

**PLANNING COMMISSION
RESOLUTION NO. 2025-22**

RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 25-3-8 OF THE ZONING MAP TO REZONE 0.31 ACRES FROM HIGHWAY COMMERCIAL (C-3) ZONE TO PLANNED DEVELOPMENT ZONE P-D(616), PROPERTY LOCATED AT 1600 KANSAS AVENUE, AND TO PREZONE 0.66 ACRES TO PLANNED DEVELOPMENT ZONE, P-D(616), PROPERTY LOCATED AT 1604 KANSAS AVENUE (DHANDA DEVELOPMENT GROUP)

WHEREAS, a verified application for an amendment to Section 25-3-8 of the Zoning Map was filed by Dhanda Development Group on October 13, 2021, to rezone 0.31 acres located at 1600 Kansas Avenue from Highway Commercial (C-3) Zone, to Planned Development Zone, P-D(616), and to prezone 0.66 acres located at 1604 Kansas Avenue to Planned Development Zone P-D(616), to facilitate development of a new gas station and convenience store; and

WHEREAS, on September 18, 2023 the applicant submitted a revised site plan that replaced the proposed gas station and convenience store and instead proposes the above annexation, prezone and rezone at the two properties for the development of a new automatic car wash facility at the site, properties described as follows:

Prezone to P-D(616)

All that real property in the unincorporated area of the County of Stanislaus, State of California, described as follows:

Parcel One (APN 007-039-010)

All that portion of the North half of Lot 10 of the Maze Ranch Subdivision, as per Map filed March 19, 1909 in Volume 4 of Maps, Page 18, Stanislaus County Records, described as follows:

Commencing at the Northeast corner of said Lot 10, said corner being on the South line of Kansas Avenue; running thence North 89° 46' West along the North line of said Lot 10 and being on the South line of Kansas Avenue, a distance of 88.33 feet to the

Northwest corner of the land now or formerly owned by Joe Salsi and the True Point of Beginning of this description;

Thence continue North 89° 46' West along the North line of said Lot 10 and being the South line of Said Kansas Avenue, a distance of 43.67 feet to the East Quarter corner of Section 25, Township 3 South, Range 8 East, MDB&M;

Thence South 89° 14' West along East and West Quarter section line (said Quarter line also being the South line of Kansas Avenue) a distance of 106.115 feet to the Northeast corner of the property conveyed to Robert M. Erwin, Et Ux, by Deed recorded April 30, 1952, in Book 1084, Page 952 and as Instrument No. 10109;

Thence South 0° 48' East along the East line of said Erwin property, a distance of 493.15 feet to the Southeast corner thereof and being on the South line of the North half of the aforementioned Lot 10, a distance of 106.115 feet to the East line of Section 25, Township and Range hereinbefore mentioned;

Thence South 89° 46' East a distance of 43.67 feet to the Southwest corner of said land now or formerly owned by Joe Salsi;

Thence North 0° 48' West along the West line of said land now or formerly owned by Salsi, a distance of 493.15 feet to the true Point of Beginning.

Excepting therefrom all that portion conveyed to the State of California as described in Grant Deed recorded December 15, 1960 as Book 1729, Page 187 of Official Records.

Also including the southerly one-half of the right-of-way of Kansas Avenue, being adjacent to the above description.

Rezone C-3 to P-D(616)

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel Two (APN 007-039-011)

The East one acre of the North half of Lot 10 of Maze Ranch Subdivision, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, State of California, on March 19, 1909 in Volume 4 of Maps, at Page 18.

Excepting therefrom, all that portion thereof conveyed to the State of California, by Deed dated August 23, 1961 and recorded

October 12, 1961 in Volume 1713 of Official Records, at Page 602, as Instrument No. 32814.

Also including the southerly one-half of the right-of-way of Kansas Avenue, and the westerly one-half of the right-of-way of Carpenter Road, all adjacent to the above description.

Both above descriptions totaling 0.97 acres, more or less.

WHEREAS, a public hearing was held by the Planning Commission on May 5, 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, Environmental Assessment No. EA/C&ED 2024-10, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2014042081) and that pursuant to Section 21157.1 of the Public Resources Code, no new environmental review is required.

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

1. The requested change will not be detrimental to the public health, safety, or welfare because the prezone of the 0.66-acre vacant parcel in the County unincorporated area to a new Planned Development Zone P-D(616) and rezone of the 0.31-acre vacant parcel to Planned Development Zone P-D(616) will facilitate the development of both properties for a commercial use that is compatible with adjacent rural residential, commercial, and industrial uses, upon annexation of the 0.66-acre vacant parcel into the City of Modesto.
2. The requested change will result in an orderly planned use of land because the rezone and prezone would facilitate development that is compatible with surrounding rural residential, commercial and industrial uses.

3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the allowed use for the Planned Development Zone would be consistent with the site's General Plan land use designation of Business Park (BP) which allows for commercial and light industrial uses and the development standards of the Pinpoint Plan for 1600 and 1604 Kansas Avenue.
4. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
5. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
6. No new or additional mitigation measures or alternatives are required.
7. The subsequent project is within the scope of the project covered by the Master EIR.
8. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
9. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the Council as follows:

SECTION I

That Section 25-3-8 of the Zoning Map be amended to prezone 0.66 acres at 1604 Kansas Avenue to Planned Development Zone P-P-D(616), and rezone 0.31 acres at 1600 Kansas Avenue from Highway Commercial (C-3) to Planned Development Zone, P-D(616), the above-described properties in accordance with the following conditions:

1. Prior to the issuance of a building permit, the 0.66-acre property at 1604 Kansas Avenue shall be approved for annexation into the City of Modesto by the Local Agency Formation Commission as the Carpenter-Kansas

Reorganization to the City of Modesto, said approval finalized by the State of California Board of Equalization and Certification of said approval recorded at the Stanislaus County Clerk-Recorders Office. Notation of said certification and recordation number shall be documented on the building permit application and site plan.

2. Prior to the issuance of a building permit, the two parcels shall be merged by either a Parcel Map or Lot Line Adjustment. Said Parcel Map shall be approved and recorded in the Book of Parcel Maps, Stanislaus County Records, or approved Lot Line Adjustment agreement recorded followed by recordation of Deeds describing the new property's boundaries, and said recordation(s) shall be noted on the building permit application and site plan.
3. Prior to the issuance of a building permit, all development shall conform to the site plan and building elevations titled "Mister Car Wash" as amended in red and stamped approved by the City Council on [date to be determined].
4. 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.
5. Any public improvements that are missing, damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment or Building permit.
6. Prior to issuance of a building permit, improvement plans shall demonstrate but not be limited to the following:
 - a. Frontage improvements along the Kansas Avenue and Carpenter Road roadways to the satisfaction of the City Engineer, including curb, gutter, sidewalk and driveway approaches to City Standards.
 - b. All landscaping and parking, provision of water and sewer line connections to existing lines under Kansas Avenue and Carpenter Road, and any and all easements required for the establishment of new utilities and the preservation of existing utilities, to the satisfaction of the City Engineer or designee.
7. 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.

8. Storm water generated from this development shall be managed and stored on-site. Improvement plans shall demonstrate the provision of on-site storm water treatment and handling in accordance to all current codes and City Standards, to the satisfaction of the City Engineer or designee.
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, and/or improves parking lots of greater than 5,000 square feet or 25 spaces, 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, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.

- e. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.
11. Prior to issuance of a building permit, plans for any new trash enclosures shall demonstrate the use of building materials, colors and finishes which are consistent or compatible with those used in the major buildings of the development, as approved by the Community and Economic Development Director.
12. Improvement plans shall demonstrate that trash enclosures are constructed to meet current City Codes and Standards to the satisfaction of the City Engineer and Public Works, Solid Waste Management or designee(s).
13. Prior to certificate of occupancy, an eight (8) foot high decorative concrete masonry wall with cap treatment shall be constructed along the west property line as shown in red on the site plan.
14. Climbing vines shall be included in the landscape surrounding any new trash enclosures and concrete masonry walls to prevent tagging.
15. Prior to the issuance of a building permit, development plans for the car wash facility shall demonstrate the provision of noise attenuation in the architecture of the car wash structure, by utilization of sound absorptive materials in the interior walls or other suitable means to reduce noise levels to 59 decibels or less at the west property line, per Mitigation Measures Noise-8 and Noise-9 of the Master EIR and to the satisfaction of the Chief Building Official and Director of Community and Economic Development or designee(s).
16. Screen landscaping shall be planted in the 10-foot wide landscape planter along the west property line as approved by the Parks, Recreation and Neighborhoods Department. Said landscaping shall include tree and shrub species recommended by Parks Planning to provide additional sound attenuation from the car wash facility.
17. The design of light fixtures and their structural supports should be architecturally compatible with the main structures on the site. Light fixtures shall be architecturally integrated into the design of a structure to the satisfaction of the Director of Community & Economic Development. All light fixtures shall be shielded to prevent spillover onto adjacent properties and the adjacent public rights of way.
18. Parking lot lighting shall be no higher than fifteen (15) feet in height and shielded to prevent light spill into adjacent residential uses.
19. Prior to issuance of a sign permit, individual sign plans for the project shall be submitted for separate review and approval prior to installation. All signs will be reviewed for conformance with the provisions of the

MMC Section 10-6, Signs, for the Commercial zones. Any signage facing to the west shall be no higher than eight feet in height and shall be non-illuminated.

20. Prior to issuance of a building permit, developer shall coordinate with and obtain the appropriate permits from the Modesto Irrigation District and Pacific Gas and Electric prior to final design and construction.
21. 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.
22. Applicant shall provide a minimum ten-foot (10') front landscape setback on Carpenter Road and Kansas Avenue.
23. Applicant shall provide a minimum ten-foot (10') side landscape setback.
24. Applicant shall protect in place, or replace, all existing street trees along Carpenter Road and Kansas Avenue.
25. Applicant shall install street trees every thirty-five feet (35') on center along Carpenter Road and Kansas Avenue, and within seven feet (7') of sidewalks.
26. Applicant shall install parking lot shade trees per MMC requirements; one (1) shade tree for every eight (8) parking spaces, continuous and intermitted stall locations, within seven feet (7') of stalls.
27. Applicant shall install the required three foot (3') high screening for vehicle headlights in the parking areas facing Carpenter Road and Kansas Avenue.
28. Applicant shall install climbing vines on all walls, in a landscape planter, around the trash enclosure to discourage tagging.
29. 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. Provide total square feet of the landscape area in project information.
30. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Standards Code.
31. Site development shall demonstrate the provision of on-site storm water treatment and handling in accordance with all current codes and City Standards, to the satisfaction of the City Engineer or designee.

32. 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.
33. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
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 fees, 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. 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.

In addition, the following conditions are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report (SCH 2014042081) in effect at the time of project application submittal:

37. AQ-85. Review of new development shall be coordinated with SJVAPCD staff to ensure all projects subject to the SJVAPCD Rule 9510 (Indirect Source Review) comply fully with the rule. This rule fulfills the SJVAPCD's emission reduction commitments in the PM10 and Ozone Attainment Plans through emission reductions from the construction and use of development projects through design features and onsite measures. Rule 9510 applies to any applicant that seeks to gain a final discretionary approval for a development project, or any portion thereof, which meets certain minimum thresholds. (Policy VII.H.2.u)
38. 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)

39. 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)
40. 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)
41. 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)
42. 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)
43. 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)
44. 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)
45. 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)
46. 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)
47. AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)
48. AQ-112. Limit traffic speeds on unpaved roads to 15 mph. (Policy VII.H.2.vv)
49. 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)

50. AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)
51. AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)
52. 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)
53. AQ-117. Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)
54. Noise-3. Construction activities are to comply with Modesto Municipal Code Title 4, Chapter 9.
55. 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:
 - Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
 - Require impact tools to be equipped with shrouds or shields;
 - Require that the quietest equipment available be used; and,
 - Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)
56. Noise-8. For proposed non-transportation noise sources, reduce noise levels so as not to exceed the allowable noise exposure thresholds specified in Table V.3.8 of the MEIR, at the property line of residential or other noise-sensitive land uses. (Policy VII-G.3.f)
57. Noise-9. At noise-sensitive land uses, increases in noise should not exceed 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, for the existing conditions scenario as compared to the buildout scenario. (Policy VII-G.3.g)
58. SD-10 and 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)

59. SD-12 and 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)
60. SD-13 and 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)
61. SD-15 and 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)
62. HM-3. Comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials. (Policy VI.M.1)

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. Automatic car wash facility with associated outside vacuum stations and employee parking areas as illustrated on the approved site plan and building elevations.
2. Uses as allowed in the Highway Commercial (C-3) Zone.
3. All development standards of the Modesto Municipal Code for the Commercial Zones shall apply with the exception of parking, which is capped at fifteen (15) spaces for the site.

SECTION III

IT IS FURTHER RECOMMENDED that the entire construction program be accomplished in one phase, construction to begin on or two years after the date of Certification of the proposed Carpenter-Kansas Reorganization to the City of Modesto, and completion to be not later than two years from issuance of a building permit.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that they adopt a resolution certifying that the rezoning is within the scope of the General Plan EIR.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on May 5, 2025, by Goriel, who moved its adoption, which motion was seconded by Russell and carried by the following vote:

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

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

Signed copy on file in CEDD

Jessica Hill, Secretary