



## CITY OF MODESTO

Community and Economic Development Department/Planning Division  
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### Administrative Plan Review Conditions of Approval: DPR-13-011- Claratina Avenue Automotive Dealerships

**System Number:** PLN2013-00025

**Applicant:** JWG McHenry, LLC

**APN(S):** 082-010-008 and 082- 010-003

**Location:** SE corner of McHenry Avenue and Claratina Avenue

**Approval Date:** 12/10/2013

**Appeal Deadline:** 12/26/2013

**Expiration Date:** 12/10/2015

The Director of Community and Economic Development approved the Claratina Avenue Automotive Dealerships on December 10, 2013, subject to the following conditions:

#### PLANNING

1. All development shall conform to the plot plan and building elevations titled "Infinity Auto Dealership Site Development Plan." stamped approved by the Director of Community and Economic Development on December 10, 2013.
2. Approval of a driveway on McHenry Avenue as shown in the approved plans is contingent on Caltrans approval. Prior to any work on McHenry Avenue, an encroachment permit shall be obtained from Caltrans.
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. Prior to issuance of a building permit for future buildings on the southern half of the site: "Auto Dealership" and "Flex Space", the developer shall submit building elevations for the review and approval of the Director of Community and Economic Development.
5. The "Flex Space" building shall not include open garage bays or other openings facing east that could noise that impacts residents to the east, to the satisfaction of the Director of Community and Economic Development.
6. 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.
7. 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 in the major buildings of the development, as approved by the Director of Community and Economic Development.

8. 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.
9. Along pedestrian corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, should 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.
10. 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.
11. 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. Fixtures should be of a type or adequately shielded so as to prevent glare from normal viewing angles. 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 south/east of the project site.
12. All signs shall comply with the sign requirements of the C-3 Zone.
13. The use of individual "channel" lettered signs are encouraged; while "canister" type signs are discouraged.
14. Prior to issuance of a sign permit, individual sign plans for the project shall be submitted for separate review and approval prior to installation.
15. Prior to issuance of a building permit, the applicant shall submit a cross-section drawing, showing how all rooftop equipment is to be screened from view (including dimensions, materials, colors, etc.) to the satisfaction of the Director of Community and Economic Development. Roof-mounted equipment, including but not limited to air conditioners, fans, vents, antennas, and dishes should be set back from the roof edge and placed behind a parapet wall or in an enclosure, so they are not visible to motorists or pedestrians. Screening for equipment should be integrated into the building and roof design by the use of compatible materials, colors and forms. Wood lattice and fence-like coverings are not allowed for screening.
16. 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 though the use of landscaping or masonry walls.
17. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.

18. Construction drawings shall demonstrate that all building drainage gutters, down spouts, vents, etc. located on exterior walls, are 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.

#### LAND DEVELOPMENT ENGINEERING

19. There is an existing 6-inch sewer fly line in Granger Avenue available for connection. This property appears to have an existing sewer service available to the property line. The connection shall be field verified and utilized before any new connection is proposed. For any new sewer service connection; current waste water connection fees will be applicable prior to building permit issuance.
20. There is an existing 6-inch water main available for connection in Granger Avenue. This property appears to have an existing water service available to the property line. The connection shall be field verified and utilized before any new connection is proposed. For any new water service connections; current water connection fees will be applicable prior to building permit issuance.
21. Storm water generated from this development shall be kept on site to the satisfaction of the City Engineer.
22. Prior to issuance of an encroachment permit, 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 to the satisfaction of the City Engineer.
23. 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.
24. Prior to issuance of a building permit, the developer shall dedicate public utility easements as required by the utility companies and the City Engineer.
25. Prior to the issuance of a building permit, improvement plans for any required improvements shall be prepared by a Registered Civil Engineer and approved by the City Engineer or designee. Improvements shall be constructed in accordance with the approved plans.
26. Prior to issuance of a building permit, dedication shall be provided as required by the City Engineer or designee pursuant to improvement plans approved by the Land Development Engineering.
27. The developer shall construct street improvements on McHenry Avenue and Claratina Avenue in accordance with the approved improvements plans.

### STORM WATER QUALITY

28. Prior to issuance of a grading or building permit, the developer shall submit improvement plans conforming to design requirements of the current edition City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures.
29. Prior to the issuance of a Grading or Building Permit, property owner shall obtain coverage for project under the State Water Resources Control Board General Permit for Stormwater Discharges Associated with Construction Activity Order No. 2009-009-DWQ, NPDES NO. CAS000002.
30. The General Construction Permit requires the property owner to develop a Stormwater Pollution Prevention Plan (SWPPP) for the project. Prior to issuance of a grading or building permit, provide one copy of SWPPP to Land Development Engineering, Stormwater.
31. Prior to the issuance of a Grading or Building Permit, Developer shall provide plans for trash enclosure(s) to be sufficiently elevated to prevent stormwater run-on from parking lot. Floor of enclosure shall be graded to drain to adjacent landscape area(s).
32. Prior to the issuance of a Grading 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 1/2" of stormwater run-off from site.
33. Prior to the issuance of a Grading 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.

### PARKS, RECREATION AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT

34. Applicant shall provide, during the building permit submittal process, landscape and irrigation plans to be reviewed and approved by the Parks, Recreation and Neighborhoods Department Director or designee before final approval of building permit.
35. Irrigation plans shall meet current state and local standards for maximum applied water allocation to the satisfaction of Parks, Recreation and Neighborhoods Department Director or designee.
36. Applicant shall provide a copy of an access agreement with SFPUC that specifies the approval to install landscape planters and landscaping on and in the SFPUC right-of-way, prior to issuance of a building permit.
37. Applicant shall install screen landscaping along the eastern property line that abuts the neighboring single family residential area to the satisfaction of the Parks, Recreation and Neighborhoods Department Director or designee.
38. 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).

#### FIRE DEPARTMENT

39. Hydrant spacing and distribution for this project is 300' on center. Onsite fire hydrants will be needed.
40. The proposed buildings are required to have automatic fire sprinklers installed.
41. Fire Department connections (FDC) for fire sprinklers are to be within 90' of a fire hydrant.
42. Fire access roads or fire lanes conforming to California Fire Code (CFC) section 505 is required. Fire lanes shall have a minimum width of 20', provided with an all-weather surface that will withstand the imposed load of a 60,000 lbs fire apparatus. Turns or changes in direction of the fire lane shall be designed with 25' inside and 45' outside turning radii. The driveway access at McHenry does not meet the minimum turning radii.

#### BUILDING SAFETY

43. All aspects of this project to comply with current City of Modesto Standards and also current California Building, Electrical, Mechanical, Plumbing, Energy , Green codes adopted by the City of Modesto.
44. Provide permanently anchored bicycle racks within 200 feet of the entrance, readily visible to passers-by, for 5 percent of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack. Provide secure bicycle parking for 5 percent of motorized vehicle parking capacity, with a minimum of one space. Acceptable parking facilities shall be convenient from the street and may include: Covered, lockable enclosures with permanently anchored racks for bicycles, Lockable bicycle rooms with permanently anchored racks or Lockable, permanently anchored bicycle lockers.
45. Provide designated parking spaces for low-emitting, fuel-efficient or carpool/van pool vehicle.
46. Building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements

#### SOLID WASTE

47. Prior to issuance of a building permit, the developer shall submit trash enclosure plans consistent with City standards for review and approval to the satisfaction of Integrated Waste Specialist or designee.

#### GENERAL CONDITIONS

48. Prior to issuance of a building permit, the developer shall provide documentation satisfactory to the Director of Community and Economic Development Director that the proposed project has reviewed and approved by the San Francisco Public Utilities Commission.

49. 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.
50. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
51. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this development shall be based on the rates in effect at time of issuance of the building permit.
52. Except as amended herein, or by reference, all development shall be in accordance with the Coffee-Claratina Specific Plan.
53. 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.
54. 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.
55. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this development shall be based on the rates in effect at time of issuance of the building permit.

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:

Air Quality:

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.

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.

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.

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.

AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

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.

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.)

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.

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.

AQ-50: 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):

AQ-51: Limit traffic speeds on unpaved roads to 15 mph; and

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%).

AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

AQ-54: Install wind breaks at windward side(s) of construction areas.

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.

AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

Generation of Noise:

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.

Disturbance of Archaeological/Historic Sites:

MEIR Table V-8-1 (b-f)

b. 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.

c. 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.

d. 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.

e. 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.



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.

  
Patrick Kelly, Planning Division Manager