

PLANNING COMMISSION
RESOLUTION NO. 2019-23

A RESOLUTION APPROVING THE VESTING TENTATIVE PARCEL MAP OF
PROPERTY LOCATED AT 4506 DALE ROAD (RELIANCE GAS
INVESTMENTS INC/JIVTESH GILL)

WHEREAS, Reliance Gas Investments Inc. has filed an application for a Vesting Tentative Parcel Map to divide 3.5 acres located at 4506 Dale Road into three parcels; and

WHEREAS, said Vesting Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on December 20, 2018, and was accepted for filing and deemed complete on May 16, 2019, 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 Stanislaus Union 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 July 1, 2019, 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 proposed vesting tentative parcel map is consistent with the General Plan and the Kiernan Business Park Specific Plan, because the proposed parcel configuration, provision of public utility and vehicular access easements, and street alignments are consistent with the adopted Specific Plan.
2. The proposed vesting tentative parcel map complies with all of the 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 proposed 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 at 4506 Dale Road, accepted for filing in the office of the Secretary of the Planning Commission on May 16, 2019, 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 installation of street improvements such as curb, gutter, sidewalks, street lights, ADA access ramps, and fire hydrants along the frontages of Dale Road, Bangs Avenue and Grewal Parkway shall be constructed in accordance to the Kiernan Business Park East Facilities Master Plan, Modesto 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. Any storm water generated from this development shall be managed on site or through a private storm drain system. Prior to recordation of a parcel map or development at the site, whichever occurs first, plans shall be designed to City standards and submitted for approval by the City Engineer.
3. Storm Water shall be constructed per the approved Kiernan Business Park East Facilities Master Plan and its amendments thereof.
4. Applicant shall install a separate landscape water meter for each parcel developed.
5. All improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment Permit.
6. Prior to recordation of a Parcel Map, the developer shall execute a Reciprocal Access and Parking Agreement which shall provide for reciprocal vehicular and pedestrian access and vehicular parking between the three parcels of the parcel map to the satisfaction of the Director of Community and Economic Development or designee and in a form provided by the Land Development Engineering Division and approved by the City Attorney.
7. Prior to recordation of a Parcel Map, the developer shall execute a Reciprocal Access Agreement which shall provide for reciprocal access between the parcel map and the adjacent parcel to the northeast, APN 078-015-028, to the satisfaction of the Director of Community and Economic Development or designee and in a form provided by the Land Development Engineering Division and approved by the City Attorney.
8. The proposed project is within the boundary of Community Facilities District 2016-01 (Kiernan Business Park East No. 2 CFD) and must annex to the CFD prior to recordation of any map or issuance of any building permits, whichever happens first. Maximum Special Taxes will be calculated for the property upon annexation.

9. Prior to or concurrent with recordation of a Parcel Map, ten-foot-wide public utility easements shall be dedicated along the frontages of Dale Road, Bangs Avenue and Grewal Parkway.
10. 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 Utility Companies and City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
11. 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 July 1, 2019, 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 July 1, 2019, by Commissioner Escutia-Braaton, who moved its adoption, which motion was seconded by Commissioner Smith, and carried by the following vote:

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

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

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

