

**BOARD OF ZONING ADJUSTMENT  
RESOLUTION NO. 2024-04**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT  
TO APPROVE A PUBLIC BUILDING, TO ALLOW THE  
RECONSTRUCTION OF THE DRYDEN GOLF COURSE  
CLUBHOUSE, ON PROPERTY LOCATED AT 920 SUNSET  
AVENUE. (CITY OF MODESTO)**

WHEREAS, an application for a Conditional Use Permit for a public building located 920 Sunset Avenue was filed by the City of Modesto on July 25, 2024; and

WHEREAS, Section 10-9.102 of the Municipal Code authorizes 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, 2024, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Board of Zoning Adjustment certifies it has received and reviewed the Notice of Exemption for the project, which states the project may be found categorically exempt under CEQA Guidelines Section 15302 (Replacement or Reconstruction) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity, and staff has prepared a Notice of Exemption, EA/C&ED 2024-020.

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 public buildings

are a land use that is allowed in the R-1 (Low Density Residential) zone with approval of 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 use is allowed in the R-1 (Low Density Residential) zone with the approval of a Conditional Use Permit and shall be for the benefit of the community by accommodating golfing and non-golf related social gatherings such as weddings, parties, and private events.
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 public building will be reconstructed in compliance with current building and zoning codes and regulations.
4. The proposed conditions of approval will ensure compatibility with the surrounding uses because this is the replacement of a public building that was demolished due to damage and is meant to serve the existing golf course.
5. The proposed project is categorically exempt under CEQA Guidelines Section 15302 (Replacement or Reconstruction) as the project would be replacing the demolished Dryden Golf Course Clubhouse.

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment that a conditional use permit for 920 Sunset Avenue be granted subject to the following conditions:

1. All development shall conform to the plot plans and elevation plans titled "City of Modesto Dryden Clubhouse" as amended in red, stamped approved by the Board of Zoning Adjustment on September 26, 2024.
2. All landscaping, fences, and walls shall be maintained, and the premises shall be kept free of weeds, trash, and other debris.
3. All signs shall comply with the sign requirements of the Residential Zones.
4. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the City Engineer to alleviate a health, safety, or traffic problem in the area.

5. Street improvements consistent with City Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Engineering Services Director/City Engineer to alleviate a health, safety, or traffic problem in the area.
6. Prior to the issuance of a building permit, the developer shall submit a Stormwater Quality Control Measures plan (SWQCMP) to provide on-site treatment of stormwater, as approved by the City Engineer. Storm drain improvements shall be constructed in accordance with the approved plans.
7. Prior to issuance of a building permit, the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
8. 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 Utility Companies and the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
9. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Engineering Services Director/City Engineer. Improvements shall be constructed in accordance with the approved plans.
10. The developer shall build development in compliance with all local, county, and state rules and regulations.
11. 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.

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, 2024, 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 Board of Zoning Adjustment held on the 26th day of September 2024, by Board Member Vohra, who moved its adoption, which motion being duly seconded by Board Member Shanks and was upon roll call carried and the resolution adopted by the following vote:

- Ayes: Blom, Desai, Goriel, Niskanen, Riddle, Shanks, Vohra
- Noes: None
- Absent: None
- Recused: None

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

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Tristan Osborn, AICP, Secretary