

PLANNING COMMISSION
RESOLUTION NO. 2015-01

A RESOLUTION GRANTING A TWO-YEAR EXTENSION OF TIME FOR FILING PARCEL MAP TPM-06-012 WITH THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOR PROPERTY LOCATED ON THE SOUTH SIDE OF BANGS AVENUE, BETWEEN DALE ROAD AND AMERICAN AVENUE (MANA/WAGNER)

WHEREAS, in 2006 Mana Developments and Wagner Family Properties (property owners) filed an application for a Vesting Tentative Parcel Map (TPM-06-012) to subdivide 27 acres located on the south side of Bangs Avenue, between Dale Road and American Avenue, into 18 parcels, and

WHEREAS, a Mitigated Negative Declaration (EA/C&ED 2006-58) was prepared for all development in the Kiernan Business Park South area, including the subject parcel map; and

WHEREAS, on October 15, 2007, by Resolution No. 2007-49, the Planning Commission adopted the Mitigated Negative Declaration and approved Vesting Tentative Parcel Map TPM-06-012; and

WHEREAS, in 2009 the property owners applied for a Development Agreement for the purpose of determining the applicant's share of the traffic mitigation previously identified by the mitigated negative declaration for the entire Kiernan Business Park South; and

WHEREAS, a new Mitigated Negative Declaration (EA/C&ED No. 2009-22) was prepared that determined the applicant's share of traffic mitigation; and

WHEREAS, on December 7, 2010, the Modesto City Council adopted the Mitigated Negative Declaration EA/C&ED No. 2009-22 and approved the Development Agreement; and

WHEREAS, Government Code Section 66452.21 has extended the expiration of said tentative parcel map to October 15, 2010; and

WHEREAS, Government Code Section 66452.22 has extended the expiration of said tentative parcel map to October 15, 2012; and

WHEREAS, Government Code Section 66452.23 has extended the expiration of said tentative parcel map to October 15, 2014; and

WHEREAS, Government Code Section 66452.24 has extended the expiration of said tentative parcel map to October 15, 2016; and

WHEREAS, on November 21, 2014, Mana Developments and Wagner Family Properties filed an application for a time extension for filing of a Parcel Map with the Land Development Services Division, as authorized in Sec. 4-4.503(a) of the Modesto Municipal Code; and

WHEREAS, this matter was brought before the Planning Commission on January 5, 2015, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission has determined that conditions affecting Vesting Tentative Parcel Map TPM-06-012 have not substantially changed, since the parcel map was originally approved.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it finds and determines, as per Modesto Municipal Code Section 4-4.503(a), that good cause for a two-year parcel map time extension exists as follows:

1. Conditions affecting Vesting Tentative Parcel Map TPM-06-012 have not substantially changed since the tentative parcel map was approved, as there have been no amendments to the Kiernan Business Park Specific Plan that significantly impact the subject property and no physical development has occurred in the vicinity of the project site since approval of the parcel map.
2. There are no substantial changes proposed in the parcel map which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to Mitigated Negative Declaration EA/C&ED No. 2009-22, are required.
3. No substantial changes have occurred with respect to the circumstances under which the parcel map is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and therefore, no major revisions to Mitigated Negative Declaration EA/C&ED No. 2009-22, are required.
4. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time that Mitigated Negative Declaration EA/C&ED No. 2009-22 was adopted, which shows any of the following:
 - a. One or more significant effects which is not discussed in Mitigated Negative Declaration EA/C&ED No. 2009-22; or,
 - b. Significant effects which were previously examined will be substantially more severe than previously shown; or,
 - c. Previously infeasible mitigation measures are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure; or,
 - d. Mitigation measures which are considerably different from those analyzed in Mitigated Negative Declaration EA/C&ED No. 2009-22 would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby grants an extension of time to October 15, 2018, for filing Vesting Tentative Parcel Map TPM-06-012 with the Community and Economic Development Director.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on January 5, 2015, by Chris Tyler, who moved its adoption, which motion was seconded by Rosa Escutia-Braaton, and carried by the following vote:

Ayes: Carter, Escutia-Braaton, Grewal, Lucas, Tyler
Noes: None
Absent: Smith

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

Signed original on file at CEDD
Patrick Kelly, Secretary