

PLANNING COMMISSION
RESOLUTION NO. 2018-17

A RESOLUTION APPROVING THE VESTING TENTATIVE SUBDIVISION
MAP OF THE TRAILS AT VINTAGE (NRB INVESTMENTS, LLC)

WHEREAS, NRB Investments LLC has filed an application for a Vesting Tentative Subdivision Map, The Trails at Vintage, to divide 8.76 acres located west of Dale Road, north of Vintage Faire Mall into 73 single-family residential lots and three landscape lots; and

WHEREAS, said Vesting Tentative Map was received in the office of the Secretary of the Planning Commission on September 11, 2018, and was accepted for filing and deemed complete on October 31, 2018, 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 Modesto Elementary School, Salida Elementary School and Modesto High School Districts, 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, one mile distant; and

WHEREAS, a public hearing was held by the Planning Commission on December 3, 2018, 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 2018-26, 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, together with the provisions for its design and improvements, is consistent with the General Plan of the City of Modesto, and the Subdivision Map Act of the State of California.
2. 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.

3. 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.
4. No new or additional mitigation measures or alternatives are required.
5. The subsequent project is within the scope of the project covered by the Master EIR.
6. 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.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Map of The Trails at Vintage, accepted for filing in the office of the Secretary of the Planning Commission on October 31, 2018, 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 Trails at Vintage Final Map cannot be recorded unless and until rezoning of the site to Planned Development Zone P-D(606) has been approved by the City Council and is in effect.
2. Prior to recordation of the Final Map, new street names for "Street A" and "Court A" shall be proposed and approved by both the City and the County.
3. 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 but not be limited to the following:
 - a. Right-of-Way addition and associated improvements such as curb and gutter, ADA access ramps, fire hydrants and street lights for Landmark Circle, "Street A" and "Court A";
 - b. The 20-foot wide emergency vehicle access/pedestrian access between "Court A" and Vintage Drive;
 - c. Landscaping and irrigation plans for all street improvements, the emergency vehicle/pedestrian access and the three landscaped lots (Lots A, B and C) as shown on the tentative map;
 - d. Installation of speed humps on Vintage Drive in the vicinity of the emergency vehicle access.
4. 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.

5. Storm drainage calculations showing tributary area and elevations, runoff amounts, storage method and volumes, percolation and other geotechnical information, storm water pollution management, and other required information per City Standards shall be submitted to City staff for review prior to approval of the improvement plans.
6. Prior to or concurrent with map recordation, all public utility easements shall be dedicated as required by the utility companies and the City Engineer.
7. Prior to or concurrent with map recordation, ten-foot-wide public utility easements and planting easements located within the ten-foot-wide public utility easements shall be dedicated along all street frontages as required by the City Engineer or designee.
8. Prior to certificate of occupancy for the first building, the proposed block wall between homes and the adjacent commercial zone shall be constructed as an eight-foot high decorative masonry wall with cap treatment in accordance to City Standards. Where the wall is visible from the south side of Vintage Drive at the landscape lot, the planting of vines along the wall shall be incorporated into the landscape design to discourage tagging.
9. Prior to occupancy, a six-foot high decorative masonry wall with cap treatment shall be installed along the residential property lines adjacent to Landscape Lot B, with climbing vines to discourage tagging.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. 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.
16. Speed humps shall be designed in accordance to City Standards to accommodate the travel of fire department apparatus without impact to emergency response times.
17. Public or street hydrants for residential areas are required at the designated distribution and spacing of 500' on center.
18. Fire hydrants and apparatus access roads must be installed and in working order for use prior to the start of building construction.
19. Proposed development designs shall comply with building codes adopted by the City of Modesto at time of building permit application, and be "wet" stamped by engineer.
20. In advance of house designs, design roof areas of the proposed Single-Family Dwellings to comply with mandated "Solar Ready" roof areas dedicated to solar panel installations. Refer to current requirements, 2016 Title 24 Residential Building Energy Efficiency Standards, Section 110.10 for further information.
21. Applicant shall submit Landscape and Irrigation plans for review and approval by the City's Parks 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.
22. Applicant shall provide a minimum ten foot (10') landscape setback along Vintage Drive at Landscape Lots A and B and at Lot C along Landmark Circle and "Street A".

23. Applicant shall provide street trees along Vintage Drive. Tree shall be spaced thirty five (35') feet on center and located within seven feet (7') of the sidewalk or curb.
24. Applicant shall provide landscape and irrigation for Lots A, B, and C as well as parkway on south side of Vintage Drive.
25. 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.
26. The project shall be subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
27. 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.
28. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
29. 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.
30. Prior to Certificate of Occupancy for any structure, cable television service shall be stubbed into all units.
31. 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.
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, 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.

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 December 3, 2018, 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 December 3, 2018, by Commissioner Birring, who moved its adoption, which motion was seconded by Commissioner Lucas, and carried by the following vote:

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

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

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