

BOARD OF ZONING ADJUSTMENT
RESOLUTION NO. 2021-08

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO CITY OF
MODESTO FOR THE BOYS AND GIRLS CLUB MODULAR BUILDING
LOCATED AT 920 SUNSET AVENUE

WHEREAS, an application for a Conditional Use Permit for the Boys and Girls Club modular building located at 920 Sunset Avenue, was filed by City of Modesto on June 7, 2021; and

WHEREAS, Section 10-9.102 of the Municipal Code authorizes the Board of Zoning Adjustment to grant Conditional Use Permits; and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on July 22, 2021, in Chambers, 1010 Tenth Street, Modesto, California, at which oral and documentary evidence was received and considered; and

WHEREAS, the proposed conditional use is exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines, which exempts infill development projects.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Adjustment that it finds and determines as follows:

1. The proposed conditional use permit is consistent with the objectives and requirements of Title 10 (Zoning Regulations) because the proposed Boys and Girls Club modular building will be used by non-profit organizations without retail activities and are allowed in the residential zones subject to a conditional use permit approval by the Board of Zoning Adjustments. Residential zones permit certain non-residential uses with a conditional use permit including churches, child daycare centers, and non-profit community centers.
2. The proposed conditional use and the conditions under which it will operate are consistent with the General Plan because the site is primarily within the Residential (R) designation of the General Plan Land Use Diagram, and non-profit community uses with recreation facilities are consistent with this designation. A small portion of the site, about one percent (1%), is in the Open Space (OS) designation. The proposed putting greens will blend in with the adjacent Dryden Golf Course and are consistent with the OS designation of the General Plan intended for active or passive recreational open space.
3. The proposed conditional use will not be detrimental to the public health, safety, or welfare or materially injurious to uses, properties or improvements in the vicinity because the proposed Boys and Girls Club modular building will provide after school programs for up to sixty (60) students within the proposed building and the site contains ample parking provided by the existing Dryden Golf Course parking lot.

4. The proposed conditions of approval will ensure compatibility with the surrounding uses because:
 - a. Vehicular access will be provided by Sunset Avenue using the existing Dryden Golf Course parking lot and will have minimal traffic and parking impacts on the surrounding residential areas; and
 - b. The weekday hours of operation from 3:00 A.M. to 7:00 P.M. will not adversely impact the adjacent residential areas to the west.

5. The proposed project is Categorically Exempt under the Infill Exemption, Section 15332 of the California Environmental Quality Act based on the following findings:
 - a. The project is consistent with applicable General Plan designation and policies, as well as with applicable zoning designations and regulations as discussed above.
 - b. The project site is within the City of Modesto limits, is less than five (5) acres, and is surrounded by urban uses.
 - c. The site is not within the riparian and vernal pool locations identified in the General Plan Master EIR. The site is surrounded by residential uses and an existing golf course. The site has been evaluated to determine whether it contains potential habitat for any special-status species. Based on the size of the site, its location, and its topography, combined with a physical examination of the site, there is no evidence suggesting the site has habitat potential.
 - d. Project approval would have no significant impacts relating to:
 - 1) Traffic. The number of trips generated would be less than the General Plan Master EIR significance threshold of one hundred (100) more peak hour trips than expected under existing conditions.
 - 2) Noise. Noise resulting from construction activity and day-to-day activities from the community center would not be expected to exceed noise from any similar construction-site or permitted development. No long-term significant impact would be expected to occur.
 - 3) Air Quality. Air pollutant emissions resulting from construction activity and from the day-to-day activities from the community center would not be expected to exceed emissions from a permitted development. Furthermore, the site is within a half-mile of a transit line.
 - 4) Water Quality. Development on the site will be required to connect to the municipal water supply and would generate no unusual pollutants that would create water quality problems.

- e. Municipal services and utilities serving the site are adequate to serve the proposed project.

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment that a conditional use permit for the Boys and Girls Club modular building at 920 Sunset Avenue be granted subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the development plan and building elevations titled "Boys and Girls Club modular building" stamped and approved by the Board of Zoning Adjustment on July 22, 2021.
2. 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.
3. Prior to occupancy, striping of parking stalls, aisles, and driveways shall conform to the provisions of Modesto Municipal Code ("MMC") Section 10-5.105, Parking Lot Design Standards.
4. At the time of development, 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.
5. No lighting shall be provided for the outdoor recreation area. All light fixtures for security and non-recreation purposes shall be shielded to prevent spillover onto adjacent properties and the adjacent public rights of way.
6. All signs shall comply with the R-1 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.
7. A six (6) foot-tall wood fence with decorative masonry pilasters shall be constructed along the west and south property lines adjacent to residential properties. This fence can be phased when the adjacent outdoor recreation facilities are installed.
8. Protective netting shall be installed adjacent to the residential properties when the new fairways are installed.
9. Fire hydrants and underground fire mains shall be installed in accordance with Modesto Standard Specifications as determined by the Fire Marshall.
10. Any public improvements that are missing, damaged, or not to current City standards shall be designed and constructed in accordance with City Code (Article 7-1.701). Such improvements may include, but are not limited to curb and gutter, drive approach, sidewalk, ADA access ramps, fire hydrants, and street lights.

11. All public improvement plans shall be designed by a Registered Engineer, reviewed by, and approved by the City Engineer prior to issuance of an Encroachment permit.
12. All water and sewer connections to serve this building shall be in accordance with City of Modesto Standard Specifications.
13. Stormwater 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.
14. 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.
15. 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 half inch (0.5") of stormwater run-off on-site, and incorporate pervious landscape features into the project design wherever possible.
16. 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 half inch (0.5") of stormwater run-off from site.
17. 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. Enclosure floors shall be graded to drain into adjacent landscape areas.
18. 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.
19. 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.
20. 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 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. Prior to issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide one paper copy of the SWPPP to Land Development Engineering, Stormwater.

21. 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.
22. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
23. Applicant shall submit Landscape and Irrigation (L&I) 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 ordinance requirements, MMC requirements, and City of Modesto standards at time of submittal.
24. Applicant shall provide a minimum ten (10) foot landscape setback along existing parking lot and Roselawn Avenue.
25. Applicant shall install a separate landscape water meter for the parcel development.
26. LID control and treatment measures shall be vegetated for erosion protection and sediment entrapment to collect/treat stormwater run-off before entering the storm drain system. Stormwater catchment and treatment basins shall be appropriately landscaped and irrigated to address the specific type of stormwater control measure.
27. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Code.

Failure to comply with any of the above conditions is unlawful and will constitute grounds for revocation of the conditional use permit.

The foregoing resolution was introduced at the regular meeting of the Board of Zoning Adjustment held on July 22, 2021, by Board Member Blom, who moved its adoption, which motion was seconded by Board Member Rodriguez and carried by the following vote:

Ayes:	Blom, Rodriguez, Vohra, Goriel
Noes:	None
Absent:	Desai
Recused:	None

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF
MODESTO.

Original, signed copy on file in CEDD

Steve Mitchell, Secretary

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