

PLANNING COMMISSION
RESOLUTION NO. 2020-04

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 13-3-8 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(346) AS AN ADDITION TO THE EXISTING P-D(346) ZONE, PROPERTY LOCATED AT 2600 WEST RUMBLE ROAD, WEST OF CONANT AVENUE (JEFF SALES CONSTRUCTION)

WHEREAS, a verified application for an amendment to Section 13-3-8 of the Zoning Map was filed by Jeff Sales on May 14, 2020, to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(346) as an addition to the adjacent existing Planned Development Zone P-D(346), to allow a 34-unit senior independent living apartment complex on property located at 2600 W. Rumble Road, described as follows:

R-1 to P-D(346)

All that portion of the Northwest Quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the northeast corner of Parcel "C" of that Parcel Map for C.J. Rumble and Sons, Inc. filed in the Office of the Recorder of Stanislaus County, State of California on the 25th day of April, 1975 in Volume 21 of Parcel Maps at Page 16; thence North 89° 15' 12" East a distance of 199.40 feet to a point along the south right-of-way line of West Rumble Road and the True Point of Beginning of this description; thence South 0° 0' 0" West a distance of 319.9 feet; thence North 89° 15' 12" East a distance of 198 feet; thence North 0° 0' 0" East a distance of 239 feet; thence South 90° 0' 0" West a distance of 62 feet; thence North 0° 0' 0" West a distance of 81 feet; thence North 90° 0' 0" West a distance of 132 feet to the True Point of Beginning.

Including also the southerly half of 50-foot wide West Rumble Road and the northerly half of the 20-foot wide public alley south of the property, all being immediately adjacent to the above-described property.

Totaling 1.47 acres.

APN No. 005-037-011 and portion of APN 005-037-012

WHEREAS, a public hearing was held by the Planning Commission on July 20, 2020, 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 No. 2020-08, 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 project will provide for needed senior housing.
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 residential uses, and there are other apartment complexes located on this section of Rumble Road in close proximity to the proposed development.
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 new multi-family residential uses is consistent with the Modesto Urban Area General Plan, which designates the property as Residential (R), which allows for senior housing and residential uses.
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 13-3-8 of the Zoning Map be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(346), 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 "Magnolia Gardens Senior Independent Living" stamped approved by the City Council.
2. Prior to the issuance of a building permit, an application for a Lot Line Adjustment shall be submitted to the City to move the contiguous lot line from its current position between the two properties of 2554 and 2600 W. Rumble Road (APNs 005-037-011 and 005-037-012) to the position around the residence to remain at 2554 W. Rumble Road (APN 055-037-012), as illustrated on the site plan. The square footage of the residential lot shall be at least 5,000 square feet or larger to meet the requirements of the R-1 Zone. Said Lot Line Adjustment shall be completed and recorded, with property deeds recorded after, prior to the first Certificate of Occupancy of the development.
3. Prior to the first Certificate of Occupancy, fences along the east and south property lines shall be replaced with six-foot-high wood double-alternating board fences with decorative masonry pilasters spaced no more than sixteen (16) feet on center.
4. 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 residential buildings, as approved by the Community and Economic Development Director.
5. 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.
6. 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.
7. 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.

8. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.
9. 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.
10. 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. Parking area shall include two accessible parking spaces, with one space being van-accessible, provided under a carport structure.
11. 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).
12. All signs shall comply with the sign requirements of the R-3 Zone, with placement, sizing and number of monument signs in accordance to the requirements of the R-3 Zone. 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. 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 and 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.
14. Prior to the issuance of a building permit, improvement plans shall demonstrate that the driveway shall be designed per City of Modesto Standard Specification Table 10.1 and Commercial/Apartments flared driveway detail 1009.
15. There is an existing 10-inch water main available for connection to service this facility in Rumble road. If a new connection or an upgrade in water service size is requested, then an encroachment permit is required to be issued from the City and additional water connection fees to be paid prior to construction.
16. If an additional irrigation water service is to be constructed, a backflow prevention devise shall be installed according to City Standards.
17. There is an existing 6-Inch sewer main in W. Rumble Road available for connection. If an upgrade in sewer service size is requested, then an

encroachment permit is required to be issued from the City and additional sewer connection fees to be paid prior to construction.

18. Prior to the issuance of a building permit, improvement plans shall demonstrate that water run-off generated from the site shall be kept on-site according to City standards.
19. 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 and the City of Modesto Municipal Code.
20. 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 run-off on site, and incorporate pervious landscape features into the project design wherever possible.
21. 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.
22. 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.
23. 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.
24. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall obtain coverage for project under the State Water Resources Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ.
25. The Construction General Permit requires the Property Owner to develop a Stormwater Pollution Prevention Plan (SWPPP) for the project. The 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. Prior to issuance of a Grading, Demolition, or Building Permit, provide one paper copy of SWPPP to Land Development Engineering, Stormwater.

26. Condition: 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 the current State of California Model Water Efficient Landscape Ordinance (MWELO) requirements, Modesto Municipal Code (MMC) requirements and City of Modesto standards at time of submittal.
27. Applicant shall install City Street Trees every thirty-five feet on center (35' oc.) along Rumble Road.
28. 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.
29. Applicant shall install climbing vines on all walls, in a landscape planter, around the all trash or storage enclosures to discourage tagging.
30. 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. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Provide total square feet of the landscape area in project information.
31. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Standards Code.
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 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.
34. 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.
35. Prior to Certificate of Occupancy for any structure, the applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department.
36. 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.
37. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

38. 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.
39. 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.
40. 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:

41. 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)
42. 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)
43. 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)
44. 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)
45. 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)

46. 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)
47. 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)
48. 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.wv)
49. AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)
50. AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)
51. 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)
52. 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)
53. SD-10, 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)
54. SD-12, 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)
55. SD-13, 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)

56. SD-15, 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)
57. 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)
58. HM-8. Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental site assessment and a Phase II site assessment, if found necessary as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County's Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (Policy VI.M.6)

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. Senior Independent Living Apartments;
2. Convalescent Hospital and associated off-street parking, office and storage buildings;
3. R-3 Residential Uses.

SECTION III

IT IS FURTHER RECOMMENDED that the entire construction program be accomplished in one phase, construction to begin on or before two years from the date of City Council adoption, and completion to be not later than four years from the date of City Council 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 July 20, 2020, by Morad, who moved its adoption, which motion was seconded by Pollard and carried by the following vote:

Ayes: Escutia-Braaton, Morad, Pollard, Shanks, Vohra, Birring
Noes: None
Absent: Smith
Recused: None

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

Original, signed copy on file in CEDD
Steve Mitchell, Secretary