

PLANNING COMMISSION
RESOLUTION NO. 2023-10

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO P-D (487) TO ALLOW ONE- OR TWO- STORY RESIDENTIAL DWELLING UNITS, PROPERTY LOCATED 813 CHICAGO AVENUE (NOE GONZALEZ)

WHEREAS, Planned Development Zone, P-D (487), was approved by the City Council by Ordinance No. 2795-C.S., which became effective on November 26, 1991, to allow senior housing on property located 813 Chicago Avenue; and

WHEREAS, a verified application for an amendment to P-D (487) was filed by Noe Gonzalez on July 25, 2022, to amend the Planned Development Zone to allow one- or two-story residential dwelling units; and

WHEREAS, a public hearing was held by the Planning Commission on April 3, 2023, in the 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 2021-01, 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 requested amendment will not be detrimental to the public health, safety or welfare because the project will continue the pattern of residential development in the area and will conform to City standards.
2. The requested amendment will result in an orderly planned use of land because the project is infill residential development compatible with adjacent residential uses.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the proposed amendment to Planned Development Zone, P-D (487), is within the General Plan land use designation of Residential (R) which allows for residential uses.
4. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
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 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 it recommends to the Council as follows: That P-D (487) be amended to allow one- or two-story residential dwelling units.

IT IS FURTHER RECOMMENDED that a revised development plan for P-D (487) be approved subject to the following conditions:

1. All development shall conform to the plot plan and building elevations titled "Bella Vista Village" as amended in red, stamped approved by the Planning Commission on April 3, 2023.
2. Prior to issuance of a site improvement or building permit, any variation from the approved site plan on file with the City must be reviewed and approved by the Director of Community and Economic Development.
3. 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.
4. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required. A 10-foot PUE is required along the Jeelu Way frontages.
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 & 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 or Building permit.
1. Prior to issuance of building permits, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the City Engineer or designee.

The improvement plans shall include but not be limited to the following:

- a. Dedication of Jeelu Way to full width with parking on both sides of the street from the east boundary of the tentative subdivision map to the west boundary of the tentative subdivision map.
- b. The existing 8-in Jeelu Way water main shall be extended west to serve the proposed four new dwellings per city Standards.
- c. A fire flow test shall be conducted by Modesto Fire Dept to confirm the City's Utilities Dept information that there is adequate capacity to serve this proposed development's fire flow demands.
- d. Separate water services are required to serve the proposed creation of parcels #5 ,6, & 7 per City Standards.
- e. The City's existing 6-in sewer system main at the west end of Jeelu Way is too shallow to extend west per current City information. The applicant shall submit sufficient information indicating how the proposed parcels on extension of Jeelu Way will be provided sewer services per City Standards.
- f. Separate sewer services are required to serve the proposed creation of parcels #5 ,6, & 7 per City Standards.
- g. The proposed project for the extension of Jeelu Way shall submit plans and specifications to show how this new development will manage stormwater runoff for on-site and off-site (ROW) per City Standards and City's Revised Guidance Manual for Development Stormwater Quality Control Measures, as required.
- h. 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.
- i. Applicant shall install one (1) street tree for every lot along Chicago Avenue and Jeelu Way.

Water:

2. There are existing service connections to this parcel from the 16-inch water main in Chicago Avenue. 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.

Sewer:

3. There is an existing sewer service connection to the subject parcel from the 8-inch sewer main in Chicago Avenue. If a new or an upgrade to any sewer service connection is requested, then an applicable sewer 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.

Electrical:

4. The attached drawing shows the approximate location of the District's existing electrical facilities within or adjacent to the project area.
5. High voltage is present within and adjacent to the project area. This includes 12,000 volts overhead primary, 6,900 volts underground primary, and overhead and underground secondary facilities. Use extreme caution when operating heavy equipment, using a crane, ladders, scaffolding, handheld tools, or any other type of equipment near the existing MID electric lines and cables. Assume all overhead and underground electric facilities are energized.
6. Existing MID easements for protection of overhead and underground electrical facilities are to remain. Overhead secondary cable is protected by a minimum 20' wide easement centered on the overhead cable. Overhead primary cable is protected by a minimum 30' wide easement centered on the overhead cable. Underground secondary cable is protected by a minimum 5 foot. wide easement centered on the underground cable. Underground primary cable is protected by a minimum 10 foot. wide easement centered on the underground cable.
7. The Electric Engineering Department requires that any trenching or pipe pushing maintain a 1:1 horizontal distance from any existing MID pole or pole anchor. If trenching or pipe pushing will encroach on this depth/distance ratio, the Contractor shall contact the Electric Engineering Design Department to brace any affected poles. The cost of any required pole bracing or guy anchor re-tensioning will be assumed by the Contractor. Estimates for bracing any existing poles will be supplied upon request.
8. The contractor shall verify actual depth and location of all underground utilities prior to start of construction. Notify "Underground Service Alert" (USA) (Toll Free 800-227-2600) before trenching, grading, excavating, drilling, pipe pushing, tree planting, post-hole digging, etc. USA will notify all utilities to mark the location of their underground facilities.

Storm Drain:

9. 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.

Storm water:

10. The proposed project includes significant redevelopment (greater than 5,000 square feet on a previously developed site), and is therefore considered a Priority Project.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

Irrigation:

16. The Briggs Pipeline must be replaced within the footprint of the proposed project, as shown on the tentative subdivision map with notation to "remove and replace 70-LF 36-inch irrigation", with a reinforced concrete pipeline that meets HS20-44 pipeline strength loading requirements as approved by MID.
17. The existing control box located at the northwest property line of APN: 030-019-027 must be replaced per MID standard detail C 10.
18. A pressure manhole must be installed per MID standard detail C 20 and located at the southwest property line of APN: 030-019-027.
19. There may be an existing control box that ties MID's Briggs Pipeline to the privately-owned pipeline. The existing control box must be replaced with the replacement of the Briggs Pipeline.
20. All privately-owned facilities that will have its alignment changed or relocated must be protected by an irrigation easement dedicated by separate instrument to the downstream landowners that are served by the existing private infrastructure and must be shown on the subdivision map.

21. Should the proposed project impact or otherwise alter existing infrastructure, the pipeline must be upgraded, replaced and/or relocated as required by MID. All costs associated with design, approval and analysis of relocation shall be at the Developer's expense.
22. Any MID-owned facility that will have its alignment changed or relocated must be protected by an irrigation easement dedicated by separate instrument to MID and must be shown on the subdivision map. Additionally, access easements may be required to allow MID the ability to access, operate, and maintain its irrigation facilities. The easements shall be required as follows:
 - Pipeline – 30 ft centered on pipeline
 - Pipelines adjacent to roadways – 20 ft
 - Pipelines adjacent to PUE – 15 ft
23. Draft improvement plans must be submitted to MID's Civil Engineering Department for review and approval prior to the start of any construction. The size, depth, and location of the existing irrigation facilities that lie within the project area must be located and verified in the field and shown on the proposed plans. MID Water Operations staff recommends a pre-consultation meeting to discuss MID irrigation requirements. All work that may impact irrigation facilities must be completed during the non-irrigation season (typically November 1st to March 1st).

General Conditions

24. 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.
25. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
26. 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.
27. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.
28. 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 following conditions are mitigation measures from the Modesto Urban Area General Plan Master EIR that are applicable to the project:

Air Quality:

1. AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)
2. AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)
3. AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)
4. AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)
5. AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)
6. AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)
7. AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)
8. AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)

9. AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)
10. AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)
11. AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)
12. AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)
13. AQ-117. Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)

Noise:

14. Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:
 - a. Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
 - b. Require impact tools to be equipped with shrouds or shields;
 - c. Require that the quietest equipment available be used; and,
 - d. Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on April 3, 2023, by Commissioner Vohra, who moved its adoption, which motion was seconded by Commissioner Vazquez and carried by the following vote:

Ayes:	Shanks, Silva, Vazquez, Vohra
Noes:	None
Absent:	Birring
Recused:	None

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

Original, signed copy on file in CEDD
Jessica Hill, Secretary