

PLANNING COMMISSION
RESOLUTION NO. 2021-17

A RESOLUTION APPROVING THE DEVELOPMENT PLAN OF A NEW TWO-STORY 90-UNIT SENIOR INDEPENDENT LIVING COMPLEX IN THE NORTH BEYER SPECIFIC PLAN, ON PROPERTY LOCATED AT 1483 MABLE AVENUE (BISHOP MAR AWA ROYEL)

WHEREAS, the City Council adopted the North Beyer Park Specific Plan, a 160-acre area of land between Coffee Road and Oakdale Road, south of Claratina Avenue, on November 26, 1996; and

WHEREAS, an application for a Final Development Plan for a proposed new two-story 90-unit independent living apartment complex for senior citizen tenants ages 65 and over on property located at 1483 Mable Avenue was filed by Barret Lipomi on behalf of Bishop Mar Awa Royel on April 27, 2021, in accordance with Chapter 2, Section 4 of the North Beyer Park Specific Plan; and

WHEREAS, a public hearing was held by the Planning Commission on September 13, 2021, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the proposed Final Development Plan is exempt from CEQA, pursuant to Section 15332 of the CEQA guidelines, which exempts infill development projects meeting the conditions described in the section; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed Final Development Plan is consistent with the North Beyer Park Specific Plan and the Modesto Urban Area General Plan. The General Plan designates the site as Residential (R) with implementation through the North Beyer Park Specific Plan, which provides that senior housing within the Residential area of the Specific Plan's Land Use Diagram is permitted with approval of a Final Development Plan by the Planning Commission.
2. The Final Development Plan for the 90-unit independent living apartments for seniors ages 65 and over will provide for much needed senior housing in Modesto.
3. The provision of seventy-eight (78) parking spaces, fifty-one (51) fewer spaces than what is required for standard multi-family residential projects of similar size and configuration, will not adversely affect surrounding uses because the project is to serve senior tenants ages 65 and older, of whom some will not have vehicles; the site is adjacent to the existing parking lot of the Assyrian Church of the East, the project proponent, which would allow for use of the existing parking for any needed overflow parking; and the site is across the street from a bus stop for Modesto Area Express (MAX) Line 32.

4. The conditions of approval will ensure that the proposed project is compatible with the adjacent residential and institutional uses.
5. The proposed Final Development Plan is exempt from CEQA, pursuant to Section 15332 of the CEQA Guidelines, because this project is an in-fill development consistent with applicable general plan designations and policies as well as applicable zoning designation and regulation, is no more than five acres substantially surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air quality, or water quality, and can be adequately served by all required utilities and public services.

BE IT FURTHER RESOLVED by the Planning Commission as follows:

That a Final Development Plan for the proposed two-story 90-unit independent living apartment complex for seniors aged 65 and over be approved subject to the following conditions:

1. All development shall be consistent with the approved Final Development Plan and building elevations titled "Mable Avenue Senior Housing" submitted on April 27, 2021, as approved by the Planning Commission on September 13, 2021.
2. Prior to issuance of a building permit, a Lot Line Adjustment to move the northerly property line of Assessor's Parcel Number 082-014-045 (the former Baptist Church site) to the west shall be submitted to Land Development Engineering for review and approval, and recordation.
3. 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.
4. 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.
5. Prior to issuance of a building permit, a photometric lighting plan shall be submitted for review and approval by the Community and Economic Development Director. 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 to the north and east of the project site. Fixtures should be of a type or adequately shielded so as to prevent glare from normal viewing angles. The height of lighting fixtures shall not exceed 15 feet above grade.

6. 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.
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. Prior to Certificate of Occupancy of any structure, a solid decorative masonry wall of eight (8) feet in height with cap treatment shall be installed along the north and east property lines.
9. A pedestrian gate shall be installed by the fire access gate at the west property line.
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. 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.
12. Exterior building elevations showing building wall materials, roof types, exterior colors, and appropriate vertical dimensions shall be included in the development construction drawings.
13. All signs shall comply with the sign requirements of the R-3 Zone.
14. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors, and finishes that are consistent or compatible with those used in the major buildings of the development, as approved by the Community and Economic Development Director.
15. Prior to issuance of a building permit, 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.

16. 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.
17. There are two (2) existing water service connections to this parcel from the 10-inch main in Mable Avenue. If a new connection or an upgrade to the existing ones is requested, then applicable water connection fees shall be paid and an encroachment permit issued from the City prior to any work being done in the public right of way.
18. There is an existing 6-inch sewer main available for connection in Mable Street, with adequate capacity to serve the proposed project. All applicable sewer connection fees shall be paid and an encroachment permit obtained from the City prior to any connection made in the City's Public Right-of-Way.
19. Any storm water generated from this development shall be managed and stored on-site according to the City's Standard Specifications and current low impact development (LID) standards.
20. 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.
21. Except as amended herein, or by reference, all development shall be in accordance with the North Beyer Park Specific Plan.
22. The proposed project disturbs one (1) or more acres of soil, and is therefore required to obtain coverage under the General Permit for Discharges of Stormwater associated with Construction Activity in accordance with Construction General Permit.
23. The proposed project is a Commercial Development of greater than 10,000 square feet, with a parking lot of greater than 5,000 square feet or 25 or more parking spaces, and is therefore considered a Priority Project.
24. 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.
25. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate 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.
26. 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.
27. 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 the floor of enclosures shall be graded to drain into adjacent landscape areas.
 28. 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.
 29. 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 Stormwater Pollution Prevention Plan (SWPPP) shall include a description of all erosion, sediment, and pollution control Best Management Practices (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.
 30. 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 current State of California water use requirements, Modesto Municipal Code (MMC) requirements and City of Modesto standards at time of submittal.
 31. Applicant shall protect in place, or replace, all existing street trees along Mable Avenue. Trees to be replaced shall be installed every thirty-five feet (35') on center along Mable Avenue and within seven feet (7') of sidewalks.
 32. 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.
 33. Applicant shall install climbing vines on all walls, in a landscape planter, around the trash enclosure to discourage tagging.
 34. 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.

35. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Standards Code.
36. Improvement plans shall include but not be limited to the following Fire requirements:
 - a. Per City of Modesto Standard Appending B 1.06 and 1.07, the entire length of curb along the east property line shall be marked as "No Parking Fire Lane".
 - b. Fire hydrants and Fire Department Connection (FDC) assemblies shall be installed where required. FDC assemblies to be a 1603 assembly. Improvement plans shall demonstrate a 1603 Modesto Standard Diagram.
 - c. Fire Department Double Check Valve and Backflow Preventer shall be demonstrated to be a 1602-A DCV. Improvement plans shall include Modesto Standard diagram and show all fire piping and appliances on utility civil plans.
 - d. Fire riser systems shall be sized to serve buildings larger than 52,000 sq. ft. to the satisfaction of the Fire Marshall.
37. All landscaping, fences and walls shall be maintained and the premises shall be kept free of weeds, trash and other debris.
38. 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.
39. Prior to issuance of 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.
40. 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.
41. 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.
42. 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.

43. 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.

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 September 13, 2021, 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 project.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on September 13, 2021, by Commissioner Vohra, who moved its adoption, which motion was seconded by Commissioner Smith and carried by the following vote:

Ayes:	Pollard, Silva, Smith, Vohra, Shanks
Noes:	None
Absent:	Morad
Recused:	Birring

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

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