

**CITY OF MODESTO
PLANNING COMMISSION AGENDA
MONDAY, JUNE 5, 2017 – 6:00 PM
BASEMENT CHAMBERS
1010 TENTH STREET – MODESTO, CA**

I. ROLL CALL

II. APPROVAL OF MINUTES

Minutes of the regular meeting of May 1, 2017.

Minutes of the special meeting of May 15, 2017.

III. CONFLICT OF INTEREST DECLARATION

Commissioners and staff may now declare conflicts of interest for the purpose of determining if a quorum will be present to act on each item in the order shown on the agenda.

IV. PUBLIC HEARINGS

Item A TPM-17-002 Application for a vesting tentative parcel map to divide a 9,909 square foot parcel into two parcels, one at 5,000 square feet and one at 4,909 square feet in area (APN 120-060-081); submitted by Gary Johnson
Contact Info: Jonnie Lan, 577-5267, jlan@modestogov.com

Item B TPM-17-005 Application for a vesting tentative parcel map to divide a 15,579 square foot parcel into two parcels, located at 1007 College Avenue (APN 114-050-005); submitted by Louis and Emily Petrakis
Contact Info: Jonnie Lan, 577-5267, jlan@modestogov.com

V. OTHER BUSINESS

Item C Update – CH&CDC

VI. ORAL COMMUNICATIONS

These matters may be presented by interested persons in the audience, staff or Commissioners (see Notice at end of agenda cover). Under State law, Commissioners may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised;
- (b) Ask a question for clarification;
- (c) Provide a reference to staff or other resources for factual information;
- (d) Request staff to report back at a subsequent meeting;
- (e) Finally, a Commissioner, or the Commission itself, may take action to direct staff to place a matter of business on a future agenda.

VII. MATTERS TOO LATE FOR THE AGENDA

These may be presented by members of the Planning Commission and staff, upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that: 1) there is a need to take immediate action, and 2) that the need for action came to the City's attention after the agenda was posted.

VIII. ADJOURNMENT

Copies of the agenda are on file at the Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the office of the Planning Division, Third Floor, 1010 Tenth Street, Modesto, CA. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Commission Secretary at 209.577.5267. Assistive listening devices are available upon request to the Planning Commission Secretary. **Notification 48 hours prior to the meeting** will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Notice: Persons who wish to speak to the Planning Commission regarding any item on the printed agenda, including oral communications, are encouraged to sign in on a form provided at the meeting. The purpose of this list is to have your name and address should we need to contact you or provide additional information to you. Signing this form is optional to speakers.

Posted pursuant to Government Code Section 54954.2 on _____

by _____ on the bulletin board at Tenth Street Place.

**LIST OF INVOLVED PARTIES FOR THE PLANNING COMMISSION
AGENDA OF JUNE 5, 2017**

At the Commission's request, staff has compiled a list of persons having a personal/financial interest in the matters contained in the accompanying agenda report to help identify potential conflicts of interest.

ITEM A TPM-17-002 2 PARCELS, O'FARRELL (JOHNSON FAMILY TRUST)

<u>Relationship</u>	<u>Name/Address</u>
Applicant	THE JOHNSON FAMILY TRUST C/O GARY JOHNSON 1045 COPPER LANDING CT. MODESTO, CA 95355
Owner	THE JOHNSON FAMILY TRUST C/O GARY JOHNSON 1045 COPPER LANDING CT. MODESTO, CA 95355
Engineer	NORTHSTAR ENGINEERING GROUP, INC. 620 12 TH ST. MODESTO, CA 95354

ITEM B TPM017-005 2 PARCELS, 1007 COLLEGE (PETRAKIS)

<u>Relationship</u>	<u>Name/Address</u>
Applicant	WELTY ENGINEERING, INC 521 13 TH ST MODESTO, CA 95354
Owner	LOUIS & EMILY PETRAKIS 3417 DANBURY CT. MODESTO, CA 95350

City of Modesto Planning Commission

Minutes

May 1, 2017

Being the hour of 6:00 pm, the meeting was called to order by Vice Chair Vohra.

I. ROLL CALL

Commissioners Birring, Lucas, Morad, Pollard, Smith and Vohra present

Commissioner Escutia-Braaton absent

MOTION

It was moved by Commissioner Pollard, seconded by Commissioner Morad, and carried unanimously that Commissioner Escutia-Braaton be excused from this meeting.

II. APPROVAL OF MINUTES

It was moved by Commissioner Smith, seconded by Commissioner Lucas, and carried unanimously that the minutes of the regular meeting of April 3, 2017, be approved.

III. CONFLICT OF INTEREST DECLARATION

Commissioner Morad and Secretary Kelly indicated a potential conflict of interest with Item B. Principal Planner Steve Mitchell served as Planning Commission Secretary for item B.

IV. PUBLIC HEARINGS

Item A APL-16-001 – Appeal of Administrative Staff Decisions for three approvals related to the Modesto Short-Term Rehab Center, property located on Healthcare Way west of Dale Road; submitted by Steven A. Herum of Herum, Crabtree and Suntag, Attorneys at Law

Contact Info: Katharine Martin, 577-5267 kamartin@modestogov.com

Motion/Action (Continued)

It was moved by Commissioner Smith, seconded by Commissioner Pollard, and carried by majority (Birring, Lucas, Morad, Pollard, Smith, Vohra, ayes; none, noes; Escutia-Braaton, absent; none, recused) that the Planning Commission continue this item to the July 3, 2017 Planning Commission meeting.

Item B APL-17-001 – Appeal of Staff Decision, Administrative Development Plan Review for the Valley Children’s Medical Clinic, 3525 Pelandale Avenue; submitted by Mr. Naiel Ammari

Contact Info: Katharine Martin, 577-5267 kamartin@modestogov.com

Motion/Action (Approved)

It was moved by Commissioner Pollard, seconded by Commissioner Lucas, and carried by majority (Birring, Lucas, Pollard, Smith, Vohra, ayes; none, noes; Escutia-Braaton, absent; Morad, recused) that the Planning Commission adopt **Resolution No. 2017-09** A RESOLUTION DENYING THE APPEAL OF NAIEL AMMARI FOR CONDITION OF APPROVAL NO. 4 OF THE ADMINISTRATIVE STAFF APPROVAL FOR THE VALLEY CHILDREN’S MEDICAL CLINIC, PROPERTY LOCATED AT 3525 PELANDALE AVENUE

Item C PDZ-17-002/TSM-17-001 – Rezone from Planned Development Zone P-D(237) to Planned Development Zone P-D(602), with Tentative Subdivision Map for condominium purposes, for senior assisted and independent living housing; submitted by Harless Properties, Inc.

Contact Info: Katharine Martin, 577-5267 kamartin@modestogov.com

Motion/Action (Continued)

It was moved by Commissioner Smith, seconded by Commissioner Pollard, and carried by majority (Birring, Lucas, Morad, Pollard, Smith, Vohra, ayes; none, noes; Escutia-Braaton, absent; none, recused) that the Planning Commission continue this item to a future Planning Commission meeting date to be determined.

Item D PPA-17-001/TSM-17-003/FDP-17-001 – Amendment to Precise Plan No. 23 of the Village One Specific Plan, with Vesting Tentative Subdivision Map and Final Development Plan for The Trails at Falling Leaf; submitted by NewFH, LLC

Contact Info: Katharine Martin, 577-5267 kamartin@modestogov.com

Motion/Action (Approved)

It was moved by Commissioner Smith, seconded by Commissioner Morad, and carried by majority (Birring, Lucas, Morad, Pollard, Smith, Vohra, ayes; none, noes; Escutia-Braaton, absent; none, recused) that the Planning Commission adopt **Resolution No. 2017-10** A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO PRECISE PLAN AREA NO. 23 OF THE VILLAGE ONE SPECIFIC PLAN, TO AMEND THE CONFIGURATION OF 57 SINGLE-FAMILY RESIDENTIAL LOTS WITH ALLEY ACCESS TO 59 STREET-ACCESSED SINGLE-FAMILY RESIDENTIAL LOTS, PROPERTY LOCATED WEST OF CLAUS ROAD AND NORTH OF FLOYD AVENUE (NEW FH, LLC)

Motion/Action (Approved)

It was moved by Commissioner Smith, seconded by Commissioner Lucas, and carried by majority (Birring, Lucas, Morad, Pollard, Smith, Vohra, ayes; none, noes; Escutia-Braaton, absent; none, recused) that the Planning Commission adopt **RESOLUTION NO. 2017-11** A RESOLUTION APPROVING THE VESTING TENTATIVE SUBDIVISION MAP OF THE TRAILS AT FALLING LEAF RE-SUBDIVISION (NEW FH, LLC)

Motion/Action (Approved)

It was moved by Commissioner Morad, seconded by Commissioner Vohra, and carried by majority (Birring, Lucas, Morad, Pollard, Smith, Vohra, ayes; none, noes; Escutia-Braaton, absent; none, recused) that the Planning Commission adopt **RESOLUTION NO. 2017-12** A RESOLUTION APPROVING THE TRAILS AT FALLING LEAF FINAL DEVELOPMENT PLAN IN THE VILLAGE ONE SPECIFIC PLAN, PRECISE PLAN AREA NO. 23, FOR 59 STREET-ACCESSED SINGLE –FAMILY RESIDENTIAL LOTS ON PROPERTY WEST OF CLAUS ROAD AND NORTH OF FLOYD AVENUE (NEWFH, LLC)

V. OTHER BUSINESS

None.

VI. ORAL COMMUNICATIONS

None.

VII. MATTERS TOO LATE FOR THE AGENDA

None.

IX. ADJOURNMENT

The meeting was adjourned at 7:38 pm.

Original, signed copy on file in CEDD

Patrick Kelly, Secretary

SPECIAL AGENDA
MODESTO PLANNING COMMISSION AND
EFFECTIVE GOVERNMENT COMMITTEE
MONDAY, MAY 15, 2017 - 6:00 PM
Minutes

Being the hour of 6:06 pm, the meeting was called to order by Council Member Vice Chair Ah you.

I. ROLL CALL

Council Members Ah You, Kenoyer, Zoslocki present.

Commissioners Birring, Escutia-Braaton, Lucas, Morad, Pollard, Smith, and Vohra present.

II. CAPITAL IMPROVEMENT PROGRAM, FY 2017-2018

Motion/Action (Approved)

It was moved by Council Member Zoslocki, seconded by Council Member Kenoyer, and carried unanimously (Ah You, Kenoyer, Zoslocki, ayes; None, noes; None, absent; None, recused) that the Finance Committee recommend to the City Council approval of the FY 2017-2018 CIP Budget.

Motion/Action (Approved)

It was moved by Commissioner Morad, seconded by Commissioner Smith and carried by majority; (Birring, Escutia-Braaton, Lucas, Morad, Pollard, Vohra, Smith, ayes; None, noes; None, absent; None, recused) that the Planning Commission approve **RESOLUTION NO. 2017-13** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MODESTO FINDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT PROGRAM IN CONFORMANCE WITH THE MODESTO URBAN AREA GENERAL PLAN PURSUANT TO SECTION 65401 OF THE GOVERNMENT CODE (CITY OF MODESTO)

III. ORAL COMMUNICATIONS

None.

IV. MATTERS TOO LATE FOR THE AGENDA

None.

V. ADJOURNMENT

The meeting was adjourned at 6:45pm.

Original, signed copy on file in CEDD

Patrick Kelly, Secretary



CITY OF MODESTO
PLANNING COMMISSION STAFF REPORT
 1010 10th STREET
 MODESTO, CA 95354
 (209) 577-5267 – (209) 491-5798 (fax)

TO: Chairperson Escutia-Braaton and Members of the Planning Commission

PREPARED BY: Jonnie J. Lan, AICP
 Contact Info: 577-5267 jlan@modestogov.com

APPROVED BY: Patrick Kelly, AICP, Planning Manager

DATE: June 5, 2017

SUBJECT: TPM-17-002 Application for a vesting tentative parcel map to divide a 9,909 square foot parcel into two parcels, one at 5,000 square feet and one at 4,909 square feet in area (APN 120-060-081); submitted by Gary Johnson

RECOMMENDATION

That the Planning Commission adopt the attached resolution approving the vesting tentative parcel map for property located at 2201 O'Farrell Avenue.

PROJECT DESCRIPTION

The subject property is located at 2201 O'Farrell Avenue. It is an approximately 9,909 square foot parcel in a single family residential neighborhood. The current zoning is R-1 (Low Density Residential). The subject application is a vesting tentative parcel map to divide this approximately 9,909 square foot parcel into two parcels. Parcel 1 is proposed to be 5,000 square feet and Parcel 2 is proposed to be 4,909 square feet in area.

ANALYSIS

Minimum width for an R-1 interior parcel is 50 feet. The proposed parcels will be 50 and 50.18 feet wide, meeting the standard. The minimum lot area for an R-1 interior parcel is 5,000 square feet. Parcel 1 will meet this requirement. Parcel 2, at 4,909 square feet, is smaller than the minimum lot size, which requires that the commission grant an exception to approve this parcel map as authorized under Section 4-4.901 of the Municipal Code. The Planning Commission may vary the regulations relating to the subdivision of the land by granting an exception provided one of certain findings can be made.

In this case, per Section 4-4.901(4) of the Municipal Code, the granting of the exception will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or the regulations within the City of Modesto Municipal Code. The lot will be 91 square feet less than the zoning standard. This is less than two percent deficient in area. Staff has determined that reduction in size is minimal and that both parcels will support future residential development that conforms to zoning. Therefore, staff recommends that the Planning Commission approve Vesting Tentative Parcel Map TPM-17-002 subject to the findings and conditions in the attached resolution.

GENERAL PLAN CONSISTENCY

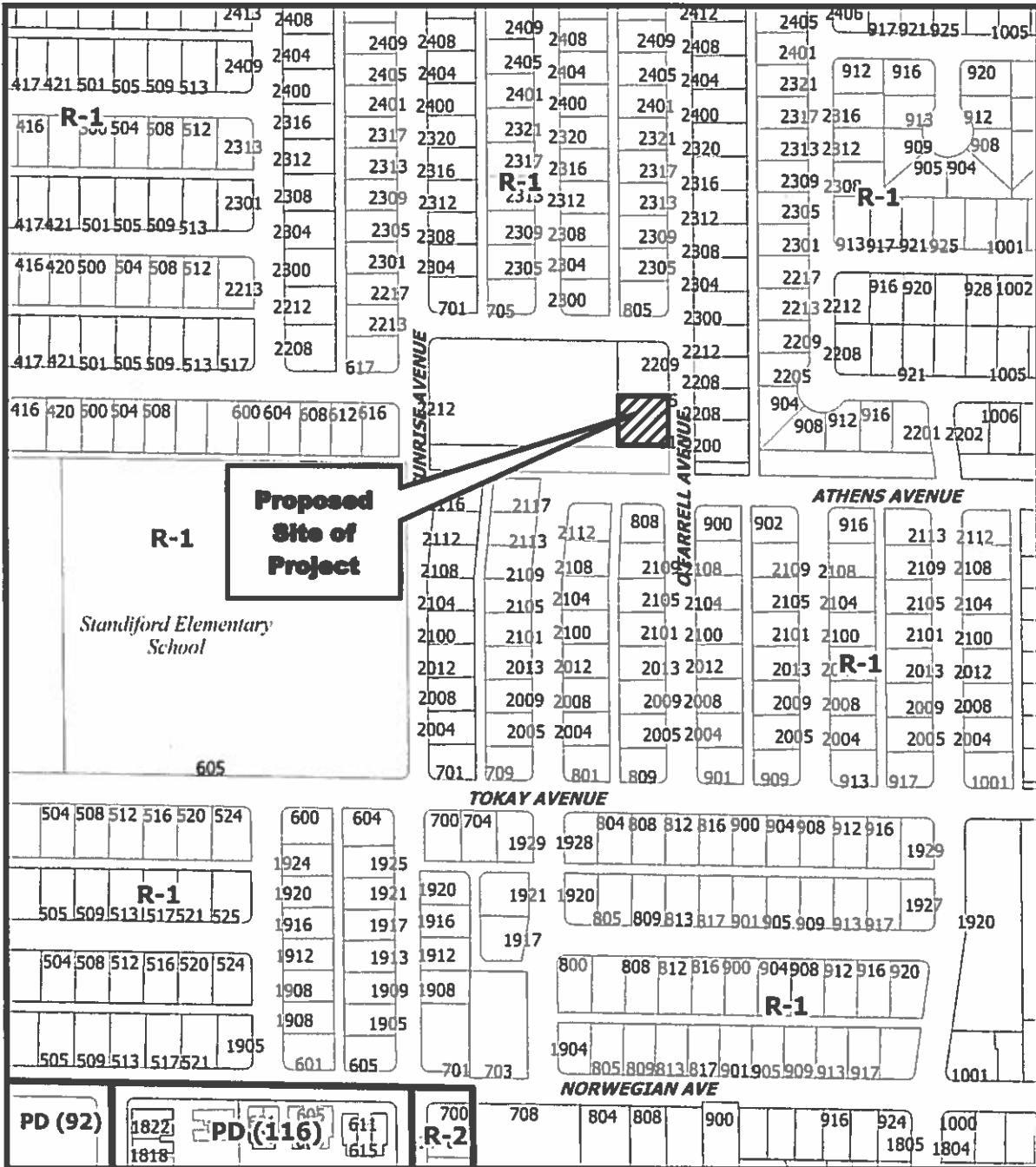
The General Plan designates this area as Residential (R), which allows for residential development. The proposed Vested Tentative Parcel Map will facilitate the future development of the parcels as residential uses, consistent with the Residential designation. Therefore, staff recommends that the Commission find the Vesting Tentative Parcel Map consistent with the Modesto Urban Area General Plan.

ENVIRONMENTAL ASSESSMENT

The vesting tentative parcel map is exempt from CEQA, pursuant to Section 15315 of the CEQA Guidelines, which exempts parcel maps of 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.

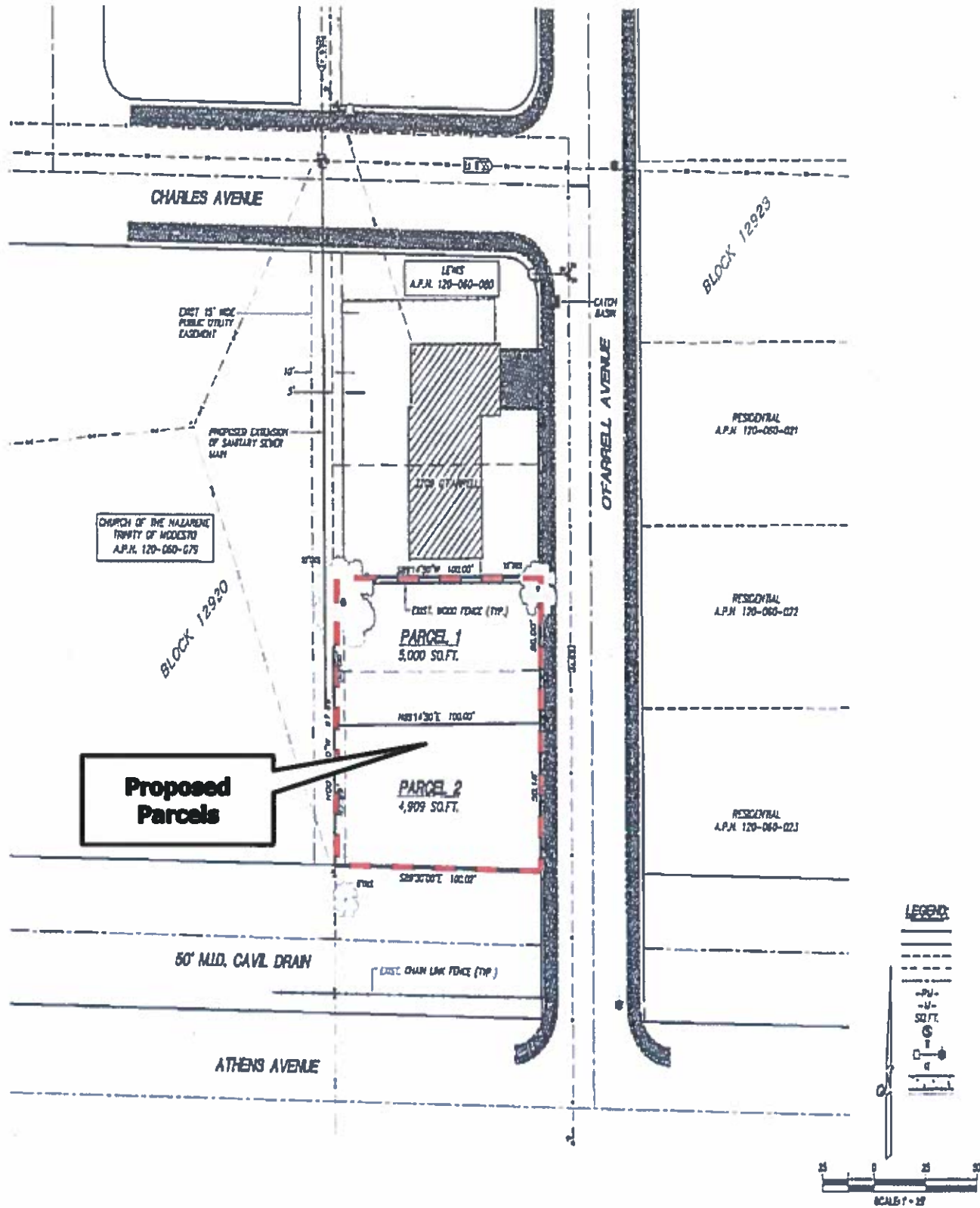
ATTACHMENTS (included with Commissioners' packets only)

1. Draft Planning Commission Resolution – June 5, 2017
2. Financial Interest Disclosure Form
3. Large-Format Map(s)



**LOCATION OF PROPOSED
VESTING TENTATIVE PARCEL MAP
TPM-17-002**

 Project Site



Proposed Parcel Map

PLANNING COMMISSION
RESOLUTION NO. 2017-XX

A RESOLUTION APPROVING THE VESTING TENTATIVE PARCEL MAP OF
PROPERTY LOCATED AT 2201 O'FARRELL AVENUE (GARY JOHNSON)

WHEREAS, Gary Johnson has filed an application for a Vesting Tentative Parcel Map to divide a parcel of 9,909 square feet located 2201 O'Farrell Avenue into two parcels; and

WHEREAS, said Vesting Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on March 7, 2017, and was accepted for filing and deemed complete on April 6, 2017, 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 affected Modesto City Elementary School and Modesto High School Districts, 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 June 5, 2017, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, this parcel map is exempt from CEQA, pursuant to Section 15315 of the CEQA Guidelines, which exempts parcel maps of four or fewer parcels which are consistent with the General Plan.

WHEREAS, per Section 4-4.901(4), the granting of this exception will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or regulations within the City of Modesto Municipal Code;

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

1. The proposed vesting tentative parcel map is consistent with the General Plan of the City of Modesto.
2. The proposed vesting tentative parcel map will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or regulations within the City of Modesto Municipal Code.
3. 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.

4. The proposed vesting tentative parcel map is exempt from CEQA, pursuant to Section 15315 of the CEQA Guidelines, which exempts parcel maps of four or fewer parcels which are consistent with the General Plan.
5. 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.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Parcel Map of property located 2201 O'Farrell accepted for filing in the office of the Secretary of the Planning Commission on March 7, 2017, 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. 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.
3. Each parcel shall have a separate water and sewer service connection from the main.
4. Prior to the issuance of a Grading or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local SWPPP to Land Development Engineering, Stormwater for review. The submittal shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.
5. Prior to and after development, the lot shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
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 June 5, 2017, 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 June 5, 2017, by _____, who moved its adoption, which motion was seconded by _____, and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

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

Original, signed copy on file in CEDD

Patrick Kelly, Secretary

FINANCIAL INTEREST DISCLOSURE FORM

All persons included within the meaning of either of the following tests have a material financial interest in an agreement, or application for development rights, submitted for approval or disapproval by the City Council, and shall be identified by the applicant, by name.

Tests of Materiality:

1. Whether it is foreseeable to a reasonable person that the value of their interest in property available for use by an applicant, or their interest in the applicant itself, may increase or decrease by an amount greater than \$2,000.00 as a direct or indirect result of Council action on the applicant's agreement or application for development rights.
2. Whether it is foreseeable to a reasonable person that the person's gross income from the applicant may increase or decrease by a sum greater than \$2,000.00 as a direct or indirect result of Council action on the agreement or application for development rights.

It is the legal obligation of all applicants for approval of an agreement or of an application for development rights to verify in writing, under penalty of perjury, that the identity of each person having a material financial interest in the agreement or application or development rights is true, correct and complete. The applicant understands that this information is provided under penalty of perjury, and that intentionally supplying misinformation or deception may result in either invalidation of the agreement or application, or criminal prosecution for misdemeanor violation of the Modesto Municipal Code, or both. Negligent provision of misinformation shall be grounds for invalidation. In accordance with the Modesto Municipal Code, each applicant has a continuing obligation to maintain the truth, accuracy and completeness of the financial interest disclosure information provided below until after final consideration by the City Council of any matter arising out of or relating to the agreement or application.

PROJECT: O'Farrell PROPERTY TPM-17-002


APPLICANT SIGNATURE

GARY JOHNSON
APPLICANT NAME (type or print)

NAMES

Property Owner(s) - (Please list name of company and names of individual names of said company)

JOHNSON FAMILY TRUST

6045 COPPER LANDING CT.

MARESIO, CA 95355

Developer(s) - (Please list name of company and names of individual owner(s) of company)

GARY JOHNSON, CONSTRUCTION, INC.

CA LICENSE # 261452

Architect(s), Engineer(s) or Other Design Professional(s) - (Please list name of company and names of individual owner(s) of company)

N/A

Attorney(s) or Representative(s) - (Please list name of company and names of individual owner(s) of company)

N/A

Real Estate Agent(s) - (Please list name of company and names of individual owner(s) of company)

N/A

Contractor(s)

GARY JOHNSON CONSTRUCTION, INC.

Other - (Investors, Trustees, etc.)

N/A



CITY OF MODESTO
PLANNING COMMISSION STAFF REPORT
 1010 10th STREET
 MODESTO, CA 95354
 (209) 577-5267 – (209) 491-5798 (fax)

TO: Chairperson Escutia-Braaton and Members of the Planning Commission

PREPARED BY: Jonnie J. Lan, AICP
 Contact Info: 577-5267 jlan@modestogov.com

APPROVED BY: Patrick Kelly, AICP, Planning Manager

DATE: June 5, 2017

SUBJECT: TPM-17-005 Application for a vesting tentative parcel map to divide a 15,579 square foot parcel into two parcels, located at 1007 College Avenue (APN 114-050-005); submitted by Louis and Emily Petrakis

RECOMMENDATION

Resolution approving a vesting tentative parcel map for property located at 1007 College Avenue.

PROJECT DESCRIPTION

The subject property is located at 1007 College Avenue. It is an approximately 15,579 square foot parcel in a single family residential neighborhood. The current zoning is R-1 (Low Density Residential). The subject application is a vesting tentative parcel map to divide this approximately 15,579 square foot parcel into two parcels. Parcel 1 is proposed to be approximately 7,790 square feet in area and Parcel 2 is proposed to be approximately 7,789 square feet in area.

ANALYSIS

The parcels meet zoning standards. The minimum lot area for an R-1 interior parcel is 5,000 square feet. Both parcels will meet this requirement. Minimum width for an R-1 interior parcel is 50 feet. The proposed parcels will be 59.90 and 59.87 feet in width. The proposed vesting tentative parcel map will support future residential development on the property that conforms to zoning. Therefore, staff recommends that the Planning Commission approve Vesting Tentative Parcel Map TPM-17-005 subject to the findings and conditions in the attached resolution.

GENERAL PLAN CONSISTENCY

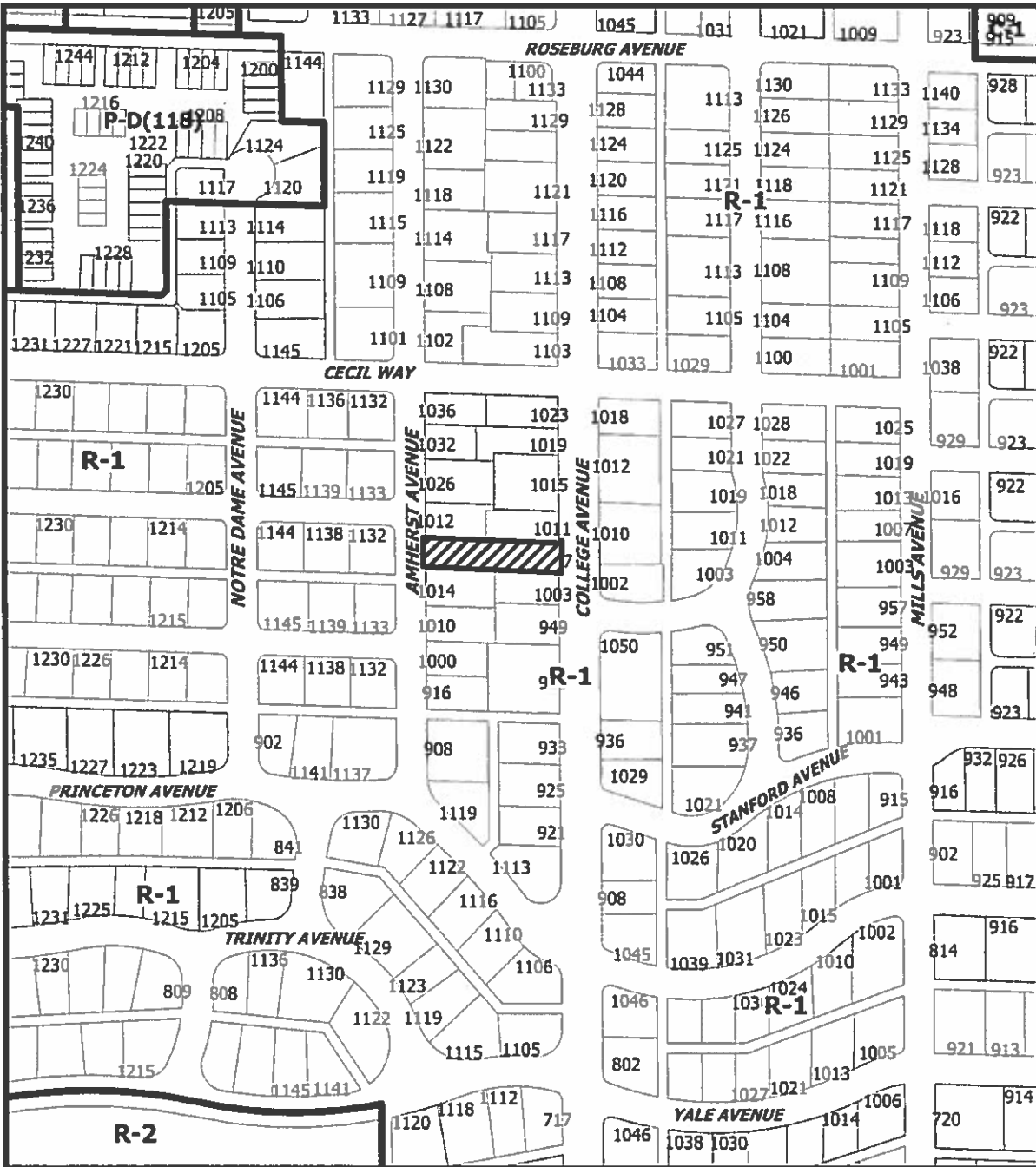
The General Plan designates this area as Residential (R), which allows for residential development. The proposed Vested Tentative Parcel Map will facilitate the future development of the parcels as residential uses, consistent with the Residential designation. Therefore, staff recommends that the Commission find the Vesting Tentative Parcel Map consistent with the Modesto Urban Area General Plan.

ENVIRONMENTAL ASSESSMENT

The vesting tentative parcel map is exempt from CEQA, pursuant to Section 15315 of the CEQA Guidelines, which exempts parcel maps of 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.

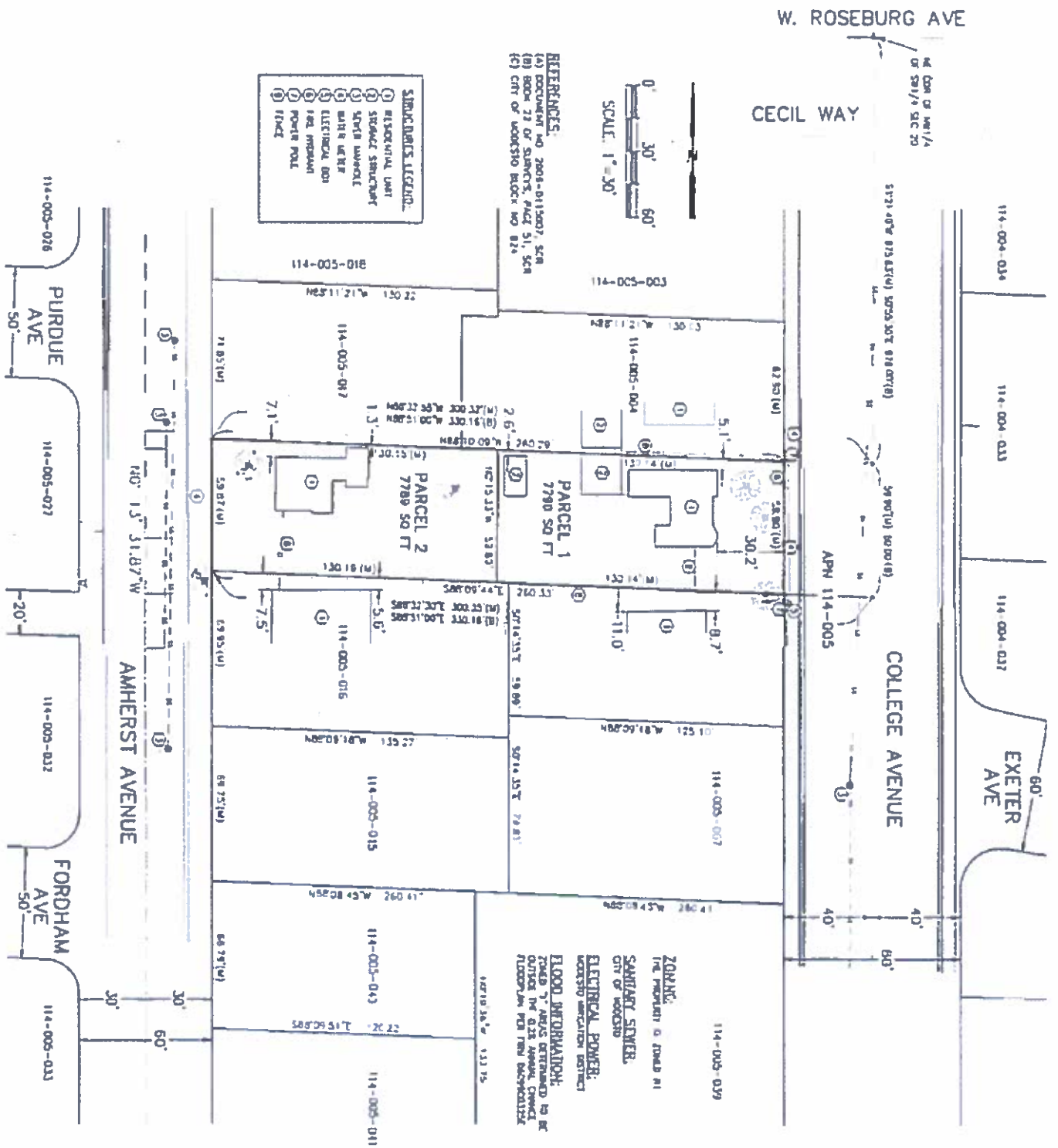
ATTACHMENTS (included with Commissioners' packets only)

1. Draft Planning Commission Resolution – June 5, 2017
2. Financial Interest Disclosure Form
3. Large-Format Map(s)



**LOCATION OF PROPOSED
VESTING TENTATIVE PARCEL MAP
TPM-17-005**

 Project Site



Proposed Parcel Map

PLANNING COMMISSION
RESOLUTION NO. 2017-XX

A RESOLUTION APPROVING THE VESTING TENTATIVE PARCEL MAP OF
PROPERTY LOCATED AT 1007 COLLEGE AVENUE (LOUIS PETRAKIS)

WHEREAS, Louis Petrakis has filed an application for a Vesting Tentative Parcel Map to divide a parcel of 15,579 square feet located 1007 College Avenue into two parcels; and

WHEREAS, said Vesting Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on April 12, 2017, and was accepted for filing and deemed complete on April 28, 2017, 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 affected Modesto City Elementary School and Modesto High School Districts, 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 June 5, 2017, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, this parcel map is exempt from CEQA, pursuant to Section 15315 of the CEQA Guidelines, which exempts parcel maps of four or fewer parcels which are consistent with the General Plan.

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 lots is consistent with the Modesto Urban Area General Plan of Modesto.
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 vesting tentative parcel map is exempt from CEQA, pursuant to Section 15315 of the CEQA Guidelines, which exempts parcel maps of four or fewer parcels which are consistent with the General Plan.
4. 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.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Parcel Map of property located 1007 College Avenue accepted for filing in the office of the Secretary of the Planning Commission on April 12, 2017, 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. 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.
3. Each parcel shall have a separate water and sewer service connection from the main.
4. Prior to the issuance of a Grading or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local SWPPP to Land Development Engineering, Stormwater for review. The submittal shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.
5. Prior to and after development, the lot shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
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 June 5, 2017, 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 June 5, 2017, by _____, who moved its adoption, which motion was seconded by _____, and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

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

Original, signed copy on file in CEDD

Patrick Kelly, Secretary

FINANCIAL INTEREST DISCLOSURE FORM

All persons included within the meaning of either of the following tests have a material financial interest in an agreement, or application for development rights, submitted for approval or disapproval by the City Council, and shall be identified by the applicant, by name.

Tests of Materiality:

1. Whether it is foreseeable to a reasonable person that the value of their interest in property available for use by an applicant, or their interest in the applicant itself, may increase or decrease by an amount greater than \$2,000.00 as a direct or indirect result of Council action on the applicant's agreement or application for development rights.
2. Whether it is foreseeable to a reasonable person that the person's gross income from the applicant may increase or decrease by a sum greater than \$2,000.00 as a direct or indirect result of Council action on the agreement or application for development rights.

It is the legal obligation of all applicants for approval of an agreement or of an application for development rights to verify in writing, under penalty of perjury, that the identity of each person having a material financial interest in the agreement or application or development rights is true, correct and complete. The applicant understands that this information is provided under penalty of perjury, and that intentionally supplying misinformation or deception may result in either invalidation of the agreement or application, or criminal prosecution for misdemeanor violation of the Modesto Municipal Code, or both. Negligent provision of misinformation shall be grounds for invalidation. In accordance with the Modesto Municipal Code, each applicant has a continuing obligation to maintain the truth, accuracy and completeness of the financial interest disclosure information provided below until after final consideration by the City Council of any matter arising out of or relating to the agreement or application.

PROJECT: Petrakis Tentative Parcel Map


APPLICANT SIGNATURE

Gary Madsen, P.E.
APPLICANT NAME (type or print)

NAMES

Property Owner(s) – (Please list name of company and names of individual names of said company)

Louis Petrakis and Emily Y. Petrakis

Developer(s) – (Please list name of company and names of individual owner(s) of company)

None

Architect(s), Engineer(s) or Other Design Professional(s) – (Please list name of company and names of individual owner(s) of company)

Welty Engineering, Inc., 521 13th Street, Modesto CA 95354

Gary Madsen, P.E., owner of the company

Attorney(s) or Representative(s) – (Please list name of company and names of individual owner(s) of company)

N/A

Real Estate Agent(s) – (Please list name of company and names of individual owner(s) of company)

N/A

Contractor(s)

N/A

Other – (Investors, Trustees, etc.)

N/A
