

PLANNING COMMISSION
RESOLUTION NO. 2025-02

RESOLUTION APPROVING THE VESTING TENTATIVE SUBDIVISION MAP TO DIVIDE A 35.3-ACRE PROPERTY INTO ONE HUNDRED EIGHT-NINE (189) SINGLE-FAMILY RESIDENTIAL LOTS, ONE (1) 12-ACRE LOT FOR A FUTURE APARTMENT PROJECT, AND ELEVEN (11) COMMON AREA AND LANDSCAPE LOTS AT THE NORTHWEST CORNER OF PELANDALE AVENUE AND AMERICAN AVENUE WITHIN THE KIERNAN BUSINESS PARK SPECIFIC PLAN FOR VALLEY DEVELOPMENT PARTNERS, LLC

WHEREAS, Valley Development Partners has filed an application for a Vesting Tentative Subdivision Map, The Bridges, to divide 35.3 acres located at the northwest corner of Pelandale Avenue and American Avenue into 189 small-lot single-family residential lots, one 12-acre "Lot A" for a future multi-family residential apartment project, and eleven landscape lots; and

WHEREAS, said Vesting Tentative Subdivision Map was received in the office of the Secretary of the Planning Commission on March 29, 2024, was revised on June 19, 2024 and was accepted for filing and deemed complete on August 9, 2024, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code; and

WHEREAS, copies of said Vesting Tentative Subdivision Map have been sent to the Stanislaus Union School District and Modesto High School District, Modesto Irrigation District, the local utility companies, and the City Engineering and Transportation Department; and

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

WHEREAS, the area can be served by elementary schools in the Stanislaus Union School District and by Fire Station No. 11 at 4225 Carver Road, 1.2 miles distant; and

WHEREAS, an Initial Study, EA/C&ED No. 2024-12 has been prepared by staff, as required by CEQA; and

WHEREAS, the Initial Study concluded found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

WHEREAS, a 20-day public review period for the proposed Initial Study/Negative Declaration began on January 3, 2025 and concluded on January 23, 2025; and

WHEREAS, the City received no public comments on the draft Initial Study/Negative Declaration and therefore no changes to the document were necessary as a result; and

WHEREAS, the Mitigation Monitoring and Reporting Program (MMRP) is included and described within the Initial Study/Negative Declaration; and

WHEREAS, a public hearing was held by the Planning Commission on January 27, 2025, in Chambers, 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. 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 Kiernan Business Park Specific Plan and the Subdivision Map Act of the State of California.
2. 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.
3. An Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-12, has been prepared by the City of Modesto that analyzed the proposed Vesting Tentative Subdivision Map, and the Planning Commission has determined that, on the basis of the whole record before it, found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Subdivision Map of The Bridges, accepted for filing in the office of the Secretary of the Planning Commission on August 9, 2024 is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. Prior to recordation of a Final Map, new street names for each new private street of the subdivision shall be proposed and approved by both the City and the County of Stanislaus.
2. The Vesting Tentative Subdivision Map and the Bridges Apartments (Project ID DPR-24-006) are moving forward at the same time. Therefore, the conditions of approval encompass both projects to ensure

the improvements are completed. The Developer may pursue an agreement to secure these mutual improvements with the City to further delineate the responsibilities between both projects.

3. Prior to recordation of a Final Map, full improvement plans for the Bangs Avenue improvements from American Avenue to Dale Road shall be submitted by the developer of the Bridges Apartments (Project ID DPR-24-006) and be approved by the City Engineer or designee.

The improvement plans for required improvements shall be prepared by a Registered Civil Engineer. Improvement plans shall include the legal descriptions necessary for the right-of-way acquisition required for the ultimate improvements. The improvement plans shall include landscaping and the Class 1 bike path and related improvements, in accordance with the Kiernan Business Park Specific Plan.

The Developer is only responsible for the installation of the following Bangs Avenue improvements which shall be detailed in the improvement plans:

- a. The developer shall construct or bond for a roundabout and canal crossing located at the future intersection of Bangs Avenue and Bruno Parkway prior to the recordation of the Final Map.
- b. The Developer shall make reasonable efforts to acquire required right of way adjacent to the northeast and northwest of the intersection of Bruno Parkway and Bangs Avenue required to construct the roundabout for its fair market value. For the purposes of this section, a good faith effort shall mean, at a minimum, that the Developer contacted the relevant property owners in writing via Certified Mail at least four times over a one-year period, and either met with the relevant property owners in person or via electronic means (such as Zoom), or attempted to schedule such a meeting at least four times.
- c. If such right-of-way is not acquired prior to recordation of the Final Map, Developer and City shall enter into an agreement related to the roundabout that requires Developer to construct the roundabout upon City providing Developer sufficient property interest to construct the Roundabout. Developer's financial contribution to such property interest shall not exceed the fair market value of the fee title of the land and a 100% contingency, as determined by an MAI appraisal prepared by an appraiser selected by the City; Developer shall be responsible for the costs of such appraisal.

The agreement shall also provide that a cash payment in the amount of the performance bond for construction of the roundabout shall be made to the City in full satisfaction of this condition of approval in the event the property interest to construct the roundabout is not provided by City to Developer

prior to the issuance of the 150th residential building permit for the project.

- d. The Improvement plans shall demonstrate the provision of a roundabout at the intersection of Bruno Parkway and Bangs Avenue with transition to the eastbound lane of Bangs Avenue, to the satisfaction of the City Engineer.
4. Improvement plans shall demonstrate the provision of a canal crossing over Modesto Irrigation District's Lateral Canal No. 6 at Bruno Parkway and Bangs Avenue, to the satisfaction of the City Engineer and the Modesto Irrigation District. Developer shall be responsible for the installation of said canal crossing prior to issuance of the first certificate of occupancy for The Bridges single-family development.
 - a. The above dedications and installation of improvements shall be in accordance with the development standards of the Kiernan Business Park Specific Plan and City Standard Specifications.
 5. Developer shall prepare a set of improvement plans, separate from the Bangs Avenue improvement plans, that shall include, but not be limited to the following:

American Avenue:

- a. The Developer shall construct full street improvements on American Avenue for the project frontage, including curb, gutter, landscaping, street lighting, and sidewalk. Frontage improvements shall be completed to the satisfaction of the City Engineer prior to issuance of a certificate of occupancy for the first building permit issuance. Model home permit and usage are not subject to this requirement.

Bruno Parkway

- b. Prior to or concurrent with recordation of a Final Map, Developer shall dedicate and construct part-width street section improvements from Bangs Avenue to the primary entrance of the project in accordance with City Standards and to the satisfaction of the City Engineer or designee.
 - c. The above dedications and installation of improvements shall be in accordance with the development standards of the Kiernan Business Park Specific Plan and City Standard Specifications.
6. Improvement plans shall demonstrate that the full volume of the 100 year, 24 hour Storm (R=2.88-inches) is fully retained within the proposed development area per City Council resolution No. 2015-499 and 2016-070 and the 2014 City Standards, with no allowance for offsite discharge.

74. Improvement plans shall include volume retention calculations and an infiltration study to confirm the retention system can meet the noted retention and drainage requirements, to the satisfaction of the City Engineer or designee.
8. At the American Avenue and Bruno Parkway entrances, additional driving clearance for fire apparatus must be demonstrated. Modesto Standard B 1.08 requires at minimum 15-feet of driving clearance.
9. Any of the above-mentioned improvements that lie within the ROW of the MID Lateral Canal No. 6 shall be reviewed and approved by MID and the City Engineer or designee prior to installation.
10. Any public improvements that are developer's construction responsibility (which may include, but are not be limited, to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights) 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). 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.
11. All locks on vehicle gates shall be equipped with Knox key access also submastered for the Modesto Police Department.
12. The Pelandale Avenue frontage shall be improved with a vertical curb and a landscape planter of ten (10) feet in width at minimum between the eight-foot high concrete masonry wall and curb, to the satisfaction of the City Engineer or designee. Landscaping shall include the provision of street trees spaced each 35-feet on center and irrigation systems on a separate water meter.
13. Prior to issuance of a building permit, the developer shall submit to the City Attorney's Office the draft Covenants, Conditions and Restrictions (CC&Rs) for review and approval. City acknowledges the draft CC&Rs may be revised in response to comments received from the Department of Real Estate. The final CC&Rs shall be recorded and Property Owner's Association formed prior to the sale of the first residential unit.

The Property Association's bylaws and CC&Rs shall include requirements for the Property Owner's Association to be responsible for the ongoing maintenance of all common areas, landscape lots, private streets, shared driveway lots and access gates, and landscaping and irrigation systems within the landscaped lots of the subdivision. If the dual-use park/basin and utilities within the streets are also to be private, the Property Owners Association shall also be responsible for their ongoing maintenance.

Prior to or concurrent with Final Map recordation, the development shall dedicate all public utility easements as required by the utility companies and the City Engineer, including but not limited to ten-foot-wide public utility easements and planting easements located within the ten-foot-wide public utility easements dedicated along all public street frontages, ten-

foot-wide public utility easements dedicated along all interior private street frontages, and public utility easements over the utility lines to be located in the private streets.

15. Any proposed neighborhood gateway signage shall be designed in accordance with Section IV.A.3 of the Kiernan Business Park Specific Plan for signage within the Medium High Density Residential (MHDR) land use designation (Section IV, Page 11 of the Specific Plan) and Section 10-6.106, Table 6.1-1 of the Modesto Municipal Code for sign sizing and height requirements of the R-3 Zone. Proposed gateway signage shall be reviewed by Planning staff prior to issuance of a building permit for installation.
16. Walls and fences shall be provided as follows:
 - a. The walls along the American Avenue and Bruno Parkway frontages, as well as the southern boundary of "Lot A Apartment Site", shall be a seven-foot high continuous split-face decorative wall with cap treatment.
 - b. The same seven-foot high wall shall be demonstrated along the rear property lines of Lots 36 through 39, and the westerly side yard of Lot 35.
17. The wall along the Pelandale Avenue frontage shall be an eight-foot high continuous split-face decorative wall with cap treatment, and plantings of ivy to prevent graffiti, in addition to the landscape conditions outlined in Condition No. 11 above.
 - a. At site entrances located along American Avenue and Bruno Parkway, the walls shall be extended around the corners of the adjacent lots to a length sufficient to shield the rear yard private open space of those lots from the activity of the adjacent perimeter roadways. Any changes in wall height towards the front yard setback line of those lots shall occur in gradual increments in accordance to wall/fence setback standards of the residential zones.
 - b. The wall along the north property line of Lot A, along the south side of the Modesto Irrigation District (MID) Lateral Canal No. 6 shall be a two (2) foot high masonry wall with four (4) foot high decorative wrought-iron topper. No access shall be allowed from within the lateral canal's ROW.

MID will require, at minimum but not limited to, the new development place the wall on a berm and construct proper drainage on the MID lateral side of the wall. MID will not be responsible for storm flooding, dust, or other impacts from its existing lateral as a result of the new development's change in use.

18. The developer shall construct the drainage system outlined on the Vesting Tentative Subdivision Map which will be detailed on Improvement Plans that will be submitted and approved to the reasonable satisfaction of the City Engineer, including the depicted onsite retention basin which shall be owned and maintained by the Property Owner's Association.
19. Before the recordation of a Final Map for any residential project involving the subdivision of land into single family parcels, or issuance of a building permit for any other project, the applicant shall provide for perpetual funding to cover the full cost of the following services provided to the proposed development:
 - a. Maintenance and lighting of parks, parkways, streets, roads, and open space services;
 - b. Flood and storm protection services, including the operation and maintenance of storm drainage systems in the public right-of-way;
 - c. Perpetual funding to cover the full cost of maintenance and operation of any public improvements or other tangible property owned by the City with an estimated useful life of five or more years, constructed as part of the proposed development.

Developer may elect to provide the perpetual funding in either of the following manners:

- i. Community Facilities District (CFD). Applicant shall form or annex the development into an existing City of Modesto Community Facilities District 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. The CFD shall maintain all walls, landscaping, lighting and drainage along frontages located at American Avenue, Bruno Parkway, southerly side of Bangs Avenue and northerly side of Pelandale Avenue.
 - ii. Direct Funding. 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.
20. Prior to development, 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 current State of California water use ordinance requirements, Modesto Municipal Code (MMC) requirements, and City of Modesto standards as outlined in the Kiernan Business Park Specific Plan at time of submittal.

21. Applicant shall install a separate water meter for public landscape areas adjacent to American Avenue, Pelandale Avenue and Bruno Parkway, and also install a separate landscape water meter for public ROW Common Lot landscape and irrigation systems.
22. Applicant shall install street trees every thirty-five (35) to forty (40) feet on center (35'—40' O. C.) along all existing and proposed streets, including Bruno Parkway, American Avenue, and Pelandale Avenue, with exceptions related to site constraints approved by the City Engineer.
23. 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 (35'—40' O. C.) of the lot's length, with exceptions related to site constraints approved by the City Engineer.
24. Applicant shall install climbing vines on all masonry walls, in a landscape planter, visible to public view to discourage tagging.
25. Any installation of gateway signage shall include appropriate landscaping for Clear Vision Triangles at subdivision entrances. Within the Clear Vision Triangle, the area between three (3) and eight (8) feet in height measured from top of curb adjacent to landscape shall be clear.
26. LID control and treatment measures shall be vegetated 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. Improvement plans shall include total square feet of the landscape area in project information.
27. All development including building setbacks shall be in accordance with the development standards and guidelines of the Kiernan Business Park Specific Plan, unless otherwise provided by City Council consideration and approval of a proposed rezone of the 189 small-lot single-family residential lots to a new Planned Development Zone (Project ID PDZ-24-001, under separate review) to facilitate specific development and setback standards for the 189 single-family lots, if approved.
28. The existing 36-inch private irrigation pipeline lying along MID's Lateral Canal No. 6's southern boundary, serving APNs 078-018-027, -051 and -052 shall be removed from the MID Lateral Canal No. 6 ROW upon development of the property. The developer shall be responsible for the following:
 - a. The developer shall apply for a temporary use agreement with MID to remove the private pipeline facilities from MID's Lateral Canal No. 6 ROW.
 - b. All existing irrigation pipeline infrastructure that will no longer be used due to the project shall be removed entirely and properly disposed of offsite at the project proponent's expense. Abandoning pipeline infrastructure in-place is not allowed.

- c. The portion of the private irrigation pipeline lying across MID's Lateral Canal No. 6 embankment leading to the head gate at the canal must be saw-cut, slurry-filled and plugged per MID Irrigation Standard Construction Detail C 55.
- d. MID Water Operations requires a pre-consultation meeting to discuss MID irrigation requirements.

Developer shall have no obligations under this Condition 28 and it shall be deemed satisfied if the private pipeline facilities from MID's Lateral Canal No. 6 ROW are determined to be located on the property of others.

- 29. All existing private irrigation facilities serving the subject site that will no longer be used shall be removed and disconnected from MID's irrigation facilities per MID requirements upon development. The developer shall request and return a Signoff of Irrigation Facilities from all property immediately adjacent to The Bridges subdivision (with the exception of the DPR24-006 property with a shared property line with The Bridges subdivision) prior to the private irrigation facilities being taken out of service.
- 30. Prior to developer starting construction of developer responsibility improvements that may impact MID facilities (as determined by MID in its reasonable discretion), developer shall complete and submit to MID's Civil Engineering Department the MID Application for Land Development for Plan Review. The design plans shall be stamped and signed by a registered Civil Engineer with a current license to practice in the state of California. Stamped and signed hydraulic calculations shall accompany all design submittals. All design and construction is subject to the latest MID Irrigation Standard Construction Details.

MID's Engineer must review and approved the design plans of the proposed facilities prior to the start of construction. No work shall begin without MID approval of final plans and the appropriate agreements in place including but not limited to: easement dedications, license agreements, common use agreements, temporary use agreements, and facility modification agreements as required by MID. The project proponent must provide a plat exhibit and legal description for all agreements.
- 31. All work that may affect irrigation facilities shall occur during the non-irrigation season (typically November 1 to March 1) unless approved by an MID representative. Irrigation service shall not be interrupted and scheduling outages with MID Engineering and Operations is required. Developer shall assume all irrigation facilities are active, and notify MID staff prior to performing work near the irrigation facilities described above.
- 32. There may be additional existing privately-owned infrastructure not recorded by MID. If it is determined that any of the existing infrastructure will be affected by the project, the project proponent shall consult with

the affected landowners and MID to discuss potential improvement plans for review and approval.

33. 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.
34. 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.
35. 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.
36. All 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.
37. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
38. 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, to the extent by reason of, or to the extent 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 indemnity obligations in this Condition 31 continue after the date of the City's tract acceptance only as to those claims that accrued prior to tract acceptance.

The following conditions are mitigation measures that are applicable to the project:

39. Air Quality and Greenhouse Gases:
 - a. 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)

- b. AQ-101. Require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of use. (Policy VII.H.2.kk)
- c. 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)
- d. 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)
- e. 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)
- f. 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)
- g. 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)
- h. 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)
- i. 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)
- j. AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)
- k. AQ-112. Limit traffic speeds on unpaved roads to 15 mph. (Policy VII.H.2.vv)
- l. 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)

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

40. Generation of Noise and Vibration:

- a. Noise-3. Construction activities are to comply with Modesto Municipal Code Title 4, Ch. 9.
- b. 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:
 - i. Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
 - ii. Require impact tools to be equipped with shrouds or shields;
 - iii. Require that the quietest equipment available be used; and,
 - iv. Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

41. Loss of Sensitive Wildlife and Plant Habitat:

- a. SWPH-12. For all lands within the Planned Urbanizing Area, site-specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. These studies shall particularly focus on proposed development within any lands included within a potential biological resource study area as delineated on Figure V-7-1 in the Final Master Environmental Impact Report (Riparian Corridor Diagram). Prior to considering development applications, the City shall coordinate with the USFWS and CDFW regarding listed species and potential for impacts. The City shall employ the measures recommended by the

USFWS and/or CDFW to avoid an incidental take. Conduct surveys at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by CDFW and the USFWS. The results of such surveys should be recorded onto the City's existing biological resources map for future planning purposes. (UAGP Policy VII-E.3[a])

- b. 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 Final Master Environmental Impact Report. (UAGP Policy VII-E.3[c])

42. Increased Demand for Storm Drainage/Flooding and Water Quality:

- a. 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)
- b. 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)
- c. 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)
- d. 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)

43. Generation of Hazardous Materials:

- a. 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.
- b. 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)

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 January 27, 2025, 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.

BE IT FURTHER RESOLVED by the Planning Commission that the Secretary of the Planning Commission is hereby directed to file with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed subdivision.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on January 27, 2025, by Commissioner Russell, who moved its adoption, which motion was seconded by Commissioner Goriel, and carried by the following vote:

Ayes:	Arroyo, Black, Goriel, Grewal, Hauselmann, Russell, Shanks,
Noes:	None
Absent:	None
Recused:	None

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

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