

PLANNING COMMISSION
RESOLUTION NO. 2021-19

A RESOLUTION APPROVING THE VESTING TENTATIVE PARCEL MAP OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF LITT ROAD AND SYLVAN AVENUE (CITY OF MODESTO)

WHEREAS, the City of Modesto has filed an application for a Vesting Tentative Parcel Map to divide 45.48 acres into two parcels plus one lot for newly constructed street alignment of Litt Road; and

WHEREAS, said Vesting Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on July 9, 2021, and was accepted for filing and deemed complete on August 6, 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, City services, including sewer and water facilities, are available; and

WHEREAS, a public hearing was held by the Planning Commission on October 18, 2021, 2020, 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 of the City of Modesto.
2. 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.
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.

5. 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.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Parcel Map of property located at the northwest corner of Litt Road and Sylvan Avenue, accepted for filing in the office of the Secretary of the Planning Commission on August 6, 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 or concurrent with Parcel Map recordation, the former Litt Road alignment shall be summarily abandoned via separate instrument, and the abandonment shall be noted on the Parcel Map.
3. Prior to or concurrent with Parcel Map recordation, ten (10) foot wide public utility easements shall be dedicated along the new Litt Road frontages as dedicated by Lot A of the Parcel Map and the Sylvan Avenue frontage.
4. Prior to or concurrent with Parcel Map recordation, a five (5) foot wide irrigation easement shall be dedicated adjacent to the ten (10) foot public utility easement along the northerly right-of-way of Sylvan Avenue west of the new Litt Road intersection as dedicated by Lot A of the Parcel Map, to the satisfaction of the City Engineer or designee and utility companies.
5. 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 City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
6. Prior to and after development, the lot shall be maintained and the premises 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.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on October 18, 2021, by Commissioner Vohra, who moved its adoption, which motion was seconded by Commissioner Pollard, and carried by the following vote:

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

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

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