

PLANNING COMMISSION
RESOLUTION NO. 2015-26

A RESOLUTION APPROVING THE VESTING TENTATIVE SUBDIVISION
MAP OF THE VINTAGE (VALLEY VENTURES, LLC)

WHEREAS, Valley Ventures LLC has filed an application for a Vesting Tentative Subdivision Map, The Vintage, to divide 35 acres located east of the intersection of Vintage Drive and Blue Bird Drive, west of Dale Road and north of Vintage Faire Mall, into 170 single-family residential lots and one lot for multi-family residential development; and

WHEREAS, said Vesting Tentative Map was received in the office of the Secretary of the Planning Commission on July 2, 2015, and was accepted for filing and deemed complete on July 15, 2015, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code; and

WHEREAS, copies of said vesting tentative map have been sent to the Salida Union School District, the Modesto City 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 Salida Union School District and by Fire Station No. 6 at 2700 Standiford Avenue, 1 mile distant; and

WHEREAS, a public hearing was held by the Planning Commission on October 19, 2015, 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 2015-18, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2007072023) 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 proposed vesting tentative subdivision map to create 170 single-family residential lots and one multi-family residential lot is consistent with the General Plan of the City of Modesto because the lot configuration is consistent with the Mixed Use (MU) designation in the General Plan's Land Use Diagram.
2. 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.

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. 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 the Vesting Tentative Map of The Vintage accepted for filing in the office of the Secretary of the Planning Commission on July 15, 2015, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. The Vintage Final Map cannot be recorded unless and until a) the rezoning of the site to the Low Density Residential (R-1) Zone has been approved by the City Council and is effective and b) TPM-15-004 as approved and conditioned by Planning Commission resolution 2015-xx has been recorded and the parcel to be re-subdivided pursuant to this resolution has been created.
2. Improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the City Engineer. The improvement plans shall include all landscaping and irrigation plans for all street improvements including but not limited to the right-of-way addition and associated improvements of extending Vintage Drive to Dale Road, the three landscaped bioswale lots (Lots A, C and D) and the bioswales along the centerlines of Vintage Drive and "Drive B" as shown on the tentative map.
3. The Final Map shall include a pedestrian connection from Honey Creek Road to Vintage Drive. Improvement plans for the pedestrian connection shall

include permanent bollards to restrict vehicle access but allow pedestrian and bicycle access, decorative paving and landscaping, and pedestrian-level lighting. Said improvement plans for the pedestrian connection shall be submitted to the Director of Community and Economic Development or designee for review and approval prior to recordation of a Final Map. Pedestrian connection shall be constructed as part of Vintage Drive roadway improvements.

4. Prior to or concurrent with map recordation, all public utility easements shall be dedicated as required by the utility companies and the City Engineer.
5. 10-foot Public Utility Easements along all street frontages, including the existing frontages of Vintage Drive west of Blue Bird Drive and Blue Bird Drive north of Vintage Drive, shall be dedicated by the Final Map.
6. Prior to issuance of a building permit, a wall and fencing plan with all specifications including materials and design shall be submitted to the Director of Community and Economic Development or designee for review.
7. Prior to occupancy of any structure, walls and fences shall be constructed as follows:
 - a. A six (6) foot high concrete masonry wall with decorative cap treatment shall be constructed along the northerly lot lines of Lot 1 and Lots 4 through 19 of Block "A", the easterly lot lines of Lots 82 through 84 of Block "D" and the northerly and easterly lot lines of Lot 85 of Block "D", as shown on the tentative map.
 - b. A seven-foot six-inch (7.5) high concrete masonry wall with decorative cap treatment shall be constructed along the northerly lot line of Lot A.
 - c. Landscape plans shall include climbing vines planted along the walls of Lot A, the wall at the northerly line of parcel map TPM-15-004, and Lots 82 through 85 of Block D to deter vandalism.
8. 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.
9. Prior to the issuance of a building permit, any two-story residential development on Lot 1 and Lots 4 through 19 of Block "A" as shown on the tentative map shall be subject to the Second Story Review process in accordance to Modesto Municipal Code Section 10-4.440.
10. The residential lots will be served through one point of connection to the City's water system at the intersection of Vintage Drive and Blue Bird Drive. It is recommended for the water main to have a second point of connection to the City's existing water system at Honey Creek Road. Improvement plans shall show profiles of pipes at all points of connection.
11. The wastewater system will be conveyed to Blue Bird Drive through a new sewer main to the existing 12- inch main on Nightingale Drive, with Court E

to connect to the existing 15- inch sewer main via a fly line. Improvement plans shall show all sewer system conveyance routing.

12. All new development shall manage storm water on site. In lieu of constructing City standard rock wells, the subdivision shall utilize an underground percolation pipe system located under the future City right of way (Vintage Drive, Blue Bird Drive, Road A, Drive B, Road C, and Drive D as shown on the map), under bioswales, and under the open space areas (Lots A, C and D). Upon development, the multi-family residential parcel (Lot R3) shall be required to contain storm water on-site.
13. Trenches shall be designed such the separation between the bottom of the trench and the existing ground water level shall be no less than 5 feet.
14. The storm drain system shall accommodate the 100 year, 24 hour storm (2.88"). Two inches (2") of rainfall will be stored below ground and 0.88" will be stored in the residential streets. The hydraulic grade line (HGL) for the 100 year, 24 hour duration storm shall not exceed the lowest top of curb elevation.
15. All street dedication and easements shall be provided and subdivision improvements shall be constructed in accordance with City of Modesto Standard Specifications as required by the City Engineer or designee pursuant to improvement plans, including the extension of Vintage Drive from Blue Bird Drive to Dale Road, the installation of street improvements along the Dale Road frontage of the vesting tentative parcel map TPM-15-004, a new traffic signal at the intersection of Dale Road and Vintage Drive, and street pavement, curb, gutter, sidewalk, street lights and fire hydrants on all public streets. All improvements shall be constructed prior to certificate of occupancy of the first building permit.
16. 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.
17. The General Construction Permit requires the Property Owner to develop a Stormwater Pollution Prevention Plan (SWPPP) for the project. Prior to issuance of a Grading, Demolition, or Building Permit, provide one copy of SWPPP to Land Development Engineering, Stormwater.
18. 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. Floor of enclosures shall be graded to drain into adjacent landscape areas.
19. 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 and infiltrate the first 0.5" of

stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.

20. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5" of stormwater run-off from site.
21. 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.
22. 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.
23. Prior to issuance of the first building permit, Landscape and Irrigation plans shall be submitted for subdivision lots to show that all homes in the subdivision meet the state AB 1881 law for residential water use. Submit plans to the city's Parks Planning and Development Division for review and approval.
24. Prior to issuance of the first building permit, landscape and Irrigation plans shall be developed for all public landscape lots, which must follow current streetscape standards at the time of development as outlined in the City of Modesto Municipal Code, Section 10 and 12 and State AB 1881 Water Use.
25. Applicant shall connect to, and continue, the existing sidewalk and landscaping where it will tie into the adjacent neighborhood at Vintage and Bluebird Drive.
26. Future development of Lot R3 shall be subject to Development Plan Review in accordance to Title 10, Chapter 7, Article 10 of the Modesto Municipal Code. Upon receipt, the project will be evaluated for adherence to the City's Multi-Family Residential Design Guidelines.
27. Prior to Certificate of Occupancy for any structure, cable television service shall be stubbed into all units.
28. Prior to Certificate of Occupancy for any structure, the wall along the northerly lot line of Lot "A" and along the northerly lot line of Parcel 1 of the vesting tentative parcel map TPM-15-004 shall be treated with a graffiti-proof coating to the satisfaction of the Director of Community and Economic Development or Designee. Construction drawing shall note the type of graffiti treatment used.
29. Prior to recordation of a Final Map, the developer shall take all actions to secure and establish a City Mello-Roos Community Facilities District (CFD) for

the ongoing maintenance of all storm drainage infrastructure and landscaping within the development.

30. 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.
31. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
32. 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, with Counsel selected by the City 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.

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that shall be applied to the project:

33. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
34. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
35. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
36. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
37. All operations shall limit 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.)
38. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

39. Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
40. Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):

41. Limit traffic speeds on unpaved roads to 15 mph; and
42. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).
43. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
44. Install wind breaks at windward side(s) of construction areas.
45. Suspend excavation and grading activity when winds exceed 20 mph. Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation.
46. Limit the area subject to excavation, grading and other construction activity at any one time.
47. The project shall comply with the City's noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.
48. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.
49. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor's selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.
50. Reasonable time shall be allowed for the qualified archeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.
51. If any find is determined to be significant by the qualified archeologist, representatives from the construction contractor and the City, the qualified

archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.

52. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

53. Construction activities shall comply with the requirements of the City's Storm Water 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.

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 October 19, 2015, 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 October 19, 2015, by Chris Tyler, who moved its adoption, which motion was seconded by Dennis Smith, and carried by the following vote:

Ayes:	Carter, Escutia-Braaton, Lucas, Morad, Smith, Tyler
Noes:	None
Absent:	Grewal
Recused:	None

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

Original, signed copy on file in CEDD
Patrick Kelly, Secretary