

**PLANNING COMMISSION  
RESOLUTION NO. 2024-14**

**A RESOLUTION APPROVING A TENTATIVE PARCEL MAP FOR  
PROPERTY LOCATED AT THE SOUTHWEST CORNER OF  
BROADWAY AVENUE AND MAIN STREET (VVH CONSULTING  
ENGINEERS)**

WHEREAS, VVH Consulting Engineers has filed an application for a Tentative Parcel Map to divide one 11,267 square feet parcel into two parcels; and

WHEREAS, said Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on October 7, 2024, and was accepted for filing and deemed complete on July 12, 2024, 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 October 7, 2024, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, this item is consistent with the following 2020-2025 Strategic Plan Areas of Focus: Economic Vitality, Goal E Drive Economic Vitality. Splitting the parcel will allow for the construction of additional homes or residential units which in turn will drive economic vitality; and

WHEREAS, the project area of 614 Broadway Avenue, located at the southwest corner of Main Street and Broadway Avenue, is comprised of one 11,267 square foot parcel identified in the Stanislaus County Assessor's records as Assessor's Parcel No. 038-038-019; and

WHEREAS, the project site is zoned Single Family Residential (R-1). The northern, southern, and western adjacent properties are zoned Single Family Residential (R-1) and the eastern adjacent property is outside the City limits and are zoned as Industrial according to Stanislaus County public GIS map; and

WHEREAS, the project is splitting one 11,267 square foot parcel into two parcels. The northernmost parcel will be 6,130 square feet while the southernmost parcel will be 5,137 square feet; and

WHEREAS, this project has no new proposed development and aligns with the Subdivision Map Act by adhering to the legal and regulatory framework set out by The Act; and

WHEREAS, the project is funded by application fees provided by the applicant; and

WHEREAS, staff has determined that this Tentative Parcel Map is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15315, "Minor Land Divisions" 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 2 year, and the parcel does not have an average slope greater than 20 percent, and staff has prepared a Notice of Exemption, EA/C&ED 2024-021.

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 is exempt from CEQA, pursuant to Section 15315 "Minor Land Divisions" 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 2 years, and the parcel does not have an average slope greater than 20 percent.
5. 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.

BE IT FURTHER RESOLVED by the Planning Commission that the Tentative Parcel Map of property located at the southwest corner of Broadway Avenue and Main Street, accepted for filing in the office of the Secretary of the Planning Commission on October 7, 2024, 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 and constructed per City standards in accordance with Modesto Municipal Code (Article 7-1.701). Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and streetlights. All public improvement plans shall be designed by a Registered Engineer and 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. Prior to and after development, the lot shall be maintained in good condition and the premises shall be kept free of weeds, trash, and other debris.
4. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to 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.
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 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 October 7, 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 October 7, 2024, by Russell, who moved its adoption, which motion was seconded by Black, and carried by the following vote:

Ayes:           Birring, Black, Grewal, Russell, Shanks , Silva  
Noes:           None  
Absent:         None  
Recused:       None

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

Original, signed copy on file in CEDD

Tristan Osborn, AICP, Secretary