

PLANNING COMMISSION  
RESOLUTION NO. 2015-18

A RESOLUTION APPROVING THE VESTING TENTATIVE PARCEL MAP OF  
PROPERTY LOCATED AT THE NORTH WEST CORNER OF SOUTH MARTIN  
LUTHER KING DRIVE AND VINE STREET (CITY MINISTRY NETWORK, INC)

WHEREAS, Dennis Wilson, Horizon Consulting Services on behalf of City Ministry Network, Inc. has filed an application for a Vesting Tentative Parcel Map to divide 2.57 acres located at the northwest corner of South Martin Luther King Drive and Vine Street, into two parcels plus a remainder parcel; and

WHEREAS, said Vesting Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on June 12, 2015, and was accepted for filing and deemed complete on July 2, 2015, 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 Modesto 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 September 14, 2015, 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 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.

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 plus a remainder parcel is consistent with the General Plan of the City of Modesto and the Subdivision Map Act of the State of California.
2. 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.
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 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.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Parcel Map of property located on the northwest corner of South Martin Luther King Drive and Vine Street accepted for filing in the office of the Secretary of the Planning Commission on June 12, 2015, and it is hereby approved as submitted subject to the following conditions:

1. Any public improvements that are missing, damaged or not to current City standards shall be designed per City standards in accordance with Section 7-1.701 of the City of Modesto Municipal Code, 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. A certificate giving notice that street improvements are required along the S. Martin Luther King Drive frontage of the property in conjunction with development of the property, shall be placed on the final parcel map. All improvements shall be constructed in accordance with the approved plans.
2. 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.
3. All existing underground and aboveground utilities, irrigation and electric shall be removed, relocated, or protected as required by the Modesto Irrigation District and the City Engineer or designee. Appropriate easements for utilities, irrigation and electrical facilities shall be granted or reserved as required. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.
4. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this parcel map shall be based on the rates in effect at time of issuance of the building permit.
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 September 14, 2015, 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 September 14, 2015, by Rosa Escutia-Braaton, who moved its adoption, which motion was seconded by Dennis Smith, and carried by the following vote:

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

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

Original, signed copy on file in CEDD  
Patrick Kelly, Secretary