

PLANNING COMMISSION
RESOLUTION NO. 2018-18

A RESOLUTION APPROVING A REVISED DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(588)

WHEREAS, Planned Development Zone, P-D(588) was approved by the City Council on December 2, 2008, by Ordinance No. 3498-C.S. to allow a two-story 150-unit affordable housing complex on property located at 1101 Carver Road; and

WHEREAS, by Resolution No. 2008-657, adopted on December 2, 2008, the City Council approved a development plan for P-D(588); and

WHEREAS, the applicant, EAH Inc., completed Phase 1 of the project in December of 2013; and

WHEREAS, the applicant is seeking to apply for competitive grant funding for construction of Phase 2 of the site, of which specific criteria towards the reduction of greenhouse gasses is a part of the competitive grant award process; and

WHEREAS, on October 26, 2018 the applicant has requested approval of a revised development plan for P-D(588), to allow for a reduction in required parking spaces for the project from 243 spaces to 210 spaces, in preparation for application of grant funding for construction of Phase 2 of the site; and

WHEREAS, Section 10-7.108(b) of the Modesto Municipal Code authorizes the Planning Commission to approve revisions to the development plan of a Planned Development Zone; and

WHEREAS, on December 3, 2018, the Planning Commission considered the applicant's request for approval of a revised development plan; and

WHEREAS, an Initial Study, Environmental Assessment No. EA/C&ED 2008-42, was prepared for Planned Development P-D(588) which concluded that the project was within the scope of the General Plan Master EIR (SCH No. 2007072023), and as no significant changes to the development plan are being made, pursuant to section 15177 of the Public Resources Code, no new environmental review is required.

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

1. The adjacent properties will not be adversely affected relative to the amendment because the applicant has provided documentation that adequate parking is available for the tenants of the apartment complex and that many of the households maintain only one vehicle, less than what is assumed per the parking requirements for multi-family residential development as specified in the City's Zoning Code.
2. Transit and ride sharing alternatives are available near the development and will be promoted to the residents by the applicant.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby approves the revised development plan for Planned Development Zone, P-D(588) titled "Archway Commons Phase 2, Overall Site Plan", stamped approved by the Planning Commission on December 3, 2018, and on file in the office of the Planning and Community Development Department Director, subject to the following conditions:

1. Prior to the issuance of a building permit for Phase 2 of the project site, all development shall conform to the development plan titled "Archway Commons Phase 2, Overall Site Plan" stamped approved by the Planning Commission on December 3, 2018.
2. All conditions of City Council Resolution No. 2008-657 not in conflict with this action shall remain in full force and effect.
3. That the property owner and developer shall, at their sole expense, defend, with counsel selected by the City, 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.

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 3, 2018, 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.

BE IT FURTHER RESOLVED by the Planning Commission that the Secretary of the Planning Commission is hereby directed to file with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed project.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on December 3, 2018, by Commissioner Lucas, who moved its adoption, which motion was seconded by Commissioner Smith and carried by the following vote:

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

Recused: None

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

Original, signed copy on file in CEDD
Steve Mitchell, Acting Secretary