

PLANNING COMMISSION
RESOLUTION NO. 2025-04

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 1-3-8 OF THE ZONING MAP TO REZONE 22.6 ACRES FROM SPECIFIC PLAN (SP) ZONE, TO PLANNED DEVELOPMENT ZONE, P-D(617) PROPERTY LOCATED ON THE NORTHWEST CORNER OF PELANDALE AVENUE AND AMERICAN AVENUE (LENNAR HOMES OF CALIFORNIA, LLC)

WHEREAS, on April 1, 1997, the City Council by Resolution No. 97-159 adopted the Kiernan Business Park Specific Plan; and

WHEREAS, on April 12, 2022 by Resolution No. 2012-194 the City Council approved an amendment to the Land Use Diagram of the Specific Plan to amend the land uses of 67 acres from Business Park (BP) to a new land use designation of Mixed Uses 3 (MU-3), property located north of Pelandale Avenue and East of Dale Road, the land use amendment providing for Mixed Uses and/or Medium High Density Residential uses of 15-16 units per acre; and

WHEREAS, on March 29, 2024, Valley Development Partners filed an application for a Vesting Tentative Subdivision Map, The Bridges, to divide 35.3 acres located within the Kiernan Business Park Specific Plan 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 (Project ID TSM-24-002), which was considered by the Planning Commission on January 27, 2025 and approved by Resolution No. 2025-02; and

WHEREAS, a verified application for an amendment to Section 1-3-8 of the Zoning Map was filed by Lennar Homes of California, LLC on January 2, 2025, to rezone 22.6 acres within the Kiernan Business Park Specific Plan from Specific Plan (SP), to Planned Development Zone, P-D(617), to allow for specific development and setback standards for the 189-lot small-lot single family residential component of The Bridges, property located at the northwest corner of Pelandale Avenue and American Avenue, described as follows:

SP to P-D(617)

All that certain real property in the City of Modesto, County of Stanislaus, State of California, situate in a portion of the North half of the Southwest Quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Meridian, described as follows:

Adjusted Parcels 2 and 3 as described in that certain Certificate of Approval of Lot Line Adjustment filed for record October 25, 2024 as Document No. 2024-0051886, Stanislaus County Records.

Also including that portion of abandoned Wagner Way as described in Modesto City Council Resolution No. 2024-410, filed for record December 10, 2024 as Document No. 2024-0059400, Stanislaus County Records.

Also including the westerly one-half of American Avenue, the easterly one-half of future Bruno Parkway, and the northerly one-half of Pelandale Avenue, all immediately adjacent to the above-described area.

Subject to all easements and/or rights-of-way of record.

22.6 Acres, more or less.

APNs 078-018-054 and 078-018-055

WHEREAS, a public hearing was held by the Planning Commission on February 3, 2025, in 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/Negative Declaration, Environmental Assessment No. EA/C&ED 2025-01, which found that although the proposed rezone 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.

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

1. The requested change will not be detrimental to the public health, safety, or welfare because the proposal would facilitate new residential development that is compatible with uses surrounding the site.
2. The requested change will result in an orderly planned use of land because the rezone to Planned Development would implement specific development and setback standards for the 189-lot small-lot residential development.
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 allowable uses of the Planned Development Zone would be consistent with the General Plan designation of Mixed Uses (MU) which allows for residential uses, and the Kiernan Business Park Specific Plan land use of Mixed Use 3 (MU-3) which allows for Medium-High Density Residential uses.

4. An Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2025-01, has been prepared by the City of Modesto that analyzed the proposed rezone, 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 it recommends to the Council as follows:

SECTION I

That Section 1-3-8 of the Zoning Map be amended to rezone from Specific Plan (SP) to Planned Development Zone, P-D(617), the above-described property in accordance with the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the Development Plan titled "The Bridges, Modesto CA", as stamped approved by the City Council on [date to be determined].
2. Prior to the issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development or designee.
3. Prior to the issuance of a building permit, full improvement plans shall be submitted and be approved by the City Engineer or designee.
4. Improvement plans shall demonstrate the ultimate improvements on Bangs Avenue from Dale Road to the intersection of Bruno Parkway and Bangs Avenue, and the appropriate transition east of the Bruno Parkway/Bangs Avenue roundabout to ensure all vehicle, emergency service, refuse service and pedestrian traffic is safely able to ingress/egress to and from the development site.

Improvement plans shall also include the legal descriptions necessary for the right-of-way acquisition required for ultimate improvements.
5. The full improvement plans shall include landscaping and the Class 1 bike path and related improvements, in accordance with the Kiernan Business Park Specific Plan. Developer shall also submit full improvement plans for the construction of full frontage improvements on Pelandale Avenue in accordance with the Kiernan Business Park Specific Plan, including necessary legal descriptions for the right-of-way acquisition to construct said improvements.

6. 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, and be reviewed and approved by the City Engineer prior to issuance of an Encroachment or Building permit.
7. Improvement plans for The Bridges shall include all landscaping and common areas, and any and all easements required for the establishment of new utilities and the preservation of existing utilities.
8. Improvements for the Pelandale Avenue, Bruno Parkway, and American Avenue street frontages, including landscape requirements, shall be in accordance with the Conditions of Approval for the Vesting Tentative Subdivision Map of the Bridges (Project ID TSM-24-002) approved by Planning Commission Resolution No. 2025-02.
9. Prior to the issuance of a Grading, Demolition or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local SWPPP to Land Development Engineering, Stormwater for review. The WPCP or Local SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.
10. Additionally, if the project is a Significant Redevelopment project, defined as a project that creates, adds, or exchanges (one type of impervious surface for another type of impervious surface) at least 5,000 square feet of impervious area on an already developed site, the following comments will also apply:
 - a. 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.
 - b. 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.
 - c. 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.

- d. 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 Lad Development Engineering, stormwater.

- 11. 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.

All other signs shall comply with the sign requirements of the Kiernan Business Park Specific Plan for Medium-High Density Residential (MHDR) uses and the requirements of the R-3 Zone.

- 12. 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) of The Bridges 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.

- 13. Walls and fences shall be provided as follows:
 - a. The walls along the American Avenue and Bruno Parkway frontages, as well as the northern boundary of The Bridges site (the southern boundary of "Lot A" of the Bridges Vesting Tentative Subdivision Map) 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 of the Bridges Vesting Tentative Subdivision Map.
 - c. 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 and improvement conditions required for the Pelandale frontage by Planning Commission Resolution No. 2025-02.

- d. 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.
 - e. Fences between residential lots should be double-alternating wood fencing constructed of a minimum 75% Western Red Cedar or Redwood. Setbacks for fencing taller than 42-inches in height shall be as follows:
 - i. A minimum street side yard setback of ten (10) feet for corner lots of the "Neighborhood 1" plan;
 - ii. A minimum street side yard setback of nine (9) feet for corner lots of the "Neighborhood 2" plan;
 - iii. A minimum of twelve (12) feet from the front property line for all lots.
14. Prior to the issuance of a building permit for any corner lot, home siting and placement of fences shall demonstrate that the Clear Vision Triangle is maintained and free of vision obstructions as required by Modesto Municipal Code Section 10-4.404.
15. 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.
16. Garages that are proposed to be sited at a minimum distance of eighteen (18) feet from the front property line shall maintain a minimum setback of twenty (20) feet from the back of sidewalk, or back of curb if no sidewalk.
17. All locks on vehicle gates shall be equipped with Knox key access also submastered for the Modesto Police Department.
18. Prior to issuance of a building permit, or recordation of a Final Map for any residential project involving the subdivision of land into single-family lots, the developer 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;

- 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.
- 19. Fire sprinklers and an adequate water supply shall be required. Fire sprinkler plans will be a separate submittal made directly to the Fire Department after the issuance of building permits.
 - 20. All aspects of the project shall comply with current City of Modesto Standards and current California Building, Electrical, Mechanical, Plumbing, Energy and Green Codes adopted by the City of Modesto (2022 California Building Code Cycle). Plans submitted on or after January 1, 2026 shall conform to the 2025 California Building Code Cycle.
 - 21. 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.
 - 22. 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.
 - 23. 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.

24. 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.
25. Applicant shall install climbing vines on all masonry walls, in a landscape planter, visible to public view to discourage tagging.
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. Except as amended therein by the Development Plan of the Planned Development Zone, all development shall be in accordance with the Development Standards and Guidelines of the Kiernan Business Park Specific Plan.
28. At the time of building permit application, any future expansion to homes, via patio covers or other structural additions and/or accessory buildings, shall submit plans for administrative amendment review and approval by the Director of Community and Economic Development or designee in accordance to Modesto Municipal Code Section 10-7.108(c).
29. If speed humps are proposed for private streets within the development, improvement plans shall demonstrate adherence to City Standards to accommodate the travel of fire department apparatus without impact to emergency service times.
30. 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.

31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.

38. 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.
39. 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.
40. All aspects of this project to comply with current City of Modesto Standards and also current California Building, Fire, Electrical, Mechanical, Plumbing, Energy codes adopted by the City of Modesto.
41. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
42. 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 that are applicable to the project:

43. 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)

44. 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)

45. 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])

46. 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)
47. 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)

SECTION II

BE IT FURTHER RESOLVED that the following uses shall be authorized in said Planned Development Zone as shown on the development plan:

1. Uses as allowed in the Medium High Density Residential (MHDR) land use designation of the Kiernan Business Park Specific Plan, as outlined in Section III-B.5 of the Specific Plan.

SECTION III

IT IS FURTHER RECOMMENDED that the entire construction program be accomplished in one phase, construction to begin on or before March 4, 2027, and completion to be not later than March 4, 2029.

SECTION IV

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that they adopt a resolution adopting a Negative Declaration for the rezone from Specific Plan (SP) to Planned Development Zone P-D(617).

SECTION V

BE IT FURTHER RESOLVED by the Planning Commission that it recommends the City Council's approval of an Ordinance for the Planned Development Zone PD(617).

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 3, 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