

**PLANNING COMMISSION  
RESOLUTION NO. 2025-31**

**A RESOLUTION APPROVING A VESTING TENTATIVE SUBDIVISION MAP TO DIVIDE THREE (3) ACRES INTO TWENTY-FOUR (24) RESIDENTIAL LOTS FOR THE CROSSINGS II, ON PROPERTY LOCATED AT 2116 CLAUS ROAD, ALSO KNOWN AS A 3-ACRE PORTION OF APN 014-026-017, WITHIN PRECISE PLAN NO. 35 SOUTH, IN THE VILLAGE ONE SPECIFIC PLAN (DR HORTON BAY INC)**

WHEREAS, on February 19, 2025, DR Horton Bay Inc. (Applicant) filed with the office of the Secretary of the Planning Commission an application for a Vesting Tentative Subdivision Map, proposing the division of a 3-acre portion of the property known as APN 014-026-017 into twenty-four (24) single-family residential lots at 2116 Claus Road within Precise Plan No. 35 South in the Village One Specific Plan; and

WHEREAS, applicant has concurrently filed an application for a Final Development Plan for the same property; and

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

WHEREAS, the project site consists of one vacant parcel of approximately 3 acres that are currently designated as Residential (R) in Modesto's Urban Area General Plan and as Village Residential (VR) on the Village One Specific Plan Land Use Map, as amended; and

WHEREAS, an evaluation, EA/C&ED No. 2025-08 has been performed by staff in accordance with the requirements of Section 15162 of the CEQA Guidelines; and

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

WHEREAS, due to the conclusions reached by the Section 15162 analysis, staff has determined that the project is exempt from CEQA pursuant to Section 15182 of the CEQA Guidelines, which exempts residential projects implementing Specific Plans that are undertaken pursuant to and in conformity to the associated Specific Plan, and has prepared a Notice of Exemption, EA/C&ED 2025-09; and

WHEREAS, a public hearing was held by the Planning Commission on June 2, 2025, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Modesto 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 Village One Specific Plan, as amended, and the Subdivision Map Act of the State of California.
2. The proposed Vesting Tentative Subdivision Map will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or regulations within the City of Modesto Municipal Code.
3. The discharge of waste as a result of the proposed Vesting Tentative Subdivision Map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
4. The proposed Vesting Tentative Subdivision Map complies with all applicable requirements of the Subdivision Map Act and of Title 4 of the Modesto Municipal Code regarding the subdivision of land.
5. On the basis of evaluation EA/C&ED 2025-08, performed in accordance with the requirements of Section 15162 of the CEQA Guidelines, Subsequent EIRs and Negative Declarations, the Planning Commission has determined that no further documentation with regard to CEQA is required for this project.

6. The Planning Commission has further determined that this project is exempt from CEQA pursuant to Section 15182 of the CEQA Guidelines, Projects Pursuant to a Specific Plan, part c, subpart 1, which exempts residential projects implementing Specific Plans that are undertaken pursuant to and in conformity to the associated Specific Plan, and hereby adopts Notice of Exemption EA/C&ED 2025-09.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Modesto that it hereby approves a Vesting Tentative Subdivision Map for the proposed “The Crossings II” project as shown in **Exhibit “A”**, attached hereto and incorporated herein by reference, subject to the following conditions:

1. Except as amended by Resolution 2024-13, or by reference, all development including street and infrastructure improvements, and mitigation measures from the Initial Study/Mitigated Negative Declaration (EA/C&ED No. 2023-26), shall be in accordance with the Village One Specific Plan (as amended), and Precise Plan No. 35 South, as set forth in Ordinance and Resolutions approved by the City Council on January 23, 2024, or as amended by Resolution of City Council.
2. Prior to 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: maintenance and lighting of parks, parkways, streets, roads, and open space services, and flood and storm protection services, including the operation and maintenance of storm drainage systems as well as 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. The perpetual funding can be provided in the following manner:
  - a) CFD. Applicant shall form a new 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.

OR

- b) 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 the obligations described above.
3. Capital Facilities Fees will be due and payable on the date of final inspection or the date the certificate of occupancy is issued, whichever comes first.
  4. Utility service fees related to connections will be collected at the time an application for service is received.
  5. Developer shall install fire hydrants prior to issuance of any building permit for the development.
  6. Fire sprinklers and an adequate water supply shall be provided by the developer. Fire sprinkler plans shall be a separate submittal made directly to the Fire Department after the issuance of building permits.
  7. Any public improvements 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). Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants, and streetlights. All public improvement plans shall be designed by a Registered Engineer, and reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.
  8. Improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the City Engineer or designee. All improvements shall be constructed in accordance with the approved plans.
  9. Future home buyers and prospective residents of the Precise Plan Area No. 35 South shall be provided disclosure that they are subject to noise, dust, odor and other impacts from adjacent agricultural operations. Such notice shall be placed on the final deeds for the individual lots.
  10. Future home buyers and prospective residents of the Precise Plan Area No. 35 South that are within 200-feet of the right-of-way of the Burlington Northern Santa Fe railroad shall be provided disclosure that they are subject to noise, vibration and other impacts from rail operations. Such notice shall be placed on the final deeds for the individual lots.
  11. Future home buyers and prospective residents of the Precise Plan Area No. 35 South shall be provided disclosure that they are subject to noise, vibration and other impacts from aircraft operations of the East Side Mosquito Abatement District facility located on Santa Fe Avenue to the east

of the project. Such notice shall be placed on the final deeds for the individual lots.

12. At the time of development, all existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the Utility Companies and City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
13. Prior to start of vertical building construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development and the Fire Department.
14. 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 foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Modesto held on the 2nd day of June, 2025, by Commissioner Russell, who moved its adoption, which motion being duly seconded by Commissioner Arroyo, was upon roll call carried and the resolution adopted by the following vote:

AYES: Commissioners: Arroyo, Goriel, Hauselmann, Russell, Shanks

NOES: Commissioners: None

ABSENT: Commissioners: Black, Grewal

RECUSED: Commissioners: None

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Jessica Hill, Secretary

