

PLANNING COMMISSION
RESOLUTION NO. 2021-04

A RESOLUTION APPROVING THE VESTING TENTATIVE PARCEL MAP OF PROPERTY LOCATED AT 1800 PRESCOTT ROAD (KIMLEY HORN AND ASSOCIATES)

WHEREAS, Kimley Horn and Associates has filed an application for a Vesting Tentative Parcel Map to divide two parcels totaling approximately 9.66 acres into three parcels located at 1800 Prescott Road; and

WHEREAS, said Vesting Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on December 29, 2020, and was accepted for filing and deemed complete on January 28, 2021, 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 internal departments and local external agencies for review and comment; and

WHEREAS, the project site is developed with an existing shopping center, Briggsmore Plaza and is served with urban services; and

WHEREAS, a public hearing was held by the Planning Commission on March 15, 2021, in Chambers, 1010 Tenth Street, Modesto, California, at which the item was continued to the April 5, 2021, meeting of the Planning Commission

WHEREAS, a public hearing was held by the Planning Commission on April 5, 2021, in Chamber, 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 of the City of Modesto.
2. 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.
3. The proposed vesting tentative parcel map will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or regulations within the City of Modesto Municipal Code.

4. 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.
5. The proposed project is exempt from CEQA, pursuant to Section 15315 of the CEQA guidelines, which exempts divisions of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division 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, and 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 at 1800 Prescott Road, accepted for filing in the office of the Secretary of the Planning Commission on December 29, 2021, 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. Prior to recordation of the Parcel Map, each parcel must have a separate water service, or the applicant must provide written documentation of access to water service(s) via an adjacent parcel in the form of a recorded private water easement **or recorded agreement**. **If a new or an upgrade to any water service connection is requested**, then applicable water connection fees shall be paid and an encroachment permit shall be issued by the City, prior to any work being done in the public right of way.
2. Prior to recordation of the Parcel Map, each parcel must have a separate sewer service, or the applicant must provide written documentation of access to sewer service(s) via an adjacent parcel in the form of a recorded private sewer easement **or recorded agreement**. **If a new or an upgrade to any sewer service connection is requested**, then applicable sewer connection fees shall be paid and an encroachment permit shall be issued by the City, prior to any work being done in the public right of way.
3. All existing underground and aboveground utilities, irrigation, and electrical lines along the project frontage of the parcel being developed shall be protected, **relocated, or removed as required by the City Engineer or designee**. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
4. 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 for the proposed subdivision. 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.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on April 5, 2021, by Commissioner Birring, who moved its adoption, which motion was seconded by Commissioner Smith, and carried by the following vote:

Ayes:
Noes: None
Absent: None
Recused: None

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

Original, signed copy on file in CEDD

Steve Mitchell, Secretary