

PLANNING COMMISSION
RESOLUTION NO. 2015-02

A RESOLUTION APPROVING THE VESTING TENTATIVE SUBDIVISION MAP OF ABERDEEN PLACE 2, A THREE-LOT SUBDIVISION PROPERTY LOCATED ON THE SOUTHEAST CORNER OF WOODLAND AND SHASTA AVENUES (BHATTI)

WHEREAS, on August 30, 2004, by Resolution No. 2004-54, the Planning Commission approved a Tentative Parcel Map for property located on the east side of Shasta Avenue, which map created a .36 acre property as a "remainder" at the southeast corner of Woodland Avenue; and

WHEREAS, Harry Bhatti has filed an application for a Vesting Tentative Subdivision Map to divide .36 acre parcel located on the southeast corner of Woodland and Shasta Avenues into three separate parcels; and

WHEREAS, said Vesting Tentative Subdivision Map was received in the office of the Secretary of the Planning Commission on November 5, 2014, and was accepted for filing and deemed complete on December 6, 2014, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code; and

WHEREAS, copies of said Vesting Tentative Subdivision Map have been sent to the Modesto Irrigation District; and

WHEREAS, City services, including sewer and water facilities, are available; and

WHEREAS, the area can be served by an elementary school in the Modesto City Schools District and by Fire Station No. 4, at Blue Gum Avenue and Carpenter Road, one-half mile distant; and

WHEREAS, a public hearing was held by the Planning Commission on January 5, 2015, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, this subdivision map is exempt from CEQA, pursuant to Section 15315 of the CEQA Guidelines, which exempts the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning; no variances or exceptions are required; all services and access to the proposed parcels to local standards are available; the parcel was not involved in a division of a larger parcel within the previous two years; the parcel does not have an average slope greater than 20 percent.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed subdivision map, together with the provisions for its design and improvements, is consistent with the City of Modesto General Plan and applicable Municipal Code provisions, and the Subdivision Map Act of the State of California.

2. The discharge of waste as a result of the proposed subdivision map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. The vesting tentative subdivision map is exempt from CEQA, pursuant to Section 15315 of the CEQA Guidelines, which exempts the division of property in urbanized area zoned for residential, commercial, or industrial use into four or fewer parcels which meet the following criteria: the proposed parcel map is in conformance with the General Plan and zoning; no variances or exceptions are required; all services and access to the proposed parcels to local standards are available; the parcel was not involved in a division of a larger parcel within the previous two years; the parcel does not have an average slope greater than 20 percent.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Subdivision Map Aberdeen Place 2 of property located on the southeast corner of Woodland and Shasta Avenues accepted for filing in the office of the Secretary of the Planning Commission on November 5, 2014, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. Existing underground and overhead electric facilities and existing irrigation pipelines shall be removed, protected, or relocated as required by the Modesto Irrigation District (MID) and the City Engineer or designee.
2. A fifteen-foot-wide Public Utility Easement shall be dedicated along the Woodland Avenue street frontage, and a ten-foot-wide Public Utility Easement shall be maintained along the Shasta Avenue street frontage as required by the City Engineer or designee and the Modesto Irrigation District.
3. All structures, which extend across proposed parcel lines or into street rights-of-way shall be removed or relocated to comply with applicable zoning regulations prior to recordation of the subdivision map.
4. The Capital Facilities Fees payable at the time of the issuance of a building permit for any structure, construction in this subdivision map shall be based on the rates in effect at time of issuance of the building permit.
5. Sewer service for Lot 6 shall connect by means of the existing 'fly-line' in Woodland Avenue.
6. 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.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on January 5, 2015, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on January 5, 2015, by Mani Grewal, who moved its adoption, which motion was seconded by Chris Tyler, and carried by the following vote:

Ayes:	Carter, Escutia-Braaton, Grewal, Lucas, Tyler
Noes:	None
Absent:	Smith
Recused:	None

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

Original, signed copy on file in CEDD
Patrick Kelly, Secretary