

PLANNING COMMISSION
RESOLUTION NO. 2017-24

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE. R-1, TO PLANNED DEVELOPMENT ZONE, P-D(604) PROPERTY LOCATED AT 1328 COFFEE ROAD (MERIDIAN PROPERTY VENTURES LLC)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Meridian Property Ventures LLC on May 23, 2017, to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(604), to allow a 11,500 Square Foot Office Building and on-site parking, property located at 1328 Coffee Road, described as follows:

R-1 to P-D(604)

All that portion of Lot 12 of Broughton Colony, shown on that certain map filed in the office of the Recorder of Stanislaus County, State of California, on March 17, 1904 in Volume 1 Page 78 of Maps, lying within a portion of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being more particularly described as follows:

Commencing at the Northwest corner of Lot 12 of Broughton Colony, said point being at the intersection of the center line of Coffee Road and Orangeburg Avenue; thence South 0° 30' East 259.20 feet to the True Point of Beginning of this description; thence North 89° 52' East 436.00 feet; thence South 0° 30' East 100.00 feet; thence North 89° 52' West 436.00 feet; thence North 0° 30' West 100.00 feet to the True Point of Beginning.

Less a 25.00 foot strip along West side for Co. Road Right-of-way.

Excepting therefrom that portion conveyed to City of Modesto, a municipal corporation, described in Grant Deed, recorded September 17, 1974, Document No. 113265, Book 2654, Page 504 of Official Records.

Including also the easterly half of 90-foot wide Coffee Road, all being immediately adjacent to the above-described property.

APN No. 032-009-007

WHEREAS, a public hearing was held by the Planning Commission on October 16, 2017, 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 2017-16, 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 proposed rezone to Planned Development to allow for a new office building will provide professional services to the City's residents, including dialysis treatment services as the sole allowed medical use of the site.
2. The requested change will result in an orderly planned use of land because the conditions of approval will ensure that the proposed project is compatible with the adjacent professional office and residential land uses, and will provide for off-street parking at a sufficient level to support professional office uses as well as medical dialysis treatment as the sole allowed medical office use.
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 proposed change to Planned Development allowing for professional office uses is consistent with the Modesto Urban General Plan, which designates this property as Mixed Use (MU), which allows for professional and medical office uses.
4. The parking analysis provided by the developer demonstrates that dialysis clinics do not require the same ratio of parking spaces per square feet of medical use as required by Title 10 Chapter 5 of the Modesto Municipal Code because of the longer duration in treatment times than that of typical medical office visits, and that most dialysis patients arrive via outside assistance such as medical transportation services, and that therefore, the provided number of parking spaces is sufficient to provide for a dialysis clinic and professional non-medical office uses.
5. 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.
6. 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.
7. No new or additional mitigation measures or alternatives are required.

8. The subsequent project is within the scope of the project covered by the Master EIR.
9. 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 22-3-9 of the Zoning Map be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(604), 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 "Modesto Medical Office Building" as amended in red and 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. 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.
4. The improvement plans shall include all landscaping, parking, and any and all easements required for the establishment of new utilities and the preservation of existing utilities.
5. Prior to issuance of a Certificate of Occupancy, the developer shall execute a Reciprocal Access Agreement with the City to provide a reciprocal access along the northern property line, as shown in red on the site plan, located adjacent to the existing reciprocal access on the adjacent property to the north as referenced in Document No. 2001-0083737-00, Stanislaus County Records, for the purpose of a shared

driveway between the two properties. Said reciprocal access agreement shall also include provisions for the shared maintenance of the driveway.

6. Prior to occupancy of any structure, fences and/or walls shall be constructed as follows, to the satisfaction to the Director of Community and Economic Development:
 - a. Seven-foot high decorative masonry wall with cap treatment along the east property line.
 - b. A seven-foot high wrought-iron fence with decorative masonry pilasters and a cap treatment at 16 feet on center along the south property line.
7. Prior to certificate of occupancy, the masonry wall at the east property line shall be treated with a graffiti-proof coating to the satisfaction of the Director of Community and Economic Development or Designee. Construction drawings shall note the type of graffiti treatment used.
8. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors and finishes which are consistent or compatible with those used for the office building, as approved by the Community and Economic Development Director.
9. Prior to issuance of a building permit, the developer shall submit a lighting plan that includes the location and design of proposed lighting fixtures for review and approval by the Director of Community and Economic Development. Said plans shall include specifications of the proposed lighting fixtures and demonstrate the adequate shielding of lighting fixtures to minimize glare or light spillage upon neighboring residents east of the project site. The height of the lighting shall not exceed 15 feet above grade.
10. 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.
11. All signs shall comply with the sign requirements of the P-O Zone. Wall signs located on the east elevation of the building shall be non-illuminated and less than eight feet in height.
12. Prior to issuance of a sign permit, individual sign plans for the project shall be submitted for separate review and approval prior to installation.
13. 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.

14. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.
15. Construction drawings shall demonstrate that all building drainage gutters, down spouts, vents, etc. located on exterior walls, are be completely concealed from public view or designed to be architecturally compatible (decorative) with the exterior building design and color to the satisfaction of the Director of Community and Economic Development.
16. Construction drawings shall demonstrate that new ladders for roof access are mounted on the inside of the building to the satisfaction of the Director of Community and Economic Development.
17. Prior to occupancy of any structure, striping of parking stalls, aisles and driveways shall conform to the provisions of MMC Section 10-5.105, Parking Lot Design Standards.
18. Parking lot shade trees shall be provided in all new parking areas to meet current parking lot shading requirements (1 tree per 8 stalls, 50% coverage within 10 years).
19. The applicant shall install screen landscaping along the east property line as approved by the Parks, Recreation and Neighborhoods.
20. The project shall install a street light according to City's Standard Specifications.
21. The existing sidewalk along the property's frontage shall be reconstructed per current City of Modesto standards to remove and replace existing, broken curb, gutter and sidewalk and to remove the old, existing driveway approaches.
22. There is an existing 10-inch water main in Coffee Road that is available for connection and it is adequately sized. For any new water connection or an upgrade to an existing substandard water service size, water connection fees shall be paid and an Encroachment permit issued by the City prior to any new connection being made.
23. There is an existing 10-inch sewer main in Coffee Road that is available for connection and with adequate capacity for the uses expected demand. For any new connection to the sewer main, sewer connection fees shall be paid and an Encroachment permit be issued by the City prior to any new connection being made. Submit estimated sewer demand calculation for review prior to issuance of a building permit.
24. The property shall retain all storm water runoff on-site through low impact development methods to promote ground water recharge. The design shall abide by current City of Modesto storm drainage standards.
25. 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.

26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. Fire hydrant spacing and distribution for this project is 300-feet O.C. An on-site fire hydrant will be required.
32. Buildings shall be equipped with automatic fire sprinkler systems installed in accordance with NFPA 13.
33. A fire alarm system installed in accordance with NFPA 72 may be required for an ambulatory care facility. Alarm system shall be U. L. Certified.
34. A fire hydrant will be required within 90 feet of the Fire Department Connection (FDC) to fire sprinklers.
35. Applicant shall submit Landscape and Irrigation plans for review and approval by the City's Park Planning and Development Division. L&I plans shall meet current State of California water use requirements, MMC requirements and City of Modesto standards at time of submittal.
36. Applicant shall provide street trees along Coffee Road thirty five (35') feet on center and located within seven (7') feet of the sidewalk or curb.

37. Applicant shall install a separate landscape water meter.
38. The applicant shall provide a minimum 10-foot landscaped setback from the front property line.
39. The landscape design can include accent landscaping to be installed at the driveway for visual connectivity to employees, visitors, delivery trucks and street traffic.
40. 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.
41. Climbing vines shall be included in the landscape surrounding the trash enclosures to discourage tagging.
42. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Code.
43. 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.
44. 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.
45. 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.
46. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
47. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
48. 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.
49. 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.

50. 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 from the City of Modesto General Plan Master EIR to be applied to the project:

51. 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. [AQ-42]
52. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. [AQ-43]
53. 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. [AQ-44]
54. 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. [AQ-46]
55. 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.) [AQ-47]
56. 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. [AQ-48]
57. 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. [AQ-49]
58. Any site with 150 or more vehicle trips per day shall prevent carryout and track out. [AQ-50]

59. The City has also established a noise ordinance to control noise within the City. 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." [N-1]
60. Additionally, 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), piledriving 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. [N-2]
61. The City of Modesto shall require construction activities to comply with the City's noise ordinance (Title 4, Chapter 9), and noise-reducing construction practices to be implemented as conditions of approval for

development projects where substantial construction-related noise impacts would be likely to occur (e.g., where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The city should consider potential mitigation measures, including, but not limited to, the following: 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. [N-3]

- 62. 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. [SD-9, FWQ-13]

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. Non-medical office uses as permitted in the Professional Office (P-O) Zone.
- 2. Dialysis Clinic.

SECTION III

IT IS FURTHER RECOMMENDED that the entire construction program be accomplished in one phase, construction to begin on or before two (2) years from the adoption of the rezone to Planned Development Zone P-D(604) by the City Council, and completion to be not later than three (3) years from the date of adoption.

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 October 16, 2017, by Commissioner Lucas, who moved its adoption, which motion was seconded by Commissioner Smith and carried by the following vote:

Ayes: Birring, Lucas, Morad, Pollard, Smith, Vohra, Escutia-Braaton
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