

PLANNING COMMISSION
RESOLUTION NO. 2024-02

A RESOLUTION APPROVING THE TENTATIVE PARCEL MAP OF PROPERTY LOCATED AT 101 FAIRVIEW AVENUE (HAWKINS & ASSOCIATES ENGINEERING, INC.)

WHEREAS, Hawkins & Associates Engineering, Inc. has filed an application for a Tentative Parcel Map to divide a 14,723 square foot parcel into two (2) parcels (one 6,972 square foot parcel and one 7,751 square foot) on property located at 101 Fairview Avenue; and

WHEREAS, said Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on November 7, 2023, and was accepted for filing and deemed complete on December 6, 2023, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code; and

WHEREAS, copies of said Tentative Parcel Map have been sent to internal departments and local external agencies for review and comment; and

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

WHEREAS, a public hearing was held by the Planning Commission on January 8, 2024, 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 the division of property in urbanized areas zoned for residential into four or fewer parcels; is in conformance with the General Plan and zoning; requires no variances or exceptions; and has access to services.

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

1. The Tentative Parcel Map to create two (2) parcels is consistent with the General Plan of the City of Modesto and the Subdivision Map Act of the State of California.
2. The proposed 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 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 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.

5. The proposed tentative parcel 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 into four or fewer parcels where it is in conformance with the General Plan and zoning, requires no variances or exception, and has access to services.

BE IT FURTHER RESOLVED by the Planning Commission that the Tentative Parcel Map of property located at 101 Fairview Avenue, accepted for filing in the office of the Secretary of the Planning Commission on November 7, 2023, is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. All future development shall be required to adhere to the review processes and development standards as established by the City's Zoning Codes and Standards.
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. Prior to and after development, the parcels shall be maintained in good condition, and the premises shall be kept free of weeds, trash, and other debris.
4. At the time of development, 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.
5. 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 applicant is hereby further notified that the ninety (90) day 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 8, 2024, 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 8, 2024, by Vazquez, who moved its adoption, which motion was seconded by Vazquez, and carried by the following vote:

Ayes:	Black, Russell, Shanks, Silva, Vazquez
Noes:	None
Absent:	Birring
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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