

BOARD OF ZONING ADJUSTMENT  
RESOLUTION NO. 2022-09

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO THE STANISLAUS REGIONAL HOUSING AUTHORITY TO ALLOW THE CONVERSION OF AN EXISTING 148-ROOM HOTEL INTO WORKFORCE HOUSING UNITS ON PROPERTY LOCATED IN THE C-3 (HIGHWAY COMMERCIAL) ZONING DISTRICT AT 1612 SISK ROAD.

WHEREAS, an application for a Conditional Use Permit to allow for the conversion of an existing 148-room hotel into Workforce housing units (studio apartments) in the C-3 (Highway Commercial) Zoning District on property located at 1612 Sisk Road, was filed by Jim Kruse, Executive Director on behalf of the Stanislaus Housing Authority on August 15, 2022; and

WHEREAS, Section 10-9.102 of Title 10, Zoning Regulations, of the Municipal Code authorizes the Board of Zoning Adjustment to grant Conditional Use Permits; and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on October 27, 2022, in accordance with Executive Order N-29-20, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the proposed project may be found Categorical Exempt from CEQA pursuant to Section 15301, "Existing Facilities," of the CEQA Guidelines; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Adjustment that it finds and determines as follows:

1. The proposed conditional use permit is consistent with the objectives and requirements of Title 10 (Zoning Regulations) because the regulations allow for multifamily residential in the C-3 (Highway Commercial) zone with the granting of a Conditional Use Permit from the Board of Zoning Adjustment.
2. The proposed conditional use and the conditions under which it will operate is consistent with the General Plan because the proposed use is located within the Commercial (C) Land Use Designation of the General Plan, and the C-3 (Highway Commercial) zone allows multifamily residential with the granting of a Conditional Use Permit.
3. The proposed conditional use will not be detrimental to the public health, safety, or welfare or materially injurious to uses, properties or improvements in the vicinity because:

The hotel is existing (as are the other structures on site), and the project will improve the existing hotel building and the site (including adding additional parking and landscaping). Finally, the project site is surrounded by commercial uses including: a grocery store, a gym, several fast-food establishments, a gas station, sit down restaurants, and a drug store. Sisk Road and State Route 99 are just south of the project site.

4. The proposed conditions of approval will ensure compatibility with the surrounding uses because:  
  
Staff has evaluated development for compliance with the City's zoning regulations.
5. The proposed project may be found Categorically Exempt from CEQA under Section 15301, "Existing Facilities" of the CEQA Guidelines because the conversion of the existing 148-room hotel involves no expansion beyond the former use; is located on a fully developed site that is less than 7.1 acres that is surrounded by urban uses; and can be adequately served by all required utilities and public services.

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment that a conditional use permit for 1612 Sisk Road to allow for the conversion of an existing 148-room hotel into Workforce housing units (studio apartments) be granted subject to the following conditions:

1. Prior to issuance of a building permit, all development shall conform to the site plan and building elevations as approved by the Board of Zoning Adjustment on October 27, 2022.
2. Prior to the Certificate of Occupancy being issued for the apartments, the property owner shall enroll and participate in the City's Crime-Free Multi-family Housing Program as administered by the Modesto Police Department.
3. The project shall be subject to all conditions, requirements and recommendations from all other affected City of Modesto departments/agencies.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Developer shall install parking lot shade trees in the new parking lot areas per MMC requirements; one (1) shade tree for every eight (8) parking spaces, continuous and intermitted stall locations, within seven feet (7') of stalls. Where shade trees have died in the existing parking areas, the developer shall plant replacement shade trees.
6. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording as approved by the City Engineer.
7. Developer shall dedicate an Irrevocable Offer of Dedication for full frontage of the project to match the existing Right – of – way to the property to the northwest (In and Out) to the satisfaction of the City Engineer.

8. 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.
9. Project approval shall become null and void five (5) years following the effective date of approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion.

Failure to comply with any of the above conditions is unlawful and will constitute grounds for revocation of the conditional use permit.

The foregoing resolution was introduced at the regular meeting of the Board of Zoning Adjustment held on October 27, 2022, by Board Member Vohra, who moved its adoption, which motion was seconded by Board Member Niskanen and carried by the following vote:

Ayes:	Blom, Desai, Niskanen, Riddle, Vorha, Goriel
Noes:	None
Absent:	None
Recused:	None

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD

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Paul Liu, Secretary

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