

**CITY OF MODESTO
PLANNING COMMISSION AGENDA
MONDAY, FEBRUARY 22, 2021, 6:00 PM
BASEMENT CHAMBERS
1010 TENTH STREET – MODESTO, CA**

I. ROLL CALL

The meeting will be held in chambers, 1010 Tenth Street, Modesto, California, but **will not be physically open to the public**. In order to minimize the spread of the COVID-19 virus, this meeting will be conducted pursuant to the provisions of the Governor's Executive Orders N-29-20, which suspended certain requirements of the Brown Act and will not be physically open to the public. To participate in this meeting you may observe a livestream of the meeting at <http://media.modestogov.com>, or participate virtually by Zoom Video Conferencing and Telephone.

Joining the Planning Commission meeting via Zoom

The City of Modesto is now offering the ability to view and participate in Planning Commission meetings via telephonic conferencing via "Zoom" video conferencing computer technology. The meeting may be accessed through the use of Zoom using the following options:

- Enter the following link into an Internet Browser <https://us02web.zoom.us/j/87285675660>,
- Enter the following link into an Internet Browser <https://zoom.us/> and using the Webinar ID 872 8567 5660
- To use Zoom, please visit: <https://zoom.us/> and either sign-up for a free Zoom account or continue as a guest. Once you have downloaded the app onto your mobile device, joined from your web browser, or downloaded the Zoom software on your computer you will be ready for the upcoming Commission meeting.

Joining the Planning Commission meeting via Telephone

If you don't have a smart phone or computer to access the meeting via Zoom, you can participate by phone, by calling 1-877-853-5257 (Toll Free) or 1-888-475-4499 (Toll Free) and enter the Webinar ID 872 8567 5660.

Providing Public Comment on Zoom and by Telephone

The Planning Commission Chair will open each public hearing item for public comment. Once the Chair has announced the public comment period, please do one of the following.

USING A COMPUTER OR SMART PHONE APP:

- Click on the "Raise Hand" feature in the webinar controls. This will notify City staff that you have raised your hand.
- City staff will unmute your microphone when it is your turn to provide public comment.
- A prompt will appear to confirm you would like to be unmuted and then you will be able to provide your comments.

- Once your public comment has ended, you will be muted again.

If you wish to submit a public comment in writing, please submit your comment, to the Recording Secretary at planning@modestogov.com prior to the start of the meeting. All comments will be shared with the Commission and placed in the record. Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations.

Please Note: In order to respond to COVID-19 the City will hold this meeting via teleconference pursuant to the Governor's Executive Order N-29-20. Some Commissioners may be calling in.

II. APPROVAL OF MINUTES

Minutes of the special meeting of January 6, 2021.

III. CONFLICT OF INTEREST DECLARATION

Commissioners and staff may now declare conflicts of interest for the purpose of determining if a quorum will be present to act on each item in the order shown on the agenda.

IV. PUBLIC HEARING

Item A PDZ-20-004 – Rezone to Planned Development P-D(612); submitted by Sandeep Minhas
Contact Info: Cindy van Empel, 577-5267, cvempel@modestogov.com

V. OTHER BUSINESS

None.

VI. ORAL COMMUNICATIONS

These matters may be presented by interested persons in the audience, staff or Commissioners (see Notice at end of agenda cover). Under State law, Commissioners may respond to matters being presented under this item only as follows:

- Briefly respond to statements made or questions raised;
- Ask a question for clarification;
- Provide a reference to staff or other resources for factual information;
- Request staff to report back at a subsequent meeting;
- Finally, a Commissioner, or the Commission itself, may take action to direct staff to place a matter of business on a future agenda.

VII. MATTERS TOO LATE FOR THE AGENDA

These may be presented by members of the Planning Commission and staff, upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that: 1) there is a need to take immediate action, and 2) that the need for action came to the City's attention after the agenda was posted.

VIII. ADJOURNMENT

Copies of the agenda are on file at the Stanislaus Library Reference Room, 1500 I Street, Modesto, in the office of the Planning Division, Third Floor, 1010 Tenth Street, Modesto, CA., and online at <https://www.modestogov.com/AgendaCenter/Planning-Commission-11>.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Commission Secretary at 209.577.5267. Assistive listening devices are available upon request to the Planning Commission Secretary. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. In accordance with the requirements of Title II of the Americans with Disabilities Act ("ADA") of 1990, the Fair Employment & Housing Act ("FEHA"), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto ("City") will not discriminate against individuals on the basis of disability in the City's services, programs, or activities. For more information, please visit the City of Modesto website at <https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA>

Notice: Persons who wish to speak to the Planning Commission regarding any item on the printed agenda, including oral communications, are encouraged to please submit your comment, to the Recording Secretary at planning@modestogov.com. All comments will be shared with the Commission and placed in the record. Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations. The purpose of this list is to have your name and address should we need to contact you or provide additional information to you. Signing this form is optional to speakers.

Posted pursuant to Government Code Section 54954.2 on _____ at _____

by _____ on the bulletin board at Tenth Street Place.

**LIST OF INVOLVED PARTIES FOR THE PLANNING COMMISSION
AGENDA OF FEBRUARY 22, 2021**

At the Commission's request, staff has compiled a list of persons having a personal/financial interest in the matters contained in the accompanying agenda report to help identify potential conflicts of interest.

ITEM A PDZ-20-004 – Rezone to Planned Development P-D(612)

<u>Relationship</u>	<u>Name/Address</u>
Applicant/Owner	Sandeep Minhas, 7870 Galway Court, Dublin CA 94568
Applicant	
Representative	Wilkins Studio Architects, Karen Wilkins, 785 Quintana Road #180 Morro Bay, CA 93442

City of Modesto Special Planning Commission

Minutes

January 6, 2021

Being the hour of 6:00 pm, the meeting was called to order by Chairperson Birring.

I. ROLL CALL

Commissioners Birring, Morad, Pollard, Shanks, Silva, Smith and Vohra present

II. APPROVAL OF MINUTES

It was moved by Commissioner Pollard, seconded by Commissioner Morad, and carried unanimously that the minutes of the regular meeting of December 21, 2020, be approved.

III. CONFLICT OF INTEREST DECLARATION

Commissioner Silva indicated a potential conflict of interest with Item C, as he currently serves on the CH&CDC.

IV. PUBLIC HEARINGS

Item A TPM-20-004 – Tentative Parcel Map, 41.25 acres into four parcels plus one remainder; submitted by Fitzpatrick Land Development LLC
Contact Info: Katharine Martin, 577-5267 kamartin@modestogov.com

Motion/Action (Approved)

It was moved by Commissioner Birring, seconded by Commissioner Voha, and carried unanimously (Birring, Morad, Shanks, Silva, Smith, Pollard, , ayes; None, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2021-01** A RESOLUTION APPROVING THE VESTING TENTATIVE PARCEL MAP OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF CARVER ROAD AND PELANDALE AVENUE (FITZPATRICK LAND DEVELOPMENT, LL)

V. OTHER BUSINESS

Item B Election of Chair and Vice Chair for 2021

Motion/Action (Approved)

It was moved by Commissioner Morad, seconded by Commissioner Birring, and carried unanimously (Birring, Morad, Pollard, Shanks, Silva, Smith, Vohra, ayes; None, noes; None, absent; None, recused) that the Planning Commission appoint Commissioner Roger Shanks as the 2021 Planning Commission Chair.

Motion/Action (Approved)

It was moved by Commissioner Vohra, seconded by Commissioner Birring, and carried unanimously (Birring, Morad, Pollard, Shanks, Silva, Smith, Vohra, ayes; None, noes; None, absent; None, recused) that the Planning Commission appoint Commissioner Amin Vohra as the 2021 Planning Commission Vice Chair.

Item C Nomination of PC Representative to CH&CDC

Motion/Action (Approved)

It was moved by Commissioner Morad, seconded by Commissioner Vohra, and carried unanimously (Birring, Morad, Pollard, Shanks, Silva, Smith, Vohra, ayes; None, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2020-02** A RESOLUTION RECOMMENDING TO THE CITY COUNCIL THAT CARMEN MORAD BE APPOINTED TO THE CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE AS PLANNING COMMISSION REPRESENTATIVE FOR CALENDAR YEAR 2021

Item D Nomination of PC Representative to BZA

Motion/Action (Approved)

It was moved by Commissioner Vohra, seconded by Commissioner Birring, and carried unanimously (Birring, Morad, Pollard, Shanks, Silva, Smith, Vohra, ayes; None, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2020-03** A RESOLUTION RECOMMENDING TO THE CITY COUNCIL THAT AMIN VOHRA BE APPOINTED TO THE BOARD OF ZONING ADJUSTMENT FOR THE CALENDAR YEAR 2021

VI. ORAL COMMUNICATIONS

None.

VII. MATTERS TOO LATE FOR THE AGENDA

None.

VIII. ADJOURNMENT

The meeting was adjourned at 6:27 pm.

Original, signed copy on file in CEDD

Steve Mitchell, Secretary



CITY OF MODESTO
PLANNING COMMISSION STAFF REPORT
 1010 10th STREET
 MODESTO, CA 95354
 (209) 577-5267 – (209) 491-5798 (fax)

TO: Chairperson Shanks and Members of the Planning Commission

PREPARED BY: Cindy van Empel, AICP, Senior Planner
 Contact Info: 577-5267 cvanempel@modestogov.com

APPROVED BY: Steve Mitchell, Planning Manager

MEETING DATE: February 22, 2021

SUBJECT: PDZ-20-004 – Rezone to Planned Development P-D(612); submitted by Sandeep Minhas

RECOMMENDATION

Resolution recommending to the City Council an amendment to Section 27-3-9 of the Zoning Map to rezone approximately 0.80 acres from Medium Density Residential (R-2) zone to Planned Development Zone, P-D(612), property located at 1732 Miller Avenue.

BACKGROUND

The project site is vacant and has been for many years. The general plan designation is R, Residential, and the zone is Medium Density Residential, R-2. Property west, north, and east of the subject site is predominantly zoned R-1, and is occupied by residences and various outbuildings. The property immediately east of the site is occupied by a church. There are a few R-2-zoned properties adjoining the commercially-zoned properties to the south. Properties to the south that front on Yosemite Boulevard are zoned C-2 and occupied by commercial uses.

The R-2 zone would allow the construction of a maximum of 11 dwelling units and the R-3 zone would allow the construction of a minimum of 17 dwelling units on the site, leaving a substantial gap of 12 to 16 dwellings. The applicant wants to build 16 units, which is not allowed in either the R-2 or R-3 zone, so staff recommended the establishment of a Planned Development zone. The project site and area are shown on **Figure 1**.

A 10-foot-wide MID easement is situated on the westernmost 10 feet of the site, running the length of the property from north to south. A 10-foot-wide public utility easement is situated on the southernmost 10 feet of the site, running east to west.



Figure 1: Area Map

PROJECT DESCRIPTION

The proposed project is a rezone of approximately 0.80 acres to Planned Development to allow the construction of 16 two-story, two-bedroom, attached manufactured dwelling units and 40 parking spaces, including 14 compact parking spaces and two ADA-accessible parking spaces. A 144-square-foot office would be located at the south end of the dwellings, adjacent to the trash enclosure. A small common area is proposed to be located at the south end of the units, near the office. Figure 2 shows the site plan.

The front elevation faces the parking area to the west, while the rear elevation faces the church. Each unit has an entry and second-floor deck facing the parking lot and alley to the west and a ground floor patio on the east side facing the church. The patios are enclosed with a continuous fence five feet from the property line. Elevations are shown on Figure 3.

A concrete block wall would separate the parking area from the adjacent alley west of the site. A 24-foot-wide driveway would provide access to Miller Avenue. The wall would have an opening 36 feet 8 inches wide at its southerly end to provide access for trash collection service and for fire access.

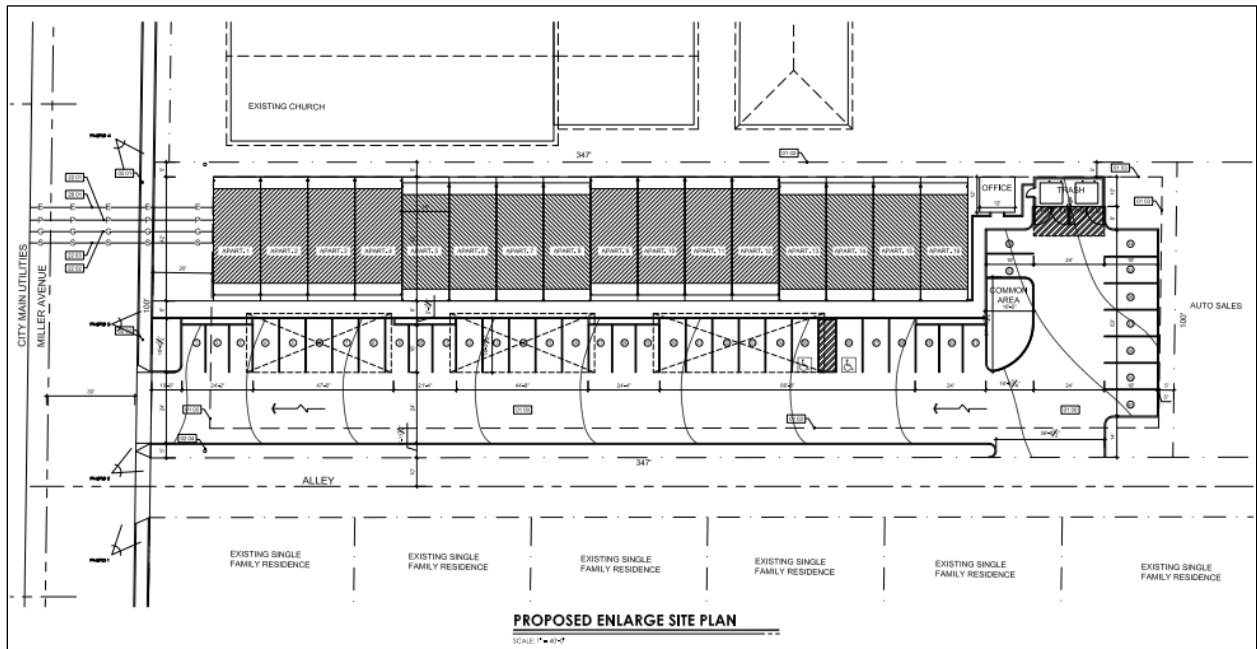


Figure 2: Site Plan



Figure 3: Elevations

ANALYSIS

Miller Avenue

A bus stop lies immediately adjacent to the site on Miller Avenue. Public Works wants to add a bench to this bus stop behind the sidewalk. The applicant will be required to add a concrete slab measuring three feet deep by eight feet wide within the public right of way to City standards.

Second Story Review

The project site lies across the alley from five residential properties zoned R-1 and R-2 along Rosina Avenue. Because of the orientation of the buildings on the site, the second-floor decks will lie approximately 53 feet from the alley, which is 20 feet wide, for a total of approximately 73 feet from the rear property lines of the residences on Rosina Avenue. Due to the distance between the existing residential properties and the proposed buildings, views of the backyards from the second-story decks will be minimal. Most of the neighboring Rosina Avenue residences have an accessory building or additional fencing in the rear yard to further screen the active backyard area.

Parking

The Municipal Code requires the provision of two parking spaces for each two-bedroom dwelling, plus one guest parking space for every four dwellings for a total of 36 required parking spaces. Forty spaces are proposed, exceeding the required number of spaces by four. The Municipal Code allows up to 30 percent of the required parking spaces to be compact; 14 of 40 spaces are compact. Considering four of the compact spaces as extra spaces makes 10 compact spaces of 36 required spaces, for 28 percent of the total number of spaces. The project meets the code requirement.

Water and Sewer

There is a four-inch water line in the alley west of the project site. This facility is inadequate to serve the project. The nearest eight-inch or larger water line lies 450 feet east of the project site in N. Conejo Avenue. The City will begin construction to upgrade the water lines in this area in summer of 2021. When construction is complete, possibly in summer of 2022, there will be adequate capacity to serve the project from a new connection in the alley or Miller Avenue. This is addressed in Condition No. 7 of the attached draft resolution.

There is an existing 6-inch sewer main in the alley just west of the property. The existing main has capacity to serve the proposed development.

Fire Prevention

The project site is 347 feet deep and the southernmost exterior wall of a dwelling is 276 feet from Miller Avenue. A fire hydrant will need to be installed on site about 150 feet south of Miller Avenue in a landscape finger in the parking lot. Because the site has four extra parking spaces, one compact space can be removed to accommodate the fire hydrant.

Fence and Wall

A multi-family development of 15 or more units adjacent to property zoned R-1, even if separated by an alley, requires the construction of a solid decorative masonry wall at least six feet in height. This wall shall be located at the western property line, outside of the MID easement. An eight-foot-tall masonry wall is also required to separate this property from the

adjacent commercial property to the south. The fencing enclosing the patios is adequate to separate the church from the project site along most of the easterly property line. The southerly property line should also be secured with a fence similar to that enclosing the patios. These are reflected in conditions 2 through 4 of the draft resolution.

GENERAL PLAN CONSISTENCY

The general plan designation is Residential, R, which allows multi-family development. General plan policy supports the intensification of residential development along commercial corridors, of which Yosemite Boulevard is one. The site is adjacent to a transit stop, which provides an alternative to driving, while also increasing the number of potential transit riders within an easy walk of a transit stop. Additionally, the project will increase the number of dwellings that can be accommodated on site, which will help the City meet its Regional Housing Needs in accordance with the Housing Element of the general plan.

ENVIRONMENTAL ASSESSMENT

The proposed project is Categorically Exempt under the Infill Exemption, Section 15332 of the California Environmental Quality Act. The required findings are detailed in the draft resolution.

ATTACHMENTS

1. Draft Planning Commission Resolution – February 22, 2021
2. Financial Interest Disclosure Form
3. Large-Format Map(s) (Maps included with Commissioners' packets only)

PLANNING COMMISSION
RESOLUTION NO. 2021-XX

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 27-3-9 OF THE ZONING MAP TO REZONE APPROXIMATELY 0.80 ACRES FROM MEDIUM DENSITY RESIDENTIAL (R-2) ZONE, TO PLANNED DEVELOPMENT ZONE, P-D(612) PROPERTY LOCATED AT 1732 MILLER AVENUE (MINHAS)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Sandeep Minhas on December 9, 2020, to rezone from Medium Density Residential (R-2), to Planned Development Zone, P-D(612), to allow the development of 16 dwelling units, property located at 1732 Miller Avenue and described as follows:

All that real property in the City of Modesto, County of Stanislaus, State of California described as follows: Parcel 1, of Parcel Map No. 2012-06, filed on February 4, 2013, in Book 56 of Parcel Maps, at Page 87, Stanislaus County Records.

WHEREAS, a public hearing was held by the Planning Commission on February 22, 2021, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the proposed rezone is exempt from CEQA, pursuant to Section 15332 of the CEQA guidelines, which exempts infill development projects meeting the conditions described in the section as indicated below.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The requested change will not be detrimental to the public health, safety, or welfare because the proposal is residential and consistent with the types of uses in the area.
2. The requested change will result in an orderly planned use of land because it creates a transition from the single family development to the north to the commercial development to the south.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan because it fulfills the stated objectives of the general plan to:
 - (a) Facilitate an improved mix of land uses to reduce vehicle miles traveled by locating residential land uses close to employment, retail and services;
 - (b) Promote infill development;
 - (c) Align Modesto's land use and transportation goals and policies;
 - (d) Facilitate complete, safe and walkable neighborhoods; and
 - (e) Promote equitable, affordable housing.

4. The proposed project is consistent with the Residential (R) general plan designation, which allows the development of multi-family housing. It is also consistent with general plan policies addressing intensification of residential development along commercial corridors, which includes the Yosemite Boulevard corridor. The proposed project is also adjacent to a transit stop, which supports multi-family housing by providing an alternative to automobile use to a larger number of people than does single family housing. Development of the site would occur in accordance with all multi-family development standards enumerated in Title 10.
5. The project will have no significant effect on the environment and is categorically exempt from CEQA pursuant to Section 15332 and the following findings.
 - (a) The project is consistent with the applicable general plan designation and all applicable general plan policies, as well as with applicable zoning designations and regulations as set forth above.
 - (b) The proposed project lies within the limits of the City of Modesto on a site of less than five acres, that is surrounded by urban development.
 - (c) The property is fenced and covered in loose gravel and weeds. The site has been evaluated to determine whether it contains potential habitat for any special-status species. Based on the size of the site, its location, and its topography, combined with a physical examination of the site, there is no evidence suggesting the site has habitat potential.
 - (d) Project approval would have no significant impacts relating to:
 - (1) Traffic. The number of trips generated would be less than the General Plan Master EIR significance threshold of 100 more peak hour trips than expected under existing conditions.
 - (2) Noise. Noise resulting from construction activity and day-to-day activities from the future occupied multi-family development would not be expected to exceed noise from any similar construction site or residential development. No long-term significant impact would be expected to occur.
 - (3) Air Quality. Air pollutant emissions resulting from construction activity and from the day-to-day activities from the future occupied multi-family development would not be expected to exceed emissions from a similar development. Furthermore, because the site is located near downtown and three transit lines are within a half mile of the site, including one adjacent to the site, some future residents will have easy access to transit.
 - (4) Water Quality. Development on the site will be required to connect to the municipal water supply and would generate no unusual pollutants that would create water quality problems.

- (e) Municipal services and utilities serving the site are adequate to serve the proposed project.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the Council as follows:

SECTION I

That Section 27-3-9 of the Zoning Map be amended to rezone from R-2 to Planned Development Zone, P-D(612), the above-described property in accordance with the following conditions:

Planning

1. Prior to the issuance of a building permit, all development shall conform to the Development Plan and building elevations titled "Miller Apartments" stamped approved by the City Council.
2. Prior to certificate of occupancy, the westerly wall shall be located on the property line, outside the MID easement and shall be a six-foot-high decorative masonry wall with cap treatment and shall be no more than 42 inches in height 15 feet from the front property line, in accordance with City Standards. The wall shall be treated with a graffiti-resistant coating on the alley side.
3. Prior to certificate of occupancy, an eight-foot high masonry wall shall be installed along the south property line adjacent to the commercially-zoned property.
4. To secure the property, construct a single-board fence on the easterly property line extending from the dwellings south to the southern property line.

Land Development Engineering

5. Any public improvements that are missing damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. 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.
6. The property owner shall dedicate a 10-foot Public Utility Easement along the frontage of Miller Avenue, adjacent and behind the property line, per current City Standards.
7. There is an existing 4-inch water main in the alley along the west side of the property. A 4-inch water main is not adequate to support the water demands for a multi-family project. The nearest 8-inch or larger main is

450 feet to the east on N. Conejo Avenue. The City of Modesto anticipates start of construction to upgrade the water main in this area starting summer of 2021 and the construction may end summer 2022. When construction is complete, there will be adequate capacity to serve the proposed project from the new connection in the alley or Miller Avenue. When water main connection is available, 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. Consequently, no building permit for construction on the site or Certificate of Occupancy shall be issued until the water system improvements are complete or as determined by the City Engineer.

8. There is an existing 6-inch sewer main in the alley just west of the property. The existing main has capacity to serve the proposed development. 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.
9. The City does not have a positive storm drainage system in this part of Modesto. The project shall manage all storm water on-site according to current City standards. The Developer's Engineer shall submit a detailed storm water infrastructure plan and supporting calculations showing how storm water will be managed for this project. The project shall comply with the state mandated Storm Water Pollution Prevention Management and City Standards for Best Management Practices.
10. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local SWPPP to Land Development Engineering, Stormwater for review. The WPCP or Local SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.
11. The project is considered a Priority project, as the proposed includes home subdivisions of 10 housing units or more (includes single-family homes, multi-family homes, condominiums, and apartments), and is subject to the following requirements:
 - a. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.
 - b. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5" of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.

- c. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, bioretention, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5" of stormwater run-off from site.
 - d. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.
 - e. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.
12. 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.

Fire Prevention

13. A fire hydrant shall be installed in a planter finger approximately 150 feet south of the front property line.

Infrastructure Finance Program

14. The proposed project will be required to pay Capital Facilities Fees in effect at the time the building permit is issued.

Public Works, Transit

15. Applicant shall install a 12-foot-long concrete pad behind the sidewalk to create an 8-foot-wide section of concrete to allow the installation of a bench at the transit stop, to the satisfaction of the City Engineer.

Parks, Recreation, and Neighborhoods

16. Applicant shall submit Landscape and Irrigation (L&I) plans for review and approval by the City's Parks Planning and Development (PPD) Division. L&I plans shall meet the current State of California Model Water Efficient Landscape Ordinance (MWELO) requirements, Modesto Municipal Code (MMC) requirements and City of Modesto standards at time of submittal.

17. Applicant shall provide the minimum twenty-foot (20') front landscape setback on Miller Avenue.
18. Applicant shall plant trees for screening in a planter along the southerly property line.
19. Applicant shall provide street trees along Miller Avenue. Street tree(s) shall be spaced thirty-five (35') feet on center and located within seven feet (7') of the sidewalk or curb.
20. Applicant shall install parking lot shade trees per MMC requirements; one (1) shade tree for every eight (8) parking spaces, continuous and intermittent stall locations, within seven feet (7') of stalls.
21. Applicant shall install climbing vines on all walls, in a landscape planter, around the trash enclosure to discourage tagging.
22. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect/treat storm water runoff before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Provide total square feet of the landscape area in project information.
23. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Standards Code.
Modesto Irrigation District
24. 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.

SECTION II

BE IT FURTHER RESOLVED that the following uses shall be authorized in said Planned Development Zone as shown on the development plan:

Sixteen two-bedroom, two-story, attached manufactured dwellings and an office

SECTION III

IT IS FURTHER RECOMMENDED that the entire construction program be accomplished in one phase, construction to begin within one year of the availability of water and completion not later than two years from building permit issuance.

SECTION IV

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that they adopt a resolution certifying that the rezoning is categorically exempt from CEQA pursuant to Section 15332.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 22, 2021, by _____, who moved its adoption, which motion was seconded by _____ and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

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

Original, signed copy on file in CEDD

Steve Mitchell, Secretary

FINANCIAL INTEREST DISCLOSURE FORM GUIDELINES

City ordinance requires that all individuals with a material interest in a decision of the City Council must be disclosed. The following is for your assistance in completing the attached disclosure form:

1. For all of the below, corporate names/LLC's/limited partnerships are not acceptable in and of themselves, all individuals with an interest of \$2000 or more must be disclosed in these cases.
2. Individuals with a material interest include all property owners.
3. Individuals with a material interest include any developer.
4. Individuals with a material interest include any architect, engineer, or other design professional.
5. Individuals with a material interest include the applicant's attorney or other representative.
6. Individuals with a material interest include any real estate agent who is party to the transaction.
7. Individuals with a material interest include any contractor constructing the project for which the contract has been arranged by the time of the hearing.

The above is for guidance only and not an inclusive list of all individuals at interest. You have a responsibility to determine and list all individuals in accordance with the Tests of Materiality as set forth on the attached.



FINANCIAL INTEREST DISCLOSURE FORM

All persons included within the meaning of either of the following tests have a material financial interest in an agreement, or application for development rights, submitted for approval or disapproval by the City Council, and shall be identified by the applicant, by name.

Tests of Materiality:

1. Whether it is foreseeable to a reasonable person that the value of their interest in property available for use by an applicant, or their interest in the applicant itself, may increase or decrease by an amount greater than \$2,000.00 as a direct or indirect result of Council action on the applicant's agreement or application for development rights.

2. Whether it is foreseeable to a reasonable person that the person's gross income from the applicant may increase or decrease by a sum greater than \$2,000.00 as a direct or indirect result of Council action on the agreement or application for development rights.

It is the legal obligation of all applicants for approval of an agreement or of an application for development rights to verify in writing, under penalty of perjury, that the identity of each person having a material financial interest in the agreement or application or development rights is true, correct and complete. The applicant understands that this information is provided under penalty of perjury, and that intentionally supplying misinformation or deception may result in either invalidation of the agreement or application, or criminal prosecution for misdemeanor violation of the Modesto Municipal Code, or both. Negligent provision of misinformation shall be grounds for invalidation. In accordance with the Modesto Municipal Code, each applicant has a continuing obligation to maintain the truth, accuracy and completeness of the financial interest disclosure information provided below until after final consideration by the City Council of any matter arising out of or relating to the agreement or application.

PROJECT: Miller Apartments


APPLICANT SIGNATURE

APPLICANT NAME (type or print)

In accordance with the requirements of Title II of the Americans with Disabilities Act ("ADA") of 1990, the Fair Employment & Housing Act ("FEHA"), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto ("City") will not discriminate against individuals on the basis of disability in the City's services, programs, or activities. For more information, please visit the City of Modesto website: <https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA>

NAMES

Property Owner(s) – (Please list name of company and names of individual names of said company)

Miller Apartments Ventures Contact: Sandeep Minhas

7870 Galway Court Dublin CA 94568 Phone: (408) 205-6231

Email: sminhas@gmail.com

Developer(s) – (Please list name of company and names of individual owner(s) of company)

Same as above

Architect(s), Engineer(s) or Other Design Professional(s) – (Please list name of company and names of individual owner(s) of company)

Wilkins Studio Architects Contact: Karen Wilkins, AIA

785 Quintana Rd #180 Morro Bay CA 93442 (415) 273-9054

Email: karen@wilkinsway.com

Attorney(s) or Representative(s) – (Please list name of company and names of individual owner(s) of company)

NA

Real Estate Agent(s) – (Please list name of company and names of individual owner(s) of company)

NA

Contractor(s)

NA

Other – (Investors, Trustees, etc.)

NA
