

PLANNING COMMISSION
RESOLUTION NO. 2016-20

A RESOLUTION APPROVING THE VESTING TENTATIVE PARCEL MAP OF
PROPERTY LOCATED AT 1115 OAKDALE ROAD (GFF & R II)

WHEREAS, GFF & R II has filed an application for a Vesting Tentative Parcel Map to divide 3.7 acres located at 1115 Oakdale Road into two parcels; and

WHEREAS, said Vesting Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on October 4, 2016, and was accepted for filing and deemed complete on October 21, 2016, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code; and

WHEREAS, copies of said Vesting Tentative Parcel Map have been sent to the Modesto City School District, Modesto Irrigation District, the local utility companies, and the City Engineering and Transportation Department; and

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

WHEREAS, a public hearing was held by the Planning Commission on November 21, 2016, 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 2016-23, 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 Vesting Tentative Parcel Map to create two parcels is consistent with the General Plan of the City of Modesto and the Subdivision Map Act of the State of California.
2. The discharge of waste as a result of the proposed vesting tentative parcel 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 proposed vesting tentative parcel map complies with all applicable requirements of the Subdivision Map Act and of Title 4 of the Modesto Municipal Code regarding the subdivision of land.
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 the Vesting Tentative Parcel Map of property located at 1115 Oakdale Road, accepted for filing in the office of the Secretary of the Planning Commission on October 21, 2016, 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. At the time of development, 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 permit. A certificate giving notice of this requirement shall be placed on the Parcel Map.
2. Prior to or concurrent with recordation of a Parcel Map, the developer shall provide an irrevocable offer of dedication of twelve (12) feet on Oakdale Road to the satisfaction of the City Engineer or designee.
3. Prior to or concurrent with recordation of a Parcel Map, the developer shall provide for access and public utility easements as shown on the approved vesting tentative parcel map:
 - a. A north-south 30-foot wide access and public utility easement parallel to the Oakdale Road frontage of "Parcel 1" and "Parcel 2";
 - b. An east-west 27-foot wide access and public utility easement through "Parcel 1" as shown on the tentative map;

- c. A north-south 24-foot wide access and public utility easement connecting the east-west 27-foot wide access and public utility easement through "Parcel 1" to the southerly lot-line of "Parcel 1".
4. Prior to or concurrent with recordation of a Parcel Map, the developer shall execute a reciprocal parking agreement between the two parcels, which shall provide for reciprocal vehicular parking between the parcels, to the satisfaction of the Director of the Community and Economic Development Department or designee and in a form provided and approved by the City Attorney.
5. At the time of development, all existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
6. Prior to and after development, the lot shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
7. 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 November 21, 2016, 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 November 21, 2016, by Rosa Escutia-Braaton, who moved its adoption, which motion was seconded by Amin Vohra, and carried by the following vote:

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

Noes: None
Absent: Carter
Recused: None

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

Original, signed copy on file in CEDD

Patrick Kelly, Secretary