

PLANNING COMMISSION
RESOLUTION NO. 2016-06

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL (R-1) ZONE TO A NEW PLANNED DEVELOPMENT ZONE, P-D (600), PROPERTY LOCATED ON THE ON THE SOUTH SIDE OF E. GRANGER AVENUE WEST OF SUNRISE AVENUE AND EAST OF MELROSE AVENUE (STANCO)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by STANCO on December 19, 2015, to rezone from Low-Density Residential (R-1) Zone, to Planned Development Zone, P-D(600), to allow for the development of a multi-family supportive housing complex with an onsite community center and four one bedroom dwelling units, parking and common areas, property located at 522 E. Granger Avenue, described as follows:

Real Property in the City of Modesto, County of Stanislaus, State of California, described as follows:

PARCEL A AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON MARCH 2, 1978 IN BOOK 26 OF PARCEL MAPS AT PAGE 89, STANISLAUS COUNTY RECORDS.

CONTAINING 0.41 acres more or less

Also including the southern 30.00 feet of E. Granger Avenue immediately adjacent to the above-described property.

APN: 031-002-046-000

WHEREAS, a public hearing was held by the Planning Commission on March 7, 2016 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 2016-03, 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 requested change will not be detrimental to the public health, safety, or welfare, because the rezone to a Planned Development Zone to allow for a multi-family supportive housing complex and onsite community resource center would provide for development that meets City Standards for a multi-family residential development.
2. The requested change will result in an orderly planned use of land, because the multi-family supportive housing complex will be compatible with the surrounding multi-family residential uses.

2. 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 proposed use is consistent with the General Plan Land Use Designation of "Mixed Use", which allows for multi-family residential uses.
3. 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.
4. 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.
5. No new or additional mitigation measures or alternatives are required.
6. The subsequent project is within the scope of the project covered by the Master EIR.
7. 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.
8. 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 21-3-9 of the Zoning Map be amended to rezone from Low Density Residential (R-1) Zone, to a new Planned Development Zone, P-D(600), 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 and building elevations titled "Proposed New Development: 522 Granger", stamped approved by the City Council on [date to be determined].
2. Prior to 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.
3. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

4. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.
5. Prior to occupancy of any structure, striping of parking stalls, aisles and driveways shall conform to the provisions of MMC Section 10-2.2004, Parking Lot Design.
6. Parking stalls adjacent to a landscape planter or walkway should have a dimension of 9 ft. by 15.5 ft. with a 2.5 ft. overhang. Compact stalls should be 7.5 ft. by 12.5 ft. with a 2.5 ft. overhang. All required overhang should be added to the required landscape or walkway. The use of wheelstops is discouraged. For situations where a landscape planter or walkway is not adjacent to the parking stalls and wheelstops are necessary, stalls should have a dimension of 9 ft. by 18 ft. Compact stalls with a wheelstop should be 7.5 ft. by 15. ft. Parking stalls should be redesigned accordingly.
7. Along pedestrian corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be used. Steps and ramps should be illuminated wherever possible, with built-in light fixtures to the satisfaction of the Director of Community and Economic Development.
8. The design of light fixtures and their structural supports should be architecturally compatible with the main structures on the site. Light fixtures should be architecturally integrated into the design of a structure to the satisfaction of the Director of Community and Economic Development.
9. All signs shall comply with the sign requirements of the R-3 Zone.
10. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers and HVAC equipment shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development. Equipment shall be placed underground or adequately screened through the use of landscaping or masonry walls.
11. 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 permit.
12. A 10-inch water main fronts the property in Granger Avenue, which is available for connection and adequately sized. It is recommended to utilize existing water service connections for the proposed building. If a new connection or an upgrade to the existing connection is requested, then water connection fees will be applicable and an encroachment permit from the City has to be obtained prior to any construction.

13. A 10-inch sewer main fronts the property in Granger Avenue, which is available for connection and adequately sized. It is recommended to utilize existing sewer service connection for the proposed building. If a new connection or an upgrade to the existing connection is requested, then sewer connection fees will be applicable and an encroachment permit from the City has to be obtained prior to any construction.
14. There is not an existing positive storm drain system available for this project to connect to. Storm water has to be kept on site and has to be designed to current City of Modesto standards. Provide Storm water calculations for checking along with off-site plans prior to building permit issuance.
15. The driveway on Granger Avenue shall be designed to a commercial flared driveway per City of Modesto standard detail 1009.
16. Prior to the issuance of a Grading 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 submittal shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction 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.
17. 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 City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures.
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. 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.
23. Applicant to submit landscape and irrigation plans that are compliant with current State of California Model Water Use Ordinance for review and approval when they submit building plan sets to Development Services.
24. Applicant shall plant drainage basin with a "no-mow"-type grass to prevent erosion of soil. This area shall be irrigated to prevent dying off during the summer months.
25. Construction of the community center and dwelling units shall conform to the requirements of the California Building Code and California Fire Code.
26. An Automatic Fire Sprinkler system designed in accordance with NFPA 13 and 13R will be required in the proposed community resource center, family area addition, service addition and dwelling units.
27. All department Conditions of Approval for the project shall be included on the sheet following the title sheet, which shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
28. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the respective utility company, Modesto Irrigation District, and/or City Engineer. Easements for utilities, irrigation, and electrical lines to remain shall be dedicated as required.
29. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris, and all exposed wall surfaces shall be kept free of graffiti.
30. 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.
31. The property owner and developer shall, at their sole expense, defend, with counsel selected by the City, 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 attorney's 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 recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that should be applied to the project:

32. AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are 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 the use.
33. AQ-42: 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. AQ-43: 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. AQ-44: 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. AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
37. AQ-46: 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.
38. AQ-47: 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.)
39. AQ-48: 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.
40. AQ-49: 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.
41. AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.
42. AQ-51: Limit traffic speeds on unpaved roads to 15 mph.
45. AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

46. AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
47. AQ-54: Install wind breaks at windward side(s) of construction areas.
48. AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation.
49. AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.
50. N-3: 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.
51. The City's Noise Ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."
52. The Noise Ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or Federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):
 - a. A hammer or any other device or implement used to pound or strike an object.
 - b. An impact wrench or other tool or equipment powered by compressed air.
 - c. A hand-powered saw.
 - d. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
 - e. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to a saw, drill, lathe, or router.
 - f. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-

driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

- g. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
- h. 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.

53. MEIR Table V-8-1 (e, f)

- e. If any find is determined to be significant by a 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.
- f. 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.

SECTION II

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

Supportive housing and community resource center or other uses permitted in the R-2 Zone.

SECTION III

IT IS FURTHER RECOMMENDED that the entire construction program be accomplished in one phase, construction to begin on or before April 12, 2018, and completion to be not later than April 12, 2020.

SECTION IV

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 March 7, 2016, by Sandra Lucas, who moved its adoption, which motion was seconded by Steve Carter and carried by the following vote:

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

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

Original, signed copy on file in CEDD

Patrick Kelly, Secretary