

PLANNING COMMISSION
RESOLUTION NO. 2021-15

A RESOLUTION APPROVING THE TENTATIVE PARCEL MAP OF PROPERTY LOCATED AT 2900 STANDIFORD AVENUE (HAWKINS AND ASSOCIATES ENGINEERING INC.)

WHEREAS, Hawkins and Associates Engineering Inc. has filed an application for a Tentative Parcel Map to divide a 6.18-acre portion of an existing shopping center into five parcels; and

WHEREAS, said Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on May 4, 2021, and was accepted for filing and deemed complete on May 12, 2021, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code; and

WHEREAS, copies of said Tentative Parcel Map have been sent to internal departments and local external agencies for review and comment; and

WHEREAS, City services, including sewer and water facilities, are available; and

WHEREAS, a public hearing was held by the Planning Commission on July 19, 2021, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Initial Study, Environmental Assessment No. EA/C&ED 2021-18, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2014042081) and that pursuant to Section 21157.1 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 proposed Tentative Parcel Map is consistent with the General Plan of the City of Modesto.
2. The proposed 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.
3. The discharge of waste as a result of the proposed 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 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 subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
6. No new or additional mitigation measures or alternatives are required.
7. The subsequent project is within the scope of the project covered by the Master EIR.
8. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

BE IT FURTHER RESOLVED by the Planning Commission that the Tentative Parcel Map of property located at 2900 Standiford Avenue, accepted for filing in the office of the Secretary of the Planning Commission on May 4, 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. At the time of development, any public improvements that are missing, damaged, or not to current City standards, shall be designed and constructed in accordance with City Code (Article 7-1.701). Such improvements may include, but are not 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, be reviewed, and be approved by the City Engineer prior to issuance of an Encroachment permit. A certificate giving notice of this requirement shall be placed on the Parcel Map.
2. Prior to map recordation, the developer shall execute a Reciprocal Access and Parking Agreement, which shall provide for reciprocal vehicular and pedestrian access and vehicular parking between all five (5) parcels of the Parcel Map and the parcels to the north, to the satisfaction of the Community and Economic Development Director, in a form provided by Land Development Engineering Division, and approved by the City Attorney.
3. Prior to or concurrent with Parcel Map recordation, the applicant shall execute an access agreement to allow for reciprocal vehicular, pedestrian access, and vehicular parking between the five (5) parcels and the properties to the north, and the common usage and maintenance of all utilities and parking areas between the five (5) parcels, to the satisfaction of the Director of Community and Economic Development and in a form provided and approved by the City Attorney.
4. Prior to or concurrent with Parcel Map recordation, ten (10) foot-wide public utility easements shall be dedicated along the Sisk Road frontage.
5. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the Utility Companies and the City Engineer or designee. Easements for

utilities, irrigation, and electrical lines to remain shall be reserved as required.

- 6. All landscaping, fences, and walls shall be maintained and the parcels shall be kept free of weeds, trash, and other debris.
- 7. 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 19, 2021, 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 19, 2021, by Commissioner Vohra, who moved its adoption, which motion was seconded by Commissioner Morad, and carried by the following vote:

Ayes:	Birring, Morad, Pollard, Silva, Shanks, Vohra
Noes:	None
Absent:	Smith
Recused:	None

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

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