

PLANNING COMMISSION
RESOLUTION NO. 2023-23

A RESOLUTION APPROVING THE VESTING TENTATIVE PARCEL MAP OF PROPERTY LOCATED WEST OF CROWS LANDING ROAD AND EAST OF TUOLUMNE RIVER, 925 CROWS LANDING, ALSO KNOWN AS ASSESSOR'S PARCEL NUMBERS 038-022-022, 038-022-003, 038-022-011, 038-022-013, 038-022-014, 038-022-016, 038-022-017, 038-022-018, 038-022-020, 038-022-021, 038-022-022. (MODESTO HOLDING CO., BOOTS REEDER.)

WHEREAS, Modesto Holding Co., on behalf of property owner Boots Reeder, has filed an application for a Vesting Tentative Parcel Map to divide 43.55-acres located west of Crows Landing Road and East of Tuolumne River, 925 Crows Landing, also known as Assessor's Parcel Numbers 038-022-022, 038-022-003, 038-022-011, 038-022-013, 038-022-014, 038-022-016, 038-022-017, 038-022-018, 038-022-020, 038-022-021, 038-022-022, into fifteen parcels; and

WHEREAS, said Vesting Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on June 7, 2023, and was accepted for filing and deemed complete on July 7, 2023, 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 local utility companies, the City Engineering and Transportation Department, the Fire Department, and Parks Planning Division; and

WHEREAS, City services, including sewer and water facilities, are available for the parcels impacted by the proposed Vesting Tentative Parcel Map; and

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, August 21, 2023, 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 2023-12, which concludes that the project is within the scope of the General Plan Master EIR (SCH No. 2014042081) 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 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 within the scope of the General Plan Master EIR (State Clearinghouse No. 2014042081), approved March 2019, and the Master EIR (MEIR) adequately describes the activity for purposes of CEQA. Staff has prepared a Finding of Conformance with the MEIR for this project.
5. The proposed vesting tentative parcel map complies with all applicable requirements of the Subdivision Map Act, including Government Code section 66426(c) 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 west of Crows landing Road and East of Tuolumne River, 925 Crows Landing Road, accepted for filing in the office of the Secretary of the Planning Commission on July 7, 2023, be and it is hereby approved as submitted and subject to the following conditions:

1. Prior to or concurrent with the recordation of a Parcel Map, a reciprocal utility and access easement along the existing Zeff Road and future Zeff Road realignment shall be reserved for the Parcel with Assessor's Parcel Number (APN) 038-022-001, until new development on that parcel is proposed.
2. Prior to the issuance of a Grading, Demolition, 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 WPCP or Local SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition 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.
3. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to the design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures, and the City of Modesto Municipal Code.
4. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5" of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.

5. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, bioretention, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5" of stormwater run-off from site.
6. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.
7. 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.
8. Water reciprocal utility easements will be required for any parcels within the Vesting Tentative Parcel Map for future service prior to any issuance of a Grading, Demolition, or Building Permit.
9. Sewer reciprocal utility easements will be required for any parcels within the Vesting Tentative Parcel Map for future service prior to any issuance of a Grading, Demolition, or Building Permit.
10. All future development must follow City Standards for stormwater management and pollution prevention and control.
11. Fire hydrants shall comply with applicable sections of 2022 California Fire Code Appendix C.
12. New roads and vehicle passageways shall comply with applicable sections of 2022 California Fire Code Appendix D.
13. Prior to issuance of a building permit, applicant shall submit Landscape and Irrigation (L&I) plans for review and approval by the City's Parks Planning and Development (PPD) Division. L&I plans shall meet the current State of California Model Water Efficient Landscape Ordinance (MWELo) requirements, Modesto Municipal Code (MMC) requirements and all applicable City of Modesto Standards at time of submittal.
14. Prior to issuance of a building permit, applicant shall install street trees every thirty-five feet (35') to forty feet (40') on center along sidewalks, and within seven feet (7') of sidewalks at streets.
15. Prior to issuance of a building permit, applicant shall install parking lot shade trees per MMC requirements; one (1) shade tree for every eight (8) parking spaces, inclusive of both continuous and intermittent stall locations. All shade trees shall be within seven feet (7') of stalls and achieve fifty percent (50%) surface shade requirements.

16. Prior to issuance of a sign permit, applicant shall provide signage with appropriate landscaping for Clear Vision Triangles at driveway entrances on alley. Within the triangle, the area between three (3) and eight (8) feet in height measured from top of curb adjacent to landscape shall be clear.
17. Prior to issuance of a sign permit, plans shall be submitted for separate review and approval. Approval must be granted prior to installation of signs.
18. With future development, applicant shall install climbing vines on all masonry walls, in a landscape planter, around the trash enclosures and engineered walls visible from streets.
19. Prior to any building permit, applicant shall provide a separate water meter and landscape backflow(s) for all public open spaces and landscaped areas.
20. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Applicant shall provide total square feet of the landscape area in project information for with any future development.
21. All parcels shall have an individual water meter, or an alternative plan authorized by the City Engineer, the Director of Utilities, and the Director of Finance, or their designees.
22. Prior to recordation of any parcel map, private utility easement(s) shall be established to ensure that all impacted parcels (new and existing) continue to have access to City sewer services after new parcels are established.
23. On-site storm drainage shall continue to be managed on-site and all parcels within the collective private properties' watershed shall continue to share in the responsibility of maintaining the private storm drainage system.
24. All landscaping, fences, and walls shall be maintained in good condition, and the parcels shall be kept free of weeds, trash, and other debris.
25. 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 August 21, 2023, 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 August 21, 2023, by Vohra, who moved its adoption, which motion was seconded by Russel, and carried by the following vote:

Ayes:	Birring, Russel, Shanks, Vazquez, Vohra
Noes:	None
Absent:	Silva
Recused:	None

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

Original, signed copy on file in CEDD
Jessica Hill, Secretary

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