECTION 1. After a public hearing held on November 7, 2023, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, this Council finds and determines as follows:

1. The requested change will not be detrimental to the public health, safety, or welfare because providing additional sites where multi-family housing is permitted by right will benefit the community.
2. The requested change will result in an orderly planned use of land because the rezoning of these sites follows the goals of the Housing Plan to incorporate additional density through mixed use development in existing commercial corridors.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plans because the proposed code amendments will provide for additional sites, with appropriate zoning, for the development of multiple family residential uses consistent with the State's required Regional Housing Needs Allocation that the City must meet with its Housing Element, a portion of the General Plan.

SECTION 2. ZONING CHANGE.

A. MIXED-USE PEDESTRIAN (MU-P) ZONE

Sections 14-03-09, 16-03-09, 17-03-09, 20-03-09, 21-03-09, 22-03-09, 23-03-09, 28-03-09, AND 29-03-09 are hereby amended to rezone each of the parcels in the following list of Assessor's Parcel Numbers to the Mixed-Use Pedestrian Zone.

With the exception of any parcel that is partially zoned as a Planned Development, each parcel listed below shall be rezoned in its entirety to the Mixed-Use Pedestrian Zone regardless of whether it held one or more zoning designations previously. For any parcel that held both a Planned Development and another zoning designation, the Planned Development Zone shall remain, and other zoning designations shall be rezoned to the Mixed-Use Pedestrian Zone. Where possible, legal descriptions for such sites are listed below.

PARCELS TO BE REZONED TO MIXED-USE PEDESTRIAN (MU-P)

McHenry Avenue Corridor Assessor's Parcel Numbers:

031-001-001, 031-001-004, 031-001-006, 031-001-007, 031-001-008, 031-001-010, 031-001-011, 031-001-041, 031-001-042, 031-001-044, 031-001-045, 031-003-038, 031-003-039, 031-003-040, 031-003-078, 031-003-079, 031-003-080, 031-011-028, 031-011-029, 031-011-054, 031-011-055, 031-011-056, 110-002-013, 110-002-014, 110-002-017, 110-002-018, 110-002-079, 110-002-082, 110-003-055, 110-003-056, 110-003-079, 110-003-080, 110-003-081, 110-003-082, 110-007-060, 110-007-061,

110-007-062, 110-007-063, 110-007-064, 110-007-065, 110-007-066, 110-007-067, 110-007-068, 110-007-069, 110-007-070, 110-008-037, 110-008-038, 110-008-039, 110-008-040, 110-008-041, 110-008-042, 110-008-045, 111-001-001, 111-001-078, 111-001-079, 111-001-080, 111-001-081, 111-001-082, 111-001-083, 111-001-086, 111-005-002, 111-005-027, 111-005-029, 111-005-050, 111-005-067, 111-005-069, 111-005-071, 111-005-072, 111-006-001, 111-006-002, 111-006-022, 111-006-023, 111-006-045, 111-006-046, 111-006-061, 111-006-062, 111-006-067, 112-001-040, 112-001-041, 112-003-001, 112-003-020, 112-003-021, 112-003-022, 112-004-019, 112-004-020, 112-013-003, 112-013-012, 112-013-013, 112-045-001, 112-045-002, 112-045-014, 112-045-015, 112-045-016, 112-045-026, 112-045-027, 112-045-028, 112-045-052, 113-001-002, 113-001-005, 113-001-009, 113-001-012, 113-001-013, 113-001-014, 113-001-052, 113-001-055, 113-004-014, 113-004-029, 113-005-033, 113-005-036, 113-005-037, 113-005-038, 113-006-035, 113-006-036, 113-006-038, 113-006-057, 113-006-058, 119-005-018, 119-005-021, 119-006-009, 119-006-011, 119-006-017, 119-006-018, 119-006-021, 119-006-026, 119-006-027, 119-006-028, 119-006-029, 119-006-034, 119-006-035, 119-006-036, 119-006-037, 119-006-038, 119-006-039, 119-006-040, 119-006-041, 119-006-042, 119-006-043, 119-006-044, 119-014-032, 119-018-003, 119-018-004, 119-018-005, 119-018-006, 119-018-007, 119-018-009, 119-018-011, 119-018-013, 119-018-017, 119-018-018, 119-018-021, 119-018-022, 119-018-023, 119-018-024, 120-033-002, 120-033-003, 120-033-004, 120-033-005, 120-033-007, 120-033-008, 120-033-009, 120-033-018, 120-033-019, 120-033-020, 120-033-021, 120-033-022, 120-033-023, 120-033-025, and 120-033-026.

Oakdale Road Corridor Assessor's Parcel Numbers:

032-015-038, 032-015-045, 032-015-047, 032-032-018, 032-032-019, 032-032-023, 032-032-024, 032-032-026, 032-032-028, 032-032-029, 032-032-032, 032-032-033, 067-025-001, 067-025-002, 067-025-004, 067-025-005, 067-026-058, 067-026-060, 067-027-021, 067-029-057, 067-033-019, 067-033-022, 067-033-023, 067-035-054, 067-035-055, and 067-035-057.

The zoning for parcel 032-015-045 is split between Planned Development (P-D) 394 and General Commercial (C-2). Only the portion of the parcel that is presently zoned C-2 is hereby rezoned to Mixed-Use Pedestrian. The legal description for the portion of parcel to be rezoned is as follows:

All that portion of Parcel C shown on that certain map filed in the office of the Recorder of Stanislaus County on November 2, 1987, in Book 40 of Parcel Maps at Page 16, lying within a portion of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being more particularly described as follows:

Commencing from the Point of Beginning of this description at the southwest corner of said Parcel C of that Parcel Map in Book 40 of Parcel Maps at Page 16, Stanislaus County Records, thence North 89° 56' 30" East a distance of 154.41 feet, thence North 00° 27' 05" West a distance of 182.00 feet, thence South 89° 56' 30" West a distance of 154.41 feet, thence South 00° 27' 05" East a distance of 182.00 feet to the Point of Beginning.

Containing 0.64 acres, more or less.
Westerly Portion of APN 032-015-045

B. MIXED-USE HIGHWAY (MU-H) ZONE

Sections 02-03-08, 04-03-09, 05-03-09, 08-03-09, 09-03-09, 11-03-08, 12-03-08, 13-03-08, 14-03-08, 16-03-09, 17-03-09, 18-03-09, 19-03-09, and 26-03-09 are hereby amended to rezone each of the parcels in the following list of Assessor's Parcel Numbers to the Mixed-Use Highway Zone. With the exception of any parcel that is partially zoned as a Planned Development, each parcel listed below shall be rezoned in its entirety to the Mixed-Use Highway Zone regardless of whether it held one or more zoning designations previously. For any parcel that held both a Planned Development and another zoning designation, the Planned Development Zone shall remain, and other zoning designations shall be rezoned to the Mixed-Use Pedestrian Zone.

PARCELS TO BE REZONED TO MIXED-USE HIGHWAY (MU-H)

McHenry Avenue Corridor Assessor's Parcel Numbers:

013-005-017, 013-005-034, 013-005-038, 013-005-039, 013-005-040, 013-006-028, 013-006-031, 013-010-072, 013-010-074, 013-010-075, 013-010-077, 013-010-078, 013-014-002, 013-014-003, 013-014-005, 013-014-080, 013-014-081, 013-014-082, 013-014-083, 013-026-002, 013-026-003, 052-012-005, 052-012-006, 052-012-007, 052-012-008, 052-012-009, 052-012-017, 052-027-010, 052-060-001, 052-060-010, 055-023-032, 055-023-033, 055-023-038, 055-023-042, 055-023-043, 055-023-045, 055-023-046, 055-023-047, 055-023-048, 055-025-007, 055-025-008, 055-025-010, 055-025-011, 055-025-012, 055-025-013, 055-030-003, 055-030-004, 055-030-005, 055-031-003, 055-031-004, 055-031-091, 055-031-092, 055-031-093, 055-038-019, 055-046-002, 055-046-003, 055-046-004, 055-046-005, 055-048-001, 059-003-007, 059-003-009, 059-003-011, 059-003-012, 059-004-005, 059-004-006, 059-004-007, 059-004-010, 059-004-011, 059-004-013, 059-004-014, 059-004-015, 059-004-016, 059-004-017, 059-004-018, 059-004-019, 059-004-020, 059-014-002, 059-014-003, 059-014-004, 059-014-006, 059-014-007, 120-032-001, 120-046-051, 120-046-059, 120-046-060, 120-046-061, 120-046-064, 120-046-065, 120-049-023, 120-049-024, 120-052-009, 120-052-011, 120-052-024, 120-052-025, 120-052-026, 120-052-028, 120-052-032, 120-052-033, 120-052-034, 120-052-037, 120-052-038, 120-052-040, 120-052-041, 120-052-042, and 120-052-043.

Sisk Road Corridor Assessor's Parcel Numbers:

005-037-020, 005-037-024, 005-037-026, 005-046-006, 005-053-009, 005-053-011, 005-053-016, 005-053-027, 005-053-028, 005-053-029, 005-053-035, 005-053-036, 029-002-031, 029-002-032, 029-002-033, 029-002-034, 029-002-035, 029-002-037, 029-002-038, 029-002-039, 029-002-042, 029-002-043, 029-002-045, 029-002-046, 029-005-025, 029-005-037, 029-005-038, 029-005-044, 029-036-003, 029-036-012, 029-036-013, 029-036-017, 060-036-004, 060-036-005, 060-036-006, 060-036-012, 060-036-019, 060-036-021, 060-036-025, 060-036-026, 076-028-036, 076-028-037, 076-031-014, and 076-031-016.

Yosemite Boulevard Corridor Assessor's Parcel Numbers:

033-078-001, 033-078-003, 033-078-008, 033-078-009, and 033-078-010.

SECTION 3. ZONING MAP. Section 02-03-08, 04-03-09, 05-03-09, 08-03-09, 09-03-09, 11-03-08, 12-03-08, 13-03-08, 14-03-08, 14-03-09, 16-03-09, 17-03-09, 18-03-09, 19-03-09, 20-03-09, 21-03-09, 22-03-09, 23-03-09, 26-03-09, 28-03-09, and 29-03-09 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are hereby made a part of this ordinance by reference.

SECTION 4. USES AND STANDARDS. The allowable uses and development standards for those sites listed above as rezoned to the Mixed-Use Pedestrian Zone shall be as in the Mixed-Use Pedestrian Zone. The allowable uses and development standards for those sites listed above as rezoned to the Mixed-Use Highway Zone shall be as in the Mixed-Use Highway Zone.

SECTION 5. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2023, by Councilmember Bavaro, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci

NOES: Councilmembers: None

RECUSED: Councilmembers: Williams, Wright, Mayor Zwahlen

APPROVED: _____
CHRIS RICCI, Vice Mayor

ATTEST:

By: _____
DIANE NAYERES-PEREZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
JOSE M. SANCHEZ, City Attorney

APPROVED AS TO DESCRIPTION:

By: _____
Community & Economic Development
Department, Planning Division

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, Councilmember Bavaro moved its final adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci

NOES: Councilmembers: None

RECUSED: Councilmembers: Williams, Wright, Mayor Zwahlen

APPROVED: _____
CHRIS RICCI, Vice Mayor

ATTEST: _____
DIANE NAYARES-PEREZ, City Clerk

Effective Date: December 14, 2023