

PLANNING COMMISSION
RESOLUTION NO. 2017-30

A RESOLUTION APPROVING THE VESTING TENTATIVE PARCEL MAP OF PROPERTY LOCATED ON THE WEST SIDE OF DALE ROAD, NORTH OF VINTAGE FAIRE MALL (NRB INVESTMENTS, LLC)

WHEREAS, NRB Investments LLC has filed an application for a Vesting Tentative Parcel Map to divide 45.1 acres located on the west side of Dale Road, north of Vintage Faire Mall into four parcels and one remainder parcel; and

WHEREAS, said Vesting Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on October 18, 2017, and was accepted for filing and deemed complete on November 18, 2017, 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 Salida Elementary School and Modesto High 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 December 18, 2017, 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 are consistent with the General Plan.

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 four parcels and one remainder parcel is consistent with the General Plan of the City of Modesto because the parcel configuration is consistent with the Mixed Use (MU) designation in the General Plan's Land Use Diagram and the proposed extension of Vintage Drive to Dale Road is consistent with the Circulation Element.
2. The proposed vesting 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.
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 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 are consistent with the General Plan.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Parcel Map of property located west of Dale Road and north of Vintage Faire Mall accepted for filing in the office of the Secretary of the Planning Commission on November 18, 2017, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. Improvements, including but not limited to the extension of Vintage Drive to Dale Road, the installation of street improvements along the extent of the Dale Road frontage of the parcel map, and a new traffic signal at the intersection of Dale Road and Vintage Drive, shall be constructed in accordance to City Standards and to the satisfaction of the City Engineer prior to the first Certificate of Occupancy for development of any parcel created by the Parcel Map. A certificate giving notice of this requirement shall be placed on the Parcel Map.
2. Improvement plans shall include a pedestrian connection from Honey Creek Road to Vintage Drive. Said improvement plans shall include permanent bollards to restrict vehicle access but allow pedestrian and bicycle access, decorative paving and landscaping, and pedestrian-level lighting. Improvement plans for the pedestrian connection shall be submitted to the Director of Community and Economic Development or designee for review and approval prior to the first Certificate of Occupancy for any parcel created by the Parcel Map, or prior to recordation of a subsequent subdivision map created from any parcel of the Parcel Map, whichever occurs first. Pedestrian connection shall be constructed as part of Vintage Drive roadway improvements.
3. All improvement plans shall be prepared, stamped and signed by a California licensed civil engineer.
4. Prior to or concurrent with parcel map recordation, ten-foot-wide public utility easements shall be dedicated along all street frontages.
5. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utilities and the City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.
6. 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 this resolution shall not take effect until the Subdivider applies for and the Secretary to the Planning Commission approves a minor amendment to the conditions of approval of TPM-15-004 to provide that in the event any parcel approved by TPM-17-008 obtains a final map, the Planning Commission's approval of TPM-15-004 is rescinded and that tentative map shall not be eligible for a final map.

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 December 18, 2017, 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 December 18, 2017, by Commissioner Smith, who moved its adoption, which motion was seconded by Commissioner Birring, and carried by the following vote:

Ayes:	Birring, Lucas, Pollard, Smith, Escutia-Braaton
Noes:	None
Absent:	Morad, Vohra
Recused:	None

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

Original, signed copy on file in CEDD

Patrick Kelly, Secretary