

**PLANNING COMMISSION
RESOLUTION NO. 2024-13**

A RESOLUTION APPROVING AMENDMENTS TO THE FINAL DEVELOPMENT PLAN FOR THE CROSSINGS IN PRECISE PLAN NO. 35 SOUTH IN THE VILLAGE ONE SPECIFIC PLAN, FOR 527 SINGLE-FAMILY RESIDENTIAL LOTS, FIVE LANDSCAPE LOTS AND ONE PARK LOT ON PROPERTY LOCATED EAST OF CLAUS ROAD AND NORTH OF EAST BRIGGSMORE AVENUE (D.R. HORTON BAY, INC.)

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A, adopted the Village One Specific Plan; and

WHEREAS, the Village One Specific Plan is comprised of 35 Precise Plan areas subject to review and approval by the Planning Commission, each Precise Plan designed to ensure that the circulation, infrastructure, land use, density, project design and other specific plan provisions are provided as required by Section IV.D.2 of the Village One Specific Plan; and

WHEREAS, Section IV.D.2 of the Village One Specific Plan requires the Commission's review and approval of a Final Development Plan for new residential development within the Specific Plan to ensure that the development policies of Chapter II of the Specific Plan are implemented for projects involving residential uses with a tentative map, which may be approved by the Commission after or concurrently with the approval of a tentative map and/or Precise Plan; and

WHEREAS, on January 23, 2024, the City Council of the City of Modesto approved a Final Development Plan for The Crossings in the Village One Specific Plan, for 527 single-family residential lots, five landscape lots, and one park lot on property located east of Claus Road and north of East Briggsmore Avenue; and

WHEREAS, an application for an amendment to The Crossings Final Development Plan was filed by D.R. Horton Bay, Inc. on June 13, 2024, in accordance with Section IV.D.2 of the Village One Specific Plan; and

WHEREAS, an evaluation, EA/C&ED No. 2024-018 has been performed by staff in accordance with the requirements of Section 15162 of the CEQA Guidelines; and

WHEREAS, the evaluation under Section 15162 of the CEQA Guidelines concluded that no further documentation with regard to CEQA is required for this project; and

WHEREAS, due to the conclusions reached by the Section 15162 analysis, staff has determined that the project is exempt from CEQA pursuant to Section 15182 of the CEQA Guidelines, which exempts residential projects implementing Specific Plans that are undertaken pursuant to and in conformity to the associated Specific Plan, and has prepared a Notice of Exemption, EA/C&ED 2024-019; and

WHEREAS, a public hearing was held by the Planning Commission on September 16, 2024, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

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

1. On the basis of evaluation EA/C&ED 2024-018, performed in accordance with the requirements of Section 15162 of the CEQA Guidelines, Subsequent EIRs and Negative Declarations, the Planning Commission has determined that no further documentation with regard to CEQA is required for this project.
2. The Planning Commission has further determined that this project is exempt from CEQA pursuant to Section 15182 of the CEQA Guidelines, Projects Pursuant to a Specific Plan, part c, subpart 1, which exempts residential projects implementing Specific Plans that are undertaken pursuant to and in conformity to the associated Specific Plan, and hereby adopts Notice of Exemption, EA/C&ED 2024-019.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby approves amendments to the Final Development Plan for The Crossings in Precise Plan No. 35 South in the Village One Specific Plan, for 527 Single-Family Residential Lots, Five Landscape Lots and One Park Lot on Property located east of Claus Road and north of East Briggsmore Avenue (D.R. Horton Bay, Inc.) as described in **Exhibit "A,"** attached hereto and incorporated herein by reference, subject to the following conditions:

1. All development shall be consistent with the Final Development Plan titled "Final Development Plan, The Crossings" adopted by City Council on January 23, 2024, attached hereto at **Exhibit "B,"** and incorporated by reference, except as amended herein.
2. Except as amended herein, or by reference, all development including street and infrastructure improvements, and mitigation measures from the Initial Study/Mitigated Negative Declaration (EA/C&ED No. 2023-26), shall be in accordance with the Village One Specific Plan (as amended) Precise Plan No. 35 South, and the Vesting Tentative Subdivision Map of The Crossings (TSM-22-002), as set forth in resolutions and ordinance approved by the City Council on January 23, 2024.
3. Siting of residences shall be in accordance to the Development Standards for Residential uses as specified in Chapter II of the Specific Plan (as amended) and Precise Plan Area No. 35 South as adopted by the City Council.
4. Upon development of the residential lots, developer shall provide specific site plans and elevations consistent with the Design Guidelines and Standards of the Village One Specific Plan (as amended) and Precise Plan Area No. 35 South as adopted by the City Council, to the satisfaction of the Director of Community and Economic Development or designee, prior to the issuance of a building permit.
5. Prior to issuance of a building permit for lots that back up to Claus Road, plot plans for said lots shall demonstrate that all rear yard setbacks be at least fifteen (15) feet, in accordance with the setback standards outlined in Section 10-4.108(a) of the City's Zoning Code.
6. Prior to issuance of a building permit for any lot, site plan shall demonstrate that driveways are at minimum 18-feet in depth from the front property line and 20-feet in depth to the back of sidewalk.
7. Prior to issuance of a building permit for any lot within 200-feet of the center of the near mainline of the adjacent BNSF Railroad along the easternmost boundaries of the subdivision, and any lot that backs up to Claus Road, building

plans shall demonstrate the provision of acoustical treatments to reduce exterior noise impacts to an interior decibel level of 45Ldn or less, to the satisfaction of the Chief Building Official and the Director of Community and Economic Development.

In addition, for those lots within 200-feet of the center of the near mainline of the adjacent BNSF Railroad along the easternmost boundaries of the subdivision, building plans shall demonstrate structural improvements to mitigate vibration levels generated by passing train traffic, to the satisfaction of the Chief Building Official and the Director of Community and Economic Development.

8. Prior to Certificate of Occupancy of any structure adjacent to required fences and walls, such fences and walls shall be installed in accordance to the Wall Plan of Precise Plan Area No. 35 South as adopted by the City Council, and the Village One Specific Plan, Section II.G.13, Residential—Community Design Policies, including but not limited to the following standards:
 - a. A minimum seven (7) foot high decorative concrete masonry sound wall with cap treatment along the Claus Road frontage at the rear of Lots 148 and 316-330 (excepting entry Lots A and B at Merle Avenue), and along the East Briggsmore Avenue frontage at the rear of Lots 1-12. Said wall should be designed with two-foot offsets at every other property line.
 - b. A minimum nine (9) foot high concrete masonry unit (CMU) or pre-cast concrete masonry sound wall along the BNSF rail alignment at the rear of lots 204-231 and 285-305. Such CMU or pre-cast concrete masonry wall may step down to seven (7) feet in height beyond the 200-foot distance from the center of the mainline of the railroad.
 - c. Walls and fences along the collector streets shall be provided as required by Section II.G.13.a.8 of the Specific Plan.

LAND DEVELOPMENT ENGINEERING

9. 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 Claus Road to a four-lane Principal Arterial Street per the Circulation Plan of Precise Plan No. 35 South, with installation of roadway and frontage improvements as demonstrated on the Wall Plan of the Precise Plan, consisting of a separated sidewalk between landscaped areas along the entirety of the tentative map frontage of Claus Road. Dedication and design of improvements shall be to the satisfaction of the City Engineer or designee.
 - b. Dedication and installation of a two-lane roundabout at the intersection of Claus Road and Merle Avenue. Final design shall consider if two-lane bypass roundabout design and right in/right out access is appropriate. Said roundabout shall be designed by a registered engineer with specialization in roundabout geometry and be designed to the satisfaction of the City Engineer or designee.

Dedication and installation of the two-lane roundabout at the intersection of Claus Road and Merle Avenue shall include an enhanced high-

visibility crosswalk and a pedestrian high-intensity activated crosswalk beacon (HAWK) signal system for the Class 1 Bike Path crossing.

Dedication and installation of the roundabout may require the reconfiguration or removal of the following Lots: Entry Lots A and B, and Lots 149, 148, 157, 316 and 317. Said reconfiguration shall be reflected in the improvement plans and Final Map.

- c. Dedication and installation of a two-lane roundabout at the intersection of East Briggsmore Avenue and Held Drive. Said roundabout shall be designed by a registered engineer with specialization in roundabout geometry and be designed to the satisfaction of the City Engineer or designee.
- d. Dedication and installation of Tivoli Specific Plan standard roundabouts at the intersections of Held Drive/Street M and East Merle Avenue/Street F. Said roundabouts shall be designed by a registered engineer with specialization in roundabout geometry and be designed to the satisfaction of the City Engineer or designee.

Dedication and installation of the roundabouts may require the reconfiguration or removal of the following Lots: 77, 78, 93, 94, 102, 103, 175, 176, 254, 255, 304 and 305. Said reconfiguration shall be reflected in the improvement plans and Final Map.

- e. Interior 60-foot and 69-foot street cross-sections, including but not limited to roadways, curb, gutter, sidewalks, landscape, Class 1 Bike Lanes, bike path crossings and Americans with Disabilities Act (ADA) curb ramps, shall be designed to the satisfaction of the City Engineer or designee.
 - f. Roundabout truck aprons shall be constructed with roll-over curbs to facilitate bus travel.
10. For adequate water system distribution capacity, the project must either:
- a. Tie into the 16-inch Claus Road transmission line, and loop into the 12-inch main off of Held Drive; or
 - b. Extend and loop the 12-inch main located at Merle Avenue to 12-inch main on Held Drive.
 - c. Further comments regarding water utility needs will be provided at the improvement plan stage, and the developer shall work with City Staff on requirements for water system connectivity, looping, and offsite CIPs.
11. Per the City's Wastewater Master Plan and the Village One Facilities Master Plan, it is recommended that the development area tie into the 18-inch main located off of Merle Avenue. This service main is sized to have adequate capacity for development of this scale. Further comments will be provided at the improvement plan stage regarding the viability of using the existing eight-inch main on Held Drive for some additional flow demand. The developer shall work with City staff on sewer alignment and connectivity issues for this development.
12. All storm drainage must be retained within the development area per City Standards for conveyance, storage and water quality. This project may not

discharge any stored storm water without the approval of the City Engineer. Such approval will only be granted if additional interconnectivity and other improvements are constructed in the future.

13. Prior to recordation of a Final Map, calculations must be submitted confirming proposed park/basin, and any other proposed storm drainage management measures, which may or may not be shown, are adequately sized for the 6-day, 100-year Storm (R=5.6") per the 2014 Modesto City Standards, and the 2011 Revised Guidance Manual for Development of Stormwater Quality Measures.
14. Improvement plans shall clearly indicate that adequate space is being designated for storm drainage requirements to the satisfaction of Parks Planning and Development and the City Engineer or designee. Further comments will be provided at the improvement plan stage in regard to meeting required City Standards.
15. Improvement plans shall demonstrate placement of fire hydrants no more than 500-feet apart as measured along the curb.
16. 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 permit.
17. Signage shall be consistent with the "Design Development Planting Update" document, as shown in Attachment "A." The Rail Columns shown in said document are not considered as part of the signage square footage.

PARKS PLANNING

18. All development shall be consistent with the Landscape and Irrigation (L&I) plans, as shown in Attachment "A." All development and 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 install street trees every thirty-five (35) to forty (40) feet on center along sidewalks and within seven (7) feet of sidewalks.
20. Applicant shall install one (1) street tree per residential lot unless on a corner lot which requires street trees every thirty-five (35) to forty (40) feet on center of the parcel's length.
21. Applicant shall install climbing vines on all masonry walls, in a landscape planter, around the trash enclosures and engineered walls visible to streets.
22. All signage shall have appropriate landscaping for Clear Vision Triangles at entrances. Within the triangle, the area between three (3) and eight (8) feet in height measured from top of curb adjacent to landscape shall be clear.
23. 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. Applicant shall provide total square feet of the landscape area in project information.

24. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Standards Code at all landscape lots with park amenities and park site.
25. All landscape and improvement plans shall be reviewed and accepted by Parks Planning and Development or designee prior to recordation of a Final Map. All Landscape Lot and Park Design Plans shall demonstrate but not be limited to the following:
 - a. Provision of underground storm water tank systems on all Landscape Lots.
 - b. Selection of trees with root systems that will not affect underground storm tank systems.
 - c. Lower Tier Park Land shall hold nuisance water.
 - d. Provision of design feature to dissipate storm and/or nuisance water fallout.
 - e. Planters along the Claus Road frontage shall be at minimum seven (7) feet in width. Planters along internal streets of the project shall be at a minimum width to accommodate landscaping including trees, to the satisfaction of the Parks Planning and Development Manager and the Director of Community and Economic Development or designee.

INFRASTRUCTURE FINANCE

26. Prior to development up to and including issuance of a Final Map for The Crossings, the developer shall take all actions to secure and establish a mechanism for the funding of the installation of some or all of the site's facilities, either through:
 - a. The creation of a new Mello-Roos Community Facilities District (CFD) for the Village One Triangle, and ongoing maintenance of these items and/or facilities. The developer and City will work toward a comprehensive list of facilities and improvements, and ongoing maintenance will be determined during the CFD formation process and listed in the CFD's Public Report; OR
 - b. Direct Funding by depositing an amount with the City an amount necessary, as reasonably determined by the City and approved by the City Council to fund in perpetuity the full on-going cost of these obligations.

UTILITY COMPANIES

27. The Pacific Gas and Electric Company (PG&E) operates an 8.625-inch high-pressure gas transmission main within the boundaries of Claus Road that will be impacted by the proposed Claus Road extended right-of-way. Prior to the issuance of a grading or building permit, whichever occurs first, developer shall submit a full grading plan for review and approval by PG&E.
28. A PG&E Gas Transmission Standby Inspector shall be present during any demolition or construction activity that comes within ten (10) feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light

poles, etc. This inspection shall be coordinated through the Underground Service Alert (USA) service at 811.

29. The Modesto Irrigation District (MID) Ralston Drain (Ralston Drain ID – ID No. 3D) that lies within the project site must be replaced with rubber-gasketed reinforced concrete pipe (RGRCP), unless all parcels within the project site submit a Sign-Off of Drainage Facilities form to MID’s Civil Engineering Department.
30. All privately-owned irrigation facilities that will have alignment changed or relocated must be protected by an irrigation easement dedicated by separate instrument to the downstream landowner(s) that are served by the existing private infrastructure and must be shown on the subdivision map.
31. Ten-foot-wide public utility easements and six-foot-wide planting easements located within the ten-foot-wide public utility easements shall be dedicated along all street frontages as required by the City Engineer or designee.
32. 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.

GENERAL CONDITIONS

33. Improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the City Engineer or designee. All improvements shall be constructed in accordance with the approved plans.
34. Future home buyers and prospective residents of the Precise Plan Area No. 35 South shall be provided disclosure that they are subject to noise, dust, odor and other impacts from adjacent agricultural operations. Such notice shall be placed on the final deeds for the individual lots.
35. Future home buyers and prospective residents of the Precise Plan Area No. 35 South that are within 200-feet of the right-of-way of the Burlington Northern Santa Fe railroad shall be provided disclosure that they are subject to noise, vibration and other impacts from rail operations. Such notice shall be placed on the final deeds for the individual lots.
36. Future home buyers and prospective residents of the Precise Plan Area No. 35 South shall be provided disclosure that they are subject to noise, vibration and other impacts from aircraft operations of the East Side Mosquito Abatement District facility located on Santa Fe Avenue to the east of the project. Such notice shall be placed on the final deeds for the individual lots.
37. All fire hydrants and fire apparatus access roads meeting the requirement for “all weather” shall be installed prior to combustible construction materials being brought into the site.
38. The project shall be subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
39. Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the

performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

40. 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.
41. All landscaping, fences and walls shall be maintained and the premises shall be kept free of weeds, trash and other debris.
42. 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.
43. Prior to start of vertical building 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 and the Fire Department.
44. 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 of Approval are Mitigation Measures from the Mitigation Monitoring and Reporting Program (MMRP) of the Mitigated Negative Declaration, EA/C&ED No. 2023-26, that are applicable to the project:

Transportation and Circulation:

45. Claus Road at Merle Avenue: The project developers shall install a two-lane roundabout with an enhanced high-visibility crosswalk and a pedestrian HAWK signal for the class 1 bike path crossing. Final Design shall consider if two-lane bypass roundabout design and right in/right out access is appropriate. This roundabout shall be designed by an experienced engineer who specializes in roundabout geometry and to the satisfaction of the City Engineer.
46. East Briggsmore Avenue at Held Drive: The project developers shall construct a 2-lane roundabout with an enhanced high-visibility crosswalk. This roundabout shall be designed by an experienced engineer who specializes in roundabout geometry, to the satisfaction of the City Engineer.
47. East Merle Avenue at Street F: The project developers shall install a roundabout to the Tivoli Specific Plan roundabout standard, to the satisfaction of the City Engineer.

48. Held Drive at Street M: The project developers shall install a roundabout to the Tivoli Specific Plan roundabout standard and to the satisfaction of the City Engineer.
49. Claus Road between Sylvan Avenue and Briggsmore Avenue: Developer shall dedicate sufficient right-of-way along the project frontage to allow for four-lane Principal Arterial Street alignment. Developer shall install improvements along project frontage that shall include but not be limited to:
 - a. Median, curb, gutter and sidewalk along Claus Road frontage;
 - b. Landscape planter between concrete masonry wall and sidewalk per approved street cross-sections;
 - c. Landscape planter between sidewalk and northbound travel lanes per approved street cross-sections.
50. Interior 60-ft and 69-ft street cross-sections: The interior streets shall be designed to the satisfaction of the City Engineer. Current plans submitted only show renderings. Revisions to the proposed Class 1 bike path that runs throughout the neighborhood may be required, specifically design for intersection bike/pedestrian crossings.

Noise:

51. Sound Walls: Developer shall install CMU or pre-cast concrete masonry walls per the Wall Plan of the Precise Plan, as follows:
 - a. A nine-foot high sound wall along the BNSF rail alignment at the rear of Lots 204-231 and 285-305, and along the East Briggsmore Avenue frontage at the rear of Lots 1-12.
 - b. A seven-foot high sound wall along the Claus Road frontage at the rear of Lots 148 and 316-330 (excepting entry Lots A and B at Merle Avenue)
52. General Plan Master EIR Mitigation Measure Noise-7: Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (Policy VII-G.3.e)
 - a. All homes within 200-feet of the BNSF railway
 - b. All homes within 90 feet of Claus Road
 - c. All homes within 90 feet of East Briggsmore Avenue
53. GP MEIR Noise-14: For new residential development proposed in areas within 200 feet of the center of the near mainline of active rail lines where single-event noise from trains is of concern, demonstrate that the proposed development will incorporate measures to reduce maximum noise levels generated during train passbys to 50 dBA Lmax or less inside bedrooms and to 55 dBA Lmax or less inside other noise sensitive occupied areas. (Policy VII-G.3.1)

54. GP MEIR Noise-15: For new residential and vibration sensitive commercial development (including but not limited to lodging facilities, hospitals and similar uses) located within 200 feet of the center of the near mainline of active rail lines, demonstrate that the proposed development will incorporate measures to reduce vibration levels generated during train passby events to meet the FTA vibration criteria as shown in Master EIR Table V-3-6. (Policy VII-G.3.m)

Air Quality:

55. GP MEIR 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)
56. GP MEIR 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)
57. GP MEIR AQ-104. Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (Policy VII.H.2.nn)
58. GP MEIR 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)
59. GP MEIR 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)
60. GP MEIR 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)
61. GP MEIR 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)
62. GP MEIR 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)
63. GP MEIR AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)
64. GP MEIR AQ-112. Limit traffic speeds on unpaved roads to 15 mph. (Policy VII.H.2.vv)

65. GP MEIR 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)
66. GP MEIR AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)
67. GP MEIR AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)
68. GP MEIR 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)
5. GP MEIR AQ-117. Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)

Increased Demand for Storm Drainage/Flooding and Water Quality:

69. SD-10/FWQ-11. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)
70. SD-12/FWQ-13. Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (Policy VI.G.5)
71. SD-13/FWQ-14. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)
72. SD-15/FWQ-16. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Generation of Hazardous Materials:

73. HM-5. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant.
74. HM-8. Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental

site assessment and a Phase II site assessment, if found necessary as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County's Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (Policy VI.M.6)

Loss of Sensitive Wildlife and Plant Habitat:

75. SWPH-12: For proposed development consistent with the adopted Urban Area General Plan on lands within the Baseline Developed Area and Downtown, exclusive of lands within the Dry Creek and Tuolumne River Comprehensive Planning Districts, an assessment of whether any potential habitat for special-status species is present within proposed development areas shall be made. No further biological study is warranted unless habitat is present or if specific information concerning the known or potential presence of significant biological resources is identified in future updates of the California Natural Diversity Database, or through formal or informal input received from resource agencies or other qualified sources (Policy VII-E.2[a]).
76. SWPH-14. Additional measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include measures listed in Table V-7-1 in the General Plan MEIR.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on September 16, 2024, by Commissioner Russell, who moved its adoption, which motion was seconded by Silva, and carried by the following vote:

Ayes: Black, Grewal, Russell, Shanks, Silva
Noes: None
Absent: Birring, Vazquez
Recused: None

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

Original, signed copy on file in CEDD

Tristan Osborn, AICP, Secretary

