

BOARD OF ZONING ADJUSTMENT  
RESOLUTION NO. 2019-07

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO THE  
CENTER FOR HUMAN SERVICES FOR A YOUTH NAVIGATION CENTER  
LOCATED AT 2000 W. BRIGGSMORE AVE

WHEREAS, an application for a Conditional Use Permit for a Youth Navigation Center, to provide for a continuum of care for youths and young adults aged 13-25 who are experiencing crisis, housing instability and/or homelessness, within an existing building located at 2000 W. Briggsmore Avenue, was filed by the Center for Human Services on July 9, 2019; and

WHEREAS, Section 10-9.102 of the Municipal Code authorize the Board of Zoning Adjustment to grant Conditional Use Permits; and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on September 26, 2019, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the proposed conditional use is exempt from CEQA, pursuant to Section 15332 of the CEQA Guidelines, which exempts infill projects when the proposed development occurs within city limits on a site of no more than five acres that is substantially surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, can be adequately served by all required utilities and public services, is consistent with the applicable General Plan designation and all applicable General Plan policies as well as applicable zoning designations and regulations, and of which approval of the project would not result in any significant effects relating to traffic, noise air quality or water quality.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Adjustment that it finds and determines as follows:

1. The proposed conditional use permit is consistent with the objectives and requirements of Title 10 (Zoning Regulations) because the Planned Development zoning of the site, Planned Development Zone P-D(371) allows for commercial uses as permitted in the General Commercial (C-2) Zone, in which homeless shelters are allowed with a conditional use permit.
2. The proposed conditional use and the conditions under which it will operate is consistent with the General Plan because the Youth Navigation Center is consistent with the Commercial (C) land use designation of the site, which allows for social assistance services including homeless shelters.
3. The proposed conditional use will not be detrimental to the public health, safety, or welfare or materially injurious to uses, properties or improvements in the vicinity because the Youth Navigation Center will provide for a coordinated system of care for youths and young adults aged 13-25 experiencing crisis, housing instability and/or homelessness

within an existing building occupied by the Center for Human Services, providing a location for the coordinated application of a continuum of care for youths and young adults where existing services are fragmented or non-existent.

4. The proposed conditions of approval will ensure compatibility with the surrounding uses because the proposed plan and conditions as applied will ensure conformity to applicable Zoning Codes, City standards, and building codes and regulations.
5. The proposed project is categorically exempt from under Section 15332 of the CEQA Guidelines because the project is in-fill development that is consistent with the general plan and zoning designations, is within the city limits on a site that is less than five acres and surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, would not result in any significant impacts, and can be served by all required utilities and public services.

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment that a conditional use permit for the Youth Navigation Center at 2000 W. Briggsmore Avenue be granted subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the development plan and building elevations titled "Youth Navigation Center, 2000 W. Briggsmore Avenue", stamped approved by the Board of Zoning Adjustment on September 26, 2019.
2. Prior to issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development.
3. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.
4. All signs shall comply with the sign requirements of the C-2 Zone. Any wall signs to be located on the east elevation of the building shall be non-illuminated and less than eight feet in height.
5. Prior to issuance of a sign permit, individual sign plans for the project shall be submitted for separate review and approval prior to installation.
6. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee.
7. Any public improvements that are missing, damaged or not to current City standards shall be designed and constructed per City standards in accordance with City Code (Article 7-1.701). Such improvements may include, but not be limited to curb and gutter, drive approach, sidewalk, ADA

access ramps, fire hydrants and street lights. 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.

8. There is an existing water service connection to this property from the 10-inch water main in Briggsmore Avenue. If additional connection or an upgrade to the existing connection is required, then water connection fees shall be paid and an encroachment permit obtained from the City prior to any work being done in the public right-of-way.
9. There is an existing sewer connection to this property from the 6-inch sewer main in Ricky Avenue. If additional connection or an upgrade to the existing connection is required, then sewer connection fees shall be paid and an encroachment permit obtained from the City prior to any work being done in the public right-of-way.
10. The City does not have a positive storm drain in this area. The storm water will continue to be managed on site, as is currently.
11. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
12. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
13. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.
14. All conditions of City Council Resolutions No. 85-240 and 2006-056 not in conflict with this action shall remain in full force and effect.
15. 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.

Failure to comply with any of the above conditions is unlawful and will constitute grounds for revocation of the conditional use permit.

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 26, 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.

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment that the Secretary of the Board is directed to file with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed conditional use permit.

The foregoing resolution was introduced at the regular meeting of the Board of Zoning Adjustment held on September 26, 2019, by Board Member Vohra, who moved its adoption, which motion was seconded by Board Member Moradian and carried by the following vote:

Ayes:	Blom, Goriel, Moradian, Roddick, Vohra, Rodriguez
Noes:	None
Absent:	Selover
Recused:	None

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD

Paul Liu, Acting Secretary