

BOARD OF ZONING ADJUSTMENT
RESOLUTION NO. 2022-02

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN 8,931 SQ. FT. EXPANSION OF THE ABUNDANT LIFE CHRISTIAN CENTER LOCATED AT 3121 SNYDER AVENUE.

WHEREAS, on May 24, 1984 by Resolution No. 1168 the Board of Zoning Adjustment granted a Conditional Use Permit to allow for a church/place of worship on a property zoned for Low-Density Residential (R-1) uses located at 3121 Snyder Avenue; and

WHEREAS, an application for a Conditional Use Permit for a church expansion to include multi-use room, classrooms, offices and expanded worship center located at 3121 Snyder Avenue, was filed by Abundant Life Christian Center on December 14, 2021; 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 via teleconference by the Board of Zoning Adjustment on February 24, 2022, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the project is Categorically Exempt from CEQA under Section 15301 (e)(2) of the CEQA Guidelines, which exempts additions to existing structures provided that the addition will not exceed 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the areas in which the project is located is not environmentally sensitive.

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 the Code allows for places of worship within the Low-Density Residential (R-1) Zone upon attaining a Conditional Use Permit from the Board.
2. The proposed conditional use and the conditions under which it will operate is consistent with the General Plan because project site is located within the Residential (R) Land Use Designation which allows for churches and places of worship.
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 all construction must as a condition of approval will be required to meet all applicable zoning and building codes for the City of Modesto.

4. The proposed conditions of approval will ensure compatibility with the surrounding uses because the church expansion is located within the existing building and adjacent grounds of the church, and will operate at similar hours as the church. Additionally, the project expansion maintains single-story construction adjacent to existing single-story uses.
5. The project is Categorically Exempt from CEQA under Section 15301 (e)(2) of the CEQA Guidelines, which exempts additions to existing structures provided that the addition will not exceed 10,000 square feet if the project is in an area where all public facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive.

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment that a conditional use permit for 3121 Snyder Avenue be granted subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the development plan and building elevations titled "Abundant Life Christian Center", stamped approved by the Community and Economic Development Director, on February 24, 2022.
2. Prior to issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development.
3. A complete review by the Building Safety Division shall be required once the Conditional Use Permit is attained, with complete detailed building plans submitted to the Building Safety Division for a building permit.
4. Roof-mounted equipment, including but not limited to air conditioners, fans, vents, antennas, and dishes should be set back from the roof edge and placed behind a parapet wall or in an enclosure, so they are not visible to motorists or pedestrians. Screening for equipment should be integrated into the building and roof design by the use of compatible materials, colors and forms. Wood lattice and fence-like coverings are not allowed for screening.
5. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.
6. All signs shall comply with the R-1 Zone. Prior to issuance of a sign permit, individual sign plans for the project shall be submitted to the Planning Division for separate review and approval prior to installation.
7. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

8. Prior to occupancy of any structure, striping of parking stalls, aisles and driveways shall conform to the provisions of MMC Section 10-5.105, Parking Lot Design Standards.
9. Any public improvements that are missing, damaged or not to current City standards shall be designed and constructed per City standards in accordance with City Code (Article 7-1.701). Such improvements may include, but not be limited to curb & 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.
10. There are existing service connections to this parcel from the 8-inch main in Honey Creek Road. If new connections or an upgrade to the existing ones are requested, then applicable water connection fees shall be paid and an encroachment permit issued from the City prior to any work being done in the public right of way. There is adequate water supply and pressure to serve the existing and proposed building expansion
11. The proposed project is located in an area without City storm drain mains, therefore any storm water generated from this development shall be managed and stored on-site according to the City's Standard Specifications and current low impact development standards.
12. The proposed project includes significant redevelopment (greater than 5,000 square feet on a previously developed site), and is therefore considered a Priority Project.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. Applicant shall submit Landscape and Irrigation (L & I) plans for review and approval by the City's Parks Planning and Development Division. L&I plans shall meet current State of California water use ordinance requirements, Modesto Municipal Code (MMC) requirements and City of Modesto standards at time of submittal.
19. Applicant shall protect in place, or replace, all existing street trees along Honey Creek Road, Vintage Cove and Snyder Avenue.
20. Applicant shall install street trees every thirty-five feet (35') on center along Honey Creek Road, Vintage Cove and Snyder Avenue, and within seven feet (7') of sidewalks.
21. Applicant shall install parking lot shade trees per MMC requirements; one (1) shade tree for every eight (8) parking spaces, continuous and intermitted stall locations, within seven feet (7') of stalls.
22. Applicant shall install the required three foot (3') high screening for vehicle headlights in the parking areas facing Honey Creek Road, Vintage Cove and Snyder Avenue.
23. Applicant shall install climbing vines on all walls, in a landscape planter, around the trash enclosure to discourage tagging.
24. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect/treat storm water run-off 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.
25. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Code.
26. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
27. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
28. 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.

29. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.
30. 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.
31. Project approval shall become null and void five (5) years following the effective date of approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion.

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 February 24, 2022, 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 February 24, 2022, by Board Member Niskanen who moved its adoption, which motion was seconded by Board Member Blom and carried by the following vote:

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

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

Original, signed copy on file in CEDD

Steve Mitchell, Secretary