

PLANNING COMMISSION  
RESOLUTION NO. 2024-17

RESOLUTION APPROVING THE VESTING TENTATIVE SUBDIVISION MAP TO DIVIDE A 96.4-ACRE PROPERTY INTO FIVE HUNDRED FIFTY-FOUR (554) SINGLE-FAMILY RESIDENTIAL LOTS, AND TWENTY-ONE (21) LANDSCAPE LOTS AT THE NORTHWEST CORNER OF WEST WHITMORE AVENUE AND YUMA AVENUE WITHIN THE FAIRVIEW VILLAGE SPECIFIC PLAN FOR NORTHSTAR ENGINEERING GROUP, INC.

WHEREAS, on June 12, 2024, NorthStar Engineering Group, Inc. (Applicant) filed with the office of the Secretary of the Planning Commission an application for a Vesting Tentative Subdivision Map, proposing the division of a 96.4-acre property into five hundred fifty-four (554) single-family residential lots, and twenty-one (21) landscape lots at the northwest corner of West Whitmore Avenue and Yuma Avenue within the Fairview Village Specific Plan, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code; and

WHEREAS, the project site consists of two vacant parcels of approximately 96.4 acres that are currently designated for Single Family Residential (R-1) use and are located at the northwest corner of West Whitmore Avenue and Yuma Avenue within the Fairview Village Specific Plan; and

WHEREAS, the Fairview Village Specific Plan, comprised of approximately three hundred sixty-four (364) acres and bounded by the expanded Hatch and Carpenter Roads and by Whitmore Avenue, was adopted on December 12, 1995 to allow for approximately 2,250 homes, a village commercial center, a new elementary school, and central neighborhood park; and

WHEREAS, copies of the Vesting Tentative Subdivision Map have been sent to Modesto City Schools, Ceres Unified School District, Modesto Irrigation District, Turlock Irrigation District, Pacific Gas & Electric, AT&T, Comcast, the Land Development Engineering Division of the Engineering Department, and other City Departments and Divisions; and

WHEREAS, City services, including sewer and water facilities, are available; and

WHEREAS, an Administrative Specific Plan Amendment was completed on September 2, 2024, modifying the Fairview Village Specific Plan to allow interior lots to be a minimum of forty (40) feet in width, and corner lots to be a minimum of fifty (50) feet in width; and

WHEREAS, a Director's Determination, pursuant to Section 10-9.502 of the Modesto Municipal Code, was completed on September 2, 2024, granting an administrative exception for a deviation of the development standard provided in the Administrative Specific Plan Amendment noted above, to allow for curvilinear interior lots to be a minimum of thirty-six (36) feet in width, and corner lots to be a minimum of forty-five (45) feet in width; and

WHEREAS, an evaluation, EA/C&ED No. 2024-27 has been performed by staff in accordance with the requirements of Section 15162 of the CEQA Guidelines; and

WHEREAS, EA/C&ED No. 2024-27 concluded that no further documentation with regard to CEQA is required for this project; and

WHEREAS, due to the conclusion reached by the Section 15162 analysis, City staff has determined that the project is exempt from CEQA pursuant to Section 15182(c)(1) 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 2024-28; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Notice of Exemption, EA/C&ED 2024-28, which concluded that the project is exempt from CEQA pursuant to Section 15182(c)(1) of the CEQA Guidelines; and

WHEREAS, a public hearing was held by the Planning Commission on December 2, 2024, in Chambers, 1010 10<sup>th</sup> Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered.

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

1. The proposed Vesting Tentative Subdivision Map, together with the provisions for its design and improvements, is consistent with the General Plan of the City of Modesto, the Fairview Village Specific Plan, as amended, and the Subdivision Map Act of the State of California.
2. The proposed Vesting Tentative Subdivision Map will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or regulations within the City of Modesto Municipal Code.
3. The discharge of waste as a result of the proposed Vesting Tentative Subdivision Map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
4. The proposed Vesting Tentative Subdivision Map is exempt from CEQA, pursuant to Section 15182(c)(1) "Projects Pursuant to a Specific Plan" of the CEQA Guidelines which exempts residential projects implementing Specific Plans that are undertaken pursuant to and in conformity to the associated Specific Plan.
5. The proposed Vesting Tentative Subdivision Map complies with all applicable requirements of the Subdivision Map Act and of Title 4 of the Modesto Municipal Code regarding the subdivision of land.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Subdivision Map of 96.4 acres of property at the northwest corner of West Whitmore Avenue and Yuma Avenue within the Fairview Village Specific Plan, accepted for filing in the office of the Secretary of the Planning Commission on June 12, 2024, is

hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. At the time of development, any public improvements that are missing, damaged, or not to current City standards shall be designed and constructed per City standards in accordance with Modesto Municipal Code (Section 7-1.701). Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, Americans with Disabilities Act (ADA) access ramps, fire hydrants and streetlights. All public improvement plans shall be designed by a Registered Engineer and reviewed and approved by the City Engineer prior to issuance of an Encroachment permit. A certificate giving notice of this requirement shall be placed on the Final Map.
2. 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 City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
3. Prior to and after development, the lot shall be maintained in good condition and the premises shall be kept free of weeds, trash, and other debris.
4. Prior to the issuance of a Grading, Demolition, or Building Permit, Applicant 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.
5. Prior to Final Map recordation, all utility easements as required by the utility companies serving the subdivision, shall either be shown on the final map or if recorded by a separate instrument, a copy of said instrument shall be provided to the City Engineer.
6. Fire sprinklers and an adequate water supply will be required. Fire sprinkler plans will be a separate submittal made directly to the Fire Department after the issuance of building permits.
7. Applicant shall form or annex the development into an existing City of Modesto Community Facilities District (CFD) in compliance with the requirements of the Mello-Roos Community Facilities Act of 1982 (Gov. Code § 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Applicant shall be responsible for all costs associated with the CFD proceedings. Applicant shall deposit 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.
8. Capital Facilities Fees (CFF) will be due and payable at the time a building permit is issued for each unit.
9. 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.

10. Applicant shall install a separate water meter for public landscape areas.
11. Applicant shall install street trees every thirty-five to forty feet on center (35' - 40' o.c.) along all proposed streets; including St. Salazar Circle, Ironside Drive and Whitmore Avenue. Tree species shall be submitted to the City for approval prior to installation.
12. Applicant shall install one (1) street tree per residential lot unless on a corner lot which requires street trees every thirty-five to forty feet on center (35' - 40' o.c.) of the parcel's length. Tree species shall be submitted to the City for approval prior to installation.
13. Applicant shall install climbing vines on all masonry walls, in a landscape planter, visible to public view to discourage tagging.
14. Applicant shall ensure that all signage has 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.
15. 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 basin 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.
16. Applicant shall ensure that pedestrian access through "Lot A" is made available to Fairview Elementary School. Applicant shall submit a plan for vehicular circulation and pedestrian access and safety to the City Engineer and Director of Development Services for approval prior to the issuance of any building permit on the project site.
17. Applicant shall provide removable bollards outside of the planting easement and Public Utilities Easement to prevent cars from being parked or standing in the front yard of "Lot A."
18. Any fence in the ten (10) foot setback of "Lot A" shall not exceed forty-two (42) inches in height. Any fence set back ten (10) feet or more from the front property line of "Lot A" shall be a maximum of eight (8) feet in height. Any fence that is seven (7) feet high or higher will require a fence permit obtained from the Building Safety Division.
19. The rearmost portion of any structure on any lot shall be within 150 feet of the fire department apparatus access.

20. A ten (10) foot Public Utilities Easement shall be provided along Street L for Turlock Irrigation District (TID) utilities. Street L shall be redesigned to accommodate this easement and the final design of the street and easement shall be submitted to the City Engineer for approval prior to issuance of any building permit.
21. Applicant shall submit a plan to install a Class I bike trail along the TID canal that meets the approval of both TID and the City Engineer. Any approved plan shall be implemented by the Applicant.
22. Applicant shall ensure that a Concrete Masonry Unit (CMU) wall is installed on all parcels whose rear lot lines are adjoining to Fairview Elementary School along said rear lot lines.
23. Applicant shall install frontage improvements along Whitmore Avenue in accordance with the Fairview Village Specific Plan and approved by the City Engineer.
24. In accordance with the Fairview Village Specific Plan, a traffic circle is required at the intersection of Street L and St. Salazar Circle. The design shall be submitted to and subject to the approval of the City Engineer prior to Final Subdivision Map.
25. A traffic circle is also required at the intersection of St. Salazar Circle and the west project boundary adjacent to Lot 1. The design shall be submitted to and approved by the City Engineer prior to the first subdivision map but is not required to be constructed with this subdivision. This design will impact Lot 1 and likely Lot 2. A temporary turnaround/cul-de-sac is also required in this location until the ultimate roundabout is constructed by future development to the west; for this temporary construction, curb, gutter, and sidewalk installation is not required, and a temporary solution such as an AC dike shall be installed.
26. Prior to issuance of any Grading, Demolition, or Building Permit, a soils report shall be submitted to and subject to the approval of the City Engineer.
27. Prior to issuance of any building permit for the project, applicant shall apply for and receive a Water Service Verification from the City's Utilities Department.
28. Applicant shall provide calculations confirming current sewer drainage plan is feasible prior to the recordation of the Final Map.
29. The St. Salazar Park/Basin shall be built out by the Applicant to City Standards and subject to the approval of the City Engineer. Applicant shall provide calculations and measured infiltration rates confirming proposed basin expansion is sized adequately enough to capture increased runoff resulting from the hundred (100) year, 24-hour Storm, and can drain said volume in less than forty-eight (48) hours per the 2014 City Standards and 2011 Revised Guidance Manual for Stormwater Quality Control.
30. The property owner and Applicant 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 Applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

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 December 2, 2024, and that if a protest is not filed within this 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 Planning Commission held on December 2, 2024, by Commissioner Russell, who moved its adoption, which motion was seconded by Commissioner Birring, and carried by the following vote:

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

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

Original, signed copy on file in CEDD  
Tristan Osborn, AICP, Secretary